

North 8th Street Planned Development

PLANNED DEVELOPMENT NARRATIVE

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The approval criteria and requirements addressed in this document for a Planned Development application were referenced from Chapters 17.136, 17.148, 17.08, 17.132 and 17.40 of the St. Helens Municipal Code.



Project Narrative

A. Existing Site Conditions

The site is located on taxlot 700 of Columbia County tax map 05013300. The project site is located east of the intersection of N. Columbia River Highway 30 and Deer Island Road. The historic land use has been quarry related as much of the site is underlain by shallow basalt. Due to recent logging activity, the site is now clear of trees and includes grasses and native vegetation that has grown in place of the trees.

B. Site Concept

The proposed development will be a 66-lot planned development. Two new roads will be constructed which will begin at the north end of the existing North 8th Street and North 9th Street roads. North 8th street is designed to continue into the site for approximately 140 feet before turning west and connecting into the proposed North 9th Street. North 9th Street will begin at the north end of the existing North 9th Street and continue into the site for approximately 1,000 feet before turning east and terminating in a cul-de-sac.

C. Grading Concept

The proposed grading is designed to mimic pre-development conditions. The site will generally slope from south to north with an average slope of 2%. Outside of the proposed site development, the lot generally slopes from south to north, with slopes of 1% longitudinally and up to 60% along banks. In several areas across the site fill material will be placed to accommodate houses on lots as well as to reduce the amount of blasting due to shallow native bedrock found on-site from the attached geotechnical report dated May 10th, 2019. In all circumstances, the finished grade surface has been designed to tie back into existing grades with as shallow of slopes as practical. A JPA (Joint Permit Application) has been submitted and has been approved by both DSL and USACE (U.S. Army Corps of Engineers). The attached DSL permit titled, "Removal-Fill Permit Application 62981-RF" can be found attached to this document.

D. Landscape Concept

Open space will be created for use by residents and will be surrounded by native trees and shrubs along its edges. The inner section of this space will feature grass that can be used recreationally. This mix of functional space benefits the community and surrounding habitat, allowing a more cohesive land use.

The soils on site are Inceptisols. These soils are often organic matter and clay limited. While that limits plant production a majority of native plants and trees will establish in these soils. Top soil will be added around new plantings as necessary. This top soil will be composed of a mulch mix to support growth of the native plants. The erosion and sediment control plan uses standard practices such as wattles, sediment fence, and slope matting. Sediment fence and wattles will be implemented in areas that are susceptible to erosion to prevent any material from moving onto adjacent lands, roadways, or wetlands. Slope matting will be implemented on steep slopes during construction to limit the risk of sediment movement. The post-construction plan includes planting vegetation in disturbed areas to lower the risk of future erosion.

E. Sign Concept

The proposed development will only provide signage where required by the City of St. Helens Municipal Code. Currently, entrance monuments are proposed at both North 8th Street and North 9th Street entrances. A separate permit will be submitted for these monuments with the permit set.



F. A Copy of All Existing or Proposed Restrictions or Covenants

This site does not have any existing or proposed restriction or covenants.

Chapter 17.148.120 SHMC, Approval Standards

(1) All the provisions of the land division provisions, Chapters 17.136 and 17.140 SHMC, et seq., shall be met;

Response: All provisions set forth in Chapters 17.136 SHMC have been met. Responses to approval criteria can be seen on pages 20 - 22 of this document. Chapter 17.140 is not applicable since this is not a Partition or Lot Line Adjustment.

(2) The provisions of the following chapters shall also be met:

(a) Chapter 17.56 SHMC, Density Computations;

[...]

17.56.20 Density Calculation

(1) Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property:

(a) All sensitive land areas:

i. [...]

(b) All land dedicated to the public for park purposed

(c) All land dedicated for public right-of-way.

(d) All land proposed for private streets

(e) A lot of at least the size required by the applicable zoning district, if a lawfully existing use is to remain on the site.

[...]

Response: Density Computations have been completed and are included with the Planned Development Application. See the 08 Density Calculations document for more information.

(c) Chapter 17.64 SHMC, Additional Yard Setback Requirements and Exceptions;

[...]

17.64.020 Additional setback for centerline required

[...]

(3) The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

[...]

Response: The current front yard setback has been sized as required by the zone plus one-half of the proposed road width.

(d) Chapter 17.68 SHMC, Building Height Limitations – Exceptions;

[...]

17.68.020 Building Height Exceptions

Any building located in an industrial zone may be built to a maximum of 75 feet, provided:

[...]



17.68.040 Building height criteria for scenic resources.

[...]

Response: No buildings are proposed within an industrial zone nor will any buildings obstruct views of the Columbia River.

(e) Chapter 17.72 SHMC, Landscaping and Screening;

[...]

17.72.030 Street Trees

(1) All development projects fronting on a public or private street, or a private driveway more than 100 feet in length approved after the adoption of the ordinance codified in this code shall be required to plant street trees in accordance with the standards in SHMC 17.72.035.

[...]

17.72.080 Buffering and screening requirements

(5) Where screening is required, the following standards shall apply in addition to those required for buffering:

- (a) A hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or
- (b) An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or
- (c) A five-foot or taller fence or wall shall be constructed to provide a continuous sight-obscuring screen.

[...]

Response: Street trees are proposed for this site and can be seen on sheets L-1: L-3 of the proposed development plans. Additionally, a five-foot fence will be constructed in order to provide private outdoor space for each lot.

(f) Chapter 17.76 SHMC, Visual Clearance Areas;

[...]

17.76.020 Visual clearance – Required

(1) A visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

[...]

Response: Visual clearance areas are shown and called out on sheets L-1: L-3.

(g) Chapter 17.80 SHMC, Off-Street Parking and Loading Requirements;

[...]

17.80.015 Applicability of Provisions

[...]

(3) The applicant shall submit a site plan which includes:

- (a) The location of the structures on the property and on the adjoining property;

Response: The location of all existing structures are shown on sheet G-1.

- (b) The delineation of individual parking and loading spaces and their dimensions;

Response: Each lot will have parking that will allow for two vehicles. See sheets C-5 and C-6.



(c) *The location of the circulation area necessary to serve the spaces;*

Response: Circulation of the site has been accounted for and can be seen on sheets C-4: C-6.

(d) *The location of the access point(s) to streets, to accessways and to properties to be served;*

Response: Location of access points on site are shown on sheets C-4 and C-6.

(e) *The location of curb cuts;*

Response: Curb cut locations can be seen on sheets C-4: C-6. More specifically, the curb cut locations can be found at the intersection of North 8th Street and North 9th Street.

(f) *The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;*

Response: Location, dimensions and specifications of plants used is included on sheets L-1: L-3.

(g) *The proposed grading and drainage plans; [and]*

Response: Grading and draining plan is included on sheets C-9: C-11.

(h) *Specifications as to signs and bumper guards. (Ord. 2875 § 1.114.015, 2003)*

Response: The location of possible off-street parking spaces has been added to sheets C-5 and C-6. These parking space demarcations are for reference only and will not be striped as shown.

(h) Chapter 17.84 SHMC, Access, Egress, and Circulation;

[...]

17.84.25 Applicability of provisions

(3) *The applicant shall submit a site plan which includes:*

(a) *The location of the structures on the property and on the adjoining property;*

Response: Locations of all existing structures on the property and adjoining properties is included on sheet G-1.

(b) *The location of parking and loading areas and their dimensions;*

Response: The location of possible off-street parking spaces has been added to sheets C-5 and C-6. These parking space demarcations are for reference only and will not be striped as shown.

(c) *The location of the circulation area necessary to serve the spaces;*

Response: The circulation for the proposed development can be found on sheets C-4: C-6.

(d) *The location of the access point(s) on the site and on the adjoining properties and on both sides of abutting streets within 200 feet of the subject site;*

Response: Access locations are shown on sheet G-1 at the north end of the existing North 8th St and North 9th St roads.

(e) *The location of curb cuts on adjoining properties and on the subject site;*



Response: The current site plan shows all curb cuts. The adjoining properties do not have curb cuts within several hundred feet of the subject property.

- (f) *The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;*

Response: Location, dimension and species of all proposed plans are included on sheets L-1: L-3.

- (g) *The proposed grading and drainage plans; and*

Response: Proposed grading and drainage plan are included on sheets C-9: C-11.

- (h) *Specifications as to signs. (Ord. 2875 § 1.116.025, 2003)*

Response: The proposed development will only provide signage where required by the City of St. Helens Municipal Code. Currently, entrance monuments are proposed at both North 8th Street and North 9th Street entrances. A separate permit will be submitted for these monuments.

[...]

(i) Chapter 17.88 SHMC, Signs; and

[...]

17.88.020 General requirements

- (1) *Except as provided in SHMC 17.88.025, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.*
- (2) *Except as provided in SHMC 17.88.025, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and this code.*
- (3) *An application for sign permit approval is also subject to the procedures set forth in SHMC 17.88.130.*
- (4) *No owner shall erect or construct a sign on a site that contains unlawful signs.*
- (5) *This chapter shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of this chapter conflicts with a provision of any zoning, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.*
- (6) *This chapter is not intended to and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.*
- (7) *If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared invalid for any reason by a court having jurisdiction under state or federal law, the remaining portions of this chapter shall remain in full force and effect. (Ord. 3091 § 2, 2008)*

[...]

Response: The only proposed signs can be found on sheets L-1 and L-3 at the intersection of North 8th Street and North 9th Street. A stop sign as well as cross street signs are planned for this intersection.



(j) Chapter 17.124 SHMC, Accessory Structures;

[...]

17.124.030 Applicability of Provision

(1) Review of accessory structures by the director is required except for the following situations:

- (a) Buildings or structures within residential zoning districts which do not exceed 200 square feet in gross floor area and 15 feet or less in height, measured from base to highest point of the structure;*

[...]

Response: No accessory structures are proposed for this development.

Chapter 17.148 Planned Development

[...]

Chapter 17.184.120 SHMC, Approval standards

(3) In addition, the following criteria shall be met:

(a) Relationship to the Natural and Physical Environment.

- i. The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible (justification required);*

Response: The proposed streets, and site elements have been designed and located to preserve the existing wetlands, natural drainage patterns, and topography to the best extent as practical.

