Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

January 28, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 008-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 8, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** **THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Thomas Hogue, Policy Analyst
Deanna Harris, Lane County

<paa> ya/

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF
JAN 22 2008
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Lane County**
Local file number: **PA 07-5588**
Date of Adoption: **1/16/2008**
Date Mailed: **1/18/2008**
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 10/18/2007

☐ Comprehensive Plan Text Amendment
☒ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment
☒ Zoning Map Amendment
☐ New Land Use Regulation
☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Plan Amendment from Industrial/Community to Park and Recreation/Community and rezoning from Rural Industrial/Community to Rural Park and Recration/Community.

Does the Adoption differ from proposal? Please select one
no

Plan Map Changed from: **I/C** to: **PR/C**
Zone Map Changed from: **RI/C** to: **RPR/C**
Location: **16-45-29 tax lot 1300** Acres Involved: **12.87 ac.**
Specify Density: Previous: New:
Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☒	☐	☒	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO
Did DLCD receive a Notice of Proposed Amendment...
45-days prior to first evidentiary hearing? ☒ Yes ☐ No
If no, do the statewide planning goals apply? ☐ Yes ☐ No
If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

DLCD # 008-07 (16482)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of State Lands, U.S. Army Corps of Engineers, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Lane County Transportation Planning, Oregon Department of Transportation.

Local Contact: **Deanna Harris** Phone: **(541) 682-4082** Extension:

Address: **125 E. 8th Avenue** Fax Number: **541-682-3947**

City: **Eugene** Zip: **97401-2926** E-mail Address: **Deanna.Harris@co.lane.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1244

IN THE MATTER OF ADOPTING AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "I/C"(INDUSTRIAL/COMMUNITY) TO "PR/C"(PARK AND RECREATION/ COMMUNITY); AND REZONING THAT LAND FROM "RI/C" (RURAL INDUSTRIAL/ COMMUNITY) TO "RPR/C" (RURAL PARK AND RECREATION/ COMMUNITY), MAP 16-45-29 TAX LOT 1300, AND ADOPTING SAVING AND SEVERABILITY CLAUSES. (Applicant: McKenzie Community Track & Field. File No. PA 07-5588).

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, in April 2007, application no. PA 07-5588 was made for a minor amendment to redesignate tax lot 1300 of map 16-45-29, from "Industrial" to "Park and Recreation" and concurrently rezone the property from "Rural Industrial/Community" to "Rural Park and Recreation/Community"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on December 4, 2007, and on January 15, 2008, recommended approval of the proposed amendment and rezoning; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted public hearings and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 1300 of map 16-45-29, from "Industrial/Community" to" Park and Recreation/Community", such territory depicted on Plan Plot 619 and further identified as Exhibit "**A**" attached and incorporated herein.

Section 2. Tax lot 1300 of map 16-45-29, is rezoned from "Rural Industrial/Community" (Lane Code 16.292) to "Rural Park and Recreation/Community" (Lane Code 16.295), such territory depicted on Rural Zoning Plot 619 and further identified as Exhibit "**B**" attached and incorporated herein.

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "C" attached, in support of this action.

The prior designation and zone repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED this 16th day of January, 2008.

Faye Stewart
Chair, Lane County Board of County Commissioners

Melissa L. Zeller
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 12-24-2007 Lane County

OFFICE OF LEGAL COUNSEL

EXHIBIT A

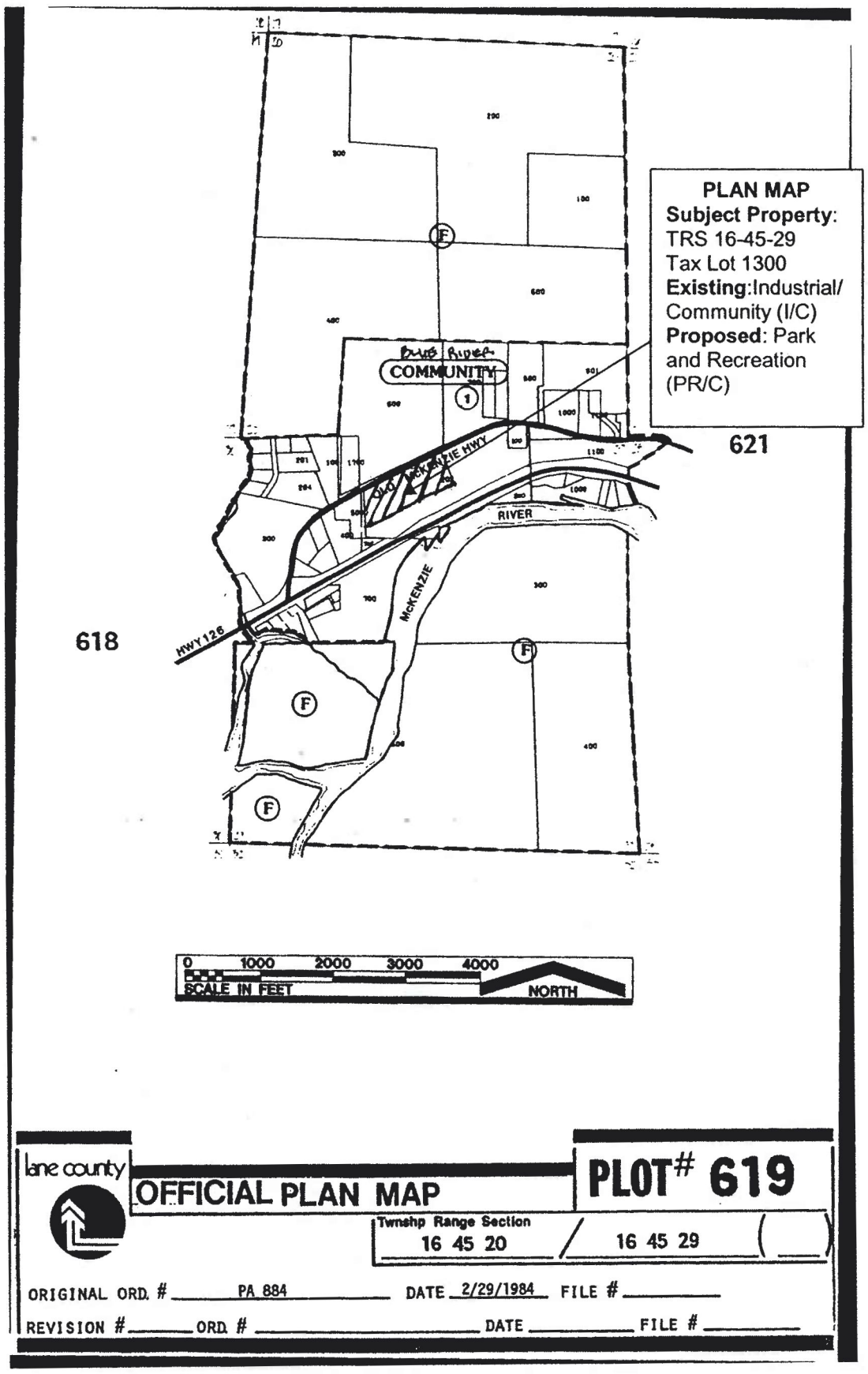
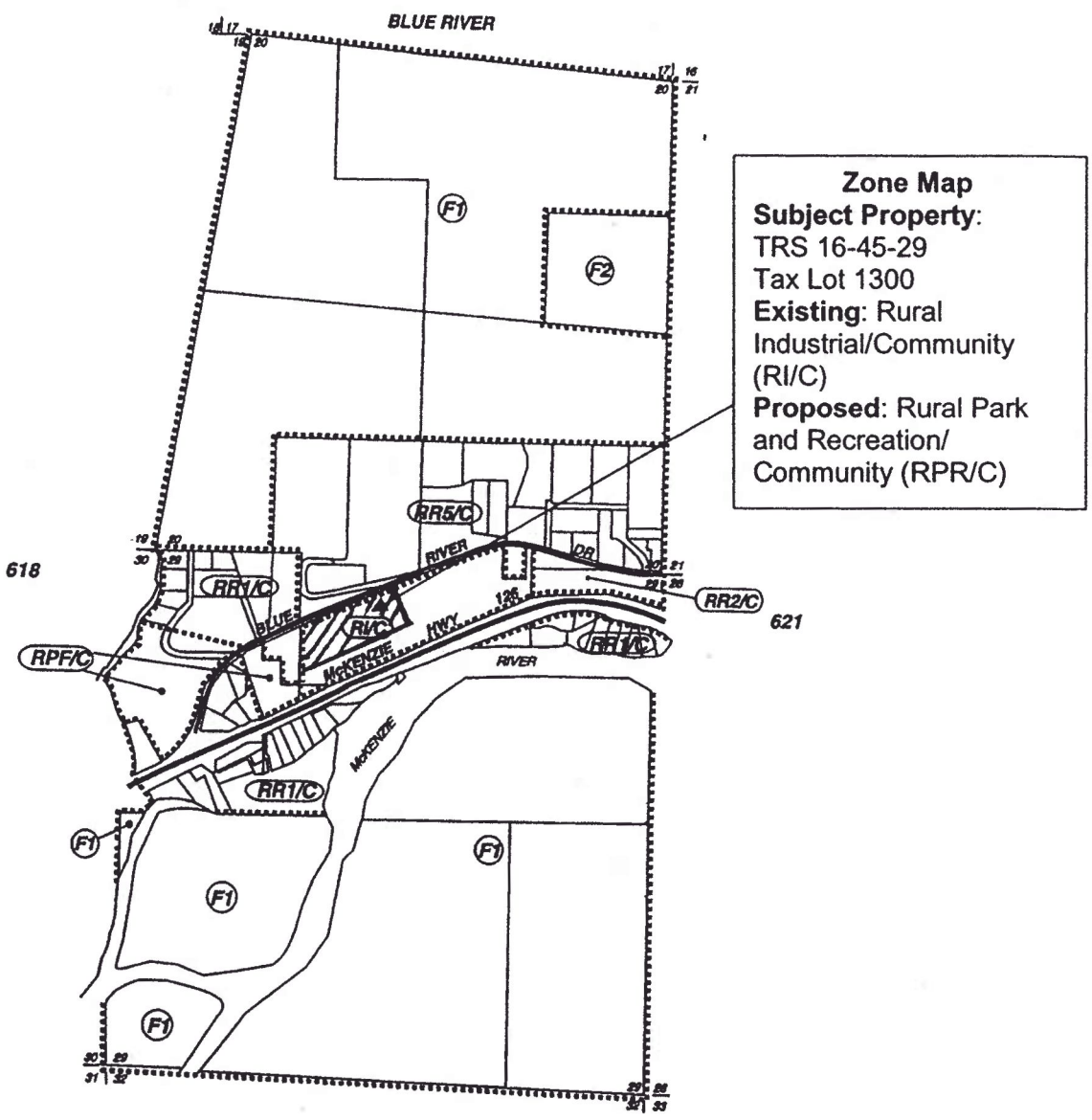

PLAN MAP
Subject Property:
TRS 16-45-29
Tax Lot 1300
Existing:Industrial/
Community (I/C)
Proposed: Park
and Recreation
(PR/C)
621
618
COMMUNITY
McKENZIE HWY
RIVER
McKENZIE
HWY 126
F
1
0 1000 2000 3000 4000
SCALE IN FEET
NORTH
lane county
OFFICIAL PLAN MAP
PLOT# 619
Twnshp Range Section
16 45 20 / 16 45 29 ( )
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #
REVISION # ORD. # DATE FILE #

EXHIBIT B



Zone Map
Subject Property:
TRS 16-45-29
Tax Lot 1300
Existing: Rural Industrial/Community (RI/C)
Proposed: Rural Park and Recreation/ Community (RPR/C)

The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county

OFFICIAL ZONING MAP

PLOT #619

Twnshp Range Section
16 45 20 / 16 45 29

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # ORD# DATE FILE #

Exhibit C

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PLANNING FILE NO. PA 07-5588

The following findings of fact support the decision by the Lane County Board of Commissioners to approve a minor amendment to the Rural Comprehensive Plan (RCP) and a concurrent zone change from Rural Industrial to Rural Park and Recreation for the subject property described below.

GENERAL FINDINGS

Finding 1: The subject property is a 12.87 acre parcel located in the western portion of the adopted and acknowledged unincorporated rural community of Blue River under Ordinance No. 884, in Lane County, Oregon and identified on the Tax Assessor's Map T16-R45-S29 as tax lot 1300.

Finding 2: The Applicant, McKenzie Community Track and Field, is the legal owner of this property.

Finding 3: Lands to the west are zoned Rural Residential (RR1/C and RR5/C) and Rural Public Facility (RPF/C). The northern boundary is abutted by Blue River Drive which provides access to the subject property and lands further to the north across the county road are zoned Rural Residential (RR5/C). Property to the east and south are zoned Rural Industrial (RI/C).

Finding 4: The current plan designation for this property is "Industrial/Community" (I/C). The current zoning for this property is identified as "Rural Industrial/Community" (RI/C).

Finding 5: The subject property identified as Tax Lot 1300 is considered a legally created lot, originally created on July 8, 1952, and approved in Planning File, PA 04-5322 Legal Lot Verification, and described in lot line adjustment Deed Instrument No. 2004-078071.

Finding 6: The Planning Commission held a public hearing to consider this application on December 4, 2007, and on January 15, 2008 recommended approval.

Finding 7: According to LC 16.400(8)(a)(i), this application is for a minor plan amendment because it involves only a change to the plan diagram and does not require any exceptions to Statewide Planning Goals. The land is zoned RI and therefore is already within a developed and committed exception area.

Finding 8: The applicant requests the change in zoning designation and plan amendment

to facilitate the development of a "track and field facility" on the land which is allowable through a special use permit in the Rural Park and Recreation Zone (RPR) subject to approval by the Planning Director in a subsequent action if these amendments are adopted by the Board of Commissioners. The approval of such a facility is not part of this application or Ordinance. Under the current Rural Industrial zone, a track and field facility is not allowed.

FINDINGS RELATED TO APPROVAL CRITERIA

The criteria for RCP amendments are identified in LC 16.400(6)(h)(iii).

According to LC 16.400(6)(h)(iii), the proposed amendment must be at least one of the five following tests:

(i-i) ***necessary to correct an identified error in the application of the Plan; OR***

(ii-ii) ***necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR***

(iii-iii) ***necessary to comply with the mandate of local, state or federal policy or law; OR***

(iv-iv) ***necessary to provide for the implementation of adopted Plan policy or elements; OR***

(v-v) ***otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.***

Finding 9: The proposed amendment meets *(ii-ii)* above for the following reasons:

- providing a much-needed recreational facility for local students and members of the Upper McKenzie community who are involved in track and field, cross country, soccer, and adult fitness activities;
- creating an outdoor science laboratory by developing the wetlands into an accessible and educational site for students and community members; and,
- fostering economic development by attracting neighboring schools, families and individuals to the facility for track events, invitational meets, soccer games, training camps and fitness activities.

Finding 10: The proposal also meets (v-v) above, as the Board of Commissioners finds that it is *desirable, appropriate, and proper* considering that:

- subject property was used for an industrial millpond until Seneca Sawmill's operations in Blue River were shut down in the 1970s;
- the property has not been in use since the sawmill operations were shut down; and,
- this plan amendment would provide an opportunity to use this vacant land in a

manner that serves the public interest (as described under Item ii-ii) and protects and restores Blue River's natural resources.

Conformity with RCP Goals and Policies, including Statewide Planning Goals (SWPG), and Oregon Administrative Rules, are required according to LC 16.400(6)(h)(iii)(aa).

Applicable SWPG Goals include: Goal No. 1 (Citizen Involvement), Goal No. 2 (Land Use Planning), Goal No. 3 (Agricultural Lands), Goal No. 4 (Forest Lands), Goal No. 5 (Open Space, Scenic and Historic Areas, and Natural Resources), Goal No. 6 (Air, Water and Land Resources), Goal No. 8 (Recreational Needs), and Goal No. 12 (Transportation). Discussion about compliance with each of these goals, and their applicable policies, as follows:

Finding 11: Goal No. 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. This application complies with Goal 1 because it is subject to Lane process provides the opportunity for citizen involvement in proceedings related to this application.

Finding 12: Goal No. 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan, and LC 16.252, which governs zone changes.

