



# Oregon

Tina Kotek, Governor

## Department of State Lands

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[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

May 18, 2023

### State Land Board

ICON Construction and Development  
Attn: Darren Gusdorf  
1969 Willamette Falls Drive, Suite 260  
West Linn, OR 97068

Tina Kotek  
Governor

Cheryl Myers  
Acting Secretary of State

Re: WD # 2023-0056 **Approved**  
Wetland Delineation Report for Mill Creek Meadows  
Marion County; T5S R1W S18C TLs 600 & 800; S19B TL200

Tobias Read  
State Treasurer

Dear Darren Gusdorf:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott & Associates for the site referenced above. Based upon the information presented in the report and a site visit on May 17, 2023, we concur with the wetland boundaries as mapped in Figure 6A and 6B of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 2 wetlands (Wetland 1 and 2, totaling approximately 0.42 acres) and one ditch (Water Quality Facility) were identified. The wetlands are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation 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). The water quality facility ditch is exempt per OAR 141-085-0515(8); therefore, it is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. 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 wetland impacts. Because measures to avoid and minimize wetland impacts 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 date of this letter 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 Marion County, Daniel Evans, PWS at (503) 986-5271.

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

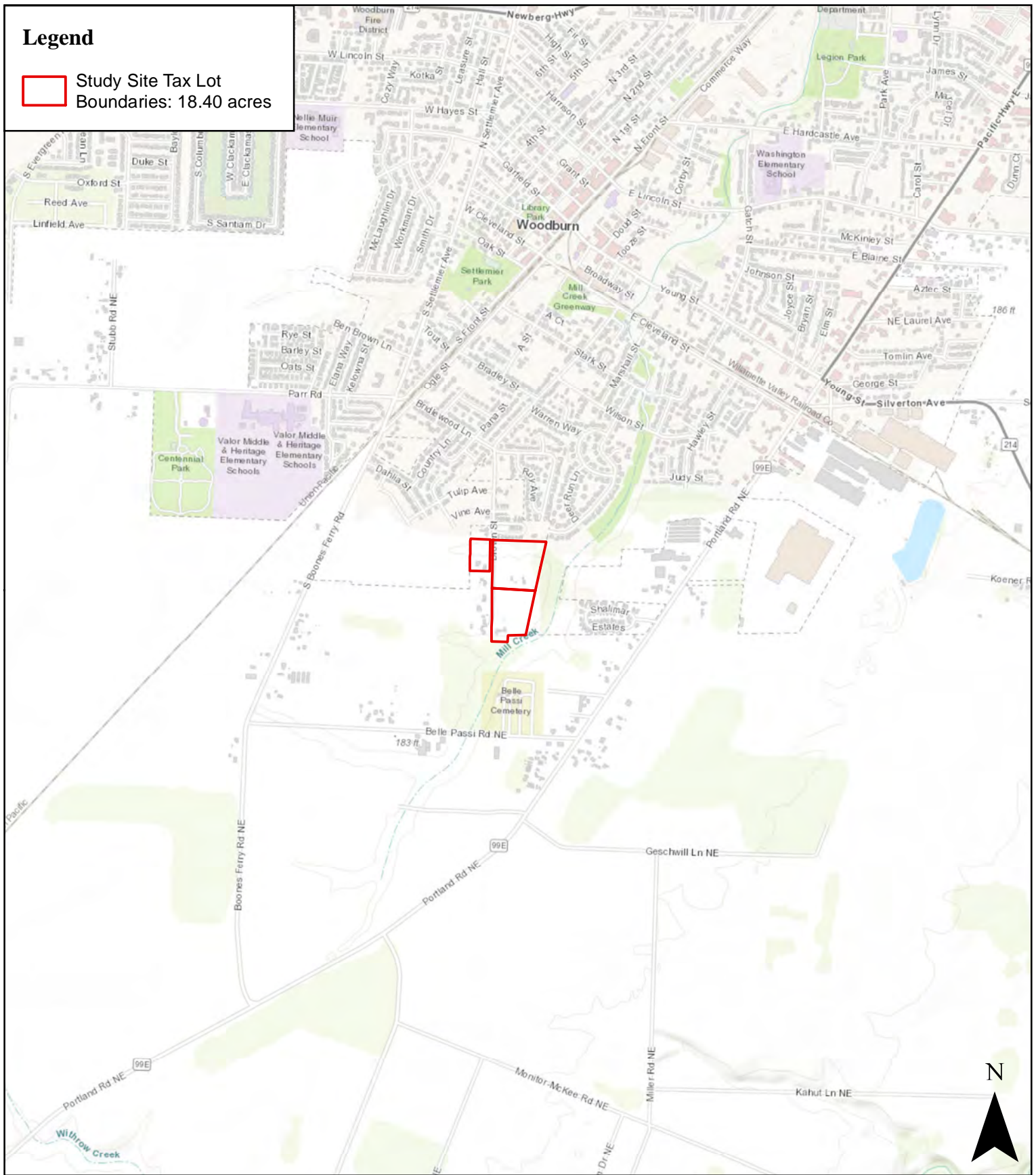
ec: Jodi Forgione, Schott & Associates  
Marion County Planning Department  
Brielle Cummings, Corps of Engineers  
Carrie Landrum, DSL