- ii. Structures located on the site shall not be in areas subject to ground slumping and sliding;*

Response: In reference to the Geotechnical Report dated May 10th, 2019; there are no areas prone to ground slumping and sliding.

- iii. There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;*

Response: The proposed development will only be for single family detached houses and does not include accessory buildings. The spacing between houses on site lots has been considered during the design of this development to meet the City of St. Helens Municipal code. Additionally, the layout of the proposed planned development has been designed to accommodate a double wide mobile home as required per pre-application conference held on June 1, 2021.

- iv. The structures shall be oriented with consideration for the sun and wind directions, where possible; [and]*

Response: The proposed development has been designed with consideration for the sun and wind directions.

- v. Trees with a six-inch caliper measured at four feet in height from ground level shall be saved where possible (justification required to cut down trees);*

How
DOUBLE WIDE'S
RANGE FROM
20-32'
WIDE



Response: A portion of the site has previously been logged. As part of this application, a sensitive lands application has been filled out for the logging activities. The proposed development plans for necessary tree removal for a public sanitary line as well as a pedestrian path. These areas will be replanted with native vegetation after the proposed sewer line is put in therefore the removal will not negatively impact erosion, soil stability, flow of surface waters, or water quality per 17.132.040. See sheets L-1: L-3 for more information.

(b) Buffering, Screening, and Compatibility between Adjoining Uses.

- i. Buffering shall be provided between different types of land uses (for example, between single-family and multiple-family residential, and residential and commercial);*

Response: As part of this planned development, screening will be provided where different land uses are next to one another as well as where residential uses are abutted to one another.

- ii. In addition to the requirements of the buffer matrix, the following factors shall be considered in determining the adequacy and extent of the buffer required under Chapter 17.72 SHMC:*

- (A) The purpose of the buffer, for example, to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;*
(B) The size of the buffer needs in terms of width and height to achieve the purpose;
(C) The direction(s) from which buffering is needed;
(D) The required density of the buffering; and
(E) Whether the viewer is stationary or mobile;

Response: Buffering has been designed in accordance with the buffer matrix provided under chapter 17.72 of the St. Helens Municipal Code as well as the summarized criteria.

- iii. On-site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on rooftops shall be provided and the following factors shall be considered in determining the adequacy of the type and extent of the screening:*

- (A) What needs to be screened;*
(B) The direction from which it is needed; and
(C) Whether the screening needs to be year-round;

Response: Screening has been designed considering the above criteria.

- (c) Privacy and Noise. Nonresidential structures which abut existing residential dwellings shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise;*

Response: All structures proposed as part of this development are for residential use. Where the proposed structures abut nonresidential structures, the required buffering and screening will be provided.

(d) Private Outdoor Area – Residential Use.

- i. In addition to the requirements of subsection (3)(d)(iii) of this section, each ground level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than 48 square feet;*



Response: Each structure will have an outdoor private area greater than 48 square feet.

- ii. Wherever possible, private outdoor open spaces should be oriented toward the sun; and*

Response: Private outdoor spaces will be orientated towards the sun where practical.

- iii. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space;*

Response: Private outdoor spaces have been designed to maximize the total amount of private space as practical. Additionally, screening has been designed in accordance with section 17.72.080 of the St. Helens Municipal Code.

(e) Shared Outdoor Recreation Areas – Residential Use.

- i. In addition to subsections (3)(e)(ii) and (iii) of this section each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:*
 - (A) Studio units up to and including two-bedroom units, 200 square feet per unit; and*

Response: Studio units up to and including two-bedroom units are not proposed as part of this development.

- (B) Three- or more bedroom units, 300 square feet per unit;*

Response: Four (4) bedroom units are proposed as part of this development. The required shared outdoor recreational space, totaling 19,817 square feet, which can be seen on sheets C-4 and L-1.

- ii. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;*

Response: The shared outdoor recreational space is located in an observable area from the end of the North 9th Street cul-de-sac bulb.

- iii. The required recreation space may be provided as follows:*
 - (A) It may be all outdoor space; or*
 - (B) It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; or*
 - (C) It may be all public or common space; or*
 - (D) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room, and balconies on each unit; or*
 - (E) Where balconies are added to units, the balconies shall not be less than 48 square feet;*

Response: The required recreational space is currently proposed as all public outdoor space.

(f) Access and Circulation.

- i. The number of allowed access points for a development shall be as provided in Chapter 17.84 SHMC;*



Response: The project site has two access points located at the ends of the existing North 8th St and North 9th St.

- ii. All circulation patterns within a development must be designed to accommodate emergency vehicles; [and]*

Response: The proposed roadway has been designed with a cul-de-sac radius that complies with the 2019 Oregon Fire Code standards found in Appendix D section D103 for an emergency vehicle turnaround. This can be found on sheets C-4: C-6.

- iii. Provisions shall be made for pedestrian and bicycle ways if such facilities are shown on an adopted plan;*

Response: Although bicycle facilities are not provided, bicyclists are able to ride on both North 8th Street and North 9th Street. Sidewalks have also been provided along all roadways to allow for safe pedestrian access.

(g) Landscaping and Open Space.

- i. Residential Development. In addition to the requirements of subsections (3)(d) and (e) of this section, a minimum of 20 percent of the site shall be landscaped;*

Response: A minimum of 20% of the site will be landscaped in accordance with sections 17.72 and 17.148.120 of the St. Helens Municipal Code.

- ii. Commercial Development. A minimum of 15 percent of the site shall be landscaped; and*

Response: The proposed development is a residential development. This standard does not apply.

- iii. Industrial Development. A minimum of 15 percent of the site shall be landscaped;*

Response: The proposed development is a residential development. This standard does not apply.

(h) Signs.

- i. In addition to the provisions of Chapter 17.88 SHMC, Signs:
(A) Location of all signs proposed for the development site; [and]*

Response: Location of all proposed signage is located on sheets L-1: L-3.

- (B) The signs shall not obscure vehicle drivers' sight distance;*

Response: Proposed locations of all signage is not within the vision clearance of all intersections on site.

(i) Parking.

- i. All parking and loading areas shall be generally laid out in accordance with the requirements set forth in Chapter 17.80 SHMC;*

Response: Parking and loading areas are included on sheet C-4: C-6.

- ii. Up to 50 percent of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space;*



Response: The proposed development currently will be utilizing single family detached homes.

- (j) *Drainage. All drainage provisions shall be generally laid out in accordance with the requirements set forth in Chapter 17.44 SHMC and the criteria in the adopted 1999 master drainage plan. (Ord. 2875 § 1.180.120, 2003)*

Response: Drainage plans are included and can be seen on sheets sheet C-9: C-11.

Chapter 17.08 SHMC Amendments to the Code and Zone District Maps

[...]

Chapter 17.08.040 SHMC, Quasi-judicial amendments and standards

[...]

(a) *A recommendation or a decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:*

(i) *The applicable comprehensive plan policies and map designation; and that the change will not adversely affect the health, safety, and welfare of the community;*

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Within this designation, single family detached homes were sought to be constructed instead of manufactured homes. As required per chapter 17.32.090 (4), standards for mobile home parks have been considered and integrated into this development. Through the zone amendment process, this development will not adversely affect the health, safety, or welfare of the community. With the zone amendment process, minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

(ii) *The applicable Oregon Statewide Planning Goals adopted under ORS Chapter 197, until acknowledgment of the comprehensive plan and ordinances;*

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Through the zone amendment process, minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

(iii) *The standards applicable of any provision of this code or other applicable implementing ordinance; and*

Response: The proposed development has been designed to be compliant with all regulations through the planned development zone amendment process. Minor changes have been made to R-5 zoning lot size standards in order to best preserve the natural topography and keep existing wetlands healthy.

(iv) *A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.*



Response: This development does not propose spot zoning. Through the zone amendment process, this development proposes minor changes to the R-5 lot size standards. These changes do not constitute spot zoning.

(b) Consideration may also be given to:

(i) Any applicable evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application. (Ord. 3215 § 4 (Att. D), 2017; Ord. 2875 § 1.020.040, 2003)

Response: The proposed development comprehensive plan designation is Mobile Home Residential. Within this designation, single family detached homes were sought to be constructed instead of manufactured homes. As required per chapter 17.32.090 (4), standards for mobile home parks have been considered and integrated into this development. This development will not preclude the option for manufactured homes to be constructed instead of single family detached homes. Under chapter 17.60.030 (1) the manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet. The proposed development utilizes lot sizes of at least 3,690 square feet and often larger than 4,000 square feet. Following with manufactured home development standards all lots have a 20-foot front yard setback, a 20-foot rear yard setback (10' except where not on perimeter of planned development) and a 4-foot side yard setback. All lots will be serviced by public facilities (water, sewer, electric, sidewalks, and streets). A summary table below shows the requirements of Mobile Home Residential Zoning district, if the planned development allows flexibility, and what requirements are proposed with this development.



STANDARD	MHR ZONING DISTRICT	PD ALLOWS FLEXIBILITY?	PROPOSED
Min. lot size	5,000 s.f. for detached single-family dwellings and duplexes	Yes	3,690 s.f.
Min. lot width at building line (interior lots)	50 feet	Yes	29 feet
Min. lot width at building line (corner lots)	50 feet	Yes	43 feet
Min. lot width at street (standard)	50 feet	Yes	29 feet
Min. lot width at street (cul-de-sac)	30 feet	Yes	30 feet
Min. lot width at street (flag lot)	20 feet	Yes	20 feet
Min. lot depth	85 feet	Yes	85 feet
Min. front yard (setback)	20 feet	Yes (except along perimeter of PD and for garage structures which open facing a street)	20 feet (20 feet along perimeter of PD and for any garage structure which opens facing a street)
Min. side yard (setback)	5 feet	Yes	4 feet
Min. rear yard (setback)	20 feet 10' 20 feet	Yes (except along perimeter of PD)	10 feet (except along perimeter of PD)
Min. interior yard (building/structure separation)	6 feet	No	6 feet
Max. building height	35 feet	Yes	35 feet
Max. lot coverage	Buildings and structures shall not occupy more than 40% of the lot area	No	Buildings and structures shall not occupy more than 40% of the lot area

5' FOR INTERIOR LOTS
 10' FOR SIDES
 OF CORNER LOTS
 ALONG STREET



Min. landscaping	25% of the lot area	No	25% of the lot area
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Chapter 17.132 SHMC, Tree Removal

[...]

