



Oregon

Tina Kotek, Governor

Department of State Lands

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www.oregon.gov/dsl

August 26, 2025

State Land Board

Stoltz Hill MJC, LLC
Attn: Matthew J. Conser
1010 Airport Rd. SE
Albany, OR 97322

Tina Kotek
Governor

Tobias Read
Secretary of State

Re: WD #2025-0007 **Approved**
Wetland Delineation Report for Stoltz Hill Road Conser Site
Linn County; T12S R2W S16, TLs 2300, 2305, Portion of ROW

Elizabeth Steiner
State Treasurer

Dear Matthew Conser:

The Department of State Lands has reviewed the wetland delineation report prepared by Branch Engineering for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report, we concur with the wetland and waterway boundaries as mapped in Figure 10, 10 (a-b) of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, eight wetlands (Wetland 1-8), totaling approximately 15.23 acres, and one waterway (Oak Creek) were identified. The wetlands and waterway 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). In addition, Wetland 8 is a Mature Forested Wetland and therefore meets the state's criteria for Aquatic Resources of Special Concern. This could affect the eligibility protocols for compensatory mitigation if a DSL permit is required.

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 impacts to waters of this state. Because measures to avoid and minimize impacts to waters of this state 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 Wetland Ecologist for Linn County, Josh Goldsmith, at (971) 375-1675.

Sincerely,

Daniel Evans

Digitally signed by Daniel Evans
Date: 2025.08.26 11:57:56 -07'00'

Daniel Evans, PWS
Wetland Ecology Specialist

Enclosures

ec: Sam Rabe, Branch Engineering
City of Lebanon Planning Department (Maps enclosed for refining LWI)
Corps of Engineers
Carrie Landrum, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report 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 email 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	
☒ Applicant ☒ Owner Name, Firm and Address: Matthew J. Conser Stoltz Hill MJC, LLC 1010 Airport Road. SE Albany, Oregon 97322	Business phone # (541) 791-9310 Mobile phone # (optional) (541) 619-8004 E-mail: mjconser1981@gmail.com
☐ 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>Matthew J. Conser</u> Signature: <u>[Signature]</u> Date: <u>01/08/2025</u> Special instructions regarding site access: _____	
Project and Site Information	
Project Name: <u>Stoltz Hill Road Conser Site</u>	Latitude: <u>44.521733°</u> Longitude: <u>44.521733°</u> <u>decimal degree - centroid of site or start & end points of linear project</u>
Proposed Use: Single-Family and Multi-family Residential development. Daily Needs Mixed-Use Neighborhood Commercial	Tax Map # <u>12S-02W-16</u> Tax Lot(s) <u>02300 & 02305</u> Tax Map # _____ Tax Lot(s) _____
Project Street Address (or other descriptive location): <u>Lot north of 2600 Stoltz Hill Road</u>	Township <u>12S</u> Range <u>2W</u> Section <u>16</u> QQ Use separate sheet for additional tax and location information
City: <u>Lebanon</u> County: <u>Linn</u>	Waterway: <u>Oak Creek</u> River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Sam Rabe Branch Engineering, Inc 1215 Main Street Suites 201-208 Philomath, Oregon	Phone # (541) 748-0637 Mobile phone # (if applicable) E-mail: samr@branchengineering.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: <u>Sam Rabe</u> Digitally signed by Sam Rabe Date: 2025.01.08 05:19:41 -08'00' Date: <u>1/8/2025</u>	
Primary Contact for report review and site access is ☒ Consultant ☒ Applicant/Owner ☐ Authorized Agent	
Wetland/Waters Present? ☒ Yes ☐ No Study Area size: <u>57.08</u> Total Wetland Acreage: <u>15.2300</u>	
Check Applicable Boxes Below	
☐ R-F permit application submitted ☐ Mitigation bank site ☐ EFSC/ODOE Proj. Mgr: _____ ☐ Wetland restoration/enhancement project (not mitigation) ☒ Previous delineation/application on parcel If known, previous DSL # <u>WD20090451</u>	☐ Fee payment submitted \$ _____ ☐ Resubmittal of rejected report (\$100) ☐ Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ ☐ LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: <u>JG</u> Fee Paid Date: ____/____/____ DSL WD # <u>2025-0007</u> Date Delineation Received: <u>01/08/2025</u> DSL App.# _____	

