

Appendix D: Permits Required for Riparian Restoration

This permitting section includes riparian ordinances for municipalities in Jackson County, Oregon.

Jackson County

8.6.4.A.1

“Non-native vegetation may be removed and replaced with native plant species, subject to a landscape plan approved by Oregon Department of Fish and Wildlife (ODFW)”. The Riparian Buffer Zone is 75 feet along Rogue River, and 50 feet along creeks in Jackson County. For more information, see the Jackson County Ordinance <https://tinyurl.com/y8puvjn7> page 13-14.

City of Ashland

18.3.11.050.A.1.d.

“Removal of non-native, noxious, and invasive vegetation and replacement with local native plant species is permitted. The act of removing non-native, noxious, and invasive vegetation shall not result in the removal of native vegetation. Local native plant species for both wetland and stream bank applications are identified on the City’s Local Native Plant Species List, and noxious and invasive vegetation approved for removal is identified on the City’s Prohibited Plant List. Removal and mowing of blackberries shall occur before May 1 or after July 31 to protect nesting birds” (18.3.11) <https://tinyurl.com/ybeohlyf>.

"Non-Native, Noxious, and Invasive Vegetation Removal" *and* replacement with local native plant species, is exempt from regulation and would not require any permitting (or plan submittals).”

Ashland released a list of prohibited plants that pose fire danger; these can be found at <https://tinyurl.com/yd4hecal>. Overlapping plants in our plant list (*Appendix A*) are noted with an asterisk (*).

According to Ashland’s Stream & Wetland Enhancement Guide, the City strongly recommends using mechanical methods of removal such as mowing and hand removal where effective. Working with a certified professional is recommended for working in a riparian and/or wetland area. This will ensure effective use with minimal impacts, that the products are labeled for aquatic use, and that all local, state, and federal laws are followed. <https://tinyurl.com/y9aexx2c>.

City of Gold Hill

As an alternative to a riparian ordinance, the City of Gold Hill adopted a Surface Water Management Program, found here: <https://tinyurl.com/y3b4ec8s>

City of Jacksonville (18.20.0707(D))

11.30.090.J

“The vegetation and soils in a Riparian Management Area (RMA) will not be disturbed unless approved by the City or unless emergency conditions such as fire or floods require entry. Operation plans in or near RMAs that may impact resources will require approved mitigation plan measures. Mitigation of impacts caused by such entry will be accomplished as soon as possible after disturbance or in the first season when such mitigation will be most effective.” Refer to City of Jacksonville’s municipal codes at <https://tinyurl.com/y8dv5baj>.

Bring a drawing of the site plan to the Jacksonville Planning Commission office. The Planning Commission may approve the request if equal or better protection of the riparian area will be insured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation.

City of Medford

10.924.B.2

“Restoration and enhancement of native vegetation [is permitted], including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density”.

All plans for improvement within a riparian corridor shall be submitted to the ODFW for a habitat mitigation recommendation pursuant to OAR 635-415 “Fish and Wildlife Habitat Mitigation Policy”.

Refer to City of Medford’s municipal codes at <http://www.ci.medford.or.us/code.asp>, section 10.9 “Riparian Corridors”.

City of Phoenix

3.7.2.5

“Understory materials for both Class 1 and Class 2 streams may be supplemented with native horticultural varieties of plant species according to a landscape plan approved by the Oregon Department of Fish and Wildlife and the State Department of Forestry, as required under conditions of approval for all land use actions. The stream bank shall be defined as the top of bank or the average high water line, whichever is higher.”

3.7.2.2

“In order to protect stream corridors and riparian habitat on Class 1 streams, all overstory vegetation or tree cover shall be retained for a distance of 50 feet from the top of the bank or a distance of three times the width of the stream, whichever is greater. This protected area shall not extend more than 100 feet from the stream bank. In addition, a minimum of 75 percent of the overstory that constitutes stream shade shall be retained, regardless of its distance from the stream bank.”

3.7.2.3

“All understory vegetation adjacent to Class 1 streams shall be retained to protect stream and habitat quality for a distance of 75 feet from the stream bank or a distance of three times the width of the stream, whichever is greater. This protected area shall not extend more than 100 feet from the stream bank.”

3.7.2.4

All overstory and understory vegetation within 50 feet of the bank of Class 2 water courses, reservoirs, or basins which contain water at least six months of the year shall be retained.

Refer to City of Phoenix’s land development code at <https://tinyurl.com/yarqr3w4>.

City of Shady Cove

Ordinance 279

III.B.6

“Removal of non-native vegetation and replacement with native plant species [is allowed within the riparian area]”, and is subject to an ODFW permit. Refer to City of Shady Cove’s riparian ordinance at <https://shadycove.org/planning-department/>.

IV. Development Review Procedures

Application Requirements -

“A Riparian Development Permit shall be obtained prior to initiating development activities in any areas designated as a riparian area. An application for a Riparian Development Permit along with the required fee (as set by resolution) shall be submitted to the City Administrator on forms furnished by the City. “[Items] A, B & C are required before starting any development activity.”

A) Site Plan

- 1) Top of Bank and natural vegetation line
- 2) Boundaries of the Riparian Corridor in the site
- 3) Existing improvements such as structures, buildings, utility lines, fences, etc.
- 4) Areas where riparian area has been previously disturbed
- 5) Areas where new disturbance in the riparian area is proposed
- 6) Outline of trees, shrubs and ground covers

(C) Landscape Plan

In addition to the construction management plan, a landscape plan will be required for newly disturbed areas in the riparian corridor prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property. The plan will be referred to the Oregon Department of Fish and Wildlife for recommendation.”



Figure 1: Volunteers work to remove blackberries along Wagner Creek (source: City of Talent).

III.B.2

“Any herbicide, pesticide, or fertilizer applications must strictly comply with the manufacturer’s label and avoid saturation, drift, or runoff to water bodies.”

City of Talent

8-3H.230

“The Talent Zoning Ordinance requires that all vegetation replacement or management within fifty (50) feet of a creek be approved by Community Development. The Ordinance allows the removal of non-native vegetation like blackberries and other invasive/noxious species. Non-natives must be removed, but must be replaced with native species. This is accomplished through a landscape plan approved by the Oregon Department of Fish and Wildlife (ODFW) or the Oregon Department of Forestry (ODF)”. Refer to City of Talent’s “Project Information Checklist: Riparian Landscape Plan” <https://tinyurl.com/yaxue8zy>. Refer to City of Talent’s municipal code at <https://talent.municipal.codes/TMC/18.85.030>.