Chapter 17.132.040 SHMC, Permit Criteria

(1) *The following approval standards shall be used by the director or designee for the issuance of a tree removal permit on sensitive lands:*

(a) *Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters, or water quality as evidenced by an erosion control plan which precludes:*

Response: There will be no measurable impacts because the area will implement proper erosion control measures. Additionally, the area will be replanted as shown in the landscaping plan to prevent long term impacts.

(i). *Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion; and*

Response: There will be no deposits of materials exceeding one-half cubic foot because due to proper erosion control measures such as sediment fence, inlet protection, construction entrances, etc. This development will be replanted as shown in the landscaping plan to prevent long term impacts.

(ii). *Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site.*

Response: There will be no evidence of concentrated, turbid, or sediment-laden flows because the area will implement proper erosion control measures as seen on sheet C-2. This development will be replanted as shown in the landscaping plan to prevent long term impacts.

(2) *Within stream or wetland corridors, tree removal must maintain no less than a 75 percent canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75 percent. (Ord. 2875 § 1.160.040, 2003)*

Response: Tree removal is proposed to only occur within the wetland buffer thus, the tree cover will not be decreased over the wetland.

Chapter 17.40 SHMC, Protective Measures for Significant Wetlands, Riparian Corridors, and Protective Zones

[...]

Chapter 17.40.055, General criteria for exceptions and other approvals



The appropriate approval authority shall approve or approve with conditions an application request within a significant wetland, significant riparian corridor or protection zone based upon findings that all of the following criteria have been satisfied and the conditions herein are imposed:

- (1) The extent and nature of the proposed alteration or development will not create site disturbances to an extent greater than the minimum required for the use;*

Response: Site disturbance will be limited to the greatest extent possible during construction and will only create disturbance that is required for the use.

- (2) No loss of wetland/riparian area and function:*

- (a) Any wetland or riparian area alteration permitted through an exception or other approval shall be mitigated to ensure that there is no net loss of functions or the spatial extent of wetlands or riparian area within the city of St. Helens;*

Response: Any and all impacts to wetlands or riparian areas will be mitigated as described within this section.

- (b) Any encroachment or change in on-site or off-site drainage which would adversely impact wetland or riparian characteristics have been mitigated;*

Response: The proposed development will not adversely impact wetland or riparian function but impacts will be mitigated.

- (3) Where natural vegetation has been removed due to alteration or development, erosion control provisions of the Community Development Code and "Engineering Department Public Facility Construction Standards Manual" shall be met;*

Response: Where natural vegetation has been removed, erosion control provisions and the Engineering Department Public Facility Construction Standards Manual will be used in order to minimize erosion and restore vegetation.

- (4) All applicable sensitive lands requirements of Chapter 17.44 SHMC have been met;*

Response: Sensitive lands requirements have been met for the applicable applications. See the sensitive lands narrative for more information.

- (5) Copies of all state and federal permit applications shall be submitted with development applications requiring compliance with this chapter. All required state and federal permits shall be obtained and copies provided to the city of St. Helens prior to alteration of the site;*

Response: A JPA (Joint Permit Application) has been submitted and has been approved by DSL in the attached "Removal-Fill Permit Application 62981-RF". Additionally, the U.S. Army Corps of Engineers permit has been issued.

- (6) The protection of the significant riparian corridor or significant wetland can be assured through restoration, enhancement, and other similar measures in the protection zone and the resource area. The following minimum restoration and enhancement shall be required as a condition of approval:*



-
- (a) *The applicant shall enter into a two-year contract for installation and maintenance of plant materials with the city. Financial security in an amount not less than 110 percent of the cost estimate for installation shall be provided. Within the time specified in the contract, the applicant shall remove noxious vegetation and restore or enhance with native plant materials and other approved resource enhancements all required portions of the protection or resource zone on the site, as well as restoration and enhancement in any associated contiguous resource area under the applicant's ownership or control;*

Response: It is understood that the applicant shall enter into a two-year contract for the installation and maintenance of plant materials with the city.

- (b) *Restoration and enhancement shall be on a 1:1 area basis or such greater ratios as specified in this chapter for the requested activity. Thus, at a minimum, for every 100 square feet of protection zone or resource area that is altered or used for development purposes, at least 100 square feet of the available remaining resource area and/or protection zone shall be enhanced or restored. Priority shall be given to removal of noxious vegetation and planting of native plant materials, including ground cover, under-story and canopy, in nonvegetated areas or areas where noxious plant species are removed. The number and type of plant materials shall be specified in the contract but shall at a minimum comply with the following requirements:*

- (i). *Only plant materials approved by the director shall be installed in the protection zone or the resource areas. Plant materials shall be of high quality;*

Response: Where mitigation is required, only plant materials approved by the director will be installed in the protection zone.

- (ii). *No noxious plants shall be installed and existing noxious materials shall be removed;*

Response: For all mitigation, no noxious plants will be planted and existing noxious materials/plants will be removed.

- (iii). *Plant materials shall consist of ground cover, under-story and canopy materials and shall be located in such a manner to maximize enhancement and restoration of the resource area and the protection zone, with particular emphasis on temperature reduction of watercourses, erosion control, and wildlife habitat enhancement;*

Response: All plant materials will consist of ground cover, under-story and canopy materials. Species will be native and will be selected with temperature reduction, erosion control and wildlife habitat enhancement in mind.

- (iv). *Installation standards within the required enhancement area be as follows:*

- (A) *Ground cover shall be hydro-seeded or planted at two-foot intervals or such other interval established by the approval authority as sufficient to attain coverage of the required area within the two-year contract period;*

Response: Ground cover will be hydro-seeded or planted at two-foot intervals to attain coverage of the required area after all disturbance has taken place for exposed soils.

- (B) *Under-story shall be minimum one-gallon materials planted at six-foot intervals or such other interval approved by the approval authority as sufficient to attain adequate coverage within the two-year contract period;*



Response: Understory landscaping will be at a minimum one-gallon in size and planted at six-foot intervals as required.

- (C) Canopy trees shall be planted at 20-foot intervals or such other interval as required to install all materials required for tree mitigation pursuant to the tree mitigation requirements of the Community Development Code;*

Response: For all mitigation, no noxious plants will be planted and existing noxious materials/plants will be removed.

- (D) Additional materials or other habitat enhancements are encouraged;*

Response: Additional material or habitat enhancements will be considered as mitigation for impacts is designed with the permit drawings.

- (v). As a condition of approval the applicant shall implement a management plan for the entire protection zone and resource areas under the applicant's ownership or control, including the areas restored and enhanced. The management plan must be approved by the city and shall be attached to the approval document. The management plan shall contain the following requirements and statements:*

Response: A management plan will be developed as part of the planned development process.

- (A) Identification of resource and protection zone management practices to be conducted and proposed intervals;*

Response: Resource and protection zone management practices to be conducted will be incorporated into the management plan.

- (B) Provisions for the perpetual maintenance of protection zone and resource areas by a responsible party;*

Response: Maintenance of the protection zone and resource areas will be maintained by a responsible party. The responsible party will be named within the management plan for the protection zone.

- (C) Provisions for the initial removal and ongoing management of exotic invasive vegetation and debris;*

Response: The initial removal and ongoing management of exotic invasive vegetation will be addressed within the management plan. Additionally, a responsible party will be listed within the management plan to ensure invasive species are removed as necessary.

- (D) Plans for the restoration and enhancement of any resource or protection areas with appropriate native plant material;*

Response: All disturbed areas within the protection areas will be planted with native vegetation as required.

- (E) Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies;*



Response: Maintenance of the protection zone and resource areas will be maintained by a responsible party. The responsible party will be named within the management plan for the protection zone.

(F) Provision for protective barriers around all trees and vegetation to be saved in accordance with minimum city standards, and prohibiting all activity within these areas during construction;

Response: Disturbance will be minimized to the greatest extent possible and all existing trees will be preserved if possible. Disturbance is only proposed within the protection zone and will not enter any wetland.

(G) Specific provisions for city enforcement of the management plan as contained in the city-approved sample management plan;

Response: When the management plan is created, it will be created utilizing the sample management plan and will have specific provisions for city enforcement of the management plan.

(H) Any additional measures deemed necessary to protect and maintain the functions and values of the wetlands, riparian corridors and protection zones (e.g., signage delineating preserve boundaries);

Response: Any and all measures will be taken in order to protect and maintain the functions and values of the wetlands. Additional measures will be detailed within the management plan.

(I) The following statements:

- (1) "There shall be no alteration of significant wetlands, riparian corridors or protection zones as delineated and shown on the attached plan" [attach reduced plan];*
- (2) "There shall be no alteration of the size, shape or design of an approved protection area or resource area without the approval by the City of St. Helens" (modification to original permit);*
- (3) "There shall be no amendment or change to this Management Plan without the approval of the City of St. Helens" (modification to original permit);*

Response: The above statements will be included within the management plan when submitted.

(c) The exception or other approval document shall be recorded in the public records to give notice of the protection zone and resource area restrictions and maintenance obligations and to ensure no further encroachment into the protection zone and resource area occurs;

Response: It is understood that approval documents will be kept as public record to ensure no further encroachment in the protection zone and resource area occurs.

(d) The applicant may dedicate a conservation easement or equivalent protection instrument to the city, homeowners association or a conservation organization, provided the form of the instrument



is approved by the city attorney and accepted by the council, if offered. Applicants should consult with their legal counsel or tax professionals about the tax advantages of conservation easements;

Response: A conservation easement is not proposed as part of this development.

- (e) The director or approval authority may impose such additional reasonable conditions to mitigate other identified impacts resulting from development on the site. (Ord. 2890 Att. A, 2003; Ord. 2875 § 1.091.055, 2003)*

Response: It is understood that additional conditions may be imposed from the impacts resulting from this proposed development.

Chapter 17.136 SHMC, Land Division – Subdivision

[...]

