

# Oregon

Kate Brown, Governor

## Exhibit J

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

### State Land Board

January 29, 2019

Great American Development  
Attn: Joe Spaziani  
16287 S. Forsythe Road  
Oregon City, OR 97045

Kate Brown  
Governor

Dennis Richardson  
Secretary of State

Re: WD #2018-0656 Wetland Delineation Report for 37090 SE  
Kelso Road, Clackamas County;  
T 2S R 4E S 11 portion of TL 2200; S 11AC TL 828 & 832;

Tobias Read  
State Treasurer

Dear Mr. Spaziani:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Technology Consultants for the site referenced above. Please note that the two study areas include only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 6A and 6B of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the two study areas, four wetlands (Wetland B, C, Wetland Tract A and Wetland Tract E) totaling approximately 0.997 acres, and Stream 2 were identified. All features 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 B and C 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, Wetland Tract A and Wetland Tract E are part of a mitigation site. Therefore, any impact to these wetlands may require a permit.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

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. Please phone me at 503-986-5246 if you have any questions.

Sincerely,



Chris Stevenson  
Jurisdiction Coordinator

Approved by



Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

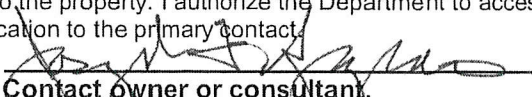
ec: John McConnaughey, PWS Environmental Technology Consultants  
Annakate Martin, NRS Environmental Technology Consultants  
Clackamas County Planning Department (Maps enclosed for updating LWI)  
Jessica Menichino, Corps of Engineers  
Anita Huffman, DSL

**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report or include a hard copy of the completed form with a CD/DVD that includes a 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 attachment 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 instructions on how to access the file from your ftp or other file sharing website. Fees can be paid by check or credit card. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: <b>Great American Development, Joe Spaziani</b> <b>16287 S. Forsythe Road</b> <b>Oregon City, Oregon, 97045</b>	Business phone # <b>503-860-2501</b> Mobile phone # E-mail: <b>joeandpenny@hotmail.com</b>
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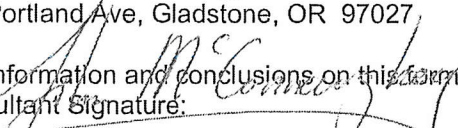
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address: <b>Environmental Technology Consultants</b> <b>375 Portland Ave, Gladstone, OR 97027</b>	Business phone # <b>360-696-4403</b> Mobile phone # <b>503-580-2465</b> E-mail: <b>JohnM@etcEnvironmental.net</b>
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I 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: **Joe Spaziani** Signature:   
 Date: **April 20, 2017** Special instructions regarding site access: **Contact owner or consultant.**

**Project and Site Information** (using decimal degree format for lat/long of site or start & end points of linear project)

Project Name: <b>37090 SE Kelso Road</b>	Latitude: <b>N 45.245314 416874</b>	Longitude: <b>W -122.165512</b>
Proposed Use: <b>New Subdivision (Sandy Woods)</b>	Tax Map # <b>032S4E11</b>	<b>2823 96</b>
Project Street Address (or other descriptive location): <b>37090 SE Kelso Road</b>	Township <b>T2S</b> Range <b>R4E</b> Section <b>2</b> QQ <b>AC</b>	Tax Lot(s) <b>24E1102200, 24E11AC00828 &amp; 24E11AC00832</b> <i>ok</i>
City: <b>Boring, OR</b> County: <b>Clackamas</b>	Waterway: <b>No name</b> River Mile:	NWI Quad(s): <b>Sandy, Oregon</b>

**Wetland Delineation Information**

Wetland Consultant Name, Firm and Address: <b>John McConnaughey, PWS &amp; Annakate Martin NRS</b> Environmental Technology Consultants 375 Portland Ave, Gladstone, OR 97027	Phone # <b>360-696-4403</b> Mobile phone # <b>503-580-2465</b> E-mail: <b>JohnM@etcEnvironmental.net</b>
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: <b>May, 2017 updated October 2018</b>

