



Oregon

Tina Kotek, Governor

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AUG 22 2023

COMMUNITY DEVELOPMENT
DEPARTMENT

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

July 17, 2023

State Land Board

Cobalt Development, LLC
Attn: Todd Woodley, Partner
8215 SW Tualatin-Sherwood Road, Suite 200
Tualatin, OR 97062

Tina Kotek
Governor

Re: **WD #2017-0035R Reissuance**
Wetland Delineation Report for Woodland Crossing Site;
Marion County; T5S R2W S12B TLs 100 and 300
RGL # 2043, APP # 21906
Woodburn Local Wetlands Inventory, Wetland SC-2C

LaVonne Griffin-Valade
Secretary of State

Tobias Read
State Treasurer

Dear Todd Woodley:

The Department of State Lands has reviewed the request to reissue a wetland delineation report prepared by Pacific Habitat Services for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 5.6 acres), one waterway (Senecal Creek East Tributary), and a portion of a compensatory mitigation (CM) area (RGL 2043, totaling approximately 6.07 acres) were identified. The wetlands, waterway, and CM area are subject to the permit requirements of the state Removal-Fill Law. Normally, a state permit is required for cumulative fill or annual removal of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, impacts to CM areas require a state permit for any amount of removal-fill activity. The Department may double the minimum requirements for project development affecting existing CM areas per OAR 141-085-0692(4)(d).

This concurrence is for purposes of the state Removal-Fill Law only. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of impacts to wetlands or other waters. Because measures to avoid and minimize impacts to wetlands or other waters may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the expiration date of the original letter, April 13, 2022, unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for this review, Matt Unitis, at (503) 986-5262.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Carlee Michelson, PWS, Pacific Habitat Services
City of Woodburn Planning Department (Maps enclosed for updating LWI)
Brielle Cummings, Corps of Engineers
Carrie Landrum, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ Under 50MB – A single unlocked PDF can be emailed to wetland_delineation@dsl.oregon.gov.
- ❖ 50MB or larger – A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by emails at wetland.delineation@dsl.oregon.gov
- ❖ OR a hard copy of the unbound report and signed cover form can be mailed to Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Todd Woodley, Partner Cobalt Development, LLC 8215 SW Tualatin-Sherwood Rd Suite 200 Tualatin, OR 97062	Business phone # 971-252-2370 Mobile phone # (optional) E-mail: todd@cobaltbuilt.com
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<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address: same	Business phone # 503-931-3894 Mobile phone # E-mail: Todd@cobaltbuilt.com
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I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Todd Woodley Signature:
 Date: _____ Special instructions regarding site access: _____

Project and Site Information

Project Name: Woodland Crossing Site	Latitude: 45.1564 Longitude: -122.8826 <small>decimal degree - centroid of site or start & end points of linear project</small>
Proposed Use: Site Improvements	Tax Map # 5S2W12B Tax Lot(s) 100, 300
Project Street Address (or other descriptive location): Sprague Lane (north end)	Township 5S Range 2W Section 12B QQ NW1/4 Use separate sheet for additional tax and location information
City: Woodburn County: Marion County	Waterway: Senecal Crk E. Trib River Mile: ~1

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Pacific Habitat Services Attn: Carlee Michelson, PWS 9450 SW Commerce Circle, Suite 180 Wilsonville, OR 97070	Phone # 503-570-0800 Mobile phone # E-mail: cm@pacifichabitat.com
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The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Date: 4/3/2023