Chapter 17.136.060 Approval Standards – Preliminary Plat

- (1) The planning commission may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*
- (a) The proposed preliminary plat complies with the city's comprehensive plan, the applicable sections of this code and other applicable ordinances and regulations;*

Response: The proposed preliminary plat complies with the City of St. Helens comprehensive plan. A planned development overlay zone is being applied for concurrently with this application. The summary table above shows the requirements of Mobile Home Residential Zoning District, if the planned development allows flexibility, and what requirements are proposed with this development.

- (b) The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];*

Response: The proposed plat name, to the best of our knowledge, has not been used before. In the instance that the proposed plat name has been used, a new plat name will be chosen.

- (c) The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern; and*

Response: All streets and roads are laid out to conform to the plats of subdivisions and maps of partitions already approved for adjoining properties. All streets have also been designed to minimize the impact to natural topographic features (wetlands, drainages, etc.).

- (d) An Explanation has been provided for all common improvements.*

Response: All common improvements have been designed in areas that are accessible to the public. Open space has been designated to the east of North 9th Street to the eastern property boundary. Additionally, open common space has been designated behind lots 51 and 52 as a space to be enjoyed by residents of the planned development.

- (2) Lot Dimensions.*



-
- (a) Lot size, width, shape and orientation shall be appropriate for the location of the development and for the type of use contemplated, and:*

Response: Lot size, width, shape and orientation has been designed to preserve the natural topography of the site given the proposed use.

- (i). No lot shall be dimensioned to contain part of an existing or proposed public right-of-way;*

Response: All lot dimensions are dimensioned to not include any part of a proposed or existing Right-of-Way. See sheets C-4: C-6 for more information.

- (ii). The depth of all lots shall not exceed two and one-half times the average width, unless the parcel is less than one and one-half times the minimum lot size of the applicable zoning district; and*

Response: The proposed lots are less than one and one-half times the minimum lot size of the applicable zoning district (5,000 s.f.).

- (iii). Depth and width of properties zoned for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.*

Response: The proposed development is for residential use and is not for commercial or industrial purposed. This standard does not apply.

(3) Through Lots.

- (a) Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation, and:*

Response: No through lots are proposed as part of this development. This standard does not apply.

- (i). A planting buffer at least 10 feet wide is required abutting the arterial rights-of-way; and*

Response: No arterial streets are adjacent or are proposed as part of this development. This standard does not apply.

- (ii). All through lots shall provide the required front yard setback on each street.*

Response: No through lots are proposed as part of this development. This standard does not apply.

(4) Large Lots.

- (a) In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the approving authority may require that the lots be of such size and shape, and be so divided into building sites, and contain such site restrictions as will provide for the extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size, and:*

Response: All proposed lots are too small to be divided again at a future date. This standard does not apply.



-
- (i). *The land division shall be denied if the proposed large development lot does not provide for the future division of the lots and future extension of public facilities.*

Response: All proposed lots are too small to be divided again at a future date. This standard does not apply.

- (5) *Control of access to adjoining properties, including but not limited to continuation of streets, shall be granted to the city via reserve strips or language in lieu of reserve strips as a note on the plat. Generally, language in lieu of reserve strips is preferred.*

Response: The proposed development has been designed in such a manner that future development would likely not occur. With existing wetlands on-site, a future development would not be able to utilize a majority of the available land, thus, the proposed design does not accommodate the continuation of streets, utilities, etc.

- (6) *The planning commission may require additional conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations. (Ord. 3264 § 2 (Att. A), 2021; Ord. 2875 § 1.170.060, 2003)*

Response: Additional conditions that are required will be dealt with and incorporated into this development as necessary.

Chapter 17.136.120, Criteria for granting a variance

- (a) *There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;*

Response: With existing wetlands present throughout the site, the circulation and connectivity of streets was severely limited and requires a cul-de-sac to be longer than the maximum distance of 400' given the natural geographic constraints.

- (b) *The variance is necessary for the proper design or function of the subdivision;*

Response: In order to minimize the impacts to existing wetlands on-site and to satisfy the U.S. Army Core of Engineers and Department of State Lands Joint Permit Application the layout of the streets and lots were restricted. To minimize the total impact to existing wetlands, a cul-de-sac longer than 400' was required.

- (c) *The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; [and]*

Response: The proposed roadway has been designed with a cul-de-sac radius that complies with the 2019 Oregon Fire Code standards found in Appendix D section D103 for an emergency vehicle turnaround. The design of this cul-de-sac has been optimized for the given constraints and has been designed with public health, safety, and welfare of other property owners.

- (d) *The variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this code. (Ord. 2875 § 1.170.120, 2003)*



Response: Due to the natural topography of this site and the existing wetlands, it is necessary to extend the proposed North 9th Street past the 400' cul-de-sac maximum. Without exceeding the maximum, this would cause financial hardship on the development and likely would terminate this development.



Attachment A: DSL Permit



Oregon

Kate Brown, Governor

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

BEFORE THE DIRECTOR OF THE DEPARTMENT OF STATE LANDS OF THE STATE OF OREGON

In the Matter of Removal-Fill Permit)
Application 62981-RF) Proposed Permit Decision and Order;
) Notice of Right to a Hearing
By North 8th Street, LLC)

State Land Board

Kate Brown
Governor

Short and Plain Statement of the Permitting Decision: The permit application is approved because the Department of State Lands (DSL or the Department) has determined that, when carried out in compliance with all terms and conditions outlined in the permit, the proposed removal-fill activity is consistent with the protection, conservation, and best use of the water resources of this state and will not unreasonable interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and recreation. See ORS 196.825.

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

I. Applicable Law:

- a. ORS Chapter 196 governs removal fill permits in Oregon. The Department administers Oregon's Removal-Fill Law, Oregon Revised Statutes (ORS) 196.795 to ORS 196.990, which protects the state's wetlands and waterways. See ORS 196.805. Unless an exception applies, a person may not remove material from waters of this state or fill waters of this state without a permit from DSL. ORS 196.810. Waters of this state include the all-natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, the Pacific Ocean that is in the boundaries of this state, and other water bodies. ORS 196.800; Oregon Administrative Rule (OAR) 141-085-0515; OAR 141-093-0100.
- b. Specifically, the statutes that govern removal-fill permits in Oregon, including the permit application at issue in this case, generally include the following:

ORS 196.795 (Administration of State Removal or Fill Permits; General Permits);
ORS 196.800 (Definitions);
ORS 196.805 (Policy);
ORS 196.810 (Removal from Bed or Banks of Waters; Permits; Exceptions);
ORS 196.812 (Removal of Large Woody Debris);
ORS 196.815 (Permit Applications; Fees);
ORS 196.816 (Removal of Materials for Purpose of Maintaining Drainage and Protecting Agricultural Land);
ORS 196.817 (Removal or Fill General Permits);
ORS 196.818 (Wetland Delineation Reports; Fees);
ORS 196.820 (Smith Lake, Bybee Lake Prohibition);
ORS 196.825 (Permit Criteria; Consultation with Other Agencies);
ORS 196.830 (Estuarine Resource Replacement; Other Permit Conditions);
ORS 196.835 (Issuance of Permits; Procedure);
ORS 196.845 (Investigations and Surveys of Location); and
ORS 196.850 (Waiver of Permit Requirement; Notice; Review).

The full text of these statutes may be viewed online at:
https://www.oregonlegislature.gov/bills_laws/ors/ors196.html.

The full text of these statutes may also be inspected in person during normal business hours at:
Oregon Department of State Lands
775 Summer St NE STE 100
Salem, OR 97301.

- c. OAR Chapter 141, Division 85 implement the above statutory scheme and govern removal-fill permits in Oregon. The rules that govern removal-fill permits in Oregon, including the permit application at issue in this case, generally include the following:

Div. 85 Removal-Fill Authorizations:

OAR 141-085-0500 (General);
OAR 141-085-0506 (Policy);
OAR 141-085-0510 (Definitions);
OAR 141-085-0515 (Removal-Fill Jurisdiction by Type of Water);
OAR 141-085-0520 (Removal-Fill Jurisdiction by Volume of Material);
OAR 141-085-0525 (Measuring and Calculating Volume of Removal and Fill);
OAR 141-085-0530 (Exemptions for Certain Activities and Structures);
OAR 141-085-0534 (Exemptions for Certain Voluntary Habitat Restoration Activities);
OAR 141-085-0535 (Exemptions Specific to Agricultural Activities);
OAR 141-085-0540 (Types of Authorizations);
OAR 141-085-0545 (Fees; Amounts and Disposition);
OAR 141-085-0550 (Application Requirements for Individual Permits);
OAR 141-085-0555 (Individual Removal-Fill Permit Application Review Process);
OAR 141-085-0560 (Public Review Process for Individual Removal - Fill Permit Applications);
OAR 141-085-0565 (Department Determinations and Considerations in Evaluating Individual Permit Applications);
OAR 141-085-0575 (Permit Appeals);
OAR 141-085-0580 (Discovery in Contested Cases);
OAR 141-085-0585 (Permit Conditions, Permit Expiration Dates and Permit Transfer);
OAR 141-085-0590 (Renewal and Extension of Individual Removal-Fill Permits);
OAR 141-085-0595 (Permit Requirements and Interagency Coordination for Department of Environmental Quality Approved Remedial Action, Corrections Facilities, Solid Waste Land Fills and Energy Facilities);
OAR 141-085-0665 (Expedited Process for Industrial or Traded Sector Sites);
OAR 141-085-0676 (Emergency Authorizations);
OAR 141-085-0680 (Compensatory Mitigation (CM); Applicability and Principal Objectives);
OAR 141-085-0685 (Functions and Values Assessment);
OAR 141-085-0690 (Eligibility Requirements for CM);
OAR 141-085-0692 (Mitigation Accounting);
OAR 141-085-0694 (Special Requirement for CM);
OAR 141-085-0695 (Administrative Protection of CM Sites);
OAR 141-085-0700 (Financial Security for CM Sites);
OAR 141-085-0705 (Requirements for CM Plans);
OAR 141-085-0710 (Monitoring Requirements for CWM);
OAR 141-085-0715 (Mitigation for Temporary Impacts);
OAR 141-085-0720 (Mitigation Banking Purpose, Applicability and Policies);

OAR 141-085-0725 (Process for Establishing Mitigation Banks);
OAR 141-085-0730 (Establishment of Mitigation Credits);
OAR 141-085-0735 (Release, Use and Sale of Mitigation Credits);
OAR 141-085-0740 (Authorization for Mitigation Banks);
OAR 141-085-0745 (In-Lieu Fee Mitigation);
OAR 141-085-0750 (Payments to and Expenditures from the Oregon Removal-Fill Mitigation Fund);
OAR 141-085-0755 (Advance Mitigation); and
OAR 141-085-0768 (Advance Aquatic Resource Plans).