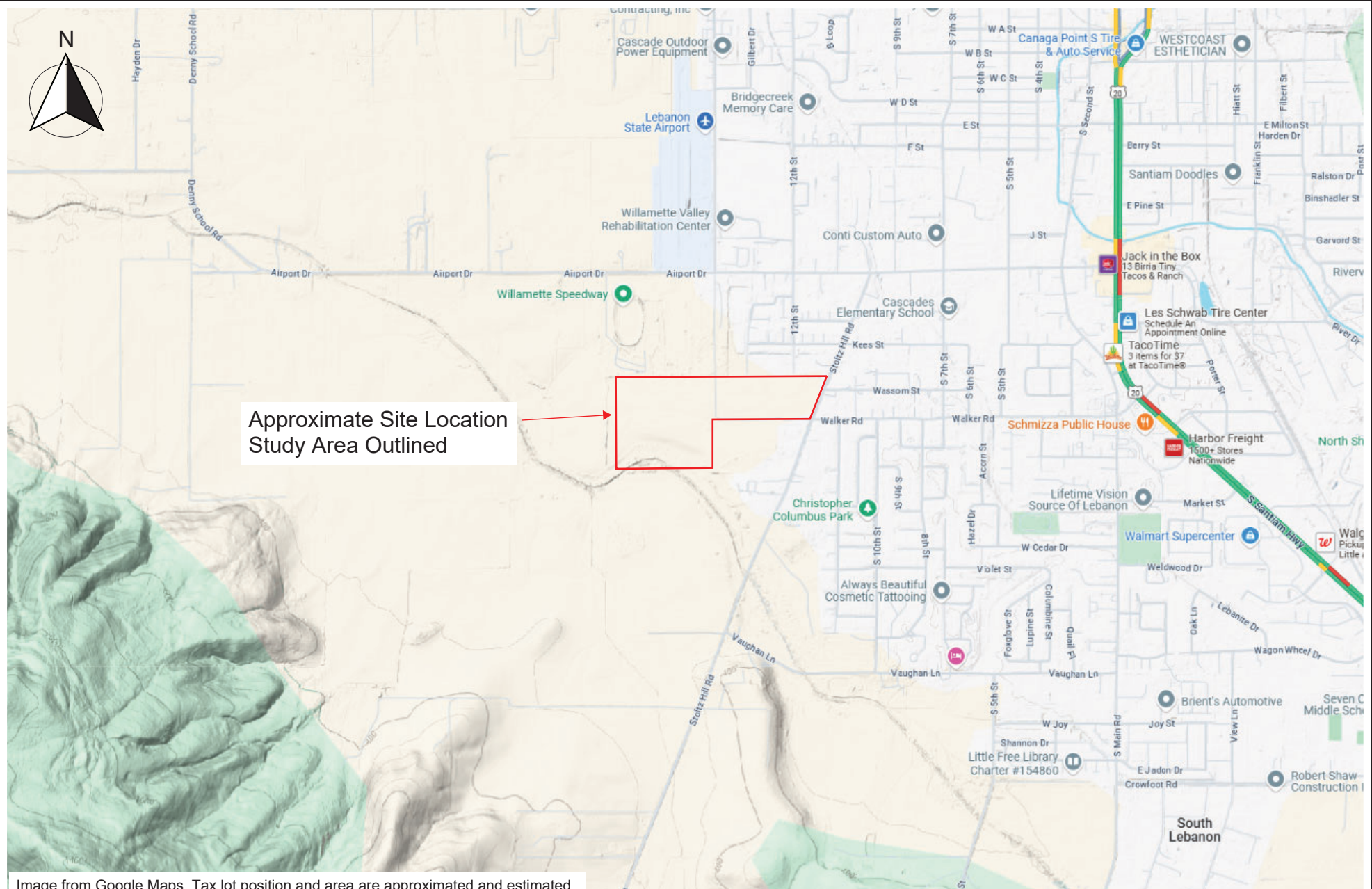
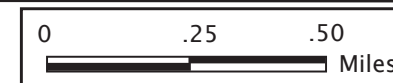


