

Chapter 660
WETLANDS OVERLAY ZONE [WOZ]

660.01 Purpose

660.02 Applicability

660.03 DSL Notification Procedure

660.01 Purpose. The purpose of the Wetlands Overlay Zone is to provide for the protection of ecologically- and scientifically-significant wetlands in the County in compliance with notification requirements established by the Oregon Department of State Lands (DSL), while providing an expedient process for reviewing land uses that may affect these areas when they are identified. DSL processes state wetland permits and coordinates its efforts with the US Army Corps of Engineers, which issues federal permits. Under the provisions of Oregon Administrative Rule (OAR) 660-023-0100(5) relating to the protection of certain natural resources through local comprehensive plans, a county may adopt by reference the Statewide Wetland Inventory (SWI) in lieu of preparing a Local Wetland Inventory (LWI), for areas outside Urban Unincorporated Communities (UUCs).

660.02 Applicability. The following land use actions require review under the provisions of this Chapter if the subject site contains a wetland identified in the SWI:

- A. Subdivisions.
- B. Planned Unit Developments.
- C. Conditional use permits and variances that involve physical alterations of the land and/or construction of a new structure.
- D. Building permits for new structures.
- E. All other site development that involves physical alteration of the land involving excavation and grading, including permits for removal and/or fill, or development in floodplains and floodways.

660.03 DSL Notification Procedure. As governed by ORS 215.418, counties are required to notify DSL when a land use or related activity identified in Section 660.02 is proposed partially or wholly within SWI-designated wetland, known as a “*jurisdictional wetland*” for the purposes of this Chapter. In such cases, the County Planning Department will use the following notification procedure.

- A. Determine applicability. The County Planning Department staff will examine the adopted SWI maps and site development plans to determine if the proposed development would occur partially or wholly within a mapped jurisdictional wetland.
- B. Complete notification form. If it appears that the proposed development occurs partially or wholly within a designated jurisdictional wetland, the County Planning Department shall complete a Wetland Land Use Notification Form provided by DSL within five days after the site development application is deemed complete per the requirements of Section 115.03(E).
- C. Review required documentation. As part of the completeness check, the County Planning Department will ensure that there is a site plan of sufficient scale to illustrate the proposed disturbance area in relationship to the boundaries of the designated resource. If this site plan is not included in the

application, the County Planning Department will not deem the application complete until such documentation is provided by the applicant.

- D. Inform applicant of pending DSL review. The County Planning Department shall inform the applicant that the site may include a jurisdictional wetland(s) and that, if this is the case, a permit may be required by state and/or federal agencies. DSL has 30 days in which to respond to the County, landowner and applicant. The County Planning Department is not required to notify the landowner or applicant of DSL's decision.
- E. Process application. After notifying DSL, the County Planning Department shall continue to process the land use or related action, subject to the regulations in this Ordinance. The County shall issue its final decision whether or not DSL has responded. If DSL has failed to respond to the County's notification, the County Planning Department shall have no liability if it notifies the applicant that a state and/or federal permit(s) may still be required.
- F. County Planning Department decision.
 - 1. If DSL responds prior to its decision on the application, the County Planning Department may acknowledge DSL's determination in the final decision, noting as a condition of approval that the applicant is required to fulfill all requirements and conditions of the DSL determination.
 - 2. If the County Planning Department approves the permit before the DSL responds, it shall include the following condition of approval: *"All or a portion of this property has been identified as a jurisdictional wetland on the state-wide wetlands inventory adopted by Baker County by reference. If the site is a jurisdictional wetland, this proposal may require a permit from the Department of State Lands and/or the US Army Corps of Engineers. You must obtain any necessary state or federal permits before beginning your project. Baker County is not liable for any delays in the processing of a state or federal permit."*