

## 33.640 Streams, Springs, Seeps, and Wetlands

# 640

### Sections:

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### **33.640.010 Purpose**

The standards in this chapter ensure that important streams, springs, seeps, and wetlands that are not already protected by the Environmental Overlay Zones, are maintained in their natural state.

### **33.640.100 Where These Standards Apply**

The standards of this chapter apply to all land divisions where a stream, spring, seep, or wetland on the site is outside of an Environmental Overlay Zone. For purposes of this chapter, the definition of stream does not include the Willamette or Columbia River.

### **33.640.200 Stream, Spring, Seep, and Wetland Standards**

- A.** Preservation in a tract. Streams, springs, seeps, and wetlands must be preserved in a tract as follows:
  - 1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
  - 2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
  - 3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, seep, stream, or wetland may be in an easement that meets the other requirements of Paragraph A.1.
- B.** Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:
  - 1. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
  - 2. Removal of non-native invasive species with hand held equipment;
  - 3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;
  5. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and
  6. Maintenance and repair of existing utilities, services, and driveways;
- C.** When tract or easement may be crossed by a right-of-way. Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:
1. There is no reasonable alternative location for the right-of-way;
  2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
    - a. The street improvements will not impede the flow of the stream, spring, or seep;
    - b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
    - c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
- D.** Minimum density. Minimum density is waived in order to better meet these standards.

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*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 188259, effective 3/31/17.)*