The full text of these rules may be viewed online at:

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=15700>.

The full text of these rules may also be inspected in person during normal business hours at:
Oregon Department of State Lands
775 Summer St NE STE 100
Salem, OR 97301.

II. Findings of Fact and Findings of Ultimate Fact:

1. The Department received a complete, written application from applicant on April 19, 2021, for the proposed removal-fill activity consisting of construction of a residential development and on-site wetland mitigation.
2. The Department circulated the complete application for 30-day public comment period May 25 to June 23, 2021, to parties including, affected local, state and federal agencies, affected tribal governments, adjacent landowners, and other parties requesting notification.
3. Public comments were received from Department proprietary staff, City of St. Helens Planning Department, and the Confederated Tribes of the Warm Springs and forwarded to applicant on June 24, 2021. Applicant was invited to respond to comments identified as relevant to the Removal-Fill Law: City of St. Helens Planning Department. The nature of those comments included the requirement of an updated Land Use Compatibility Statement.
4. Applicant provided satisfactory response to comments on July 9, 2021.
5. Based on all the information in the agency file in this matter, including the complete application, comments received, applicant response to comments, and the agency's own investigations, the Department concludes as to the determinations in ORS 196.825(1) and (4), OAR 141-085-0565(3), and OAR 141-093-0115:
 - a. The project described in the permit application and as conditioned in the proposed permit, is consistent with the protection, conservation, and best use of the water resources of this state as specified in ORS 196.600 to 196.905;
 - b. The project described in the permit application and as conditioned in the proposed permit would not interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation.
6. Based on all the information in the agency file in this matter, including the complete application, comments received, applicant response to comments, and the agency's own investigations, the Department concludes, as to the considerations in ORS 196.825(3), OAR 141-085-0565(4), OAR 141-093-0115.

- a. There is not an identified public need for the proposed fill or removal and social, economic, or other public benefits likely to result from the proposed fill or removal.
- b. There is not an identified economic cost to the public if the proposed fill or removal is not accomplished.
- c. The application describes three alternatives to the project for which the fill or removal is proposed. There are no practicable alternatives with lesser impact to waters of this state.
- d. The application describes three alternative sites for the proposed removal or fill. There are no practicable alternative sites with lesser impact to waters of this state.
- e. The proposed project conforms to sound policies of conservation because adverse effects to the aquatic resources have been reduced to the extent practicable and the proposed permit contains operating conditions for best management practices to further minimize adverse effects. No interference with public health and safety was identified in the application evaluation and public review processes.
- f. There is not a conflict with existing public uses of the affected waters or adjacent land uses identified in the application evaluation and public review processes.
- g. The proposed permit is conditioned on future local approval as described in the application's Land Use Compatibility Statement.
- h. The proposed fill and removal is not for streambank protection.
- i. The application describes compensatory mitigation in the form of permittee-provided on-site. The mitigation is sufficient to offset anticipated spatial and function attribute losses resulting from the proposed fill or removal.

III. Conclusions of Law:

Based on the factors laid out in ORS Chapter 196 and OAR Chapter 141, Division 85, including ORS 196.825, OAR 141-085-0565, and OAR 141-093-0115, DSL should approve the permit application as conditioned in the proposed permit.

IV. Proposed Order:

The Department proposes approving the permit application with conditions and based on the factors laid out in ORS Chapter 196 and OAR Chapter 141, Division 85, including ORS 196.825, OAR 141-085-0565 and OAR 141-093-0130.

As described below, you have the right to request a hearing within 21 days. Prior to the expiration of the 21-day period, this proposed permit decision is not the final agency order on the matter, and the permittee should be aware that the decision could be changed prior to the expiration of the 21-day appeal period—either because the permittee requests a contested case hearing, or as otherwise allowed under the removal fill law. A permittee who begins work under a permit prior to issuance of a final order does so with acceptance of this risk.

V. Hearing:

You are entitled to request a hearing based on this Proposed Order as provided by the Oregon Administrative Procedures Act (ORS chapter 183) and the administrative rules implementing the Administrative Procedures Act, OAR Chapter 137, Division 3. See ORS 196.825(7); OAR 141-001-0005; OAR 141-001-0010; OAR 141-085-0575; OAR 141-093-0130.

If you want a hearing, you must file a written request for a hearing with the Department no later than 21 calendar days from the date of the permit decision. See ORS 196.825(7); OAR 141-085-0575; OAR 141-093-0130. If you are a corporation, partnership, limited liability company, unincorporated association, trust, or government body, you must either have an attorney licensed to practice law in Oregon submit a request for a contested case hearing on your behalf or ratify your hearing request within 28 days. See OAR 137-003-0550.

The Department has determined that due to the complexity of removal-fill permitting, a general denial of the matters or a general objection to all permit conditions in the request for a contested case proceeding does not provide sufficient information for a fair and efficient contested case and a more specific request is warranted. OAR 141-085-0575. All requests for a contested case proceeding under this section shall include a specific list of issues for the contested case proceeding. OAR 141-085-0575. The requester may amend their request to include additional issues or clarify existing issues within 15 days of the date that the case is referred to the Office of Administrative Hearings. OAR 141-085-0575.

You may mail a request for a hearing to:

Department of State Lands
Aquatic Resource Management Program
775 Summer Street NE STE 100
Salem, OR 97301.

If you request a hearing, you will be notified of the time and the place of the hearing. See OAR 137-003-0525. You may be represented by legal counsel at the hearing. ORS 183.417; OAR 137-003-0550. Corporations, partnerships, limited liability companies, unincorporated associations, trusts and government bodies must be represented by an attorney except as provided in OAR 137-003-0555 or as otherwise authorized by law. OAR 137-003-0550. Legal aid organizations may be able to represent you if you have limited financial resources. You will be given information on the procedures, right of representation, and other rights of parties relating to the substance and conduct of the hearing before commencement of the hearing. See ORS 183.413.

VI. Jurisdiction and Authority to Hold a Hearing:

The Department has jurisdiction over the issuance of removal-fill permits pursuant to ORS Chapter 196, and specifically, ORS 196.810. A permit decision constitutes an order in a contested case. See ORS 183.310(2)(a); ORS 196.825(7). If timely requested, a hearing is held as laid out in ORS 183.411 to ORS 183.471, OAR Chapter 137, Division 3, ORS Chapter 196, and OAR Chapter 141, Division 85. ORS 196.825(7).

VII. Final Order and Defaults:

If a request for a hearing is not received by the Department within this 21-day period, your right to a hearing shall be waived and this Proposed Order shall become the Final Order by default. See ORS 196.825(7); OAR 141-085-0575; OAR 141-093-0130.

If you request a hearing and then either withdraw your hearing request, notify the Department or administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Department may issue a final order by default. See ORS 183.417.

If the Department issues a final order by default, it designates its file on this matter, including any materials submitted by you that relate to this matter, as the record for purposes of supporting its decision.

If you proceed to a contested case hearing, a Final Order will not be issued until after the hearing concludes. See ORS 183.464; OAR 141-085-0575; OAR 141-093-0130.

VIII. Federal Servicemembers Civil Relief Act:

Active duty servicemembers have a right to stay contested case proceedings under the federal Servicemembers Civil Relief Act. See *generally* 50 USC 3901 *et seq.* For more information, contact the Oregon State Bar (800-452-8260), the Oregon Military Department (503-584-3571), or the nearest United States Armed Forces Legal Assistance Office (<http://legalassistance.law.af.mil>). The Oregon Military Department does not have a toll-free telephone number.

Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
☎ 503-986-5200

Permit No.:	62981-RF
Permit Type:	Removal/Fill
Waters:	Wetland/Unnamed Drainage
County:	Columbia
Expiration Date:	October 12, 2022

NORTH 8TH STREET, LLC

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE REFERENCED APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder must obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands (DSL) and all duly authorized representatives of the Director must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, DSL makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee must defend and hold harmless the State of Oregon, and its officers, agents and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the permittee must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this permit. This permit does not relieve the permittee of an obligation to secure appropriate leases from DSL, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 503-986-5200.

Christopher Castelli, Northern Operations Manager
Aquatic Resource Management
Oregon Department of State Lands

Digitally signed by Christopher Castelli
Date: 2021.10.12 08:38:59 -07'00'

Authorized Signature

ATTACHMENT A

Permit Holder: North 8th Street, LLC

Project Name: North 8th Street Subdivision

Special Conditions for Removal/Fill Permit No. 62981-RF

READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. A copy of this permit must be available at the work site whenever authorized operations are being conducted.

- 1. Responsible Party:** By signature on the application, Shawn Clark is acting as the representative of North 8th Street, LLC. By proceeding under this permit, North 8th Street, LLC agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by DSL. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
- 2. Authorization to Conduct Removal and/or Fill:** This permit authorizes 0.67 acres of permanent wetland impacts, 0.05 acres of permanent waterway impacts, 0.17 acres of temporary wetland impacts and 375 linear feet of temporary waterway impacts (0.05 acres) with associated fill of material in T5N R1W Section 33DA, Tax Lot 700 in Columbia County, as referenced in the application, map and drawings (See Attachment B for project location), dated September 13, 2021. This permit also authorizes removal and fill activities necessary to complete the required compensatory mitigation.
- 3. Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation or operating conditions to comply with conditions imposed by other permits resulting in removal-fill activity must be approved by DSL prior to implementation.
- 4. DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project or require rectification in case of unforeseen adverse effects to aquatic resources or permit non-compliance.
- 5. DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

Pre-Construction

- 6. Local Government Approval Required Before Beginning Work:** Prior to the start of construction, the permittee must obtain a Subdivision preliminary plat, Sensitive Land Permitting and a Subdivision Variance (or Variances) will be required or a Planned Development application as an alternative from the City of St. Helens.