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent

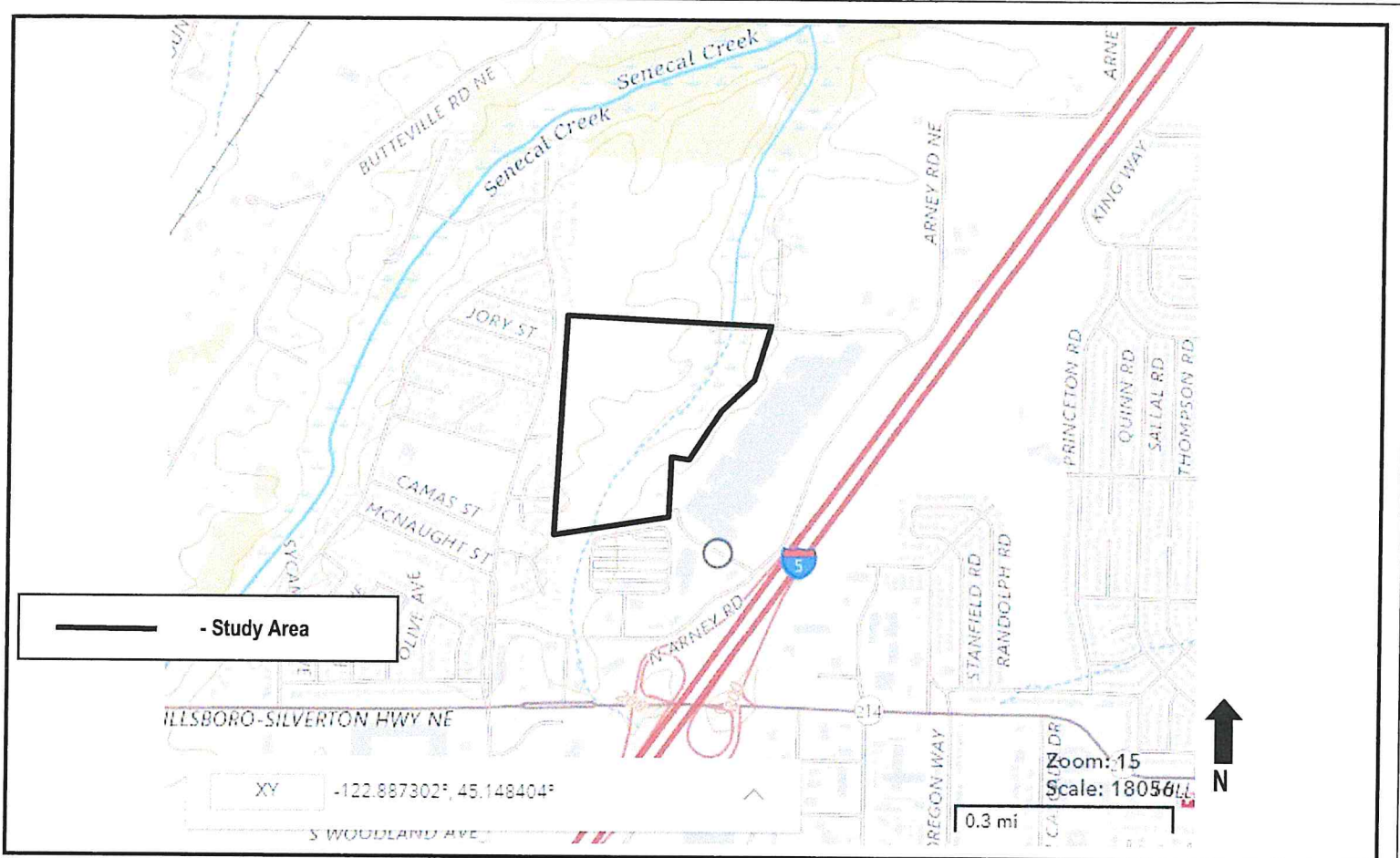
Wetland/Waters Present? Yes No Study Area size: 34.1 acre Total Wetland Acreage: 10.6
Total Waters Acreage 0.28

Check Applicable Boxes Below

<input type="checkbox"/> R-F permit application submitted (21906-RF)	<input type="checkbox"/> Fee payment submitted \$540
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Project Mgr:	<input checked="" type="checkbox"/> Request for Reissuance. See eligibility criteria (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # <u>WD2017-0035</u> Expiration Date <u>4/13/2022</u>
<input checked="" type="checkbox"/> Previous delineation/application on parcel? If Known, previous DSL # WD2017-0035	<input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel? Wetland ID Code

For Office Use Only

DSL Reviewer: DE Fee Paid Date: ___ / ___ / ___ DSL WD # 2017-0035R
 Date Delineation Received: 04 / 04 / 2023 Scanned: Final Scan: DSL App. # _____