Finding 13: Goal No. 3 Agricultural Lands and Goal No. 4: To preserve and maintain agricultural lands and to conserve forest lands. Goal No. 3 and Goal No. 4 are not applicable to the subject property because the property already is an excepted area under Ordinance No. 884, that is developed and committed to non-resource uses.

Finding 14: Goal No. 5, Open Space, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces. The subject property is not listed on any county inventory of sites to be protected for energy production, water use, mineral and aggregate sites, or other historic resources. Therefore, the application request in not in conflict with Goal No. 5.

Finding 15: Goal No. 6, Air, Water and Land Resources: The proposed project will not increase erosion or sedimentation on the subject property because part of the project includes enhancing the site by planting native tree and shrubs. Several areas that are presently bare, as well as all areas that are made bare during construction, will be reseeded with a native upland grass mix.

Finding 16: Goal No. 8, Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. The primary purpose of the proposed project is to provide a track and field facility for the McKenzie Schools and local community that will also occasionally be used for local, state and regional track meets and provide opportunities for the community use and recreation.

Finding 17: Goal No. 12, Transportation: To provide and encourage a safe, convenient and economic transportation system. The Transportation Rule, Oregon Administrative Rules (OAR) 660-012-060, is to be addressed during the plan amendment process to determine if the proposal would significantly affect the existing County road system. The applicant submitted a minor traffic study conducted by an Oregon Engineer which concluded no significant impact to the nearby County road facility. It should be noted that prior to development of the proposed track and field facility, the applicant will need to submit an application for a Special Use Permit. The proposed use will need to demonstrate compliance with transportation criteria found in Lane Code 16.295(4) specifically (d-h). The approval of such a facility is not part of this application or Ordinance. The applicant intends to comply with applicable transportation issues and mentions, "that if at the time of a Special Use Permit application a Traffic Impact Analysis is required, that one will be prepared by the applicant."

Finding 18: Lane Code 16.252(2) states that "...*rezonings shall be consistent with the specific purposes of the zone classification proposed*, ..." The zone classification sought through this application is consistent with the *purpose* and *permitted uses* as defined in LC 16.295 for the "Rural Park and Recreation zone". Ordinance No. PA 1244 complies with this policy and requirement.

Finding 19: Rural Comprehensive Plan – General Plan Policies: Goal Two, Policy 15. d. Ordinance No. PA 1173 also established *McKenzie Watershed Land Use Policies* as part of the Rural Comprehensive Plan. Policy 15.d. specifically addressed "The former veneer mill site in Blue River (Assessor's Map 16-45-29, tax lot 202) is vacant land, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use."

The subject property, map 16-45-29, tax lot 1300, was a portion of the "former veneer mill site", tax lot 202, in 2002. The prior owner of the tract conducted Phase I and

Phase II environmental site assessments in 2002 and 2003 for the western area of tax lot 202 including the mill pond and current metes and bounds of the subject parcel, tax lot 1300. On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) notified the property owner, Seneca Sawmill Company that based on the two assessments no further action (NFA) is required under DEQ's Environmental Cleanup Program for the western portion of the former mill site unless new information becomes available indicating an additional investigation is necessary. On April 4, 2007, DEQ concluded stating the earthwork conducted on said property was not in violation and closed the case.

COMPLIANCE WITH CRITERIA FOR UNINCORPORATED COMMUNITIES

This application for a plan amendment and zone change is subject to **OAR 660-022-0030**, Planning and Zoning for Unincorporated Communities, which provides in relevant part:

(1) Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

Finding 20: ORS 197.610 sets forth the process by which a local government provides notice of a proposed comprehensive plan amendment to the Director of the Department of Land Conservation and Development (DLCD) and by which DLCD may participate in the local government proceeding. Once a comprehensive plan amendment has been amended, ORS 197.615 describes the process by which a local government provides notice to the Director of DLCD. ORS 197.620 identifies who has standing to appeal, and ORS 197.625 provides when a comprehensive plan amendment is considered acknowledged. Staff has mailed notice to DLCD as a statutory requirement.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

Finding 21: The new use of the subject property as a track and field facility will not adversely affect agricultural or forestry uses considering that the property has not been used for either purpose since the industrial millpond was closed in the 1970's. In addition, the parcels immediately adjacent to the subject property are zoned either Rural Residential or Rural Public Facility, and therefore do not constitute resource land (i.e. agricultural or forest land). Further north and south of Blue River nearby parcels are zoned F1 and F2, which indicate Forest Land Districts. However, this proposal does not contemplate development that would adversely affect the resource uses of these forest lands. The forest lands located north of the subject property are at a higher elevation, which creates a natural physical barrier between the different types of uses.

Immediately adjacent to the north of the subject property, Blue River Drive provides an additional barrier between the proposed facility and upland resource land. The forest lands located south of the property are on the opposite side of Highway 126 (and mostly on the opposite side of the McKenzie River), which also creates a physical barrier. Considering that the subject property is immediately surrounded by nonresource land and that the proposal requires minimal development of the subject property, the proposed uses of the track and field facility will not adversely affect agricultural or forestry uses. Rather, the proposal will provide a safe and convenient place at which local community members can recreate and appreciate the natural environment without increasing pressure on local forest lands.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Finding 22: This criterion requires the applicant to determine whether a comprehensive plan amendment would significantly affect an existing or planned transportation facility. A transportation facility is defined as a "physical system, including any portion thereof, that moves or assists in the transport of people, animals, or goods, including roads, bicycle, pedestrian, and equestrian paths, rail lines, airport facilities, port facilities, and pipelines, and excluding electricity, water and sewerage systems." The existing transportation facilities in Blue River include the McKenzie Highway and Blue River Road. According to the Lane County Transportation System Plan ("Lane County TSP"), there are no rail lines, airport facilities, port facilities, or pipelines serving the community of Blue River. There are no planned transportation facilities in Blue River. The first consideration is whether the proposed certified track and field facility will change the functional classification of an existing or planned transportation facility. See OAR 660-012-0060(1)(a). As stated in the Lane Code, the functional class definitions only apply to County Roads as defined in LC 15.010(35). Blue River Drive is a County Road, and therefore is addressed below. The McKenzie Highway, however, is a State Road; therefore, it is not subject to Lane County's functional classification system, and is not considered in this analysis. Blue River Drive is classified as a Rural Minor Collector road. As discussed with respect to Statewide Planning Goal 12, the proposed track and field facility will be used primarily by McKenzie school students and members of the Blue River community. In response the applicant obtained the services of an Oregon Engineer to conduct a minor traffic study to examine OAR 660-012-0060. The report concluded that no significant impact to the nearby County road facility would result. It should be noted that prior to development of the proposed track and field facility, the applicant will need to submit an application for a Special Use Permit. The proposed use will need to demonstrate compliance with transportation criteria found in Lane Code 16.295(4) specifically (d-h). The approval of such a facility is not part of this application

or Ordinance. The applicant intends to comply with applicable transportation issues and mentions, "that if at the time of a Special Use Permit application a Traffic Impact Analysis is required, that one will be prepared by the applicant."

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

Finding 23: The zoning of the subject property as Rural Park and Recreation will not result in public health hazards or adverse environmental impacts. The purpose of the proposed development is to provide a much-needed recreational facility for the community of Blue River. It will provide a direct benefit to the public school system and its students, who will have a safe place to train for and compete in their meets and competitions. It will also provide a direct benefit to local community members, who will use the facility for the recreational and educational uses associated with a track, soccer fields, hiking trail, and outdoor wetlands laboratory. This facility will not create public health hazards, but will rather reduce the risk of accidents that may occur when the local cross country team runs on the McKenzie Highway. With respect to adverse environmental impacts, the prior owner, Seneca Jones, provided for two environmental assessments in 2002 and 2003 for the western area of Tax Lot 202, including the mill pond and current metes and bounds of the subject parcel, Tax Lot 1300. On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) issued a letter to Seneca Jones, stating that based on the two environmental assessments no further action is required under DEQ's Environmental Cleanup Program. Since then, the DEQ, the Oregon Department of State Lands (DSL), the Environmental Protection Agency (EPA), and the Army Corps of Engineers have responded to complaints regarding potential contamination issues; however, each agency has determined that the property is not in violation of the applicable state or federal laws, and therefore no enforcement actions have been taken. In addition, the applicant contracted with Environmental Solutions LLC to conduct a Wetland Delineation Report. As described in the Wetland Delineation Report and discussed above with respect to Statewide Planning Goal 5, the proposed project has been designed to minimize impacts to the onsite and adjacent wetlands; in fact, the only wetland impact associated with the project design is a trail crossing over the narrowest section of wetland between the log pond dike and the track and field facility. The total area of wetland impact is estimated to be 0.005 acres.

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Finding 24: This proposal will not exceed the carrying capacity of the soil because the applicant will take appropriate measures to prevent erosion and sedimentation as discussed above. In addition, the proposed track and field facility will not exceed the carrying capacity of existing water supply resources and sewer services because it will rely mostly on independent providers rather than on municipal services. The facility will utilize a septic tank rather than services extended to the site from a centralized off-site facility. Solid waste will be collected and processed by a private collection and disposal service, and water will be provided by the Blue River Water District.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

Finding 25: The proposed comprehensive plan amendment and zone change are consistent with the Lane Code, Rural Comprehensive Plan, and Transportation System Plan for the reasons discussed throughout this application.

Finding 26: The proposed comprehensive plan amendment and zone change application relied upon supporting documentation for approval to establish compliance and are adopted and incorporated by reference as supporting documentation as follows:

Attachment A-1: Applicant's revised application
Attachment A-2: Engineering Traffic Study, dated December 4, 2007
Attachment A-3: Applicant's supplemental memo, dated December 11, 2007
Attachment A-4: Applicant's supplemental memo, dated December 14, 2007

Exhibit C A-1

LAND MANAGEMENT DIVISION

GENERAL LAND USE APPLICATION

PUBLIC WORKS DEPARTMENT *125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807*

For Office Use Only: FILE # 075588 CODE: PAZC FEE: $7,580.50 RMS

Applicant (print name): McKenzie Community Track and Field

Mailing address: 51480 Blue River Dr., Blue River, OR 97413

Phone: 541 822 3744 Email: Geojetch@aol.com

Applicant Signature: George A Letchworth

Agent (print name): Joseph J. Leahy, Attorney; Alyssa Johl, Law Clerk

Mailing address: 223 A Street, Suite D, Springfield, OR 97477

Phone: 541-746-9621 Email: jjl@haroldleahy.com

Agent Signature: Joseph J Leahy fax 746 4109

Land Owner (print name): McKenzie Community Track and Field

Mailing address: 51480 Blue River Dr., Blue River, OR 97413

Phone: 541 8223044 Email: McKenzieCTF@Aol.Com

Land Owner Signature: George A Letchworth Ex. Dir.
George Letchworth

LOCATION

Township	Range	Section	Taxlot
16	4S	29	1300

Site address: On the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie schools and one mile west of the town of Blue River.

PROPOSAL. In one sentence, identify what you are proposing.

This application seeks a Comprehensive Plan Amendment and Zone Change from Rural Industrial to Rural Park and Recreation for a 12.87-acre site. The subject property is designated as a developed and committed exception area. See Lane County Ordinance No. PA 884 (Feb. 29, 1984).

Version 12-05

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

No

SITE PLAN A site plan must be included. Refer to the handout entitled "How to prepare your plot plan". Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ACREAGE: 12.87 See Exhibit A

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer):

(State Hwy) (County Rd) Public Rd Private Easement

126 to Blue River Drive

GENERAL ACCESS REQUIREMENTS

Access to the site must comply with Lane Code Chapter 15. All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the site must past a two part test. First, the site must have legal access. Second, that access must be reasonably safe and useable.

First: A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

____ (A) Was created in an approved and recorded land division; or

____ (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or

XX (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or

____ (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or

____ (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

Second: A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

XX (A) a County-maintained road or State-maintained road, or

____ (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

EXISTING IMPROVEMENTS Does the property contain any roads, structures, etc.?

See "Subject Property Description" and Citizen Involvement attached application

gravel parking, culvert, wood chip path, cargo carrier, dike, kiosk.

PHYSICAL FEATURES: Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

See Subject Property Description in attached Application.

APPROVAL CRITERIA

What criteria are applicable to this application? List the Chapter, Sections(s) and Subsection(s) from the Lane Code. For example: F2 (Impacted Forest) LC 16.211.

Comprehensive Plan Amendment and Zone Change

Base Zone: Rural Industrial to Rural Park and Recreation, subject property is a developed and committed exception area.

Approval Criteria: ORS 197.175(2)(a), LC 16.400, Plan Amendment, LC 16.252, Zone Change, OAR 660-004-0018

Combining Zone(s): See discussion in attached Application.

WRITTEN STATEMENT

Explain your proposal. Attach additional pages if necessary. See attached McKenzie Community Track and Field Comprehensive Plan Amendment and Zone Change Application.

McKenzie Community Track and Field
Comprehensive Plan Amendment and Zone Change Application

I. INTRODUCTION

This application seeks a Comprehensive Plan Amendment and Zone Change from Rural Industrial to Rural Park and Recreation for a 12.87-acre site (Tax Lot #1300) on the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie schools and one mile west of the town of Blue River. See Exhibit A, Lane County Official Zoning Map, Plot #619. The subject property is designated as a developed and committed exception area. See Lane County Ordinance No. PA 884 (Feb. 29, 1984).

Subject Property Description

The site is located on a bench approximately 2,000 feet north of the McKenzie River and 50 feet in elevation above the River. The majority of the subject property is relatively level at 990-91 feet as it is located predominantly on fill placed in a historic logging pond. The fill is approximately 6-8 feet deep on the log pond. Portions of the 6-8-foot tall dike that enclosed the old log pond are still present on the site. A roadside ditch along the south side of Blue River Drive is located between the dike and the road in the northwest portion of the former log pond. This ditch is 6 feet lower than both the dike and the road. The wetland drainage direction is to the southwest. See Exhibit B, Joint Permit Application Form submitted to Army Corps of Engineers.

Present use of the land adjacent to the subject property to the west is single family residential. Blue River Drive is located north of the property, and vacant land owned by Seneca Jones Timber Company is located to the south and east. The McKenzie Highway and McKenzie River are south of the subject property by approximately 1500-2000 feet. See Exhibit B, Joint Permit Application Form.

Historical Background

The site and surrounding area were converted from pasture use to a log pond and mill site in 1950, see Exhibit C, Aerial Photos from 1936 and 1945, when Everett Armstrong and Hal Andrus built the AA lumber mill on the outskirts of Blue River, see Exhibit C, Aerial Photos from 1952 and 1959. Material from the log pond excavation was used to complete a perimeter dike to contain water in the log pond, which was filled by pumping water from the McKenzie River. In 1952, Everett bought out Hal Andrus and operated the mill until the 1960s when it was sold to Forrest Solomon. See Exhibit C, Aerial Photos from 1967 and 1972, see also Exhibit B, Joint Permit Application Form.

The subject property was used as a mill pond until the 1970s, when the mill was closed. Shortly after, the mill pond was filled by Seneca Sawmill (now Seneca Jones Timber Company) in collaboration with the Forest Service. See Exhibit C, Aerial Photos from 1980, 1981, 1991, 1994

and 2002. The land has not been used for industrial purposes or otherwise since the mill pond was shut down. See Exhibit B, Joint Permit Application Form.

Proposal

The primary objective of this application is to rezone the property in question so that it can be used for recreational uses, specifically as a track and field facility. This facility will provide benefit to McKenzie School District #68 students, the local community, and visitors to the Upper McKenzie Valley. In addition to two soccer fields and a track for track meets and community use and recreation, this application proposes construction of other park amenities and facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building. Further, the proposed project will promote and enhance wetlands protection by establishing an outdoor wetlands laboratory as well as an accessible educational site. See Exhibit D, McKenzie Community Track and Field, Executive Summary and Vision Statement.

The proposed project will increase the recreational as well as economic opportunities in the Blue River community by providing a state-of-the-art track and field facility that attracts schools and individuals to the area for local and regional events, meets, training camps, and fitness activities. See Exhibit D, McKenzie Community Track and Field, Executive Summary and Vision Statement.

Seneca Jones Timber Company conducted two environmental assessments, Phase 1 and Phase 2 Environmental Site Assessments, which have been approved by the Oregon Department of Environmental Quality. See Exhibit E, Letter from Paul S. Rosenberg, DEQ Western Region Site Assessment Section (Apr. 19, 2004). In addition, the applicant contracted with Environmental Solutions LLC to conduct a Wetland Delineation Report. See Exhibit F, Wetland Delineation Report for the McKenzie Community Track and Field Project Area (Oct. 2006). Two letters from the Oregon Department of State Lands indicate that the "wetlands identified within the study area are the remaining areas of the log pond and are non-jurisdictional" pursuant to OAR 141-085-0015(5g). See Exhibit G, Letters from Oregon Department of State Lands (Nov. 6 and 7, 2006).