7. **Stormwater Management Approval Required Before Beginning Work:** Prior to the start of construction, the permittee must obtain a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), if one is required by DEQ.
8. **Pre-construction Resource Area Fencing or Flagging:** Prior to any site grading, the boundaries of the avoided wetlands, waterways, and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

General Construction Conditions

9. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
10. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) must be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
 - a. All exposed soils must be stabilized during and after construction to prevent erosion and sedimentation.
 - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures must be used to prevent movement of soil into waterways and wetlands.
 - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, must be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
 - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas must use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities must be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the work, they must be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
 - e. Where vegetation is used for erosion control on slopes steeper than 2:1, a tackified seed mulch must be used so the seed does not wash away before germination and rooting.
 - f. Dredged or other excavated material must be placed on upland areas having stable slopes and must be prevented from eroding back into waterways and wetlands.
 - g. Erosion control measures must be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
 - h. All erosion control structures must be removed when the project is complete, and soils are stabilized and vegetated.
11. **Fuels, Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, material treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Machinery and equipment staging, cleaning, maintenance, refueling, and fuel storage must be at least 150 feet

from OHW or HMT and wetlands to prevent contaminants from entering waters of the state. Refueling is to be confined to a designated area to prevent spillage into waters of this state. Barges must have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

12. **Archaeological Resources:** If any archaeological resources, artifacts or human remains are encountered during construction, all construction activity must immediately cease. The State Historic Preservation Office must be contacted at 503-986-0674. You may be contacted by a Tribal representative if it is determined by an affected Tribe that the project could affect Tribal cultural or archeological resources.
13. **Trenching in Wetlands:** During trenching or excavation, the top layer of soil must be separated from the rest of the excavated material and put back on top when the trench or pit is back-filled. If the native underlying soils are not used as bedding material and a coarser, non-native soil or other material is used, preventative measures such as clay or concrete plugs must be used so that underground hydraulic piping does not dewater the site and adjacent wetlands.
14. **Trenching in Bedrock Adjacent to Wetlands:** Where bedrock removal occurs within 25 feet from an avoided or mitigation wetland, drilling methods will be implemented instead of blasting to limit fracturing and draining the adjacent wetland.
15. **Temporary Ground Disturbances:** All temporarily disturbed areas must be returned to original ground contours at project completion.

Rectification of Temporary Impacts

16. **Site Rectification Required for Temporary Wetland Impacts:** Site rectification for temporary impacts to 0.17 acres of palustrine shrub scrub wetland and 375 linear feet of intermittent waterway must be conducted according to the rehabilitation plan in the compensatory mitigation plan. Failure to rectify the site may result in additional compensatory mitigation.
17. **Pre-construction Elevations Must Be Restored Within the Same Construction Season:** Construction activities within areas identified as temporary impact must not exceed two construction seasons and rectification of temporary impacts must be completed within 24 months of the initiation of impacts. However, if the temporary impact only requires one construction season, re-establishment of pre-construction contours must be completed within that same construction season, before the onset of fall rains.
18. **Woody Vegetation Planting Required:** Planting of native woody vegetation must be completed before the next growing season after re-establishment of the pre-construction contours.

Compensatory Mitigation

The following conditions apply to the actions proposed in the application received September 13, 2021. Compensatory mitigation will be accomplished by two methods: Payment-in-lieu and Permittee Responsible Mitigation.

Payment-in-Lieu

19. Payment-in-Lieu Mitigation: Wetland mitigation for the unavoidable loss of 0.29 acres of palustrine forested, slope wetland has been accomplished via payment to DSL's Removal-Fill Mitigation Fund in the amount of \$54,411.39. Once the authorized fill has commenced, the payment is non-refundable.

Permittee Responsible Mitigation

- 20. Personal Guarantee:** On North 8th Street LLC, Shawn Clark has provided a joint and several personal guarantee to ensure compliance with the mitigation obligation associated with this permit.
- 21. Notice of Business Entity Changes Required:** The permittee must make all reasonable efforts to maintain the business entity in active status until all mitigation obligations have been satisfied. North 8th Street, LLC must notify DSL 60 days prior to dissolution, bankruptcy, or changes in the shareholders or stockholders, limited partners, members, trustees, current beneficiaries or other principals of the business.
- 22. Acreage and Type:** Mitigation must be conducted according to the minimum acreages and methods described in the table below.

Acre	Credits	Cowardin, HGM Class	Method
0.53	0.35	PFO, Slope/Depressional	creation
0.03	0.02	PFO, Depressional	creation
0.02	0.01	PSS, Depressional	creation
0.58	0.38	Subtotal	Permittee responsible
0.29	0.29		PIL
0.87	0.67	Total combined mitigation	
Protected Buffer			
0.27		Forested, scrub shrub	

- 23. Mitigation Site Location:** The mitigation must be conducted on-site as shown on Figure 3 of the mitigation plan.
- 24. Timing of Mitigation Site Grading:** Mitigation site grading must be completed prior to or within the same construction season as the commencement of the wetland impacts.
- 25. Timing of Mitigation Site Planting:** Mitigation site plantings must be completed during fall and winter of the same year following grading as described in the Compensatory Mitigation Plan, p.13.
- 26. Signs Required:** Signs must be posted along the mitigation site perimeter stating that the area behind the sign is a protected site.
- 27. Long-term Protection of the Mitigation Site - Deed Restriction:** The mitigation site (buffer and mitigation wetlands) must be protected in perpetuity by recording the approved Declaration of Covenants and Restrictions and Access Easement (Protection Instrument) on the deed of the

property. The protection instrument must be approved and signed by DSL prior to recording with Columbia County. A copy of the recorded instrument must be sent to DSL with the post-construction report.

28. GIS Data: A georeferenced shapefile (.shp) must be submitted to DSL prior to mitigation site release that documents the spatial extent of the mitigation sites, including buffers. The shapefile must conform to the Oregon Lambert (Intl. Feet) projection.

29. Long-term Maintenance Required: Long-term site maintenance is required as described in the Compensatory Mitigation Plan in the application.

Monitoring and Reporting Requirements

30. Post-Construction Report Required: A post-construction report demonstrating as-built conditions and discussing any variation from the approved plan must be provided to DSL within 90 days of revegetation, which shall occur during the fall, winter, or spring immediately following the completion of grading within the required planting areas. The post-construction report must include:

- a. A scaled drawing, accurate to 1-foot elevation, clearly showing the following:
 - i. Finished contours of the site.
 - ii. Current tax lot and right-of-way boundaries.
 - iii. Photo point locations.
 - iv. Permanently and temporarily impacted wetland and waterway boundaries identified separately, with square foot listed.
- b. Photos from fixed photo points. This should clearly show the site conditions, and any signage, and fencing required.
- c. A narrative that describes any deviation from the approved plan.
- d. A copy of the recorded deed restriction or conservation easement.

31. Annual Monitoring Reports Required: Monitoring is required until DSL has officially released the site from further monitoring. The permittee must monitor the site to determine whether the site is meeting performance standards for a minimum period of 5 growing seasons after completion of all the initial plantings. Annual monitoring reports are required and are due by December 31. Failure to submit the required monitoring report by the due date may result in an extension of the monitoring period, forfeiture of the financial security and/or enforcement action.

32. Extension of the Monitoring Period: The monitoring period may be extended, at the discretion of DSL, for failure of the site to meet performance standards for the final two consecutive years without corrective or remedial actions (such as irrigation, significant weed/invasive plants treatment or replanting) or when needed to evaluate corrective or remedial actions.

33. Contents of the Annual Monitoring Report: The annual monitoring report must include the following information:

- a. Completed Monitoring Report Cover Sheet, which includes permit number, permit holder name, monitoring date, report year, performance standards, and a determination of whether the site is meeting performance standards.
- b. Site location map(s) that clearly shows the impact site and mitigation site boundaries.

- c. Site Plan that clearly shows at least the following:
 - i. The area seeded, with the square foot area listed.
 - ii. The area planted with trees and shrubs, with the square foot area listed.
 - iii. Current tax lot and right-of-way boundaries.
 - iv. Permanent monitoring plot locations that correspond to the data collected and fixed photo-points. These points should be overlaid on the as-built map.
 - v. PSS, PFO, waterways, avoided and restored wetland areas, and buffer clearly identified separately and the area (square foot or acreage) of each noted.
 - vi. Creation, restoration, and avoided wetland areas identified separately, with the square foot area of each listed.
- d. A brief narrative that describes maintenance activities and recommendations to meet success criteria. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
- e. Data collected to support the conclusions related to the status of the site relative to the performance standards listed in this permit (include summary/analysis in the report and raw data in the appendix). Data should be submitted using the DSL Mitigation Monitoring Vegetation Spreadsheet or presented in a similar format as described in DSL's Routine Monitoring Guidance for Vegetation.
- f. Photos from fixed photo points (include in the appendix).
- g. Other information necessary or required to document compliance with the performance standards listed in this permit.
- h. A post-construction functional assessment by the end of the monitoring period.

34. Corrective Action May Be Required: DSL retains the authority require corrective action in the event the performance standards are not accomplished at any time within the monitoring period.

Performance Standards

To be deemed successful, the mitigation areas including buffers must meet the following performance standards, as determined by DSL:

- 35. Establishment of Permanent Monitoring Locations Required:** Permanent plot locations must be established during the first annual monitoring in sufficient number and locations to be representative of the site. The permanent plot locations must be clearly marked on the ground.
- 36. Wetland Acreage Required:** The site will have a minimum acreage as shown in the Acreage and Type table above, as determined by a Wetland Delineation Light with data collected during spring of a year when precipitation has been near normal, vegetation has been established, and irrigation has been removed for at least two years. Acreage must be documented on a printed map and in a GIS shapefile (.shp) including attribute information for each unique wetland polygon identifying the size as well as HGM and Cowardin classes.