**Primary Contact** for report review and site access is  Consultant  Applicant/Owner  Authorized Agent  
 Wetland/Waters Present?  Yes  No Study Area size: **39.79 acres** Total Wetland Acreage: **2.700 AC**

Check Box Below if Applicable: Fees: **\$437 (2018)**

<input checked="" type="checkbox"/> R-F permit application submitted NWP2018-473	<input checked="" type="checkbox"/> Fee payment submitted <b>\$437</b>
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Fee (\$100) for resubmittal of rejected report
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	<input type="checkbox"/> No fee for request for reissuance of an expired report
<input type="checkbox"/> Industrial Land Certification Program Site	
<input type="checkbox"/> Reissuance of a recently expired delineation	
Previous DSL # _____ Expiration date _____	

**Other Information:**

Has previous delineation/application been made on parcel?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	If known, previous DSL # <b>WD2017-0410 &amp; WD2000-0612</b>
Does LWI, if any, show wetland or waters on parcel?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	

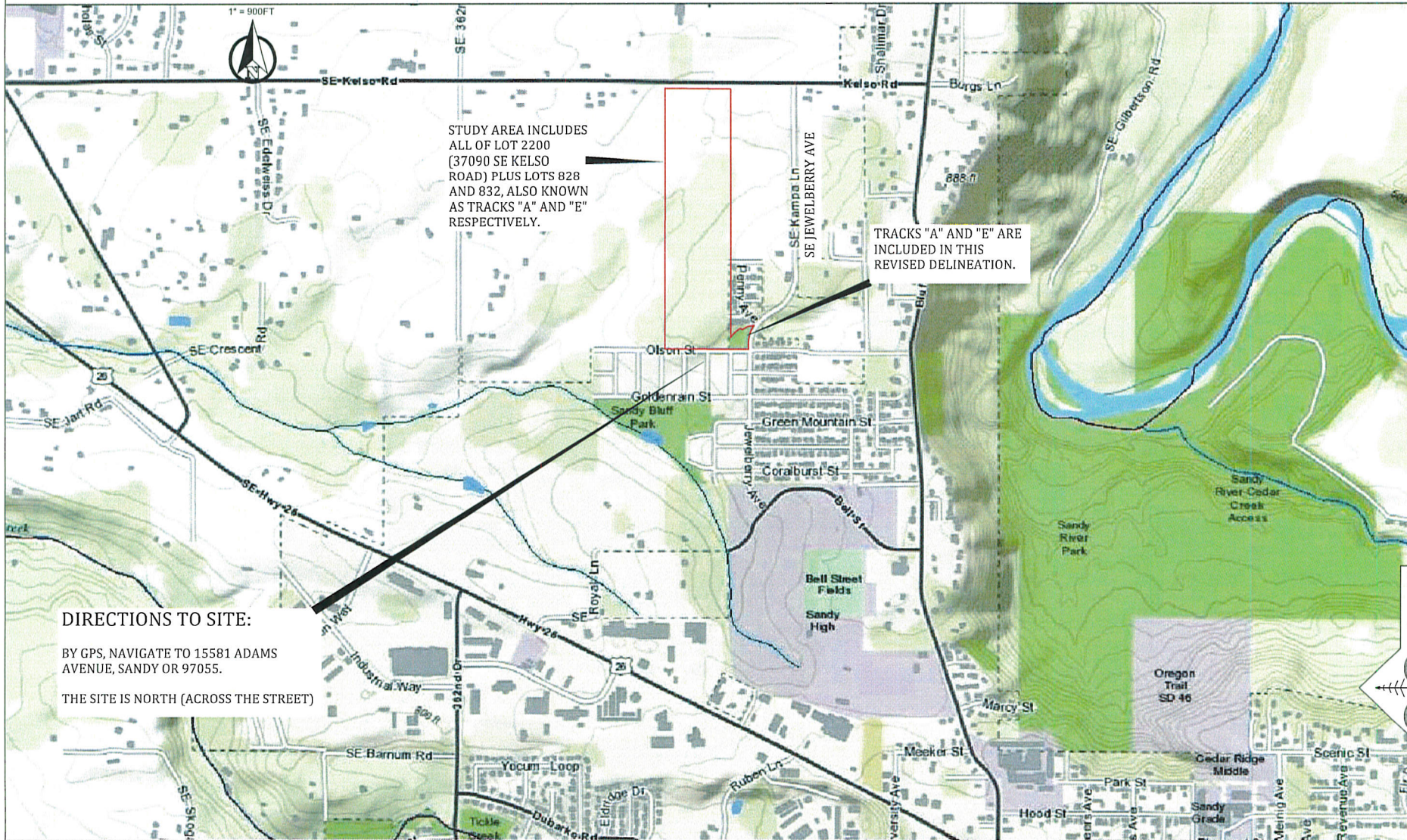
**For Office Use Only**

DSL Reviewer: <u><b>CS</b></u> Fee Paid Date: ___/___/___	DSL WD # <u><b>2018-0656</b></u>
Date Delineation Received: <u><b>12 / 7 / 18</b></u> DSL Project # <u><b>39715</b></u>	DSL Site # <u><b>106896</b></u>
"Scanned" <input checked="" type="checkbox"/> Final Scan: <input type="checkbox"/>	DSL App. # <u><b>61489</b></u>

*Electronic Submittal*



# StreamNet



STUDY AREA INCLUDES ALL OF LOT 2200 (37090 SE KELSO ROAD) PLUS LOTS 828 AND 832, ALSO KNOWN AS TRACKS "A" AND "E" RESPECTIVELY.

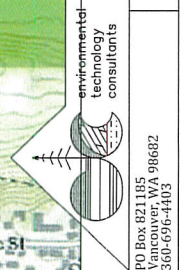
TRACKS "A" AND "E" ARE INCLUDED IN THIS REVISED DELINEATION.

**DIRECTIONS TO SITE:**  
 BY GPS, NAVIGATE TO 15581 ADAMS AVENUE, SANDY OR 97055.  
 THE SITE IS NORTH (ACROSS THE STREET)

REVISIONS

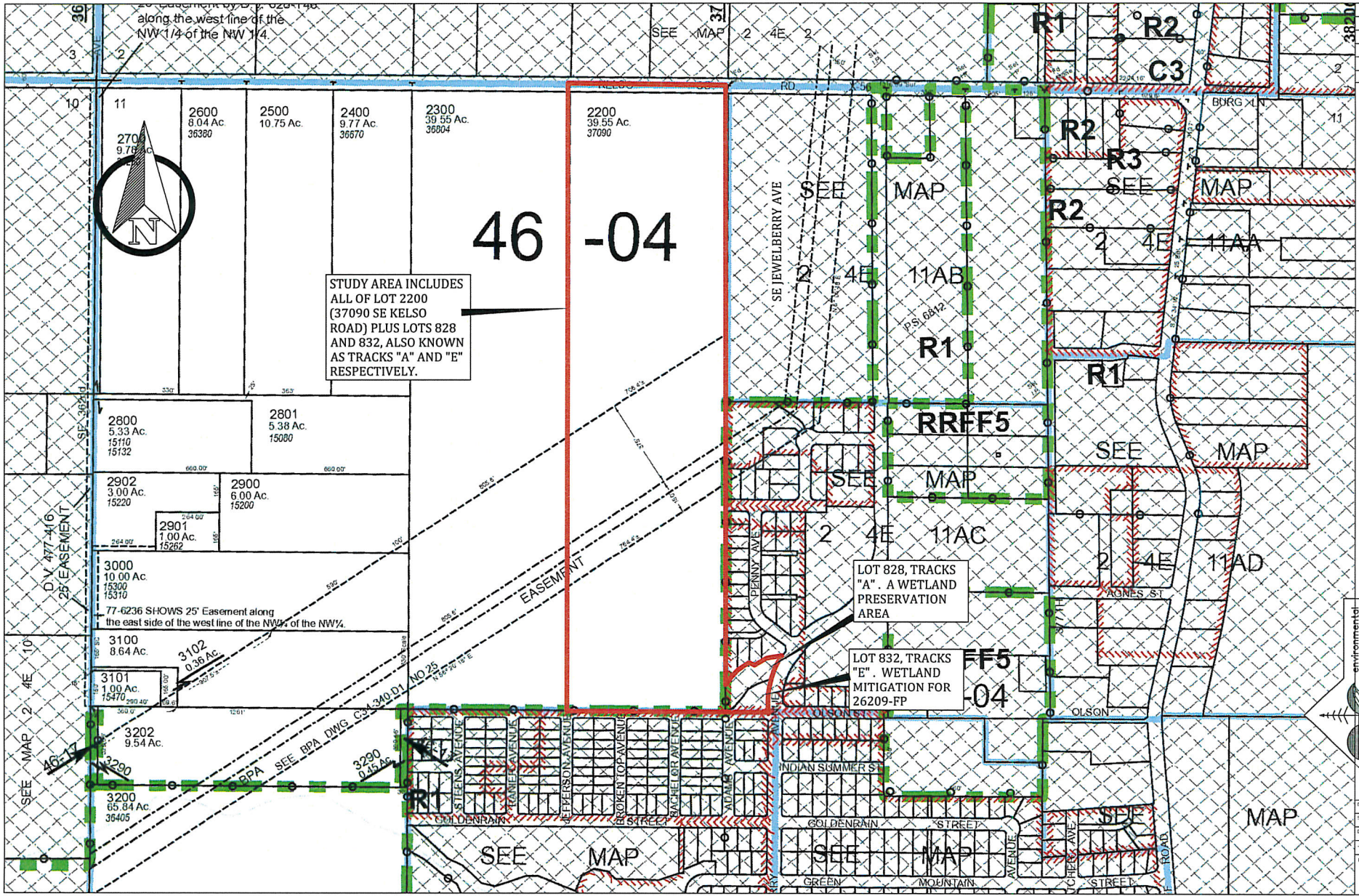
**37090 SE KELSO RD**  
 GREAT AMERICAN DEVELOPMENT  
 16287 S FORSYTHE ROAD  
 OREGON CITY, OR 97045