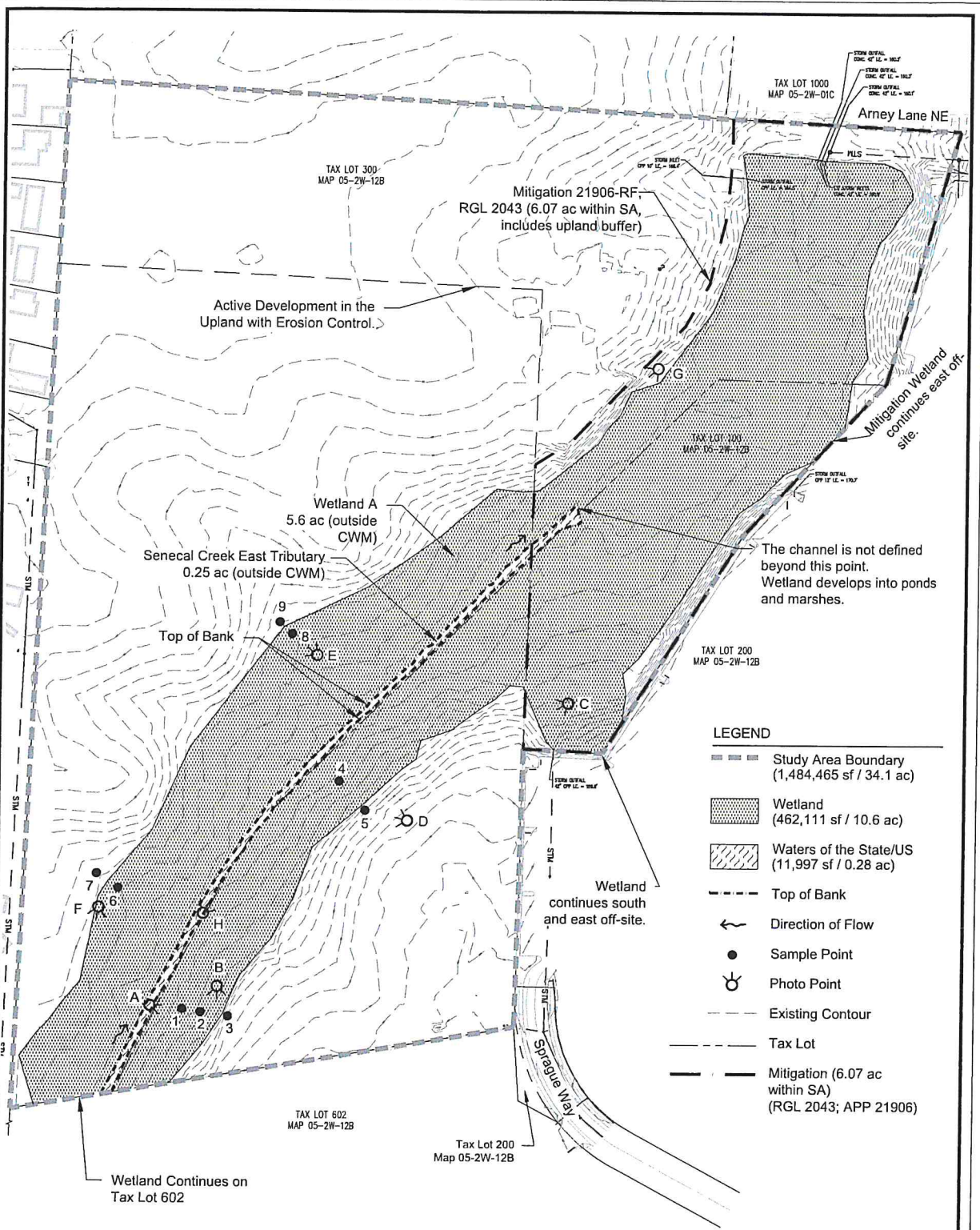
Project #7733
4/3/2023



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

General Location and Topography
Woodland Crossing Site—Woodburn, Oregon
United States Geological Survey (USGS) Saint Paul, Oregon 7.5 quadrangle, 2023
(viewer.nationalmap.gov/basic)

FIGURE
1

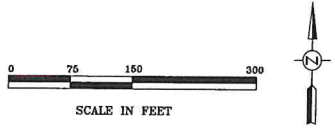


LEGEND

- Study Area Boundary (1,484,465 sf / 34.1 ac)
- Wetland (462,111 sf / 10.6 ac)
- Waters of the State/US (11,997 sf / 0.28 ac)
- Top of Bank
- Direction of Flow
- Sample Point
- Photo Point
- Existing Contour
- Tax Lot
- Mitigation (6.07 ac within SA) (RGL 2043; APP 21906)

Wetland boundaries and sample points were re-surveyed by Project Delivery Group, LLC with sub-centimeter accuracy. Boundaries and sample points were the field verified by PHS. Mitigation boundary was mapped according to the "Mitigation Site Boundary" from DSL21906-RF, and from the concurrence map from WD2017-0035. Boundaries are approximate.

DSL WD # 2017-0035R
 Approval Reissued 8/17/2023
 Approval Expires 4/13/2027



Wetland Delineation
 Woodland Crossing Site - Woodburn, Oregon
FIGURE 6