Shrub-dominated and Forested Wetlands

- 37. Native Species Cover:** The cover of native species, as defined in the USDA Plants Database, in the herbaceous stratum is at least 60%.
- 38. Invasive Species Cover:** The cover of invasive species is no more than 10%. A plant species should automatically be labeled as invasive if it appears on the current Oregon Department of

Agriculture noxious weed list, plus known problem species including *Phalaris arundinacea*, *Mentha pulegium*, *Holcus lanatus*, *Anthoxanthum odoratum*, and the last crop plant if it is non-native. Non-native plants should be labeled as such if they are listed as non-native on the USDA Plants Database. Beginning in Year 2 of monitoring, DSL will consider a non-native plant species invasive if it comprises more than 15% cover in 10% or more of the sample plots in any habitat class and increases in cover or frequency from the previous monitoring period. Plants that meet this definition will be considered invasive for all successive years of monitoring. After the site has matured to the stage when desirable canopy species reach 50% cover, the cover of invasive understory species may increase but may not exceed 30%.

39. **Bare Substrate Cover:** Bare substrate represents no more than 20% cover.
40. **Woody Vegetation:** The density of woody vegetation is at least 1,600 live native plants (shrubs) and/or stems (trees) per acre OR the cover of native woody vegetation on the site is at least 50%. Native species volunteering on the site may be included, dead plants do not count, and the standard must be achieved for 2 years without irrigation.
41. **Species Diversity:** By Year 3 and thereafter, there are at least 6 different native species. To qualify, a species must have at least 5% average cover in the habitat class and occur in at least 10% of the plots sampled.
42. **Moisture Prevalence Index:** Prevalence Index total for all strata is <3.0.

Upland Buffers

43. **Native Species Cover:** The cover of native species, as defined in the USDA Plants Database, in the herbaceous stratum is at least 60%.
44. **Invasive Species Cover:** The cover of invasive species is no more than 10%. A plant species should automatically be labeled as invasive if it appears on the current Oregon Department of Agriculture noxious weed list, plus known problem species including *Phalaris arundinacea*, *Mentha pulegium*, *Holcus lanatus*, *Anthoxanthum odoratum*, and the last crop plant if it is non-native. Non-native plants should be labeled as such if they are listed as non-native on the USDA Plants Database. Beginning in Year 2 of monitoring, DSL will consider a non-native plant species invasive if it comprises more than 15% cover in 10% or more of the sample plots in any habitat class and increases in cover or frequency from the previous monitoring period. Plants that meet this definition should be considered invasive for all successive years of monitoring. After the site has matured to the stage when desirable canopy species reach 50% cover, the cover of invasive understory species may increase but may not exceed 30%.
45. **Woody Vegetation:** The density of woody vegetation is at least 1,600 live native plants (shrubs) and/or stems (trees) per acre OR the cover of native woody vegetation on the site is at least 50%. Native species volunteering on the site may be included, dead plants do not count, and the standard must be achieved for 2 years without irrigation.

Financial Security

46. **Financial Security Required:** An Assignment of Deposit (financial security) in the amount of \$72,769.76 has been provided to DSL to ensure completion of compensatory mitigation in

accordance with the conditions of this permit. Failure to keep the Assignment of Deposit continuously in effect through the date of full performance of all the permit holder's obligations hereunder will constitute a violation and default of this permit by permit holder. If at any time DSL is notified that the performance bond is to be canceled or not renewed, and a replacement financial security is not in place before the termination date, DSL may declare the permit holder to be in breach or default of its performance obligation under this permit. DSL may claim the full unreleased portion of the penal sum of the financial security, which the holder must pay to DSL with 20 days after delivery of written notice to the holder of such financial security of such breach of default by permit holder.

47. Incremental Release of the Financial Security: The permit holder must file a written request with the agency for release of portions of this financial security. Portions of the financial security may be released at the discretion of DSL, based on the following schedule:

- a. 25% release upon approval of the post-construction report, site protection instrument recorded, and first growing season monitoring report showing site constructed as approved by DSL.
- b. 25% release upon demonstration that the required acreages of wetland have been confirmed by delineation of wetland hydrology and hydrophytic vegetation, and the site is meeting all applicable performance standards after two growing seasons.
- c. 50% release upon approval of the final monitoring report and demonstrated success of the mitigation project based on the performance standards listed in this permit. All performance standards must be met for the final two consecutive years without irrigation, substantial weed or invasive species treatment, or replanting.

Monitoring and Reporting Schedule

Report	Requirements	Schedule	Financial Surety Release Schedule
Post-Construction	Post-construction report Recorded Protection Instrument	90 days after completion of revegetation	
First Annual Report	Establishment of permanent monitoring locations Vegetation performance standards	After one growing season of all proposed plantings	25% upon approval of the first annual monitoring report and post-construction report. Site protection instrument recorded.
Second Annual Report	Vegetation performance standards	After two growing seasons	
Third and Fourth Annual Reports	Vegetation performance standards Actual acreage achieved by HGM and Cowardin class ¹ .	After three and four growing seasons, respectively. One "light delineation" should be completed during spring of a year when precipitation has been near normal and no irrigation has been in use during the previous two years	Up to 25% of original amount upon achieving wetland acreage confirmed by delineation of wetland hydrology and wetland vegetation, and meeting all applicable performance standards

Report	Requirements	Schedule	Financial Surety Release Schedule
Fifth Annual Report (or final report if the monitoring period has been extended)	Vegetation performance standards	After five growing seasons	Final 50% release upon meeting all performance standards. The performance standards must be met for the final two consecutive years without corrective or remedial actions (such as irrigation, significant weed/invasive plants treatment or replanting)

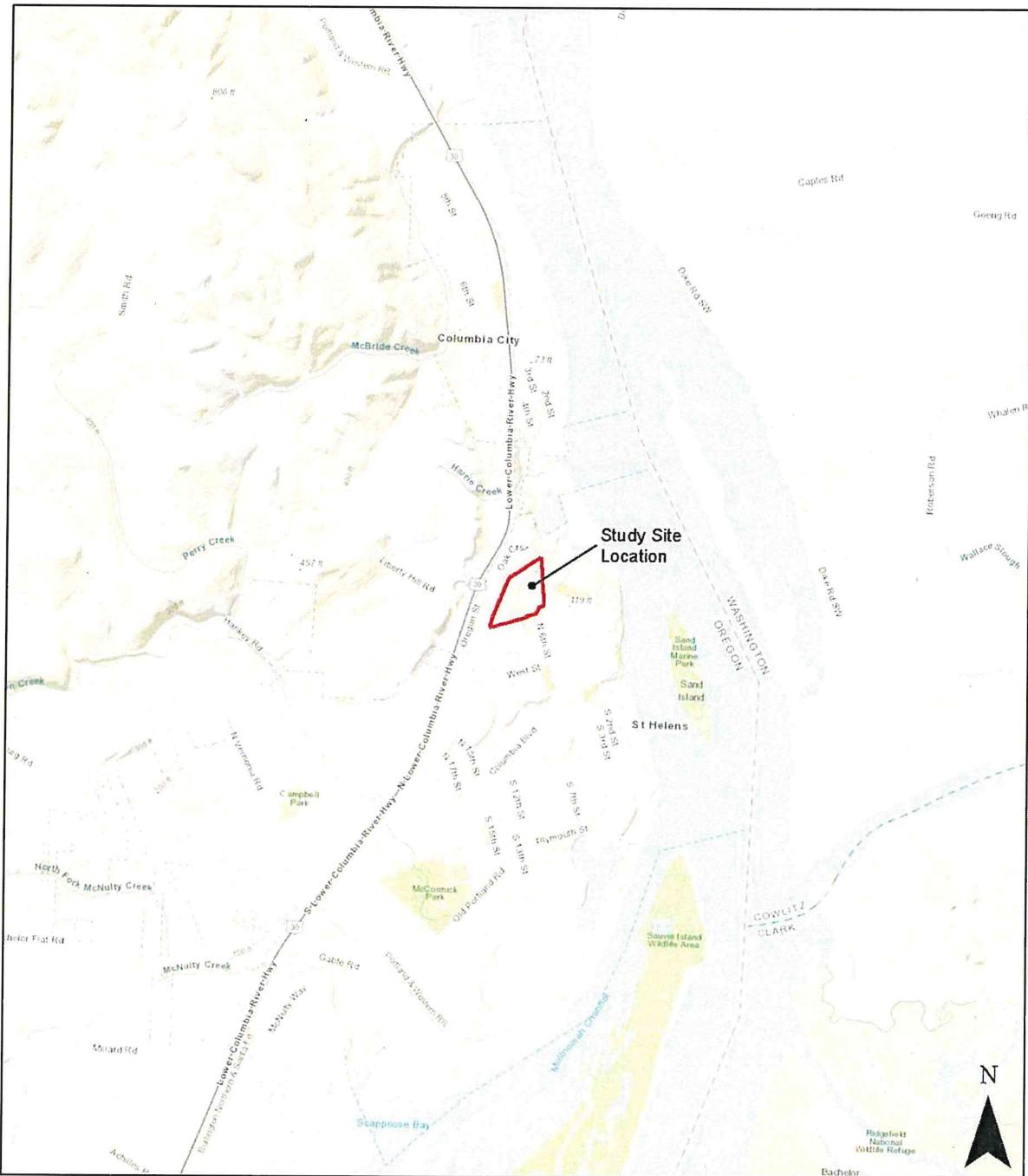
¹These requirements may be fulfilled any time during the monitoring period but must be received by DSL no later than the fifth annual monitoring.