**LOCATION MAP**  
 STREAMNET TOPO MAP USED FOR  
 BACKGROUND



DATE	Dec 04, 2018
SCALE	NOTED
DRAWN	AM
JOB	EVA17010
FIGURE	1

1:18,056



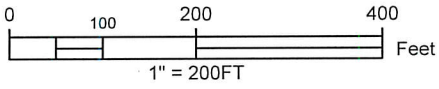
STUDY AREA INCLUDES ALL OF LOT 2200 (37090 SE KELSO ROAD) PLUS LOTS 828 AND 832, ALSO KNOWN AS TRACKS "A" AND "E" RESPECTIVELY.

LOT 828, TRACKS "A". A WETLAND PRESERVATION AREA

LOT 832, TRACKS "E". WETLAND MITIGATION FOR 26209-FP

REVISIONS	
37090 SE KELSO RD GREAT AMERICAN DEVELOPMENT 16287 S FORSYTHE ROAD OREGON CITY, OR 97045	
TAX MAP LOT 2200 IN SECTION 11, T2S, R4E CLACKAMAS COUNTY	
PO Box 821185 Vancouver, WA 98682 360-696-4403	
DATE	Dec 04, 2018
SCALE	NOTED
DRAWN	AM
JOB	EVA17010
FIGURE	2

KELSO ROAD



**STUDY AREA:**  
REVISED STUDY BOUNDARY EXCLUDES NW CORNER OF TAX LOT 2200. INCLUDES REMAINDER OF TAX LOT 2200, MAP 2S, 4E, SECTION 11 LOCATED IN THE N.W. 1/4 SECTION 11, T2S, R4E., WM., CITY OF SANDY, CLACKAMAS COUNTY.

**STUDY AREA ALSO INCLUDES:**

TAXLOTS TRACK "A", TAXLOT 24E11AC00828, APPROXIMATELY 0.52 ACRES

TRACK "E", TAXLOT 24E11AC00832, APPROXIMATELY 0.32 ACRES

PLEASE SEE FIGURE 6B FOR DETAIL OF TRACKS "A" AND "E"

WETLAND "A"  
EXCLUDED FROM THIS STUDY

EXISTING GRAVEL ROAD

WETLAND "B", 0.051 ACRES  
DEPRESSIONAL WETLAND, PSS1B

STREAM 2, APPROX 1,017FT LONG, 0.082 ACRES.