This application addresses the ways in which the proposed project complies with the Statewide Planning Goals, the applicable Rural Comprehensive Plan policies, and the applicable Lane Code criteria as discussed below.

II. COMPLIANCE WITH STATEWIDE PLANNING GOALS

Pursuant to ORS 197.175(2)(A), amendments to local comprehensive plans and code must comply with the Statewide Planning Goals approved by the state's Land Conservation and Development Commission (LCDC). For individual applications such as this, compliance with relevant goals must be addressed by the County. This section explains why the proposal complies with each Statewide Planning Goal.

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

This application complies with Goal 1 because it is subject to Lane County's public process for individual plan amendments and zone changes. This process provides the opportunity for citizen involvement in proceedings related to this application.

In addition, the applicant, McKenzie Community Track and Field, has involved the members of the Blue River community in the planning process by holding monthly and sometimes bi-weekly and weekly meetings to solicit feedback and support for the project. Local business owners, the McKenzie Schools, and community members have actively participated in the development of the proposed track and field facility. McKenzie Community Track and Field has received over $375,000 in contributions from over 150 individual donors.

In addition, over 100 individuals have donated their time and equipment during volunteer workdays. On April 22, 2006, 40 volunteers participated in a workday from approximately 9 to 4 pm. Their activities included: cleaning up large rocks, wood, metal and trash; removing Scot's broom and blackberry vines; clearing the top of the dike surrounding the wetlands to make it more accessible for McKenzie School students; building a walkway from the track site to the top of the dike to make the dike safe and accessible; installing a culvert in the walkway to facilitate drainage; laying road fabric around the kiosk and along the east edge of the wetlands to walkway; putting wood chips on the road fabric to create a north-south pathway along the east end of the wetlands from the kiosk to the walkway; leveling the rough rock base in the wetlands parking lot and placed 3/4 minus gravel on the walkway to the dike; and pouring concrete for the foundation of the storage building.

On December 9, 2006, 12 volunteers participated in another workday from approximately 9 to 4 pm. Their activities included: clearing woody material and stacked into a burn pile; burning the pile, clearing Scot's broom and blackberry vines; leveling and clearing with the use of two backhoes and operators; placing road fabric on the dike and covered with wood chips to create an east-west path on the dike that is on the north edge of the wetlands; and linking the north-south pathway and the east-west pathway to create a wood chip path on two sides of the wetlands.

Goal 2: Land Use Planning

PART I – PLANNING
To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Part I of Goal 2 requires local governments to establish processes and policies for land use decisions. Lane County's planning process is outlined in the Rural Comprehensive Plan (RCP) and Lane Code's Chapter 16. Lane County's plan amendment process is set forth in LC 16.400. Lane County's zone change process is set forth in LC 16.252. This application is being

submitted under the requirements set forth in the RCP and Lane Code's Chapter 16, and will be reviewed under the appropriate criteria.

PART II – EXCEPTIONS

Under certain circumstances, Part II of Goal 2 authorizes exceptions to the goals for land use decisions that are not in compliance with the goals. In addition, specific statutes provide other circumstances under which exceptions to the goals are authorized. See ORS 197.732.

This application complies with Goal 2 because it is being processed pursuant to Lane County's planning process and applicable Lane Code criteria. Further, this application is subject to the Goal 2 exceptions criteria for changes in use on "physically developed" or "irrevocably committed" land. See OAR 660-04-0018(2). These criteria are addressed fully in Part IV below.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Goal 3 is not applicable to the subject property. The property is an exception area that is developed and committed to nonresource uses. By definition, "Nonresource land" is not subject to Goal 3. See OAR 660-04-0005(3).

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 is not applicable to the subject property. The property is an exception area that is developed and committed to nonresource uses. By definition, "Nonresource land" is not subject to Goal 4. See OAR 660-04-0005(3).

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 5 requires the county to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the impacts of the conflicting uses shall be determined and programs developed to achieve the goal.

A county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.[1] The county is not required to go through the conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.[2]

The initial question is whether the subject property includes any Goal 5 resources listed on Lane County's acknowledged inventory. The following paragraphs describe the acknowledged Goal 5 resource inventories:

Historic Resources: Historic resources are listed in "Historic Sites or Site." The subject property is not on the list.

Mineral and Aggregate Resources: Mineral and aggregate sites are listed in several appendices in the *Mineral and Aggregate Working Paper*. The subject property is not listed in any of the appendices.

Energy: The subject property is not listed on any county inventory of sites to be protected for energy production.

Water: Water resources, including wetlands, are described in the *Water Resources Working Paper*. The proposed project has been designed to minimize impacts to the onsite and adjacent wetlands; in fact, the only wetland impact associated with the project design is a trail crossing over the narrowest section of wetland between the log pond dike and the track and field facility. The total area of wetland impact is estimated to be 0.005 acres. See Exhibit B, Joint Permit Application Form.

The wetlands on the subject property are connected via ditch and culvert to Elk Creek, a tributary of the McKenzie River, approximately one-half mile southwest of the site. Water quality information from the Oregon Department of Environmental Quality 303(d) list shows that the McKenzie River in the vicinity of the project site (River Mile 56) is water quality limited for temperature in summer. The proposed project is not anticipated to alter water quality conditions in the adjacent wetlands because the gravel parking lot is impervious, the track is designed to be an enclosed basin with a grassy infield so no surface runoff will enter the onsite wetlands, and the paved entrance will have grassy banks to provide infiltration prior to surface runoff entering the onsite wetlands. Onsite hydrology is not anticipated to be negatively affected by the proposed project because the trail crossing is culverted, and the upgraded access road footprint is directly on top of an existing road, which is also culverted. The source of hydrology for the onsite wetlands is primarily precipitation, which will remain unchanged with the proposed project. See Exhibit B, Joint Permit Application Form.

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[1] *See Urquhart v. Lane Council of Governments*, 80 Or App 176, 721 P2d 870 (1986); *Plotkin v. Wash. County*, 165 Or App 246, 997 P2d 226 (2000); *Waugh v. Coos County*, 26 Or LUBA 300, 310-12 (1993); *1000 Friends of Or. v. Yamhill County*, 27 Or LUBA 508, 522 (1994).

[2] *Davenport v. City of Tigard*, 23 Or LUBA 565 (1992).

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

The proposed project will not increase erosion or sedimentation on the subject property because part of the project includes enhancing the site by planting native tree and shrubs. Several areas that are presently bare as well as all areas that are made bare during construction will be reseeded with a native upland grass mix. See Exhibit B, Joint Permit Application Form. Over 1,000 Western Red Cedar and Douglas-fir trees have been planted thus far.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Pursuant to OA 660-15-000, areas of natural disasters and hazards are defined as "areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas." There are no such areas known on the subject property.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The primary purpose of the proposed project is to provide a track and field facility for the McKenzie Schools and local community that will also be used for local, state and regional track meets and provide opportunities for community use and recreation. The McKenzie Schools have an active track program; however, they have been using other locations on school property for their track and field activities. The Schools have never had a regulation-sized track or designated field areas in which they could train and hold meets. Presently, the cross country team runs along busy roads including the highway, which is unsafe considering the volume, speed, and type of traffic the highway experiences (log trucks and other semis-type trucks). The proposed track will provide a safer training area as well as new facilities such as a long jump, discus, and shot put area. Further, the track will be used by adult community members for wellness activities.

The two soccer fields in the center of the track will also provide a safe setting in which local students and community members can practice and compete in soccer.

The accessible wetlands provide an educational opportunity for local students and community members, who will experience and learn about the wetlands ecosystem.

This application to rezone unused Rural Industrial land to Rural Recreation directly addresses the needs of the Schools and local community, and therefore will satisfy the recreational needs of the McKenzie River Valley.

Goal 9: Economic Development

> **To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Goal 9 is explicitly limited to commercial and industrial development within urban growth boundaries. By definition, this goal is not applicable to rural recreational uses in a nonresource designation.

Goal 10: Housing

> **To provide for the housing needs of citizens of the state.**

Goal 10 is not applicable to this application. The existing Rural Industrial Zone does not allow residential development and the proposed Rural Park and Recreation Zone will not allow residential development.

Goal 11: Public Facilities and Services

> **To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Goal 11 addresses facilities and services in both urban and rural areas. The subject property is designated rural and will remain rural after this approval as discussed below in Goal 14. "Public facilities and services" is defined in the Statewide Planning Goals to include "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." More specifically, a public facility includes "water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11-005(5).

The RCP describes the minimum level of services for Park and Recreation areas in committed areas of rural Lane County. The service level must be consistent with that level required for the Community, which requires schools, on-site or community sewage disposal, individual or community water supply, electrical service, telephone service, rural level of fire and police protection, and reasonable access to solid waste disposal. See Goal 11, Policy 6.f. and 6.i.

This service level can be met.

The services currently available, or proposed to be developed, include:

Table 1 Rural Public Facilities, Existing or Proposed	
Service	Provider
Fire	Blue River Water/Fire District
Police	Oregon State Police and Lane County Sheriff Department
Schools	McKenzie School District #68
Access	Paved driveway off of Blue River Drive
Electric	Lane Electric Cooperative
Sewer	Septic
Solid Waste	Private collection/disposal service
Telephone	Qwest
Water	Blue River Water District

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Blue River Drive, which intersects McKenzie Highway (also known as U.S. Highway 126) at both ends of the road, provides direct access onto the subject property. According to ODOT's *Interim Corridor Strategy*, traffic volumes are seasonal and averaged about 3,800 ADT in 1997 in the Blue River area.[3] The traffic volumes are projected to grow minimally over the next 20 years.[4] Further, the average crash rate for 1998-2000 is 0.86 per million vehicle miles traveled, which is a lower rate than other rural highways.[5] Considering that the proposed track and field facility will be primarily used by McKenzie school students and members of the Blue River community, there will not be a significant impact on a transportation facility as defined by OAR 660-12-060(2).

Goal 13: Energy Conservation

To conserve energy.

Goal 13 is not applicable to this application considering that it specifically addresses the adoption and amendment of land use regulations rather than individual land use proposals.[6]

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[3] *See* ODOT, *Bypass #4 - Blue River Bypass, available at* http://www.oregon.gov/ODOT/TD/TP/docs/orhwyplan/analysis/4analysis.pdf.
[4] *Id.*
[5] *Id.*
[6] *See Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in part, rev'd in part*, 112 Or App 30 (1992).

Goal 14: Urbanization

> **To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

This goal prohibits urban uses on rural lands and regulates the extension of urban services and facilities into rural areas. While the recreation zone may allow for both urban and rural uses, the proposed project is intended to serve rural recreational needs considering the level of use, density, and public facilities and services that will be provided. Urban levels of use are not allowed under the existing Rural Industrial plan and zone designation and likewise will not be allowed under the proposed Rural Recreation plan and zone designation. The proposed project will limit onsite public services and facilities to those that will maintain the rural status.

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

Goals 15 through 19 are not applicable considering that they deal with resources that are not present on the subject property.

III. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES

Any plan amendment and zone change must comply with the RCP, pursuant to ORS 197.175(2), the RCP (see e.g. RCP at 6), and the Lane Code (see e.g. LC 16.400(6)(h)).

Goal 2: Land Use Planning

> **Policy 11: Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:**
>
> **d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.)**

As discussed above, the subject property is a developed and committed exception area. The proposed use is specifically devoted to park and recreational activities, more specifically a track and field facility, and therefore should be designated as Rural Park and Recreation. In addition to a track and two soccer fields, this proposal includes construction of general park amenities and

facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building.

Policy 15: McKenzie Watershed

Goal 15 identifies recreation and tourism as "important to the economy of the communities in the McKenzie valley." Therefore, the proposed project involving the development of a track and field facility is consistent with the purpose of this goal.

The proposed project also complies with Goal 15's requirement that new rural public facilities should be located within incorporated rural communities or outside of unincorporated rural communities in developed and committed exception areas.

Policy 18: Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:

a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.

The subject property does not qualify as either farm or forest land as discussed above under the relevant Statewide Planning Goals. The subject property is currently designated as Rural Industrial.

b. An exception to any of the Statewide Planning Goals is not required.

This application does not require any goal exceptions.

c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.

This property is not a small, isolated tract surrounded by farm and forest land. As stated above, the property is zoned as Rural Industrial, which is a nonresource designation. It is located on the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie schools and one mile west of the town of Blue River. Further, the property is surrounded by single family residential to the west, Blue River Drive to the north, and vacant land owned by Seneca Jones Timber Company to the south and east. The proposed plan amendment and zone change will not affect the property's designation, and therefore this section is not applicable.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

See discussion of wetland resources and mitigation efforts to protect such resources under Statewide Planning Goal 5.

Goal 6: Air, Water and Land Resources

The proposed project complies with Goal 6 as discussed above under Statewide Planning Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is not inventoried in the *Natural Hazards Working Paper* as a site containing natural hazards.

Goal 8: Recreational Needs

As discussed under Statewide Planning Goal 8, the proposed project specifically addresses the recreational needs of the Upper McKenzie Valley and therefore satisfies this goal.

Goal 11: Public Facilities and Services

As discussed under Statewide Planning Goal 11, this project is consistent with Lane County's intent to "provide the facilities and services needed to make quality health, social and cultural services accessible to all Lane County residents."

IV. COMPLIANCE WITH CRITERIA FOR EXCEPTION AREAS

This application for a plan amendment and zone change is subject to OAR 660-004-0018, Planning and Zoning for Exception Areas, which provides:

> **(2) For "physically developed" and "irrevocably committed" exception to goals, plan and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density and public facilities and services to those:**
>
> **(a) That are the same as the existing land uses on the exception site;**
>
> **(b) That meet the following requirements:**
>
> **(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and**
>
> **(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and**
>
> **(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.**

This application does not qualify under OAR 660-004-018(2)(a). However, the application is consistent with the requirements under OAR 660-004-018(2)(b).

Rural Uses, Density, and Public Facilities and Services

This application complies with the OAR 660-004-018(2)(b)(A) requirement that the "rural uses, density, and public facilities and services will maintain the 'Rural Land' as defined by the goals

and are consistent with all other applicable goal requirements." The Statewide Planning Goals define "Rural Lands" as land outside the urban growth boundaries that is:

> (a) Non-urban agricultural, forest or open space,
> (b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use, or
> (c) In an unincorporated community.

The leading case analyzing the distinction between "rural" and "urban" uses of land is *1000 Friends of Oregon v. LCDC (Curry County)*[7] in which the court provides several factors that should be used in determining whether a particular use is rural or not. More specifically, the factors used in making such a determination include: size of parcels (for residential uses), types and levels of services provided to the site; size and developed use of the property; and proximity of an acknowledged urban growth boundary.

The first factor, the size of parcels, primarily applies to rural residential uses, and therefore does not weigh heavily in this analysis. The general rule in the rural residential context is that uses on lot sizes less than one-half acre are categorically "urban" whereas uses on lot sizes greater than 10 acres are categorically "rural". For lot sizes between one-half and 10 acres, a decisionmaker must make a case-by-case determination based on the *Curry County* factors. However, since this application does not propose rural residential use of the subject property, these parameters are not dispositive as to whether the size of the subject property is rural or urban. Regardless, the subject property consists of one 12.87-acre parcel, and the proposed uses include recreational and educational activities that directly benefit Blue River and neighboring rural communities. In addition, the proposed uses will non-intensive; the facility will mostly sit vacant during the day, and will be used primarily by local students and local community members for a short duration in the afternoon. Considering the large size of the parcel, this factor weighs in favor of the uses being deemed rural in nature.

The second factor concerns the type and level of sewer services provided to the subject property. The proposed track and field facility will utilize a septic tank rather than services extended to the site from a centralized off-site facility. In addition, solid waste will be collected and processed by a private collection and disposal service, and water will be provided by the Blue River Water District. A fundamental difference between rural and urban uses of land is that rural use is predominantly self-reliant and self-contained. Considering that the proposed facility will rely mostly on independent providers rather than on municipal services, this second factor weighs in favor of the use being characterized as rural.