ATTACHMENT B

Permit Holder: North 8th Street, LLC

Project Name: North 8th Street Subdivision

Maps and Drawings for Removal/Fill Permit No. 62981-RF



Date: 4/14/2021

1 inch = 0.6 miles

Data Source: ESRI, 2018

Figure 1. Location Map



Date: 4/14/2021

Data Source: Google Earth, 2020; Columbia
County GIS Dept., 2020

Figure 4. Recent Aerial Image -
July 18, 2019

JPA EXHIBITS

N. 8TH ST. SUBDIVISION ST. HELENS, OREGON

PROJECT TEAM

OWNER
N. 8TH ST., LLC
SHAWN CLARK
DENA WOMACK
76220 HEATH ROAD
RAINER, OR 97048
(312) 965-9637

ENGINEER
LOWER COLUMBIA ENGINEERING, LLC
ANDREW NIEMI, P.E.
HANNA OPDAHL
53840 MCNUITY WAY
ST. HELENS, OR 97051
(503) 368-0399

ECOLOGIST
SCHOTT & ASSOCIATES, LLC
KIM BIAFORA
JODI REED
21018 NW HWY 99E
P.O. BOX 589
AURORA, OR 97002
(503) 678-6028

DRAWING INDEX

G-1	PLOT PLAN, PROJECT TEAM & DRAWING INDEX
C-1	EXISTING CONDITIONS & VICINITY MAP
C-2	PROPOSED SITE PLAN
C-3	EROSION & SEDIMENT CONTROL PLAN
C-4	SITE CONSTRUCTION GRADING PLAN
C-5	STORMWATER MANAGEMENT PLAN
D-1	SITE CONSTRUCTION CROSS-SECTIONS
D-2	SITE CONSTRUCTION CROSS-SECTIONS & DETAIL
D-3	SITE CONSTRUCTION CROSS-SECTIONS
C-7	ALTERNATIVE PLAN (MORE IMPACT)
C-8	ALTERNATIVE PLAN (LESS IMPACT)

Phone (503) 368-0399



DATE: 04/12/2021
ISSUED
FOR APPROVAL



PLOT PLAN

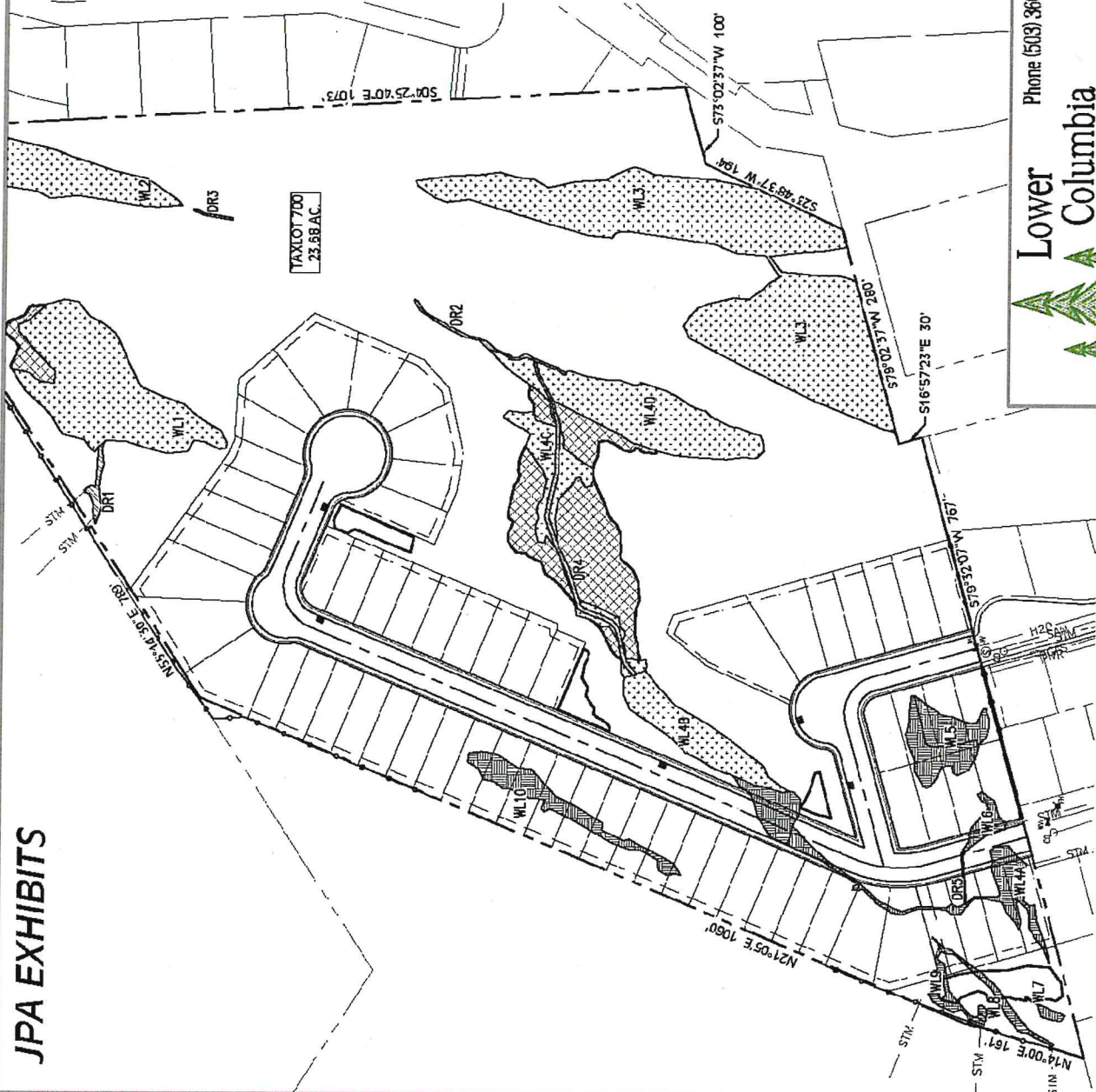
SCALE: 1" = 200'-0"

N. 8TH ST. SUBDIVISION

PLOT PLAN, PROJECT TEAM, & INDEX

SCALE: NOTED DATE: 04/01/21

BY: HBO A-3146-G-1



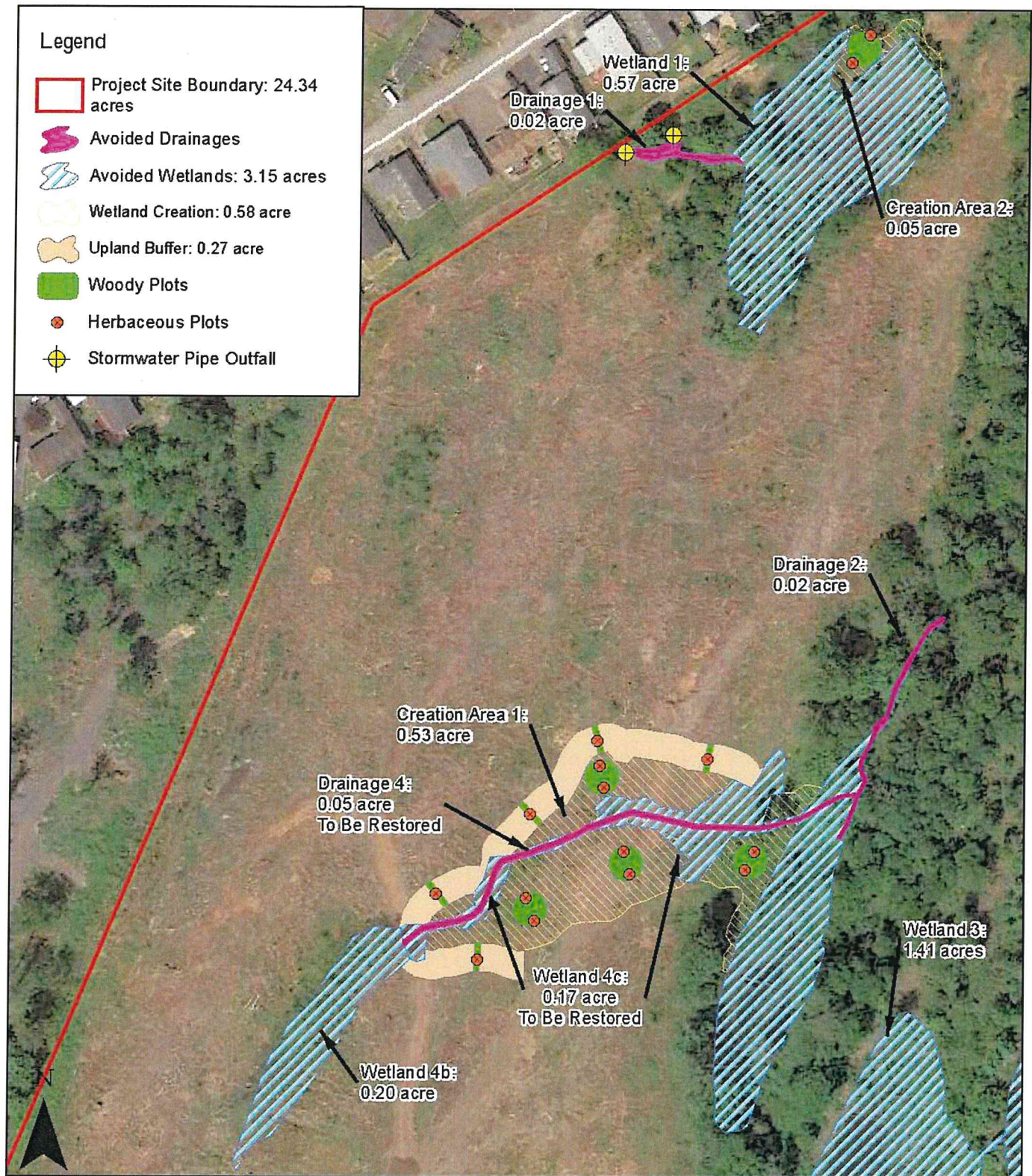


Figure 3. Mitigation Monitoring Map

Data Source: Google Earth, 2019; Columbia County GIS Dept., 2020

DENSITY CALCS



58640 McNulty Way
St. Helens, OR 97051
503.366.0399
lowercolumbiaengr.com

North 8th Street						Project No. 3146-01
Shawn and Dena Clark						St. Helens, Oregon
Density Calculations						January 2022
Density Calculations						
Mobile Home Residential						
Area (Acres)	14.9					
Lot Size (SF)	5,000					
Subtracted Area						
Wetlands (Acres)	1.68					
Open Space Area (Acres)	0					
Right-of-Way (Acres)	2.15					
Net Developable Area (AC)	11.07					
Maximum Number of Lots	96					
R-7 (Non Developed Section of Property)						
Area (Acres)	8.78					
Lot Size (SF)	7,000					
Subtracted Area						
Wetlands (Acres)	2.13					
Open Space Area (Acres)	0					
Right-of-Way (Acres)	0					
Net Developable Area (AC)	6.65					
Maximum Number of Lots	41					

RECEIVED
JAN 12 2022
CITY OF ST. HELENS