**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

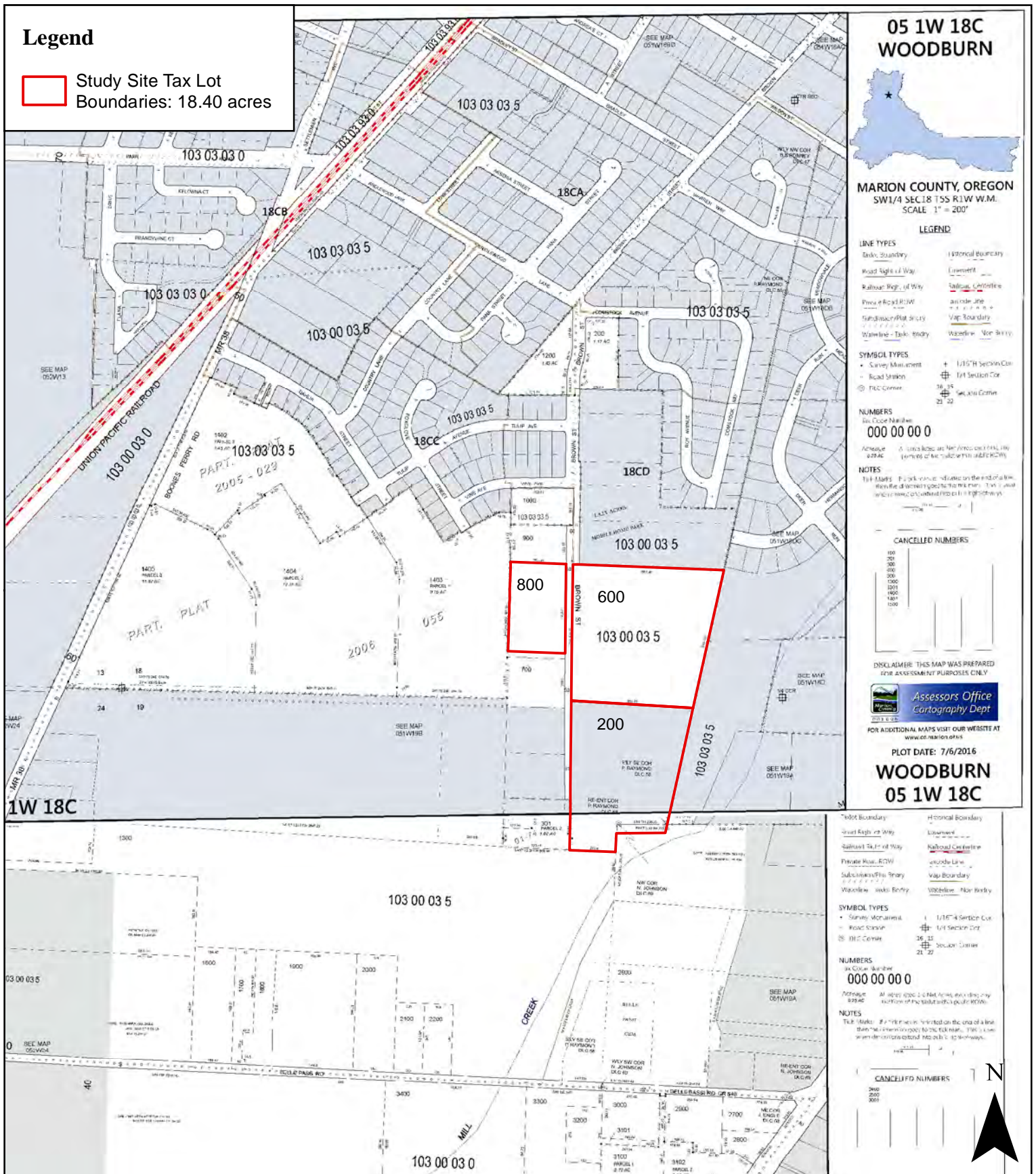
<b>Contact and Authorization Information</b>	
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Darren Gusdorf ICON Construction and Development 1969 Willamette Falls Drive, Suite 260 West Linn, OR 97068	Business phone # (503) 657-0406 Mobile phone # (optional) E-mail: darren@iconconstruction.net
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
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: <u>DARREN GUSDORF</u> Signature: Date: <u>2/2/23</u> Special instructions regarding site access: _____	
<b>Project and Site Information</b>	
Project Name: Mill Creek Meadows	Latitude: 45.1306938 Longitude: -122.8591608 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Residential Development	Tax Map # 5 1W 18C Tax Lot(s) 600, 800 Tax Map # 5 1W 19B Tax Lot(s) 200
Project Street Address (or other descriptive location): Brown Street	Township 5S Range 1W Section 18; 19 QQ SW; NW Use separate sheet for additional tax and location information
City: Woodburn County: Marion	Waterway: n/a River Mile: n/a
<b>Wetland Delineation Information</b>	
Wetland Consultant Name, Firm and Address: Juniper Tagliabue/Jodi Forgione Schott & Associates 21018 NE Hwy 99E Aurora, OR 97002	Phone # (503) 678-6007 Mobile phone # (if applicable) E-mail: juniper@schottandassociates.com
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: 02/01/2023
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 18.4-ac Total Wetland Acreage: 0.4200	
<b>Check Applicable Boxes Below</b>	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input checked="" type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u>2017-0321</u>	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>540</u> to be submit <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
<b>For Office Use Only</b>	
DSL Reviewer: <u>DE</u> Fee Paid Date: ___ / ___ / ___	DSL WD # <u>2023-0056</u>
Date Delineation Received: <u>02/06/2023</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____