Image from Google Maps. Tax lot position and area are approximated and estimated



SITE LOCATION MAP
TAX MAP 12S-02W-16 TAX LOTS 02300 & 02305

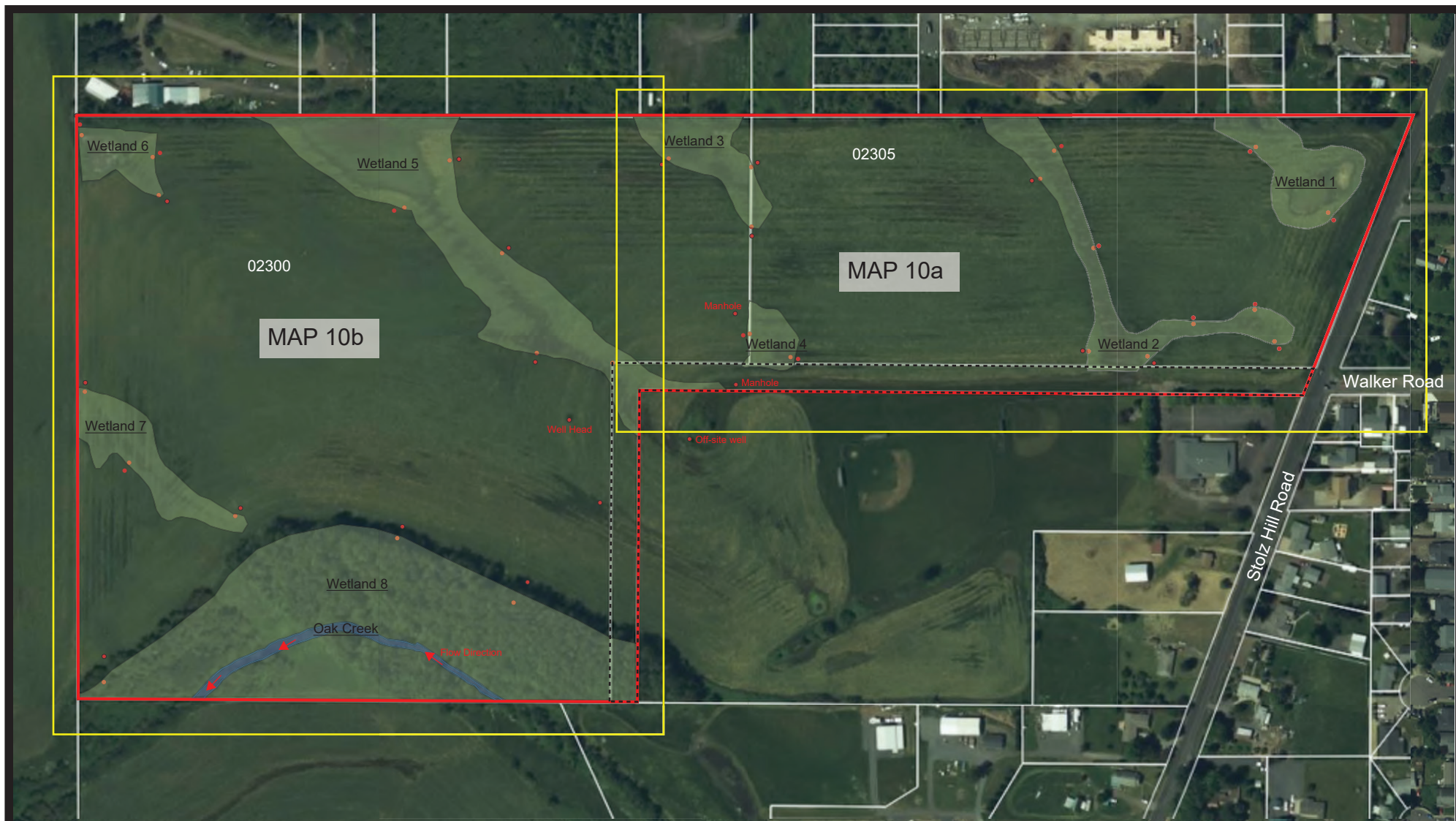


APPROXIMATE SCALE

FIGURE-1

12-09-2024

BEI PROJECT NO. 24-369



LEGEND

- Study area boundary
- Wetland areas
- Road ROW
- Sample Point

DSL WD # [2025-0007](#)

Approval Issued: [8/26/2025](#)

Approval Expires: [8/26/2030](#)

Approximate Scale



STUDY AREA WETLANDS MAP
TAX MAP 12S-02W-16 TAX LOTS 02300 & 02305

FIGURE-10

12-11-2024

BEI PROJECT NO. 24-369



LEGEND

- Study area boundary
- Wetland areas
- Road ROW
- Wetland Sample Point
- Upland Sample Point
- Photo Point

WETLAND ATTRIBUTES

Wetland 1

Area = 0.97-acres 42,280 SF

Cowardin Class - PEM1Ad

HGM Class - Mineral Soil Flats

Wetland 2

Area = 1.4-acres 58,843 SF

Cowardin Class - PEM1Ad

HGM Class - Mineral Soil Flats

Wetland 3

Area = 0.78-acres 33,916 SF

Cowardin Class - PEM1Ad

HGM Class - Mineral Soil Flats

Wetland 4

Area = 0.32-acres 13,895 SF

Cowardin Class - PEM1Ad

HGM Class - Mineral Soil Flats

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WETLAND BOUNDARIES SHOWN WERE DELINEATED AND DRAWN BY BEI STAFF ON NOVEMBER 3, 7, AND 10TH, 2024. WETLAND BOUNDARIES AND DATA POINTS WERE MAPPED WITH SUB-METER ACCURACY USING A JUNIPER SYSTEMS MESA 3 TABLET AND A GEODE GNSS RECEIVER.