WETLAND "C", APPROX 0.091 ACRES. SLOPED PSS1B

DSL WD # 2018-0656  
Approval issued 1-29-19  
Approval Expires 1-29-24

SURVEY BY TOBY G. BOLDEN, PLS# 60377LS  
CENTERLINE CONCEPTS  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045

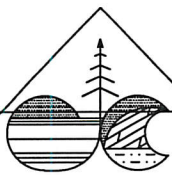
WETLAND BOUNDARIES AND OTHER FEATURES ARE MAPPED WITH AN ACCURACY OF 0.01 FEET VERTICAL AND HORIZONTAL.

WD2017-0410  
DELINEATED WETLAND BOUNDARIES ON TAX LOT 2200 SOUTH OF THIS LINE. THESE AREAS ARE NOT COVERED BY THIS REPORT.

PLEASE SEE FIGURE 6B FOR THE OLSON ROAD WIDENING AREA.

**LEDGEND**

- P11D DATA PLOT
- PHOTO STATION
- 2007 HYDROLOGY MONITORING PLOT



environmental technology consultants

PO Box 821185  
Vancouver, WA 98682  
360-696-4403

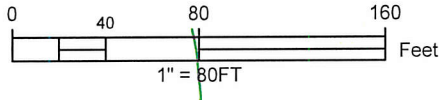
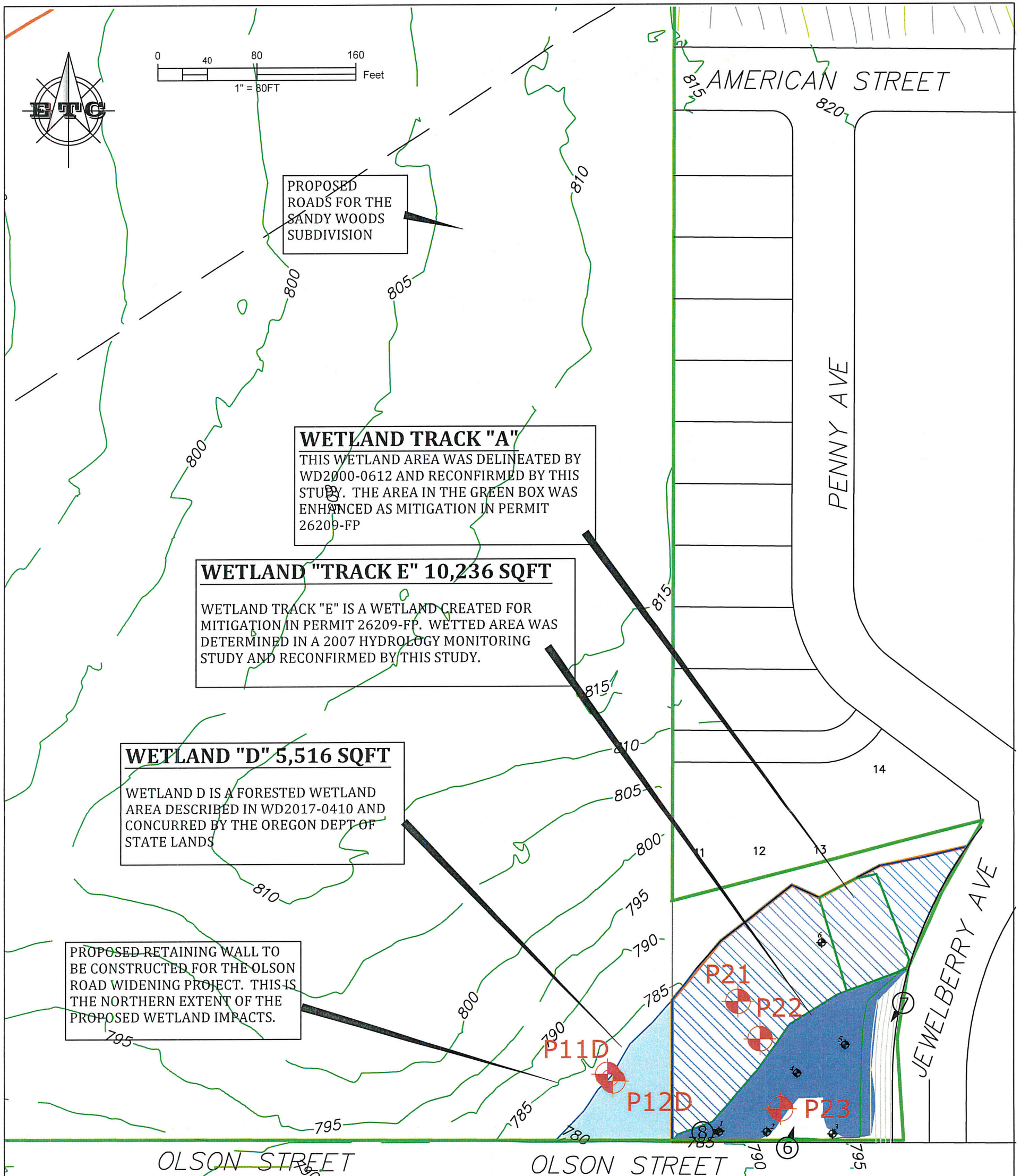
**WETLAND AREAS OF 37090 SE KELSO ROAD AND THE OLSON ROAD WIDENING PROJECT**