The third factor considers the types and levels of services, other than sewer, provided to the subject property. Electricity and telephone services will be handled by local providers; however, this is typical for both rural and urban sites, and therefore does not provide any indication as to whether the use is rural or not. Police services will be provided by the Oregon State Police and Lane County Sheriff Department rather than a local department, which is a clear indication that this is a rural community. Volunteer fire services will be provided by the local Blue River Water/Fire District, which serves the unincorporated rural community of Blue River. However, these

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[7] 301 Or 447, 724 P2d 268 (1986).

are existing services that will not be affected by this proposal and therefore should not be taken into consideration. Further, this proposal will not place an undue burden on the public school system but will rather benefit the schools and their students who will have a safe place to train for and compete in their meets and competitions. It will also benefit local community members who will use the outdoor recreational and educational facility. As a result, this factor weighs in favor of the proposed uses being deemed rural.

The fourth factor addresses the size and developed use of the property (ie density). As mentioned above, the property is 12.87 acres. The proposal anticipates the development of a track and two soccer fields as well as the construction of other park amenities and facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building. Thus, this proposal does not require significant development but instead takes advantage of the natural setting to create a much-needed recreational and educational facility. Although the track and field facility will be used on occasion for local and regional competitions, the primary beneficiaries will be the local students and community members of Blue River, and therefore will not rise to the level of urban use. As a result, this factor weighs in favor of these activities being considered a rural use.

The fifth factor considers the proximity of an acknowledged urban growth boundary (UGB). The proposed facility is approximately 33 miles east of the Eugene-Springfield UGB, and is unlikely to draw urban users away from the Eugene-Springfield area to Blue River. Therefore, this factor would weigh significantly in favor of a rural use characterization.

For the reasons discussed above, each of the *Curry County* factors weighs towards characterizing the proposed uses of the track and field facility as rural. The proposal therefore satisfies the requirement of maintaining the land as "rural use" as defined by the Statewide Planning Goals and as interpreted by the Oregon Supreme Court.

Commitment of Adjacent or Nearby Resource Land

Further, this application satisfies the OAR 660-004-018(2)(b)(B) requirement that "rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use" as defined by law. The parcels immediately adjacent to the subject property are zoned either Rural Residential or Rural Public Facility, and therefore do not constitute resource land. Further north and south of Blue River, nearby parcels are zoned F1 and F2, which indicate Forest Land Districts. However, this proposal does not contemplate development that would adversely affect the resource uses of these forest lands. The forest lands located north of the subject property are at a higher elevation, which creates a natural physical barrier between the different types of uses. Immediately adjacent to the north of the subject property, Blue River Drive provides an additional barrier between the proposed facility and upland resource land. The forest lands located south of the property are on the opposite side of Highway 126 (and mostly on the opposite side of the McKenzie River), which also creates a physical barrier. Considering that the subject property is immediately surrounded by nonresource land and that the proposal requires minimal development of the subject property, the proposed uses of the track and field facility will not commit adjacent or nearby resource land to nonresource uses.

Compatibility with Adjacent or Nearby Resource Uses

This application also satisfies the OAR 660-004-018(2)(b)(C) requirement that "rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses." As mentioned above, the parcels immediately adjacent to the subject property are not resource land and therefore that is not a consideration under this criterion. As to the nearby forest lands, the proposed track and field facility will not generate conflicts but will rather benefit these resource uses. This proposal provides a much-needed recreational and educational facility for the community of Blue River that will likely reduce pressure on local forest lands by providing recreational and educational opportunities to appreciate the natural environment.

V. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN AMENDMENTS

LC 16.400(6)(h) establishes the criteria for plan amendments, each of which is addressed in the following section.

LC 16.400(6)(h): Method of Plan Adoption and Amendment

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rule

This subsection makes general reference to other sources of standards that apply to plan amendments, which are addressed elsewhere in this application.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; or
(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or
(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or
(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or
(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

This subsection offers a variety of policy choices from which Lane County may select as a justification to initiate the plan amendment. At least two of the choices identified above are relevant to this application.

Item ii-ii allows a plan amendment if it is necessary to serve an identified public or community need. Considering that neither the local schools nor the Upper McKenzie community has a track and field or soccer facility, the proposed project fulfills a public or community need by:

- providing a much-needed recreational facility for local students and members of the Upper McKenzie community, who are involved in track and field, cross country, soccer, and adult fitness activities;
- creating an outdoor science laboratory by developing the wetlands into an accessible and educational site for students and community members; and
- fostering economic development by attracting neighboring schools, families and individuals to the facility for track events, invitational meets, soccer games, training camps and fitness activities.

Item v-v allows Lane County to make plan amendments that are desirable, appropriate or proper. The proposed plan amendment is desirable, appropriate and proper considering that:

- subject property was used for an industrial millpond until Seneca Sawmill's operations in Blue River were shut down in the 1970s;
- property has not been in use since the sawmill operations were shut down; and
- this plan amendment would provide an opportunity to use this vacant land in a manner that serves the public interest (as described under Item ii-ii) and protects and restores Blue River's natural resources.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Compliance with the individual policies in the RCP is discussed in the section above.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

The existing structure of the plan anticipates nonresource plan designations. In addition, considering that the subject property is a developed and committed exception area and therefore is not available for resources uses, this designation is consistent with the relevant policies in the RCP.

LC 16.400(8): Additional Amendment Provisions

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

This application, which requests a change to the Plan Diagram for the subject property, proposes a minor amendment to the plan. As described above, the subject property is a developed and committed exception area, and therefore the exceptions to the Statewide Planning Goals described above. Further, the proposed project will remain "rural" within the meaning of Goal 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A co mplete description of the proposal and its relationship to the Plan.

The description of the proposal and its relationship to the plan has been provided throughout this application.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

The analysis responding to each of the required findings is provided above. For additional information, please see findings made in response to LC 16.400(6)(h)(iii)(bb)(ii-ii) and (v-v) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

This subsection is addressed in Part I above. To summarize, the subject property is in an area that is characterized by low density rural residential uses and other nonresource uses. Considering the fact that the subject property is presently zoned for industrial use, the impacts of the proposed plan amendment will be beneficial rather than detrimental to the land use and ownership patterns of the area.

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

The public facilities and services that are currently available or will be provided to the site are discussed in detail above. For a discussion of each facility and service, see the description provided under Goal 11 above. For a discussion of transportation facilities, see the description provided under Goal 12 above. To summarize, the subject property will be served by septic systems and a water system that is connected to Blue River Water Corp. All other facilities and services are available.

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

The proximate natural resources under consideration are those that are identified as Goal 5 resources in the RCP. The impact on these resources is discussed in the description provided under Goal 5 above. In addition, the proposed project will fully protect the wetlands that are inventoried on the National Wetland Inventory maps, although those wetlands are not formally listed on Lane County's Goal 5 inventory.

This proposal would have no adverse impacts on proximate resource lands. The rural recreational uses proposed are compatible with the adjacent rural residential uses.

(dd) Natural hazards affecting or affected by the proposal;

As discussed under Goal 7, the subject property neither contains nor is threatened by any natural hazards.

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

None of these standards are relevant to this proposed plan amendment considering that the subject property is presently designated as nonresource.

VI. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES

This application requests a zone change from a Rural Industrial Zone (RI, RCP) to a Rural Park and Recreation Zone (RPR, RCP), both of which are nonresource plan designations. The facts relevant to the zone change requirements are largely duplicative of the facts relevant to the Statewide Planning Goals and RCP policies. The LC 16.252 criteria are addressed below with appropriate references to other parts of this application.

LC 16.252(2): Procedures for Zoning, Rezoning and Amendments to Requirements; Criteria

> **Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.**

General Purpose of Chapter 16:

LC 16.003 provides 14 general purpose statement, including a provision to insure that development is commensurate with the character and physical limitations of the land. This application, which proposes rezoning the subject property from RI, RCP to RPR, RC, maintains the nonresource plan designation. In addition, the public interest is well-served by converting vacant rural industrial land to a rural recreational track and field facility.

Specific Purpose of the Rural Park and Recreation Zone:

The Rural Park and Recreation Zone is intended to provide opportunities for people to conduct recreational activities without interference from other nonrecreational uses. As mentioned above, the primary objective of this application is to rezone the subject property so that it can be used for recreational uses, specifically as a track and field facility. Considering its use for local, state and regional track meets as well as community use and recreation, the facility will directly benefit the local schools, community members, and visitors to the Upper McKenzie Valley.

Rural Comprehensive Plan Criteria:

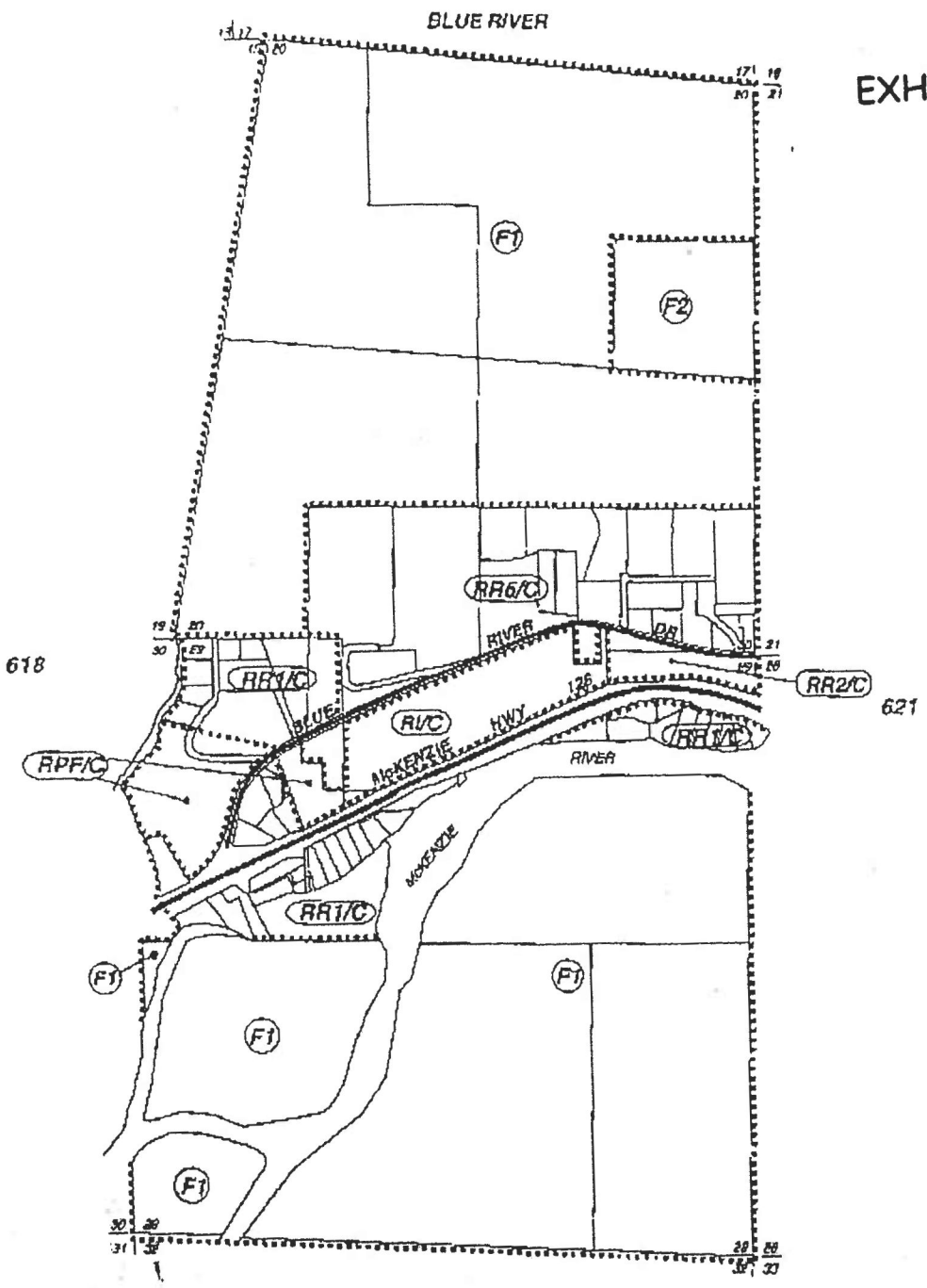
The RCP provides the policy basis for comprehensive plan and implementing regulations, provides direction for land use decisions, and fulfills LCDC planning requirements. As described in Part III, the proposed zone change is consistent with the RCP.

Lane Code Criteria:

As described in Parts IV and V, the proposed zone change is consistent with the Lane Code criteria.

EXHIBIT A

EXHIBIT A



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county

OFFICIAL ZONING MAP

PLOT #619

Twnshp Range Section
16 45 20 / 16 45 29

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # ORD# DATE FILE #

EXHIBIT B

EXHIBIT B

US Army Corps Of Engineers (Portland District)

Joint Permit Application Form

DATE STAMP

AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number _____ Oregon Department of State Lands No _____

SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY

District Engineer
ATTN: CENWP-OD-GP
PO Box 2946
Portland, OR 97208-2946
503-808-4373

AND

West of the Cascades:
State of Oregon
Department of State Lands
775 Summer Street NE Suite 100
Salem, OR 97301-1279
503-378-3805

OR

East of the Cascades:
State of Oregon
Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
541-388-6112

(1) Applicant Name and Address	McKenzie Community Track and Field Committee: ATTN Jeff Sherman 54800 East King Road Blue River, OR 97413	Business Phone # 541-822-3451 Home Phone# FAX # E-mail:
Authorized Agent Name and Address (Signature required in Block 9) [X] Consultant [ ] Contractor	Environmental Solutions LLC ATTN Nancy Holzhauser 55646 Drury Drive Blue River, OR 97413	Business Phone # 541-822-1090 Home Phone# FAX # 541-822-1053 E-mail: nholz@envsol.net
Property Owner Name and Address (If different than applicant)1		Business Phone # Home Phone# FAX # E-mail:

(2) PROJECT LOCATION

Street, Road or other descriptive location	Legal Description *(attach tax lot map*)*			
S. of Blue River Dr., ¼ mile east of McKenzie Schools Hwy 126 east to Blue River Dr west junction with Highway, turn L on Blue River Dr., travel approx 0.25 mile past McKenzie Schools and Mormon Church, to paved and gated entrance on south side of road.	Quarter/Quarter	Section 29	Township 16S	Range 4E

In or Near (City or Town)	County	Tax Map #	Tax Lot #[2]
Blue River	Lane	16-45-29	1300

Wetland/Waterway Name (pick one)	River Mile (if known)	Latitude	Longitude
wetland	NA	44.1545 deg N	122.3546 deg W

*Do you consent to allow Corps or Dept. of State Lands staff to enter into the above-described property?** [X] *Yes* [ ] *No*

(3) PROPOSED PROJECT INFORMATION

Type: [X] Fill [ ] Excavation (removal) [ ] In-Water Structure [X] Maintain/Repair an Existing Structure

Brief Description: Construction of a track and field facility

Fill

[ ] Riprap [X] Rock [X] Gravel [X] Sand [ ] Silt [ ] Clay [X] Organics [X] Other: culvert, asphalt, latex

Wetlands	Total Fill (cy)	37		Permanent (cy)	7.8	Temporary (cy)					
	Impact Area in Acres	0.005			Dimensions (feet)	L'	10'	W'	20'	H'	5'
Waters below OHW	Total Fill (cy)			Permanent (cy)		Temporary (cy)					
	Impact Area in Acres				Dimensions (feet)	L'		W'		H'	

Removal

[ ] Riprap [ ] Rock [ ] Gravel [ ] Sand [ ] Silt [X] Clay [ ] Organics [ ] Other:

Wetlands	Tot. Rem.(cy)			Permanent (cy)		Temporary (cy)					
	Impact Area in Acres				Dimensions (feet)	L'		W'		H'	
Waters	Tot. Rem.(cy)			Permanent (cy)		Temporary (cy)					

[1] **If applicant is not the property owner, permission to conduct the work must be attached.**
[2] **Attach a copy of all tax maps with the project area highlighted.**
* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

below OHW	Impact Area in Acres		Dimensions (feet)			W'		H'	
Is the disposal area upland? ☒ Yes ☐ No			Impervious surface created? ☒ <1 acre? ☐ >1 acre?						
Are you aware of any state or federal Endangered Species on project site?			☐ Yes	☒ No	If yes, please explain in the				
Are you aware of any Cultural/Historic Resources on the project site?			☐ Yes	☒ No	project description (in block				
Is the project site within a national Wild & Scenic River?			☐ Yes	☒ No	4)				
*Is the project site within a state Scenic Waterway?**			☐ *Yes*	☒ *No*					

(4) PROPOSED PROJECT PURPOSE & DESCRIPTION

Project Purpose and Need:

*Provide a description of the public, social or economic benefits of the project along with any supporting formal actions of a public body (e.g. city council, special district board), as appropriate.**

The purpose of the proposed project is to provide a track and field facility for the McKenzie school and community that could also be used for track meets with other schools. The McKenzie Schools have an active track program including cross country, however they have been conducting a limited amount of track and field activities at various locations within the actual school property including on the football field, and have never had a regulation sized track or designed field areas to practice in or to hold meets. In addition, the cross country team runs along busy roads including the highway, making it unsafe because of the volume, speed, and type of traffic the highway experiences (log trucks and other semis-type trucks) and the proposed project would provide a safer training area in addition to providing additional facilities such as a long jump, discus, and shot put area. Seneca Timber Company donated the 12-acre site to the McKenzie Committee Track and Field Committee in 2004, with the expressed purpose of having it developed into a track and field facility.

