



# LAND DIVISION INFORMATION GUIDE

## Streams, Springs, Seeps and Wetlands, Chapter 33.640

### What is the purpose of these regulations?

The intent of the land division regulations for streams, springs, seeps and wetlands is to provide protection for these features if they are located outside of an established environmental zone. Placing these features in tracts preserves natural water quality and wildlife habitat functions.

### What is a stream, spring, seep or wetland?

#### Seep or spring

An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

#### Stream

An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.
- The definition of stream does not include the Willamette or Columbia Rivers.

#### Wetland

An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

### What are the requirements for protecting these features?

Streams, springs, seeps and wetlands must be preserved by placing them in tracts of land separate from parcels and lots. The edges of the tract must be at least 15-feet from the edges of the stream, spring, seep or wetland.

When one or more of these features has been identified on a site, the Zoning Code requirements for minimum density may be waived in order to better meet the regulations of Chapter 33.640.



Frequently Asked Questions

- Q How will I determine the edge of the stream, spring, seep, or wetland for the purpose of surveying a tract boundary?**

**A** The edges of a seep, spring or wetland are determined through a wetland delineation, performed by an environmental scientist, and approval by BDS. The edges of a stream are measured from the top of the bank. For a seep or spring, if one or more wetland characteristics are absent, the delineation is based on the characteristics present.
- Q What if the edges of the stream, spring, seep or wetland on my property are not 15 feet away from the edges of the property?**

**A** You are required to protect streams, springs, seeps and wetlands by placing them in tracts that extend to 15-feet from the edge of the water feature, or to the nearest site boundary—whichever is less.
- Q Do these regulations apply in the right-of-way?**

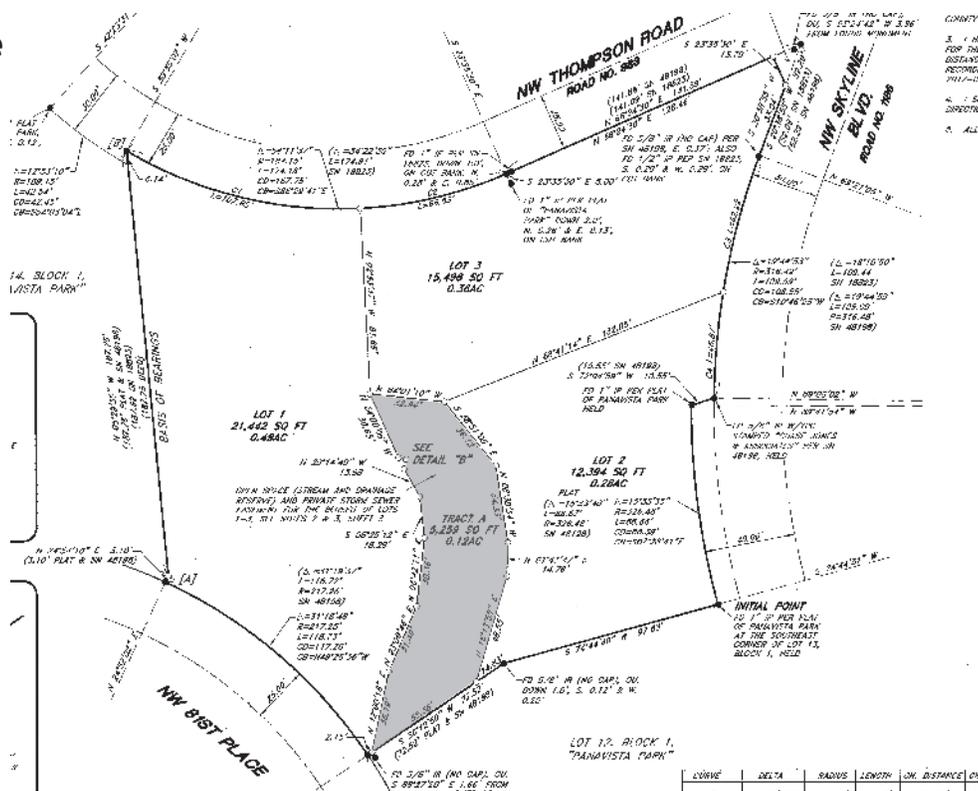
**A** These regulations do not apply to existing rights-of-way, but they can impact the location of new rights-of-way.
- Q How do these regulations relate to the regulations placed on wetlands and water features by the Oregon Department of State Lands?**

**A** These regulations do not supersede any state requirements regarding wetlands and waterways. Contact the Oregon Department of State Lands for information about their regulations at [www.oregon.gov/DSL](http://www.oregon.gov/DSL). City approval does not imply state approval.
- Q What if I'm doing a Planned Development without a land division? I can't put the stream in a tract, so what can I do?**

**A** If there is no proposed land division, the stream, spring, seep or wetland must be in an easement. See subsection 33.854.340.F of the zoning code for details.
- Q What if there is a stream, spring, seep or wetland on my site within an Environmental Overlay zone?**

**A** The regulations of Chapter 33.640 only apply outside of Environmental Overlay zones. Within Environmental Overlay zones, the regulations of Chapter 33.430 apply.

Tract Example



For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Ave, Suite 1500, 503-823-7526  
 Information is subject to change, for current Portland Zoning Code visit [www.PortlandOregon.gov/ZoningCode](http://www.PortlandOregon.gov/ZoningCode)