

Frequently Asked Questions

Comprehensive Plan Update as it relates to wetlands

What does this mean for me as a property owner?

Since 1973, Oregon has maintained a statewide program for land use planning. The foundation of that program is a set of 19 Statewide Planning Goals.

The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources (including wetlands).

Oregon's statewide goals are achieved through local comprehensive planning, such as through the City of Junction City's Comprehensive Plan and Zoning Ordinance. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Local comprehensive plans must be consistent with the Statewide Planning Goals and are reviewed and approved by the State in order to ensure consistency with the goals.

Wetlands



The wetland regulations being considered by the City are in response to **Goal 5**; “To protect natural resources and conserve scenic and historic areas and open spaces.”

The State has also established procedures, standards, and definitions that local governments like the City of Junction City are required to follow to demonstrate compliance with State Goals. For example, in the case of Goal 5 the State has identified what procedures, standards, and definitions the City needs to apply in determining which wetlands are important locally and to develop a local wetland protection program to demonstrate compliance with Statewide Planning Goal 5.

How long has the City been considering new rules?

The City began this process back in 2008 by contacting many of the property owners with areas that contained potential wetlands. The City held a number of Open Houses to allow property owners to learn more about the process and to gain input from property owners about local lands. Public information meetings addressing the Wetland Inventory project were held on October 29, 2008, March 25, 2009, October 14, 2010, March 16, 2011, November 18, 2011, and December 20, 2011. When the inventory of wetlands was completed in late 2011, the City sent notices to property owners with identified wetlands, noticing them about this finding and encouraging them to participate in meetings that would establish new wetland regulations. The Planning Commission has had many public meetings over the last six months to discuss what wetlands would be protected and the content of the wetland regulations.

Why is my part of my property considered wetlands?

Under the State and National system of classifying wetlands, wetlands are considered as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” The process of classifying wetlands is a science-driven process which focuses on three key issues: soils, vegetation, and water. So, while something may look like a ditch, it could actually be a wetland. Scientists specializing in wetlands representing both the City and the State have been involved in the local inventory and have determined which areas in the City are wetlands or possible wetlands and are locally significant. The wetland inventory has been approved by the Department of State Lands and is now recognized as the official inventory of the City. Wetlands provide many functions in a community, but the most obvious and perhaps most critical to Junction City is their flood water storage capacity to prevent and minimize flooding.



What Activities are Subject to review by the City of Junction City?

Many activities are not subject to a permit requirement (also known as ‘exempt’ activities). For those activities that require review by the City, the review will take place concurrent with any land use application or building permit. Activities subject to review by the City include:

- Land divisions
- New structures, or exterior expansion of any structure within 20 feet of the wetland mapped on the Local Wetland Inventory

- Increases in impervious surfaces within 20 feet of the wetland mapped on the Local Wetland Inventory
- Site modifications, including grading, excavation, or fill within 20 feet of the wetland mapped on the Local Wetland Inventory
- Installation of utilities within 20 feet of the wetland mapped on the Local Wetland Inventory
- Construction of roads, driveways or paths within 20 feet of the wetland mapped on the Local Wetland Inventory

Why is the City of Junction City proposing to regulate wetlands locally when Oregon Department of State Lands (DSL) and the US Army Corps of Engineers already regulate them?

The State of Oregon requires protection of locally significant wetlands. State and federal regulations do not always prevent filling of wetlands, and many of the wetlands in the City are important, primarily because of potential flooding issues if wetland areas are reduced. The City is proposing to establish a review system to ensure that these local community values are protected.

Will the City continue to maintain drainage ways?

The City will continue to maintain the same drainage ways as it has in the past. In addition, the new regulations will not increase the amount of water in drainage ways.

How will the wetland regulations affect what I can do with my property?

The proposed regulations are intended to balance the protection of significant resources with reasonable economic use of property. They represent the minimum level of protection to meet our Goal 5 natural resource protection requirements. The impact of the proposed regulations on existing development is as limited as possible.

Many normal residential activities are not affected from the regulations. The following table overviews how the regulations might affect the use of your property:

Proposal	Can Improvements be Made?
Maintenance and repair of existing structures	Yes
Interior remodels	Yes
Structural Additions	Yes, provided the addition is not located directly in the wetland
Replacement of existing structure	Yes, with no additional disturbance to wetland (This would not be an issue if the structure is not located in a wetland)
Mow lawn	Yes
Replace existing vegetation	Yes
Herbicide application	Yes, using herbicide designed for use in or near open water
Division of property	Yes, provided lots have enough area outside of wetland to be built upon

There are also provisions to address situations where the lot would become unbuildable or when a use that could be reasonably expected to occur in the current zoning district would not be allowed. And there are provisions for changing the overlay boundary, if a mapping error is identified.

The City's Public Works Department will continue to maintain channels that have been maintained for flood control in the past.

Why is a wetland delineation or determination needed?

The wetland overlay does not show the precise locations of the wetlands – if you are proposing activities close to the mapped wetland (within 20 feet) we need to have a wetland determination or wetland delineation to determine if the activities you are proposing will impact the wetlands. If you believe you are potentially impacting wetlands, the first step to explore would be to contact the Department of State Lands (DSL) and request an Off-Site Determination (off-site in this case means that DSL will review records they have available at their office, and will not visit the property).



This is a free service that DSL offers. If the DSL representative is comfortable that the proposed activities will not affect the wetland, then the representative *may* issue a Wetland Determination, and no further review would be required. In some cases, the DSL representative may be available to conduct a site visit.

If the DSL representative determines that additional review is needed, then a DSL-approved delineation would be required. This would require a property owner to hire a wetland scientist who would need to visit the property and determine the precise location of the wetland, which would need to be verified by DSL.

Why isn't documentation of wetland permits from the state/feds enough to protect the resource?

The state, through Goal 5, requires local regulations for protection of significant resources.