Project Description: Include the following information:

☐ Volumes and acreages of all fill and removal activities in waterway or wetland separately
☐ Permanent and temporary impacts
☐ Types of materials (e.g., gravel, silt, clay, etc.)
☐ How the project will be accomplished (i.e., describe construction methods)
☐ For work in waterways where fish are likely to be present, complete and attach a plan to isolate the work area from the flowing water. (See the Section A of the Resource Plan Guidance Document.)
☐ If native migratory fish are present (or were historically present) and you are installing, replacing or abandoning a culvert or other potential obstruction to fish passage, complete and attach a statement of how the Fish Passage Requirements, set by the Oregon Department of Fish and Wildlife will be met. (See Section B of the Resource Plan Guidance Document.)
☐ For fish habitat or wetland restoration or enhancement activities, complete the supplemental Fish Habitat or Wetland Restoration and Enhancement form

Fill and removal volume and material: A total of 3100 cubic yards of fill will be used for the project, of which all but approximately 37 cubic yards will be in uplands. The 37 cubic yards of fill in wetlands will consist of dirt and gravel for the section of jogging trail that connects the old log pond dike, used as a jogging path, to the facility area in the northwest portion of the site. Fill material for the project includes crushed rock, sand, asphalt, gravel, and wood chips. No temporary fill is associated with the proposed project.

Approximately 100 cubic yards of upland soils will be removed and then replaced for the 490-foot long buried utility line trench that extends from Blue River Road along the east site boundary to the south end of the facility. Approximately 35 cubic yards of upland soils will be removed and partially replaced for construction of the septic and drainfield areas. Total removal volume for the project is 135 cubic yards, all of which is in uplands including the trench for buried utilities and the septic drainfield.

Fill impact area: A total of 2 acres of fill in uplands and 0.005 acres in wetlands will be associated with the proposed project.
Removal impact area: A total of 0.033 acres of removal in uplands is associated with the proposed project.

Impervious surface: Approximately 1.978 acres of impervious surface associated with the 1.9 acres for track and 0.078 acres for entrance driveway will result from the proposed project.

Construction related ground disturbance: A total of 7 acres of construction-related ground disturbance is planned with the proposed project, including clearing of brush for the facility, stockpiling the brush for a burn pile, stockpiling of gravel for the

* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

parking area, access road, and track, grading of the site excavation of the septic and drainfield. The proposed project involves construction of a track and field facility on approximately 7 acres of the 12-acre parcel. The facility will be located almost entirely on upland fill in the central and east portion of the parcel. Construction elements associated with the proposed facility include:

- a regulation sized oval track (approximately 0.25 miles long) with a crushed rock, gravel, and asphalt base and a latex running surface
- a grassy infield inside the oval with a sand under loam substrate
- approximately 0.25 acre gravel parking area and 260-foot long gravel access road that is 24 feet wide to connect the gravel parking area to the paved entrance driveway
- approximately 99 feet of paved entrance from Blue River Drive to the facility
- bleachers, material storage area, restrooms, and concession stand at the south end of the site, south of the track and field facilities
- sanitary drainfield at the south end of the site
- underground utilities including a buried water line extending to the south and west from the Blue River city municipal water supply and underground power extending south and west along the site's east boundary from an existing power source at Blue River Drive
- 10' x 10' covered viewing deck at the west end of the site, to view the wetland area to the west
- long-jump, high jump, shot put, discus, javelin areas that will be inside the track oval or outside the track oval in the northeast corner of the facility, on a grass surface
- upgrade the driveway to install a 24-inch culvert in the old roadway, add a lift of 3-6" of gravel with an asphalt surface over 99 feet, and a gate for access to the facility from Blue River Road
- a 19-foot section of gravel surface trail to connect the old dike to the facility at the northwest corner of the facility
- plant native trees and shrubs around the facility
- maintain the old dike around the wetland in the west portion of the property to be free from blackberry so that it can be safely used as a jogging and walking path

The vast majority of the project will impact uplands associated with fill placed in the old log pond by Seneca between 1980 and 1994 (refer to wetland delineation report). The site will be cleared of vegetation, consisting of predominantly nonnative upland species such as Armenian blackberry (*Rubus armeniacus*) and Scot's broom (*Cytisus scoparius*) as well as scattered young native Douglas-fir (*Pseudotsuga menziesii*) saplings. It will be graded to a level surface, with track gradient slightly towards the inside of the circle.

A 24-inch culvert will be placed in the existing 30 inch x 30 inch ditch that crosses the old 34-foot wide dirt access road, followed by a 6" lift of gravel and an asphalt surface. A 19- foot long and 20- foot wide jogging trail will connect the dike that circles the site (from the old log pond) to the track facility by crossing a wetland area; impacts associated with this activity include 5' feet deep of dirt, a 24-inch culvert, with 3" layer of gravel on top. Installation of the trail will involve 37 cu yards of fill on 0.005 acres of wetland, with 50 cubic yards of fill below the top of the bank between the old fill and the dike. This section of trail will connect the old dike that surrounds the west portion of the property to the track and field facility. The footprint of the trail crossing will impact primarily nonnative vegetation including reed canary grass (*Phalaris arundinacea*) in the 10-foot wide wetland area and Armenian blackberry in the upland banks. The wetland impacted with the proposed trail crossing is in the palustrine emergent (PEM) Cowardin class and the Depressional HGM class; it is a portion of a historic log pond that was abandoned in the late 1970s, drained and partially filled by Seneca Timber Company during the late 1970s and 1980s. The track and infield areas will be constructed with a 1.5 foot layer of sand under a 2 inch layer of loam for the infield, and a 1.5 foot layer of crushed rock and gravel under 2 inches of asphalt with a ½ inch surface layer of latex for the track. In order to prevent puddling on the grass playing field inside the track, a 2' deep French drain will be constructed with perforated pipe on the bottom and filled with crushed rock as a 2-foot wide trench around the inside of the track adjacent to the grassy playing field.

Buried utilities will be in a trench dug from Blue River Drive east of the site south through uplands to the south east and south portion of the facility. The trench will be 3 feet deep and 2 feet wide, with the soil from excavation of the trench used as backfill. Upland vegetation to be impacted for the length of this activity includes primarily nonnative Queen Anne's lace (*Daucus carota*), Armenian blackberry, and Scot's broom.

* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

Heavy equipment including bulldozers, dump trucks, and backhoes will be used for the construction project. The construction project will be conducted in summer through fall, when soils are drier in order to minimize compaction. Construction access will be from Blue River Drive across the reconstructed driveway, and the staging area will be on uplands in the east portion of the site.

The proposed project is not anticipated to impact onsite hydrology or the adjacent wetland areas because the wetland impact is limited to a small section of jogging path that crosses the narrowest area where the old log pond wraps around the north end of the site, with a 2-foot culvert to be installed on the bottom of the wetland area that will allow water to flow between the east portion and the much larger west portion. It is not anticipated that the proposed project will increase erosion onto the adjacent wetlands because part of the project includes enhancing the site by planting native trees and shrubs, including in the old fill slopes, some of which have been partially bare for quite some time. In addition, all areas made bare with the proposed construction project will be reseeded with a native upland grass mix (refer to Restoration Plan) including excavated trenches. The track has a 1% grade towards the center of the oval, which will be a predominantly a grassy surface. Therefore, the track design is such that it is an enclosed basin such that runoff will not enter adjacent wetlands. The grassy slopes of the entrance road will serve to infiltrate runoff from the impervious 99-foot section of paved entrance road prior to discharge into the nearby wetlands. The gravel parking area and access road are pervious surfaces and therefore not anticipated to alter onsite hydrology. The source of hydrology for the onsite wetlands is primarily precipitation, which will remain unchanged with the proposed project. The project was intended to be sited on the upland fill portion of the tax lot, with the unfilled portion of the abandoned log pond to be retained as a wetland feature that not only provides an aesthetic value to the site, but also a wildlife value as well as an area that the school's science classes can conduct outdoor studies.

Proposed site enhancement activities include planting with native trees and shrubs including bigleaf maple (*Acer macrophyllum*), red cedar (*Calocedrens decurrens*), and snowberry (*Symphoricarpus albus*), and removal of nonnative invasives such as blackberry (*Rubus armeniacus* and *Rubus laciniatus*) and Scot's broom (*Cytisus scoparius*), all of which should increase the wildlife and native plant functions of the site.

Project Drawings:
State the number of project drawing sheets included with this application: 5
A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

- ☐ **Location map** (must be legible with street names)
- ☐ **Site plan** including
  - ☐ Entire project site and activity areas
  - ☐ Existing and proposed contours
  - ☐ Location of ordinary high water, wetland boundaries or other jurisdictional boundaries
  - ☐ Identification of temporary and permanent impact areas within waterways or wetlands
  - ☐ Location of staging areas
  - ☐ Location of construction access
  - ☐ Location of cross section(s), as applicable
- ☐ ☐ Location of mitigation area, if applicable
- ☐ **Cross section drawing(s)** including
  - ☐ Existing and proposed elevations
  - ☐ Ordinary high water and/or wetland boundary or other jurisdictional boundaries
- ☐ **Recent Aerial photo (1:200, or if not available for your site, the highest resolution available)**
- ☐ **Will any construction debris, runoff, etc., enter a wetland or waterway?** ☐ Yes ☒ No

If yes, describe the type of discharge and show the discharge location on the site plan.

Estimated Project Start Date: 6/03 (vegetation clearing) Estimated Project Completion Date: 11/08

(5) **PROJECT IMPACTS AND ALTERNATIVES**

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland. *(Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen.*)* Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

Alternative design discussion: The proposed project has been designed to minimize impacts to wetlands to the maximum possible in that the only wetland impact associated with the design is a trail crossing over the narrowest section of wetland between the log pond dike and the facility, for a total of 0.005 acres of wetland impact. The only alternative possible that would avoid wetland impacts entirely would be to bridge the trail crossing, however that alternative was considered unrealistic from a financial standpoint, as the proposed project is being financed entirely by donations and therefore cost prioritization resulted in the decision to construct the least costly wetland crossing possible.

Measures to minimize impacts to the wetland: Potential impacts during construction to adjacent wetlands stem primarily from sedimentation, erosion, and introduction of contaminants such as petroleum products during operation of heavy equipment if accidental leaks or spills occur. As such, best management practices including the use of sediment fence and/or biofilter bags between the construction area and the adjacent wetland areas to minimize potential impacts from sedimentation and erosion. In addition, construction will occur in summer and fall, when the onsite and adjacent wetlands are typically dry. To minimize impacts to adjacent wetlands from accidental equipment leaks or spills, equipment will be staged in an upland area during construction, it will be inspected for leaks prior to each day's use with repair of leaks taking place before its use, and any contaminated soil will be removed and disposed of properly. Once the construction project has been completed, all areas made bare during construction will be seeded with a native erosion control mix in order to further minimize potential erosion (see Restoration Plan, attached).

Impact area is: ☐ Ocean ☐ Estuary ☐ River ☐ Lake ☐ Stream ☒ Freshwater Wetland

Describe the existing **physical and biological characteristics** of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).
For wetlands, include

- *Cowardin and Hydrogeomorphic(HGM) wetland class(s)**
- *Dominant plant species by layer (herb, shrub, tree)**
- Whether the wetland is freshwater or tidal
- *Assessment of the functional attributes of the wetland**
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area. Do any of these wetlands qualify as Special Areas of Concern (SAC)? (Refer to ORNHIC protocol dated May 4, 2005, http://www.oregon.gov/DCBS/RSL/docs/streamlining_water/SPGP_docs/ORNHIC_protocal_5_05.pdf)

For waterways, include a description of, as appropriate:

- *Condition of bank slopes (eroded, slope, etc.)**
- *Type and condition of riparian vegetation**
- *Channel morphology (i.e., structure and shape)**
- *Stream substrate**
- *History of prior disturbance**
- *Cause of erosion**
- Fish and wildlife (type, abundance, period of use, significance of site)
- *General hydrological conditions (e.g. stream flow, seasonal fluctuations)**

The study area is approximately 7.7 acres located in the central and east portions of the 12.15-acre Tax Lot 1300. It is located on a bench approximately 2000 feet north of the McKenzie River and 50 feet in elevation above the river. This bench within which the study area is located is bounded to the north by Blue River Drive and to the south by the McKenzie Highway. It is within the upper McKenzie River valley, at the base of the Old Cascades.

The majority of the study area is relatively level at 990-991 feet, as it is located predominantly on fill placed in a historic log pond by Seneca Timber Company from the late 1970s into the early 1990s. The fill is approximately 6-8 feet deep on the log pond. A small isolated section of unfilled log pond is present in the northeast corner of the study area, and a larger

* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

unfilled portion of the log pond is in the west and northwest portions of the study area. Portions of the 6-8-foot tall dike that enclosed the old log pond are still present on the site, and extend onto the north portion of the study area. A roadside ditch along the south side of Blue River Drive is located between the dike and the road in the northwest portion of the study area. This ditch is 6 feet lower than both the dike and the road. The wetland drainage direction is to the southwest.

Based on review of available historic aerial photos, the site and surrounding were converted from pasture use to a log pond and mill site which was in that use between 1945 and 1980. Material from the log pond excavation was used to complete a perimeter dike to contain water in the the log pond, which was filled by pumping water from the McKenzie River, based on information from local residents that had worked at the mill. Portions of the dike used to contain the log pond are still present in the north portion of the study area. The west portion of the property, including the far west portion of the study area, is within the diked log pond area and was not filled. Seneca had breached the dike in the very southwest corner of the log pond in order to drain it during decommissioning. A beaver dam has since been constructed across the breach, such that the remaining portions of the unfilled log pond are inundated much of the year. Dominant vegetation within the unfilled portion of the log pond is nonnative reed canary grass (*Phalaris arundinacea*). Old fill placed in the log pond was not extended all the way to the northern dike in the northern portion of the study area, such that the dike is still present, to the south of which remains an isolated section of the old log pond and a finger of the old log pond (see Figure 3, attached). The dike itself is 6-8 feet above the bottom of the log pond, and the predominant vegetation growing on its banks and over the top is nonnative Armenian blackberry (*Rubus armeniacus*). Water outfalls the log pond at the beaver dam, into a small intermittent stream which runs south to southwest towards the McKenzie Highway approximately 1500 feet from the study area.

A dirt access road had been constructed from Blue River Drive south over the dike and onto the property in order to access portions of the site, including the study area, when it was being filled by Seneca. Once the fill had been placed on the property, Seneca excavated a shallow and narrow ditch, approximately 30 inches wide and 30 inches deep, across the dirt access road to prevent people from driving onto the property. Since the MCTFC acquired the property in 2004, they have installed a culvert in that ditch, added a small (approximately 6 inches) lift of gravel and a topcoat of asphalt on the access road. The MCTFC has hauled rock onto the site to spread for a regulation-sized oval track across the majority of the fill on the study area, and a 10,000- square foot gravel parking area in the west portion of the study area, all sited on top of the old fill. They have also constructed a 19-foot length of trail that connects the dike to the old fill in the northwest portion of the study area. Based on information from the wetland study, it appears that this section of trail was constructed in wetlands while the road upgrade, including the culvert, was constructed in uplands (see wetland delineation report for details).

