

SOIL EROSION AND VEGETATION ORDINANCE

ORDINANCE NUMBER 59

AN ORDINANCE CONTROLLING SOIL EROSION AND CONTROLLING REMOVAL OF VEGETATION IN SHORELAND AREAS AND RIGHT OF WAYS.

WHEREAS, the City of Dunes City desires to maintain its rural atmosphere, control soil erosion and protect wildlife habitat, water quality and scenic values; and

WHEREAS, the City of Dunes City desires to implement the Land Conservation and Development Commission's requirements of the Oregon Coastal Shorelands Goals; and

WHEREAS, uncontrolled removal of shoreland vegetation would be a derogation of these desires;

THE CITY OF DUNES CITY does ordain as follows:

Section I. Definitions.

1. Dunes City Shoreland Zone: As defined herein, the shoreland zone includes all Dunes City lands within fifty (50) feet measured horizontally from the ordinary high water line of all streams, Woahink Lake and Little Woahink Lake (Brandywine Lake). Also included is all Siltcoos Lake shoreland within fifty (50) feet measured horizontally from the nine (9) foot above sea level elevation. (Official government gages on Siltcoos Lake are located on docks of the Westlake Resort and Lane Community College.)

2. Natural Vegetation: Any tree, shrubs, brush, plants or grasses existing within the shoreland zone.

3. Soil Erosion: As herein defined, is the result of any act which permits any condition to remain which will cause soil to be worn away or carried away by the elements.

4. Site Review Committee: A three member committee appointed by the City Council to serve for three (3) year terms except the first three members appointed who will serve for one, two and three year terms respectively. They may call upon the State Forester, Biologists and Soil Conservationist for advice.

Section II. Conditions Governing Vegetation Removal.

1. All natural vegetation shall be maintained in the Shoreland Zone as defined in Section I with the following exceptions:

(a) Any trees that are to be cut under a permit from the State Forestry Department. (Removal of trees to be sold from private land requires such a State permit.)

(b) As much as twenty-five (25%) percent of the land area in any Shoreland Zone that is more than fifteen (15)

feet but less than fifty (50) feet from the ordinary high water line may be trimmed or cleared of natural vegetation, provided that such action will not result in soil erosion.

(c) Any tree that becomes a sudden or immediate threat to life or structures may be removed.

(d) Tansy Ragwort, Canadian Thistle, Gorse and other noxious weeds may be removed.

2. If vegetation other than the above exceptions are to be removed from the Shoreland Zone, a Dunes City Vegetation Removal Permit must be obtained.

Section III. Procedures for Obtaining a Vegetation Removal Permit.

1. Permit applications should be made through the Dunes City Recorder, utilizing the appropriate form.

2. The application shall include a map of the property, including dimensions, legal description and inventory of existing vegetation, indicating that which is proposed for removal.

3. The application shall state reasons for vegetation removal and what steps will be taken to prevent soil erosion and minimize impacts on wildlife habitat, scenic values and water quality.

4. Upon receiving application, the City Recorder will immediately notify the chairman of the Site Review Committee who will arrange a visit to the site and prepare a written report for the Planning Commission's next regular meeting.

5. The Planning Commission shall consider the following criteria:

(a) The Oregon Coastal Shorelands Goals;

(b) The effect the proposed changes will have on scenic values from adjoining properties and bodies of water;

(c) The effect the proposed changes will have on fish and wildlife habitat, soil erosion and water quality;

6. The Planning Commission will make a written recommendation to the City Council to modify, approve or deny the proposal.

7. At its next regular meeting, the City Council shall hear public comment on the proposal, review the Planning Commission and Site Review Committee recommendations, consider the criteria listed under Section III, paragraph 5 (a-c), and the modify, approve or deny the application.

Section IV. Soil Erosion Control.

1. It shall be considered detrimental to the safety, health and welfare of the citizens of Dunes City to allow the products of

soil erosion to :

- (a) Intrude into any public body of water;
- (b) Intrude onto any right of way;
- (c) Cross any property line onto land owned by persons other than the owners of the property from which the products of erosion originate.