PROPERTY BOUNDARIES AND STUDY AREA WERE OBTAINED FROM LINN COUNTY GIS. MULTIPLE PROPERTY PINS SURVEYED BY UDELL ENGINEERING AND LAND SURVEYING, LLC. AERIAL IMAGE FROM BING SATELLITE MAPS.



STUDY AREA WETLANDS AND WATERS DELINEATION MAP 1 TAX MAP 12S-02W-16 TAX LOTS 02300 & 02305

Approximate Scale

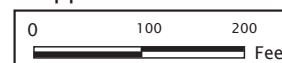
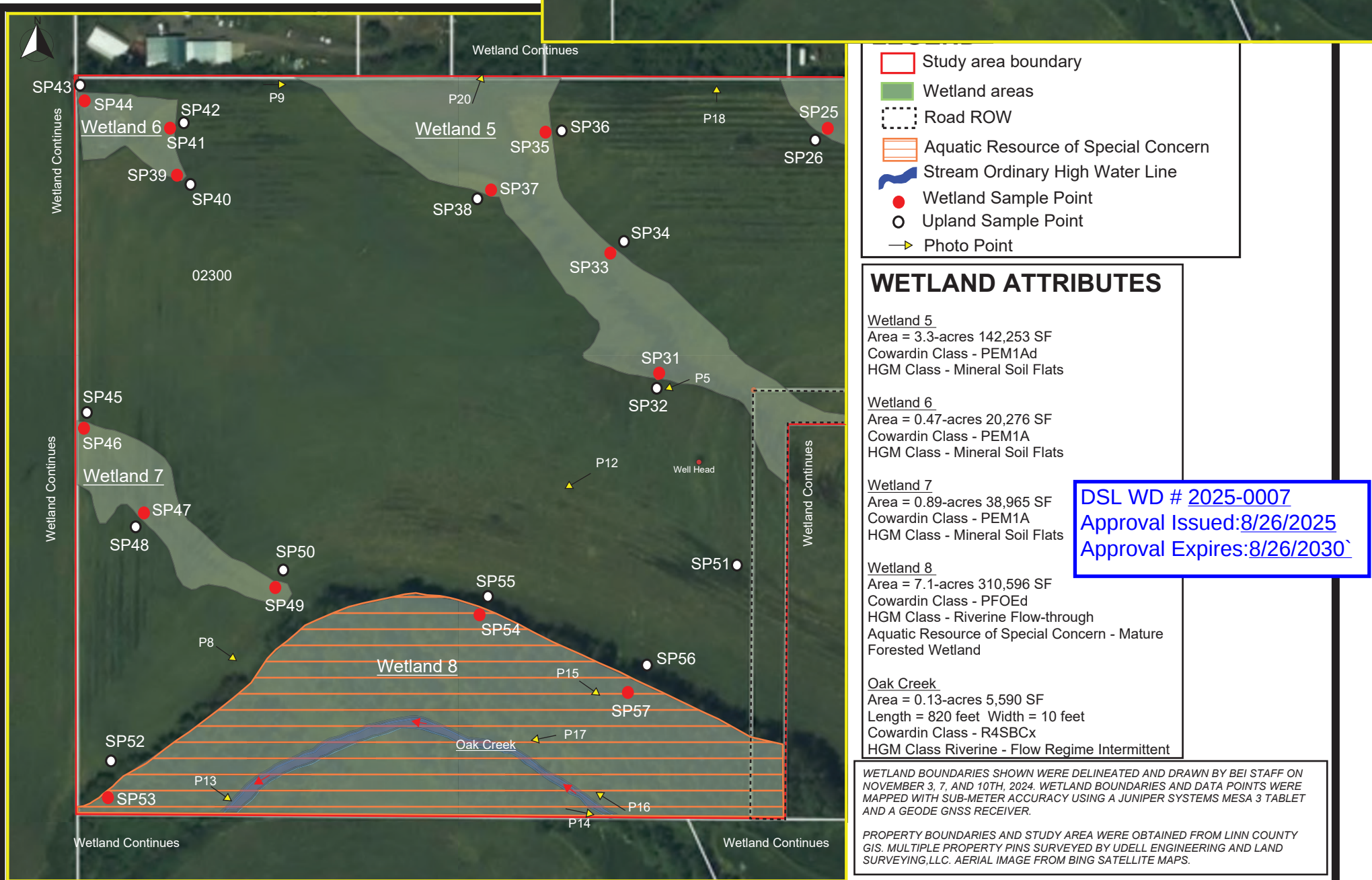


FIGURE-10a

12-11-2024

BEI PROJECT NO. 24-369



STUDY AREA WETLANDS AND WATERS DELINEATION MAP 2 TAX MAP 12S-02W-16 TAX LOTS 02300 & 02305

Approximate Scale

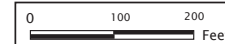


FIGURE-10b

12-11-2024

BEI PROJECT NO. 24-369