Present use on the land adjacent to the study area to the west is single family residential. Blue River Drive is north adjacent to the study area, and vacant land owned by Seneca Timber Company is to the south and east. The McKenzie Highway and McKenzie River are south of the study area by approximately 1500-2000 feet.

Vegetation

The majority of unfilled portions of the log pond are vegetated with reed canary grass (*Phalaris arundinacea*: FACW). An isolated section of the old log pond between the fill and the dike in the northeast corner of the site is vegetated with native obtuse spikerush (*Eleocharis obtusa*: OBL), cattail (*Typha latifolia*: OBL), simple-stem burreed (*Sparganium emersum*: OBL), false loosestrife (*Ludwigia palustris*: OBL), and leafy beggarstick (*Bidens frondosa*: FACW). A fringe of Hooker's willow (*Salix hookeriana*: FACW+) and cottonwood (*Populus balsamifera*: FAC) and Oregon ash (*Fraxinus latifolia*: FACW) saplings are growing around the east edge of the log pond at the fill boundary near the west boundary of the study area.

The dike within the study area is vegetated with reed canary grass along the bottom 1-2 feet of its bank adjacent to the log pond, with Armenian blackberry (*Rubus armeniacus*: FACU) the predominant vegetation across the remainder of the dike banks and across the top of the dike. Rows of Douglas-fir (*Pseudotsuga menziesii*: FACU) are growing along the dike in the northwest portion of the study area. The old fill within the study area is vegetated with Scot's broom (*Cytisus scoparius*: UPL), Armenian blackberry, and cottonwood seedlings. The bottom of the east section of roadside ditch south of Blue River Road is vegetated with hairy willowherb (*Epilobium ciliatum*: FACW); however the majority of the ditch is vegetated with Armenian blackberry.

Soils

The site is mapped on sheet #51 of the Lane County Soil Survey with a single soil type: #37C Cupola cobbly loam, which is not listed as a hydric soil in the Lane County Hydric Soil List. Soils observed in the abandoned and unfilled portion of the log pond were a silt or silty clay loam with hydric soil indicators including a chroma of 2 with mottling in the top 10 inches of the profile. Upland soils observed in the perimeter dike and old fill for the east half of the log pond were a gravelly silty clay loam or clay. Hydric soil indicators observed in the bottom 1-foot elevation of the dike within the study area included mottling in the top 10 inches. The remainder of these areas did not exhibit hydric soil characteristics. Soils in the roadside ditch to the north of the northern dike in the northwest portion of the site were a silty clay loam with mottling at 8-12 inches, and therefore met the hydric soil criteria.

Hydrology

The only direct indicators of wetland hydrology observed during the field visits included inundation in a small deeper section of the unfilled portion of the log pond in the very northeast corner of the site. Indirect indicators of wetland hydrology observed in the study area included oxidized rhizospheres in the top 12 inches of the surface.

Two seasonal wetlands are present in the northwest corner of the site and in the west portion of the site. Both wetland areas are unfilled portions of the log pond, and are described in detail following. W3 is the seasonal roadside ditch along Blue River Drive.

W1: Approximately 0.14 of wetlands in the northeast corner of the study area. Dominant vegetation is reed canary grass, simple-stem burreed (*Sparghanium emersum*: OBL), cattail (*Typha latifolia*: OBL), false loosestrife (*Ludwigia palustris*: OBL), and obtuse spikerush (*Eleocharis obtusa*: OBL). Soils are a silty clay loam over clay with mottling in the top 10 inches. This wetland is in the palustrine emergent (PEM) Cowardin class. It is in the Depressional Hydrogeomorphic (HGM) class with its primary sources of hydrology from precipitation and surface runoff. This wetland is located entirely within the study area, and is bounded to the east by rock and other fill from an old road crossing, to the north by the old dike, to the south by old fill, and to the west by the old road crossing. This wetland is sloped to the east, with the deeper area near the east study area boundary.

W2: Approximately 0.64 acres in the west and northwest portion of the study area associated with the unfilled portion of the abandoned log pond. Dominant vegetation is reed canary grass, with a narrow fringe of Hooker's willow (*Salix hookeriana*: FACW), and Oregon ash (*Fraxinus latifolia*: FACW) and cottonwood (*Populus balsamifera: FAC*) saplings along the east edge of the log pond where it abuts the old fill. Soils in this wetland area were observed to be a silt or silt loam to at least 18 inches, with a chroma of two and mottling in the top 10 inches. This wetland is in the PEM Cowardin class and the Depressional HGM class with its primary sources of hydrology from precipitation and surface runoff. This wetland continues off the study area and is enclosed by the old dike for the log pond, except where it was breached and a beaver dam constructed across the breach in the southwest corner of the Tax Lot (outside of the study area).

W3: Approximately 0.04 acres of shallow roadside ditch in the study area, north of the log pond dike and south of Blue River Drive. The ditch is 6-8 feet wide across the channel bottom, with a 20-25 foot top-of-bank width. Dominant vegetation in the ditch is hairy willowherb (*Epilobium ciliatum*: FACW) and Armenian blackberry. Soils were observed to be a silty clay loam with mottling at 8-12 inches. Based on the observations, the ditch appears to carry water infrequently, as most of it is covered with Armenian blackberry, both along the banks and across the bottom. The ditch continues offsite to the west. This ditch is in PEM Cowardin class and the Riverine Flow-through HGM class with its primary hydrology source from surface runoff.

Based on available information, no vernal pools, bogs, fens, mature forested wetlands, seasonal mudflats are in or near the project area. No native wet prairies are in the project area.

*Describe the existing **navigation, fishing and recreational** use of the waterway or wetland.**

None of the wetlands within the project area provide navigation, fishing, or recreation use. The dike around the log pond is occasionally used by the track team for jogging.

Resource Plan Requirements

- ☐ Describe the water quality conditions of the site and the expected effect of the project on these conditions.
- ☐ *Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.**
- ☐ *For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian areas, complete and attach a Site Restoration Plan to restore the site after construction. See section E of the Resource Plan Guidance Document for*

* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

plan requirements. *

- ☐ *For permanent impact to wetlands, complete and attach a Compensatory Wetland Mitigation (CWM) Plan. (See Section F in the Resource Plan Guidance Document for CWM plan requirements)* *
- ☐ *For permanent impact to waterways or riparian areas, complete and attach a Compensatory Mitigation (CM) plan. (See Section G in the Resource Plan Guidance Document for CM plan requirements)* *
- ☐ *For permanent impact to estuarine wetlands, you must submit an Estuarine Resource Replacement Plan. (See OAR 141-085-240 to OAR 141-085-257 for plan requirements)* *

In addition to any construction measures, complete and attach:

- ☐ *A Sediment and Erosion Control Plan (See DEQ's Oregon Sediment and Erosion Control Manual at http://www.deq.state.or.us/wq/wqpermit/ESCManual.htm (Section C of the Resource Plan Guidance Document)* *
- ☐ For a project with impervious surface (new or associated), complete and attach a post-construction stormwater management plan. (See Section D of the Resource Plan Guidance Document)

The onsite wetlands are connected eventually via ditch and culvert to Elk Creek, a tributary of the McKenzie River approximately ½ mile southwest of the site. Water quality information from the Department of Environmental Quality (DEQ) 303(d) list shows that the McKenzie River in the vicinity of the project site (River Mile 56) is water quality limited for temperature in summer. The proposed project is not anticipated to alter water quality conditions in the adjacent wetlands because the gravel parking area is pervious, the track is designed to be an enclosed basin with a grassy infield so no surface runoff will enter the onsite wetlands, and the paved entrance will have grassy banks to provide infiltration prior to surface runoff entering the onsite wetlands. Onsite hydrology is not anticipated to be negatively affected by the proposed project because the trail crossing will be culverted with a properly-sized culvert, and the upgraded access road footprint is directly on top of an existing road, which will also be culverted with a properly sized culvert. In addition, the primary hydrologic source will remain precipitation. No compensatory mitigation is anticipated to be required for the proposed project, as the wetland impact is 37 cubic yards and therefore less than the 50 cubic yard requirement for a permit from the Oregon Department of State Lands.

(6) ADDITIONAL INFORMATION

Adjoining Property Owners and Their Address and Phone Numbers *(if more than 5, attach printed labels*)*
Seneca Timber Company- PO Box 10265 Eugene, OR 97440
Sherea and Richard Holland, 51234 Blue River Drive, Blue River, OR 97413
G. Thorne PO Box 350, Blue River, OR 97413
Lane County, 3040 North Delta Hwy., Eugene, OR 97408
L.Wilcox, PO Box 375, Blue River, OR 97413
H. Bonini, PO Box 427, Blue River, OR 97413

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.? ☒ Yes ☐ No
DSL Violation notice
If yes, what identification number(s) were assigned by the respective agencies:
Corps #_____ State of Oregon # Enforcement File #6353
Has a wetland delineation been completed for this site? ☒ *Yes* ☐ *No*
*If yes, by whom**: Environmental Solutions LLC
Has the wetland delineation been approved by DSL or the COE? ☐ *Yes* ☒ *No*
*(If yes, attach concurrence letter.)**

* ***Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.***

(7) *CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (to be completed by local planning official)* *

I have reviewed the project outlined in this application and have determined that:

☐ This project is not regulated by the comprehensive plan and land use regulations.

☐ This project is consistent with the comprehensive plan and land use regulations.

☐ This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained.

☐ Conditional Use Approval ☐ Development Permit ☐ Other_____

☐ This project is **not** consistent with the comprehensive plan. Consistency requires a

☐ Plan Amendment ☐ Zone Change ☐ Other_____

An application ☐ has ☐ has not been filed for local approvals checked above.

Local planning official name (print)	Signature	Title	City / County	Date

Comments:

(8) *COASTAL ZONE CERTIFICATION* *

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name	Title
Applicant Signature	Date

(9) **SIGNATURE FOR JOINT APPLICATION**

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. *I understand that payment of the required state processing fee does not guarantee permit issuance. The fee for the state application must accompany the application for completeness. Amount enclosed $150.00 (applicant is private nonprofit group).**

Jeffrey R. Sherman	President-McKenzie Community T/F
Print /Type Name	Title
Jeffrey R. Sherman	10-8-06
Applicant Signature	Date

I certify that I may act as the duly authorized agent of the applicant.

Nancy Holzhauser	Consultant
Print /Type Name	Title
Nancy Holzhauser	10.8.06
Authorized Agent Signature	Date

*I certify that the applicant has my permission to conduct the project on my property.**

Jeffrey R. Sherman	President - McKenzie Comm. T/F
Print /Type Name	*Title*
Jeffrey R. Sherman	10-8-06
Property Owner Signature[3]	*Date*

[3] If the project is on a state-owned waterway, you must contact the Land Management Division of the Department of State Lands for approval to proceed with this application. See www.oregonstatelands.us for a list of state-owned waterways.

* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

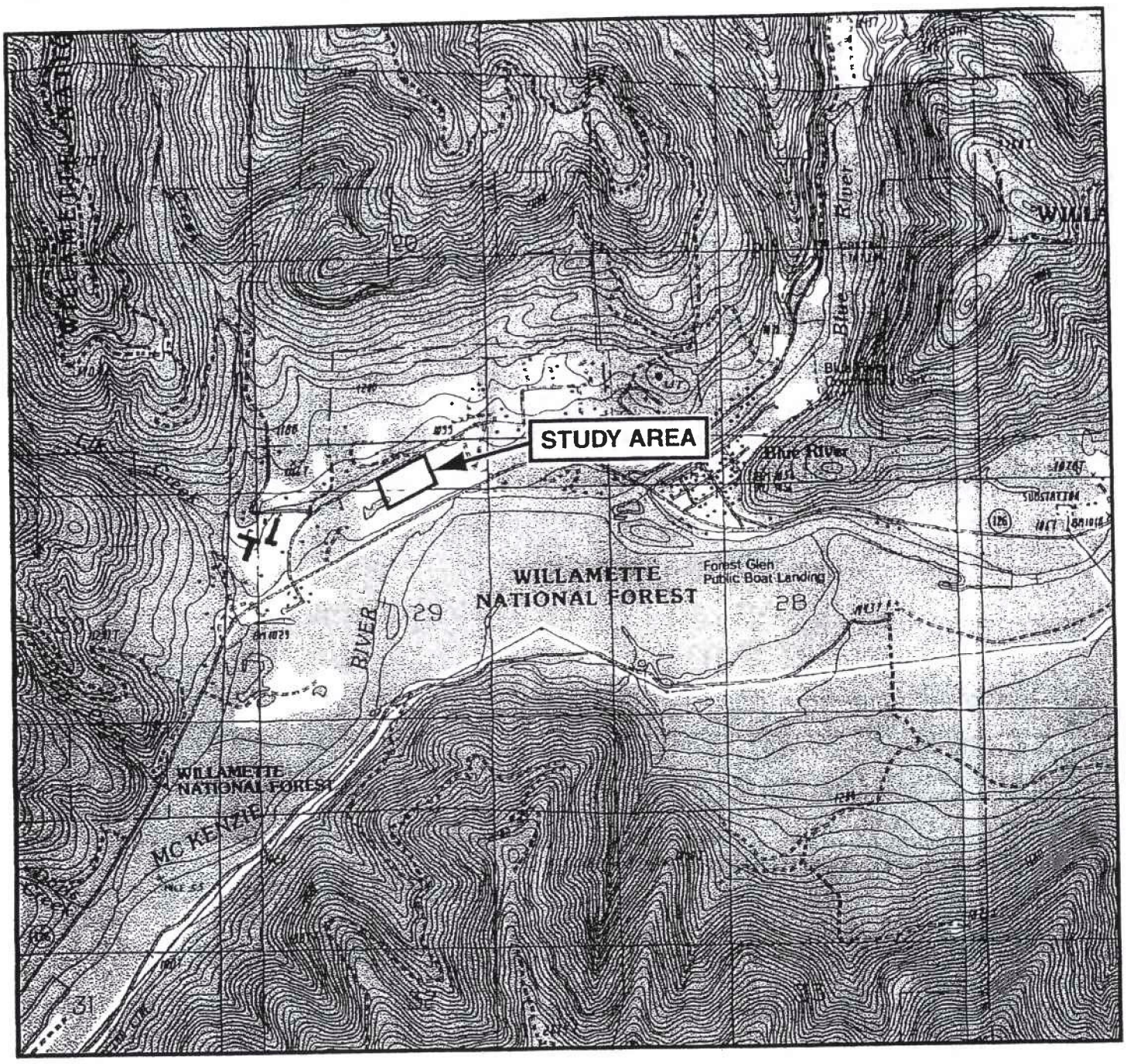


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FIGURE 1: Site Location Map

Source: Blue River USGS Quad
Scale: 2.6" = 1 mile

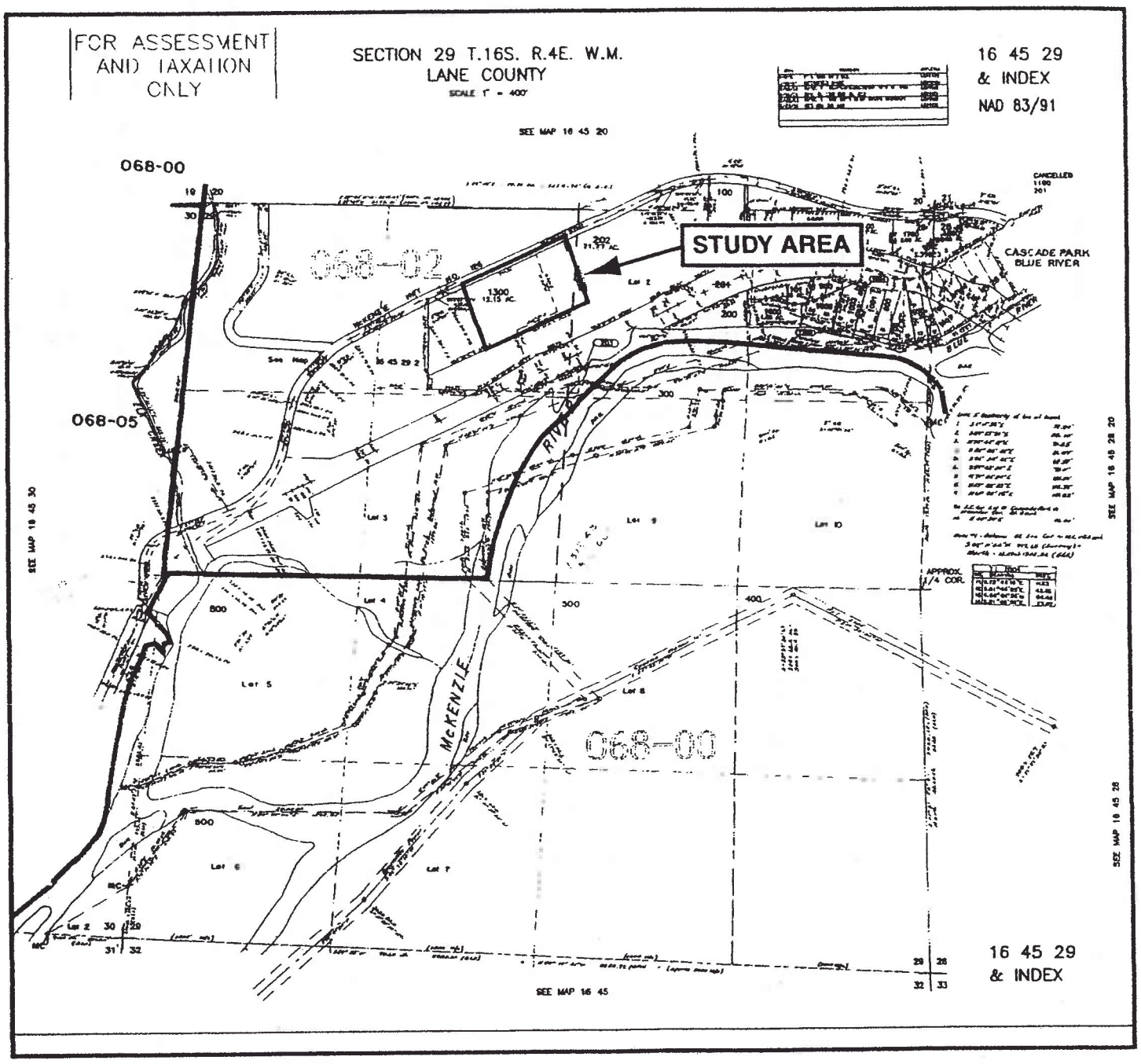

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FIGURE 2: Site Location on Tax Map