37090 SE KELSO RD  
GREAT AMERICAN DEVELOPMENT  
16287 S FORSYTHE ROAD  
OREGON CITY, OR 97045

REVISIONS

6AV2

DATE: Jan 15, 2019  
SCALE: NOTED  
DRAWN: JHM  
JOB: EAV17010

PROPOSED  
ROADS FOR THE  
SANDY WOODS  
SUBDIVISION

**WETLAND TRACK "A"**  
THIS WETLAND AREA WAS DELINEATED BY WD2000-0612 AND RECONFIRMED BY THIS STUDY. THE AREA IN THE GREEN BOX WAS ENHANCED AS MITIGATION IN PERMIT 26209-FP

**WETLAND "TRACK E" 10,236 SQFT**  
WETLAND TRACK "E" IS A WETLAND CREATED FOR MITIGATION IN PERMIT 26209-FP. WETTED AREA WAS DETERMINED IN A 2007 HYDROLOGY MONITORING STUDY AND RECONFIRMED BY THIS STUDY.

**WETLAND "D" 5,516 SQFT**  
WETLAND D IS A FORESTED WETLAND AREA DESCRIBED IN WD2017-0410 AND CONCURRED BY THE OREGON DEPT OF STATE LANDS

PROPOSED RETAINING WALL TO BE CONSTRUCTED FOR THE OLSON ROAD WIDENING PROJECT. THIS IS THE NORTHERN EXTENT OF THE PROPOSED WETLAND IMPACTS.

SURVEY BY TOBY G. BOLDEN, PLS# 60377LS  
CENTERLINE CONCEPTS  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045

OSL WD # 2018-0656  
Approval Issued 1-29-19  
Approval Expires 1-29-24

WETLAND BOUNDARIES AND OTHER FEATURES ARE MAPPED WITH AN ACCURACY OF 0.01 FEET VERTICAL AND HORIZONTAL.

**Disclaimer per OAR 141-090-0035 (7)(k)**  
This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

**LEDGEND**

- P11D DATA PLOT
- PHOTO STATION
- 2007 HYDROLOGY MONITORING PLOT

environmental  
technology  
consultants

PO Box 821185  
Vancouver, WA 98682  
360-696-4403

**DETAIL OF AREA IMPACTED BY THE OLSON ROAD WIDENING PROJECT IN SE CORNER**

37090 SE KELSO RD  
GREAT AMERICAN DEVELOPMENT  
16287 S FORSYTHE ROAD  
OREGON CITY, OR 97045

NO.	REVISIONS

DATE: Jan 15, 2019  
SCALE: NOTED  
DRAWN: JHM  
JOB: EVAL7010  
FIGURE: **6B**