Date: 1/19/2023

Data Source: ESRI, 2023; Marion County GIS Dept, 2023

Figure 1. Location Map

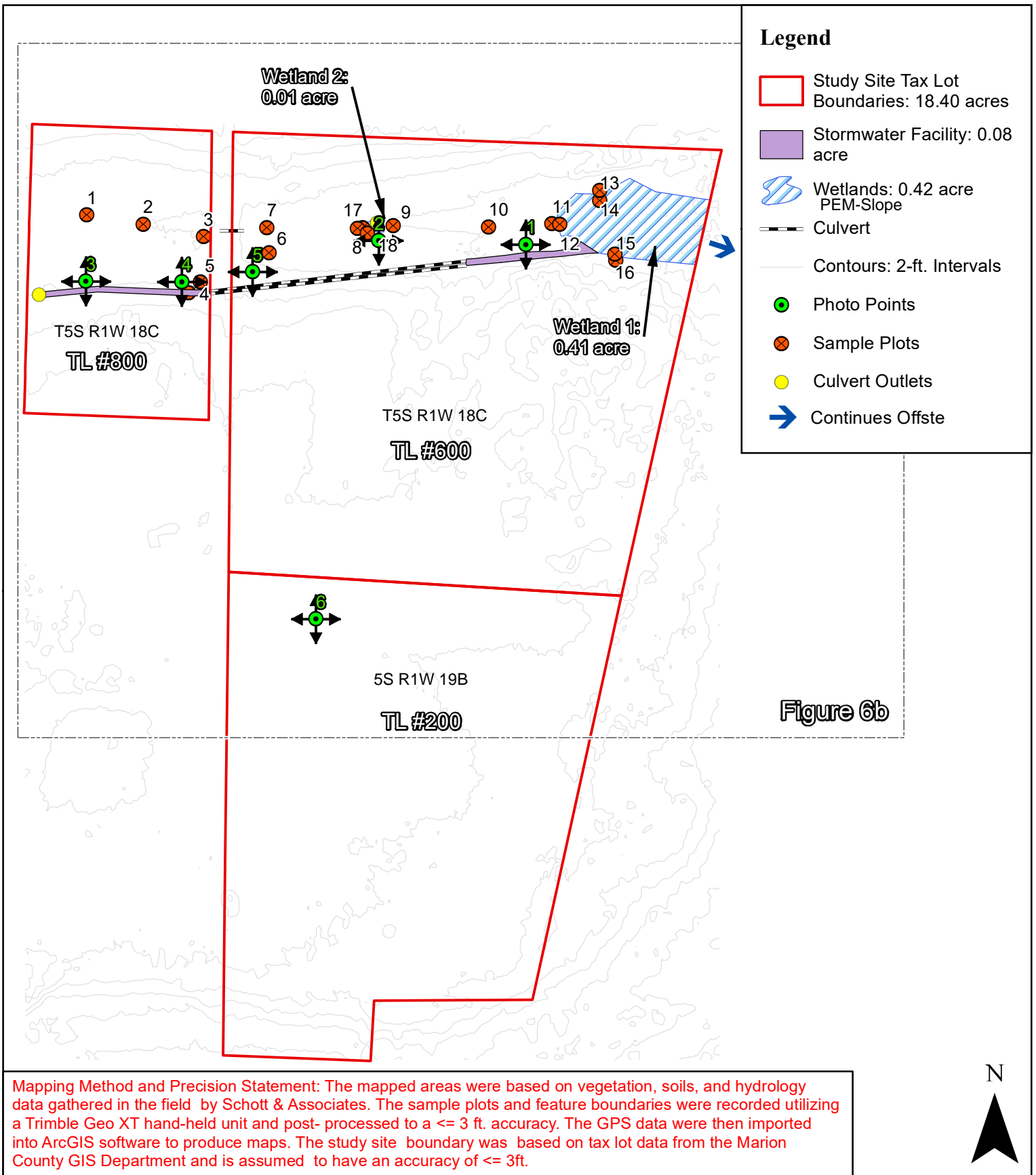


Date: 1/19/2023

Data Source: ESRI, 2023; Marion County GIS Dept, 2023

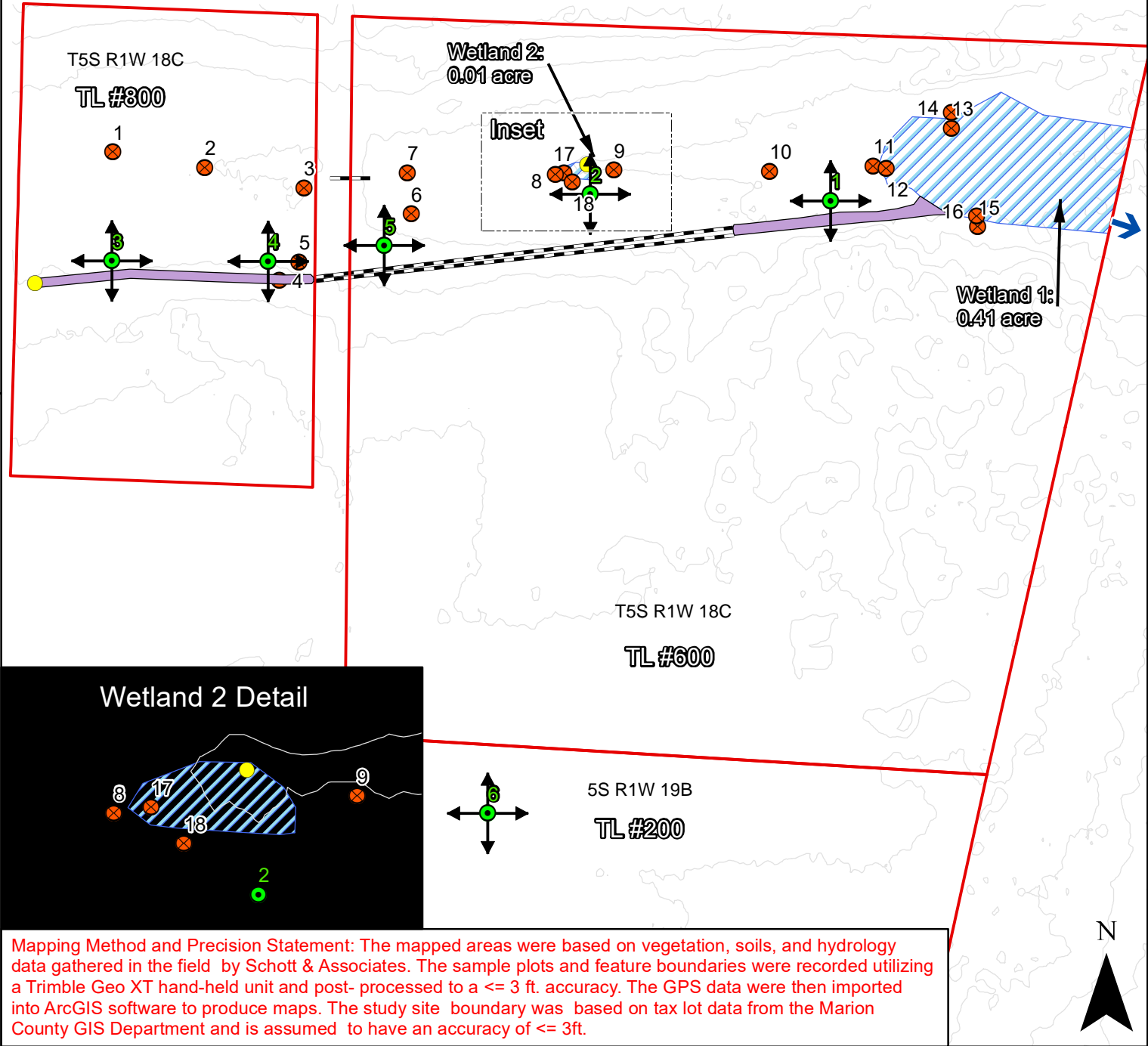
Figure 2. Tax Maps - 051W18C and 051W19B

Mill Creek Meadows Project Site: S&A # 2529



**Legend**

- Study Site Tax Lot Boundaries: 18.40 acres
- Water Quality Facility: 0.08 acre
- Wetlands: 0.42 acre PEM-Slope
- Culvert
- Contours: 2-ft. Intervals
- Photo Points
- ⊗ Sample Plots
- Culvert Outlets
- ➔ Continues Offsite



**Mapping Method and Precision Statement:** The mapped areas were based on vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and feature boundaries were recorded utilizing a Trimble Geo XT hand-held unit and post-processed to a  $\leq 3$  ft. accuracy. The GPS data were then imported into ArcGIS software to produce maps. The study site boundary was based on tax lot data from the Marion County GIS Department and is assumed to have an accuracy of  $\leq 3$  ft.

Date: 5/17/2023

DSL WD # [2023-0056](#)  
 Approval Issued [5/18/2023](#)  
 Approval Expires [5/18/2028](#)

Data Source: ESRI, 2023; Marion County GIS Dept, 2023; DOGAMI, 2009

**Figure 6b. Wetland Delineation Map - Detail**

Mill Creek Meadows Project Site: S&A # 2529