Source: Lane County Tax Map
Scale: Undetermined

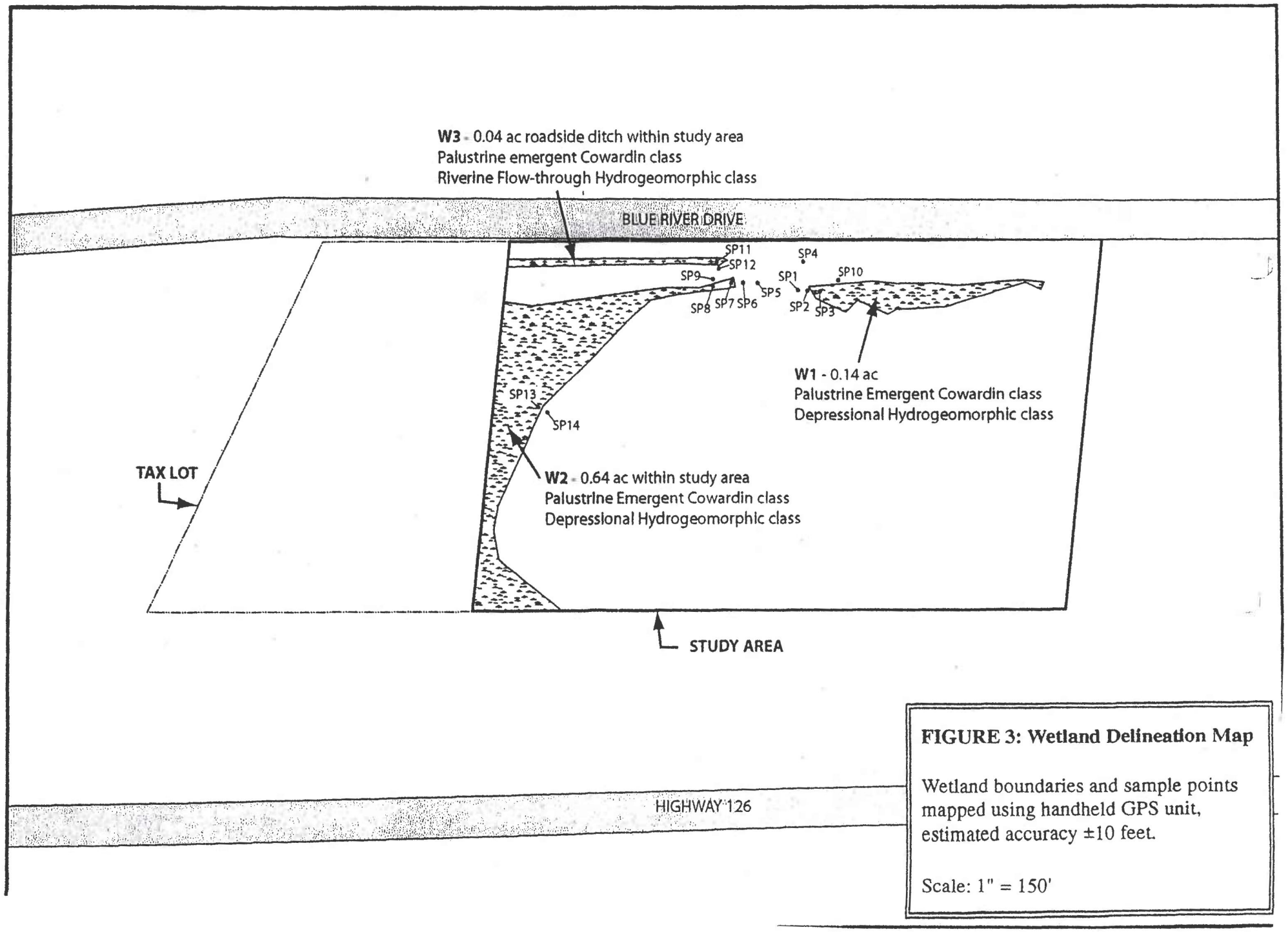

FIGURE 3: Wetland Delineation Map

Wetland boundaries and sample points mapped using handheld GPS unit, estimated accuracy ±10 feet.

Scale: 1" = 150'

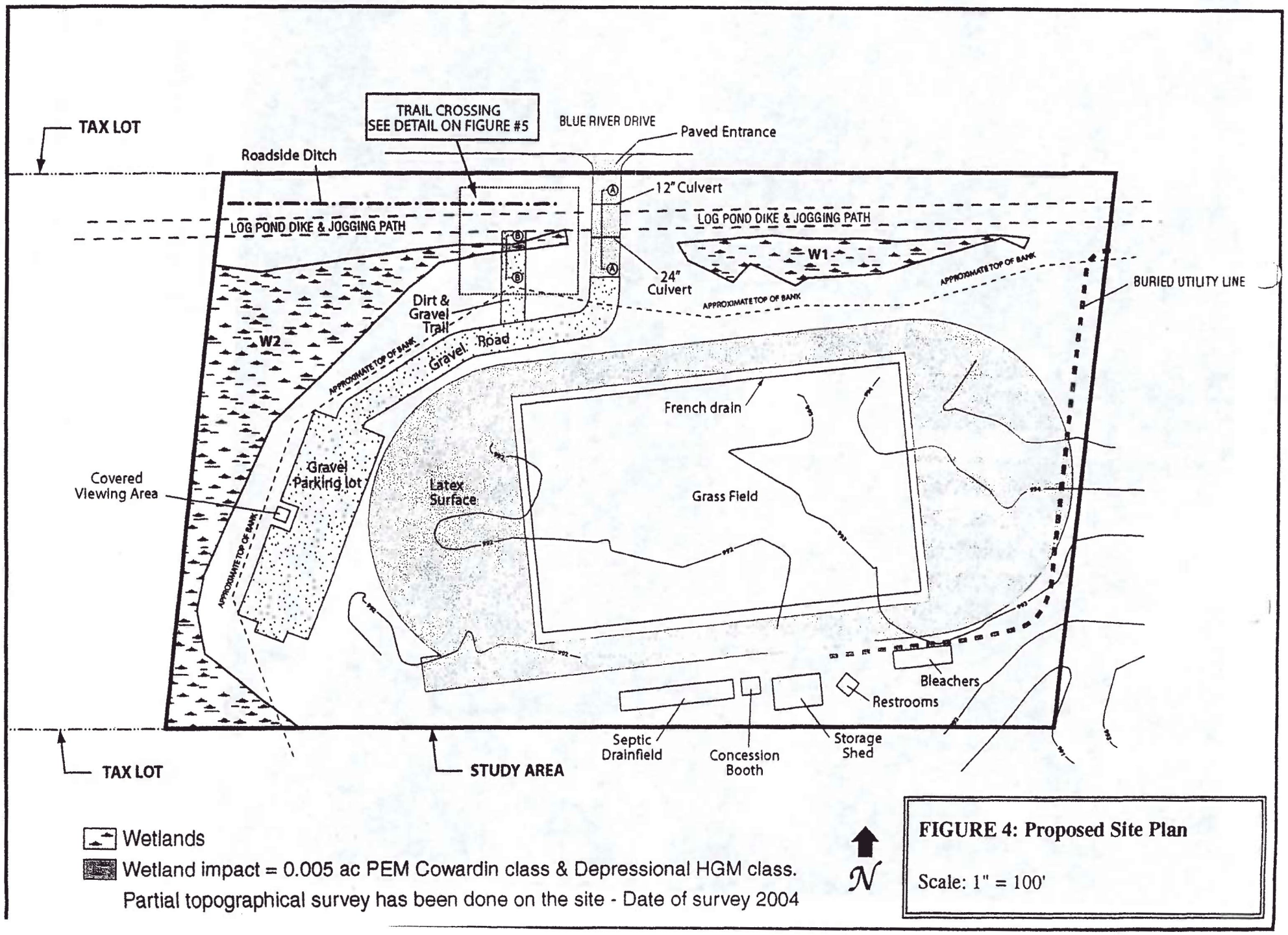

FIGURE 4: Proposed Site Plan

Scale: 1" = 100'

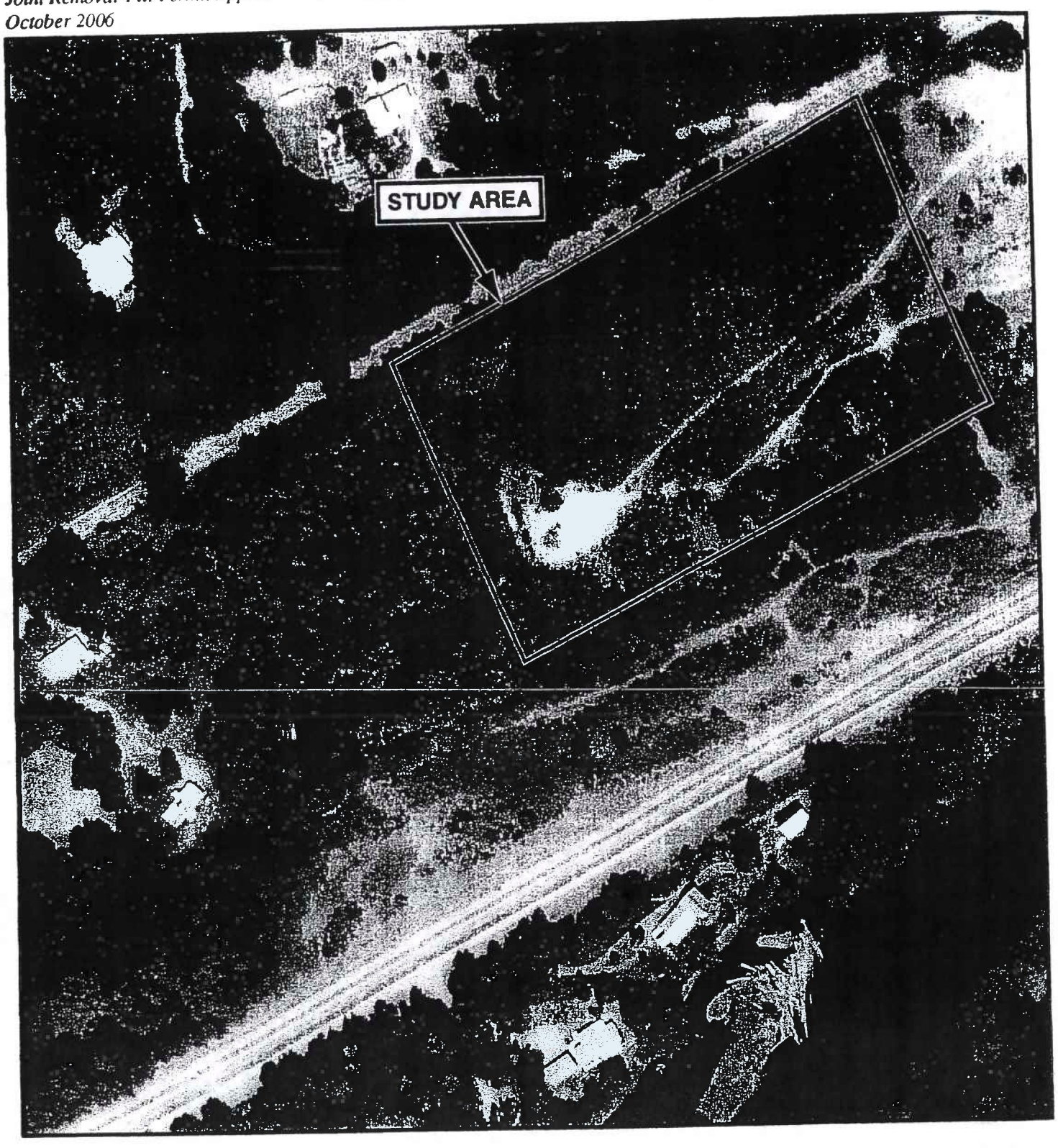

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FIGURE 6: 2002 Aerial Photo

Scale undetermined

EROSION AND SEDIMENTATION CONTROL NOTES-
McKenzie Community Track and Field Project

The erosion and sediment control described following are the minimum requirements for anticipated site conditions. During the construction period, these measures shall be upgraded as needed for unexpected storm events and to ensure that sediment and sediment-laden water does not leave the site. The implementation of this Construction Site Management Plan (CSMP) and the construction, maintenance, replacement, and upgrading of the erosion and sediment control measures is the responsibility of the contractor until all construction is completed and accepted and vegetation / landscaping is established.

The erosion and sediment control measures must be constructed in conjunction with all clearing and grading activities, in such a manner as to insure that sediment and sediment laden water does not enter roadways or violate applicable water standards. When designing and implementing measures, the permit holder and or the contractor shall consider the seasonal variation of rainfall, temperature, and other climatic factors relative to the timing of land disturbance activities.

The erosion and sediment control measures on active sites shall be inspected and maintained daily and within the 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. Measures shall be inspected by permit holder and/or the contractor after each rainfall and at least daily during prolonged rainfall. Any required repairs or adjustments shall be made immediately. The erosion and sediment control measures on inactive sites shall be inspected a minimum of once every two (2) weeks or within 48 hours following a storm event. All stockpiled soil shall be either covered if not used within 48 hours or seeded with a native seed mix if not planned for use for more than 2 months.

All exposed soils, including unused stockpiled soils, will be seeded with a native erosion control seed mix at the rate of 12 #/acre as follows: 5 lb/ac *Elymus glaucus*, 3 lb/ac *Bromus carinatus*, 2 lb/ac *Deschampsia cespitosa*, 2 lb/ac *Festuca idahoensis*.

No hazardous substances, such as paints, thinners, fuels and other chemicals shall be released onto the site, adjacent properties, or into water features, or related natural resources. No discharge shall occur into onsite natural resources including wetlands, of construction related contaminants resulting from activities such as, but not limited to, cleaning or washing of equipment, tools, or vehicles.

All adjacent properties, water features, and related natural resources are to be kept free of deposits or discharges of soil, sediment or construction-related material from the construction site. In addition, wetland areas shall be

surrounded with appropriate fencing as noted on CSMP prior to construction and shall not be disturbed unless the proper permits are obtained.

A supply of materials necessary to meet the outcomes and implement the construction site management plan or other best management erosion practices under all weather conditions shall be maintained at all times on the construction site.

