



RESOURCES FOR LOCAL GOVERNMENT PLANNING

Wetland Land Use Notice Guidelines & Best Practices

The Oregon Department of State Lands (DSL) has developed these guidelines and best practices to support local governments in submitting wetland land use notices. Contact Jevra Brown, DSL Aquatic Resource Planner, at Jevra.Brown@DSL.Oregon.gov with questions or for additional information.

How to Determine Whether a WLUN is Required

When a complete application has been received, review the project area and the project type to determine whether WLUN submittal is required.

Project Area

Check the project area on the Statewide Wetlands Inventory, or other DSL-approved mapping – see additional guidance below regarding which map to use. When applicants propose projects wholly or partially within wetlands, waters, or areas with predominantly hydric soils as shown on the SWI, cities and counties are required by statute to submit the wetland land use notice form to DSL within five days.

Project Type

WLUNs are required to be submitted for the following types of projects in wetlands, waters, or areas with predominantly hydric soils:

- Subdivision or PUD.
- Any proposal that includes physical alteration of the land including excavation, placement of fill (soil, gravel, rock, or any other material) and grading.
- Development in floodplains and floodways where any part of the project area is wholly or partially within areas identified as wetlands, waters or soils as mapped on the Statewide Wetlands Inventory.

WLUNs **should not** be submitted for applications:

- With no ground disturbance proposed until a future, separate land use application.
- Measure 49 claims with no proposed ground disturbance.
- Where only a partition is proposed, unless the proposed partition creates one or more parcels that have no area buildable without wetland or waters impacts.
- Involving just zone changes or historic reviews without ground alterations.
- Involving only interior remodeling, or remodeling within an existing footprint with no proposed ground alteration.

Recommended Additional Project Areas for WLUNs

As a planner you know the existing on-the-ground existing conditions in your area. Many small, seasonal, or forested wetlands are missed in inventories and are not mapped but exist on the ground. A removal-fill permit may be necessary to help protect those resources. To help applicants avoid potential enforcement action consider submitting a WLUN if ground disturbance is proposed in an area where wetlands may exist on the ground. For example, if a high-water table may have caused a property to fail a septic site evaluation, or the area appears soggy for more than two weeks.

Best Practices for an Efficient WLUN Process

- Check that the tax map and tax lot numbers on the submittal form match those for the proposed project.
- If an address has not been assigned, it is helpful to include an adjacent road name.
- Double-check that contact information is correct for the applicant and owner of record.
- Attach the best site plan available. The site plan should:
 - Show all proposed activities included in the project description.
 - Show locations for all proposed ground alterations including but not limited to new access roads, septic systems, staging and storage areas, site grading, gravel additions, etc.
 - Be legible and include an accurate map scale or show distances.
 - Eliminate any extraneous architectural or design elements that obscure the important features listed above.

Know Which Wetlands Map to Use

If the proposed project area is within a DSL-approved Local Wetlands Inventory (LWI) study area, use the LWI mapped resources with these considerations:

- **LWIs approved prior to 2002 do not include mapping of wetlands smaller than 0.5 acre in size.** Local planning offices may consider using both the local and statewide inventories to determine whether a wetland land use notice needs to be submitted.
- **LWIs approved prior to 2009 have a goal accuracy of +/- 25 feet.** It is good practice to buffer the LWI features by 30 feet (or more) when determining whether a wetland land use notice needs to be submitted.
- **LWIs approved after 2009 have a goal accuracy of +/- 5 meters (16.4 feet).** It is good practice to buffer the LWI features by 20 feet (or more) when determining whether a wetland land use notice needs to be submitted.

Creating office-wide practices that reflect the considerations above helps ensure consistent use of the approved LWIs in screening for wetland land use notice submittal.

If the proposed project area is outside of any DSL-approved LWI study area use the Statewide Wetlands Inventory national resource maps; the National Wetlands Inventory, National Hydrography Dataset and NRCS Soil Subsets (SWI Soils).

Reminder about Wetlands Delineation Mapping. Not all DSL-approved delineation mapping is represented on inventory maps. Remember, DSL-approved mapping supersedes any inventory

mapping. Approved delineation maps are provided to the local government upon approval, the approved maps can be identified by the DSL stamp and are typically good for 5 years. Copies of delineation approvals and completed determinations can be requested by making a [public records request](#).

Reminder about SWI GIS Datasets. The SWI GIS datasets are updated annually. If you bring the GIS datasets into your local system check the item descriptions to be sure you are using the same dataset version as the online web map or use DSL's streaming services. See the [SWI data guidance document](#) (PDF) for directions.

Additional Resources

- [Online WLUN submittal form](#)
- [Wetland Land Use Notice Laws \(PDF\)](#)
- [Statewide Wetlands Inventory](#)
- [DSL Planning for Local Governments Webpage](#)
- [DSL Identifying Wetlands and Waters Webpage](#)