Section V. Re-vegetating of Cleared Areas.

1. Any parcel that has been logged under a permit from the State Forestry Department and has been removed from the jurisdiction of the State Forestry Department before it is reforested by reason of application for change of land use will not be granted any development permits unless:

- (a) It is reforested to the specifications of the State Forestry Department;
- (b) A Vegetation Plan is approved by the City Council.

2. In reviewing a Vegetation Plan required in Section V, paragraph 1, the City Council shall consider the following criteria:

- (a) The provisions of the Oregon Coastal Shorelands Goal;
- (b) Dunes City citizens desire stated in the preamble to this Ordinance;
- (c) Other provisions of this Ordinance.

Section VI. Removal of Vegetation.

No tree or vegetation shall be cut or removed from any public right of way without recommendation by the Road Committee and permission of the City Council.

The following practices are exempt from this section:

- (a) Weed and brush control on gravel shoulders;
- (b) Weed and brush control in drainage ditches;
- (c) Vegetation control operations conducted by the Public Utility District, the Telephone Company and the Cable T.V. franchise in areas within public easements pursuant to providing franchise services to the citizens of Dunes City.

Section VII. Abatement Procedures.

1. Upon receipt of a signed, written complaint of any citizen of Dunes City, the City shall abate violations of this Ordinance as a nuisance pursuant to the nuisance abatement, a copy of which is attached hereto and incorporated herein by reference.

2. In reviewing a soil erosion or illegal vegetaion removal complaint, the City Council will consider the following factors and actions:

- (a) The standards and criteria embodied in this Ordinance;
- (b) Implementation and requirements of the Oregon Shorelands Goal;
- (c) Immediate structural control of the problem if weather conditions preclude vegetative control;
- (d) A Stop Work Order;
- (e) An order requiring necessary work to be done with costs to be borne by the owner of the offending property.

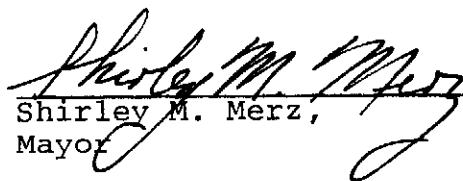
Section VIII. Penalties.

1. A person violating any provision of this Ordinance shall, upon conviction, be punished by imprisonment in jail for a period not to exceed thirty (30) days, or by a fine not to exceed Five Hundred (\$500.00) Dollars, or both.


2. Violations - each day's violation of this Ordinance constitutes a separate offense. The abatement of the nuisance is not a penalty for violating this Ordinance, but is an additional remedy. Imposition of a penalty does not relieve a person of the duty to abate the nuisance.

PASSED by the Council of Dunes City, Oregon, this 10th day of May, 1979.

APPROVED by the Mayor this 14th day of May, 1979.


Shirley M. Merz,
Mayor

ATTEST:


Patricia L. Barber,
City Recorder

Ammends Ord. 59

ORDINANCE NO. 97

AN ORDINANCE AMENDING ORDINANCE NO. 59, PERTAINING TO SOIL EROSION AND VEGETATION.

Dunes City ordains as follows:

Section 1. Subsection 1 of section III of Ordinance No. 59 is amended to read:

"1. Upon receipt of a signed, written complaint of a citizen of Dunes City, the city may abate violations of this ordinance as a nuisance pursuant to the city's general nuisance abatement ordinance."

Section 2. Subsection 1 of section VIII of Ordinance No. 59 is amended to read:

"1. A violation of a provision of this ordinance is punishable by a fine not to exceed \$500."

Passed by the City Council of Dunes City, Lane County, Oregon, this 11th day of December, 1986, by the following vote:

Aye 6 Nay 0 Absent 1

Approved by the Mayor this 15th day of December, 1986.


JAMES E. BAUMEISTER, Mayor
Dunes City, Oregon

ATTEST:


BETTY STOCKING, City Recorder