



WETLANDS

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

This guide describes the Oregon Department of State Lands wetland reporting requirement and process required of local governments, including Lane County.

What are the laws regulating wetlands?

Lane County does not regulate wetlands. Instead, wetlands are regulated by the federal and state government. However, counties and other local jurisdictions are required to notify the Oregon Department of State Lands (DSL) of development applications in areas that appear to have wetlands in the vicinity. Specific rules and regulations are available from the DSL (503/378-3805) or at their website: <http://www.oregon.gov/DSL>.

How does the County decide if wetlands are in the area I propose to develop?

The National Wetland Inventory maps, produced by the federal government and distributed by the state, are used to determine if wetlands are in the area of your project. These maps are based on aerial photographs and not meant to be taken as exact. They are only general indicators that wetlands are in the vicinity.

What if the maps indicate that wetlands exist in the area I plan to develop?

When you apply for a development permit, the County will compare your plot plan to the National Wetland Inventory maps. The law requires the County to notify the DSL regarding potential development in wetland areas. This is called a "Wetland Notification". Because of the staff time and paperwork associated with this reporting requirement, you will be charged a processing fee for this notification.

If the County processes a wetland notification at the time you apply for a development permit, the DSL has 30 days to respond before the County can authorize land use approval. The DSL response indicates whether you may need a state and/or federal wetland permit, or must meet other state or federal requirements. After the County receives a DSL response, your permit may be approved if all other requirements are met - but you continue to be

responsible for meeting any outstanding state and/or federal wetland requirements in developing your site.

What if DSL does not respond within 30 days?

Provided there are no other pending County requirements associated with your permit application, the County will issue land use approval if DSL fails to respond within 30 days of notification. However, you are still responsible for meeting any state and/or federal wetland requirements.

What if I have unresolved wetland issues but all County requirements have been met?

Once the County fulfills its reporting responsibility, you may be able to receive County approval on your building permit even if the DSL imposes additional requirements. It is up to you to continue working with DSL to resolve any wetland issues.

How can I speed up the process?

You may wish to resolve wetland issues more quickly than the normal process allows. You may contact DSL directly prior to applying for a building permit, and DSL may be available to inspect your property. Or, hire a wetland consultant that is recognized by DSL to come and visit your property, survey wetland areas, and write a report to DSL and otherwise obtain professional assistance to fulfill state and federal wetland requirements. DSL may also be available to inspect your property -- please call 503/378-3805 for further details.

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How can I avoid the County's wetland notification requirement and associated fee

If you address wetland issues prior to applying for a building permit to the satisfaction of the DSL, you will need to provide the County with adequate documentation (see above). In cases where part of your property contains wetlands, this will include a DSL-approved and dated development plan which matches your County development application, along with a DSL notification that no wetland issues exist relative to your proposal. This information should be submitted to Planning office staff to ensure it is routed correctly. Be sure to keep the original for your personal records.

For More Information

There are multiple regulator agencies that govern water and land near water. When developing a property, including filling or excavating work, County Planning staff will review for the following three water-related issues: riparian areas, floodplain, and wetlands. Please see the index of County guides to obtain more information on these topics.

Water rights, like wetlands, are regulated by the State of Oregon. For state regulations governing water rights, please contact the State Water Master at 541/682-3620, or visit that office in the County Public Service Building.

For more information about wetlands, please contact:

Oregon Division of State Lands (DSL)
775 Summer Street NE
Salem, OR 97310
503/378-3805