The boundaries of the clearing limits shown on this plan shall be clearly flagged in the field by the contract manager prior to construction. During the construction period, no disturbance beyond the flagged clearing limits shall be permitted. The flagging shall be maintained by the contractor for the duration of construction. All wetland areas shall be flagged by the wetlands consultant or contract manager prior to construction and shall not be disturbed unless the proper permits are obtained. The flagging shall be maintained by the contractor for the duration of construction.

Approval of the system does not guarantee that it will meet the outcomes or be acceptable to use in all situations. Modifications to the system will be required if the outcomes can not be met. At no time will sediment laden water be allowed to leave the construction site.

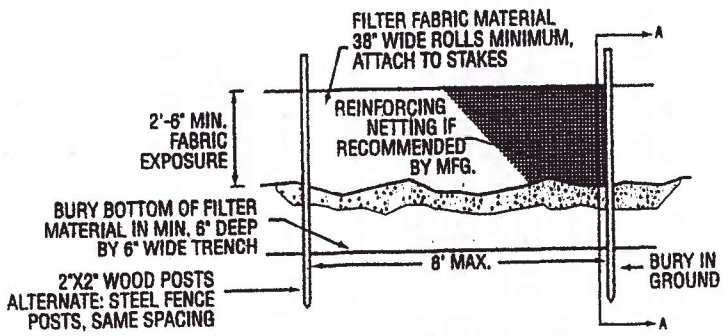
Sediment laden water will not be allowed to enter onsite wetlands.

All erosion and sediment control measures shall be protected from damage at all times. Any measure that is damaged or destroyed shall be repaired or replaced immediately.

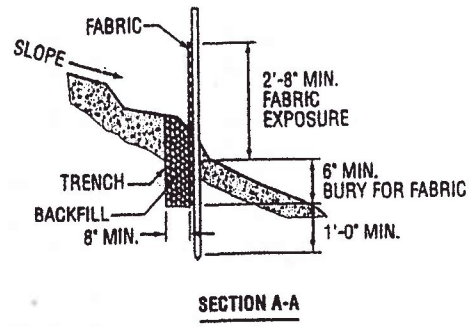
Equipment will be inspected for leaks prior to each day's use, with repair of leaks taking place before its use.

Any contaminated soil will be removed and disposed of properly.

NOTES:
1. Installation shall follow the manufacturer's recommendations.
2. Posts shall be installed so that a min. of 3'-0" extends above the ground with a min. 2'-0" embedment.
3. Filter fabric fabric shall be purchased in a continuous roll to avoid joints.
4. Splice joints at support posts only, with a min. 6" overlap.



ELEVATION

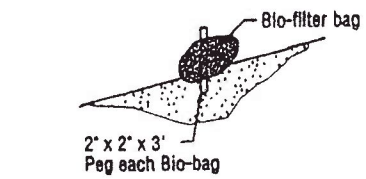


SECTION A-A

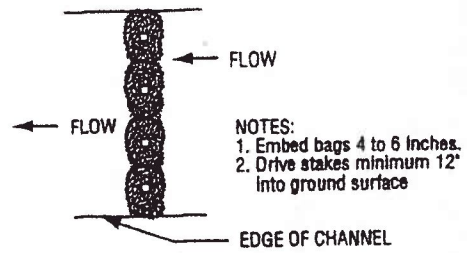
TYPICAL SEDIMENT FENCE DETAIL

NOT TO SCALE

Bio-filter bags to be butted together
snugly in lines across the enhanced channel



SECTION



PLAN VIEW

BIO-FILTER BAG

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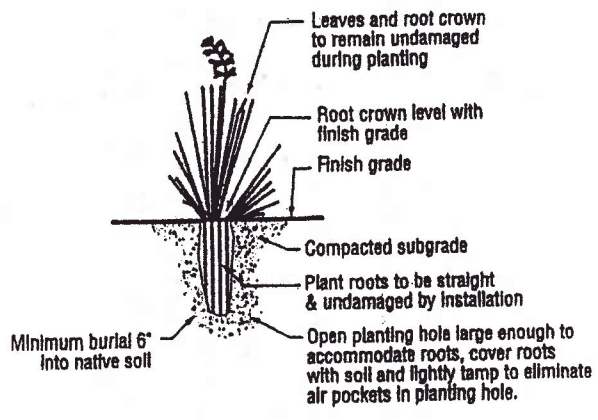
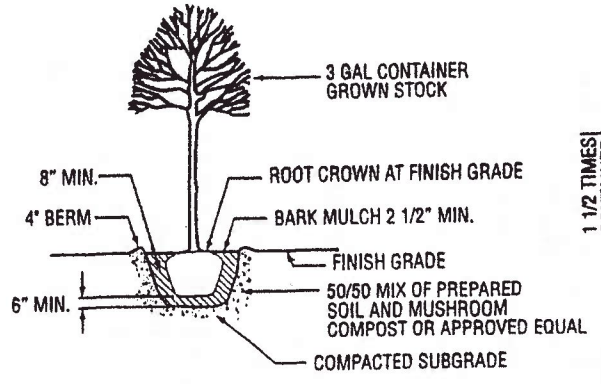


8 CU IN STYRO-BLOC PLUG

NOT TO SCALE



TREE PLANTING DETAIL

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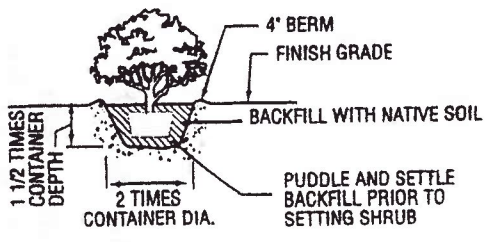


SHRUB PLANTING DETAIL

NOT TO SCALE

Erosion Control and Planting Detail

RESTORATION PLAN
for the McKenzie Community Track and Field Project
Blue River, Lane County, Oregon

Prepared by
Environmental Solutions LLC
55646 Drury Drive
Blue River, Oregon
(541) 822-1090

1.0 GENERAL INFORMATION

1.1 Applicant Information

McKenzie Community Track and Field Committee
ATTN: Jeff Sherman
54800 East King Road
Blue River, OR 97413
Phone No.: (541) 822-3451

1.2 Purpose

The purpose of this Restoration Plan is to provide a seeding prescription to restore bare areas resulting from the construction of a track and field facility (refer to Joint Removal-Fill Permit Application for detailed information).

2.0 RESTORATION PLAN

The project area is on relatively level fill in a partially filled and drained abandoned log pond. The on-site wetlands are associated with the unfilled portions of the log pond that border the north and west boundaries of the project area, and are 6-10 feet lower than the facility construction site. The only proposed wetland impact is associated with a trail crossing which will consist of fill and a culvert to connect the perimeter dike to the project site. The banks of that trail crossing will be seeded with a native seed mix of upland and wetland grasses typical of the local habitat (see list below). Seeding will occur within 2 weeks of completion of the trail crossing as well as other construction activities. Seed can be applied by broadcast or hydroseeding, however if seed is to be broadcast, the application rate shall be twice the rate indicated below. This same seed mix can be applied to all other areas made bare during construction, including the graded areas around the track and gravel parking area. The optimum seeding period is mid-October through November and late March through April. The native seed mix listed below shall be applied.

The following native seed mix shall be applied at a rate of 8 lbs/ac (hydroseed) or 16 lb/ac (broadcast):
Blue wildrye (*Elymus glaucus*) @ 3 lb/ac (hydroseed) or 6 lb/ac (broadcast)
Spike bentgrass (*Agrostis exarata*) @ 1 lb/ac (hydroseed) or 2 lb/ac (broadcast)
California brome (*Bromus carinatus*) @ 1 lb/ac (hydroseed) or 2 lb/ac (broadcast)
Large leafed lupine (*Lupinus polyphyllus*) or Streambank lupine (*Lupinus rivularis*) @ 1 lb/ac (hydroseed) or 2 lb/ac (broadcast)
Tufted hairgrass (*Deschampsia cespitosa*) @ 2 lb/ac (hydroseed) or 4 lb/ac (broadcast)

3.0 MAINTENANCE AND CONTINGENCY MEASURES

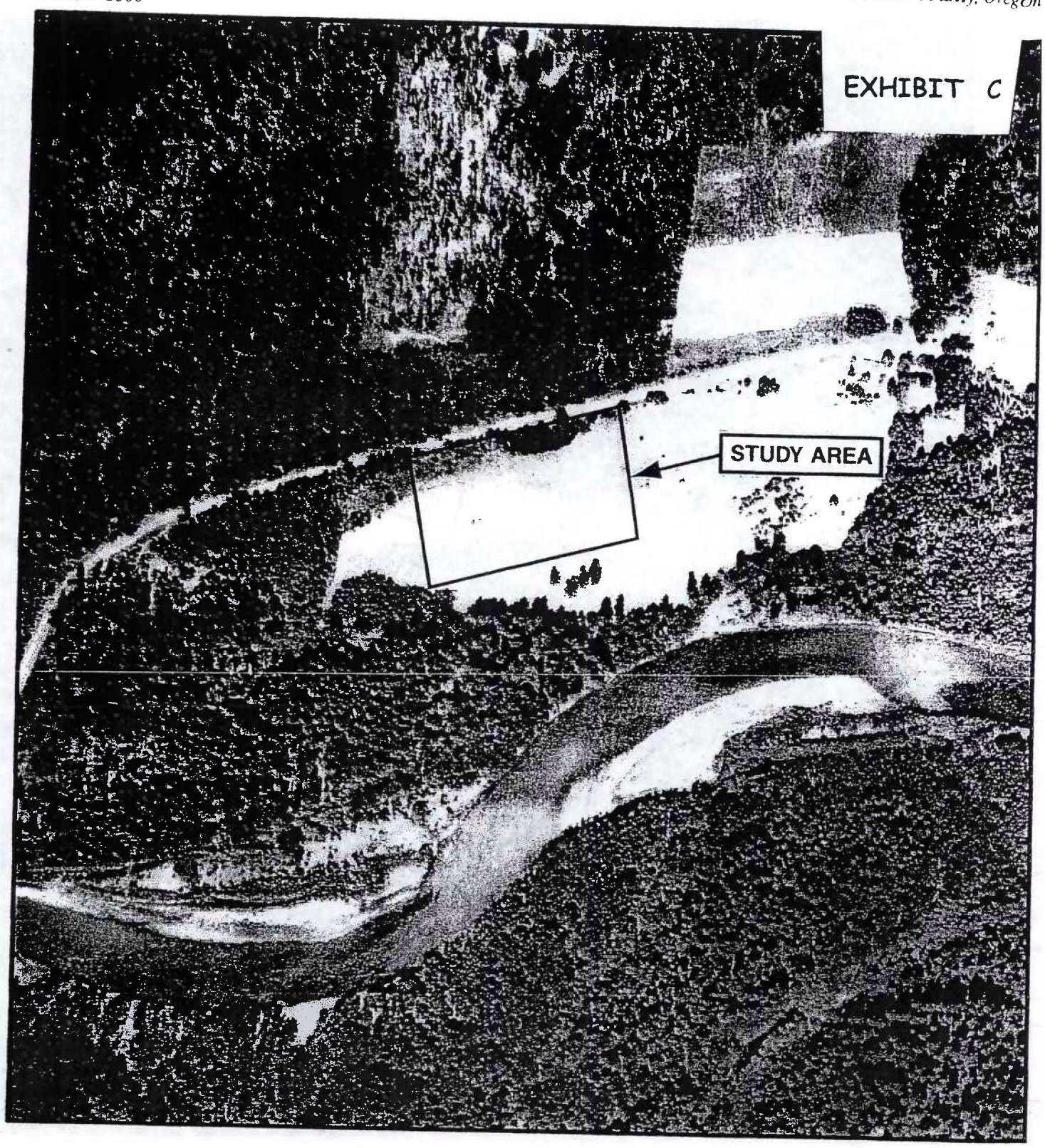
Bare areas will be reseeded with the native seed mix.

4.0 IMPLEMENTATION SCHEDULE

It is anticipated that the seeding will occur in the fall 2006-winter 2008 seasons. Year 1 refers to the first year following installation of the pipe.

1. Year 1- Post-construction of trail: Apply native seed mix.
2. Year 2 and beyond- September/October: Reseed site as needed with native seed mix.

EXHIBIT C



N

FIGURE 16: 1936 Aerial Photo

Scale undetermined

FIGURE 15: 1945 Aerial Photo

Scale undetermined

N

FIGURE 14: 1952 Aerial Photo

Scale undetermined

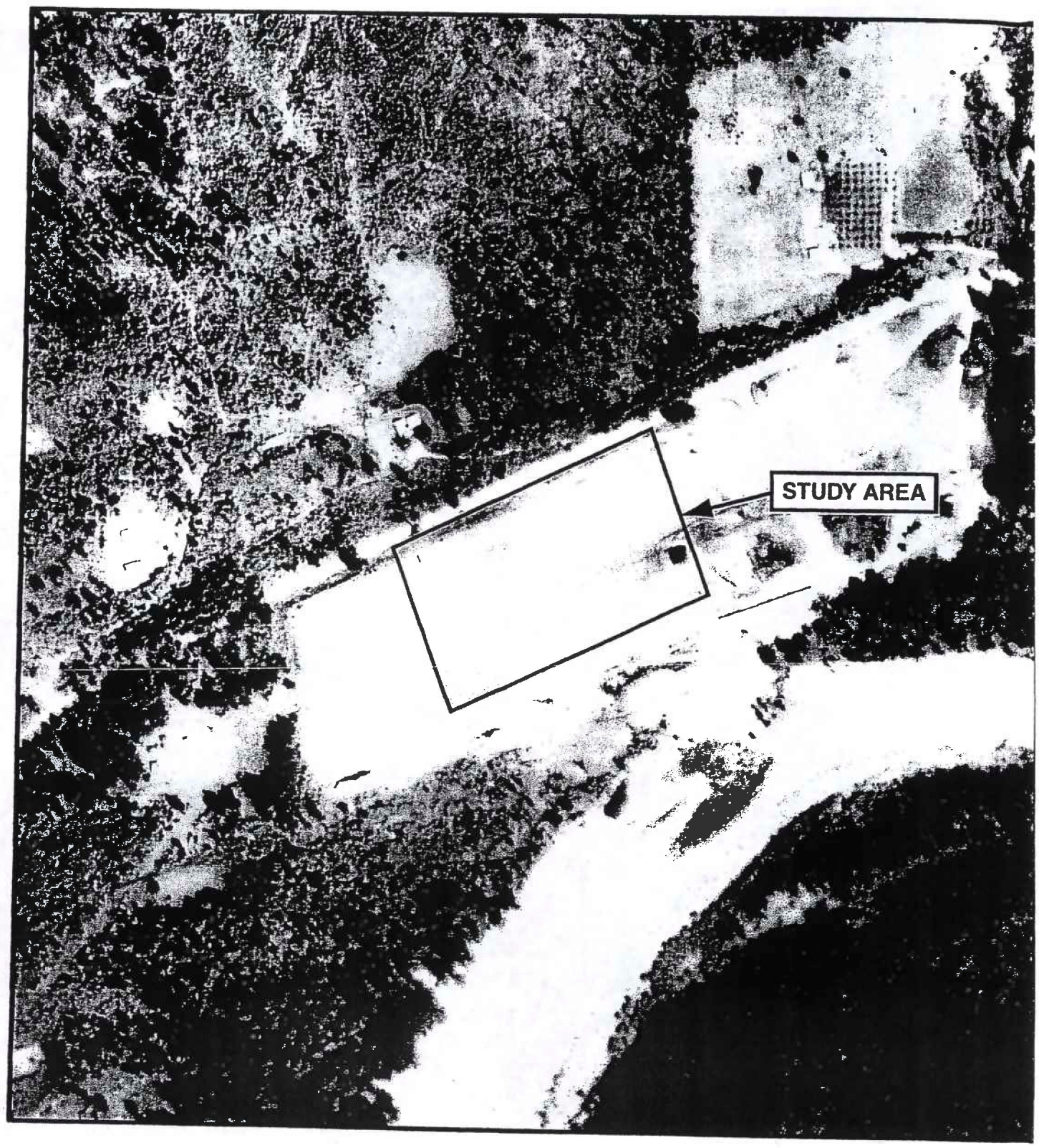


FIGURE 13: 1959 Aerial Photo

Scale undetermined

FIGURE 12: 1967 Aerial Photo

Scale undetermined

FIGURE 11: 1972 Aerial Photo

Scale undetermined

$\mathcal{N}$

FIGURE 10: 1980 Aerial Photo

Scale undetermined

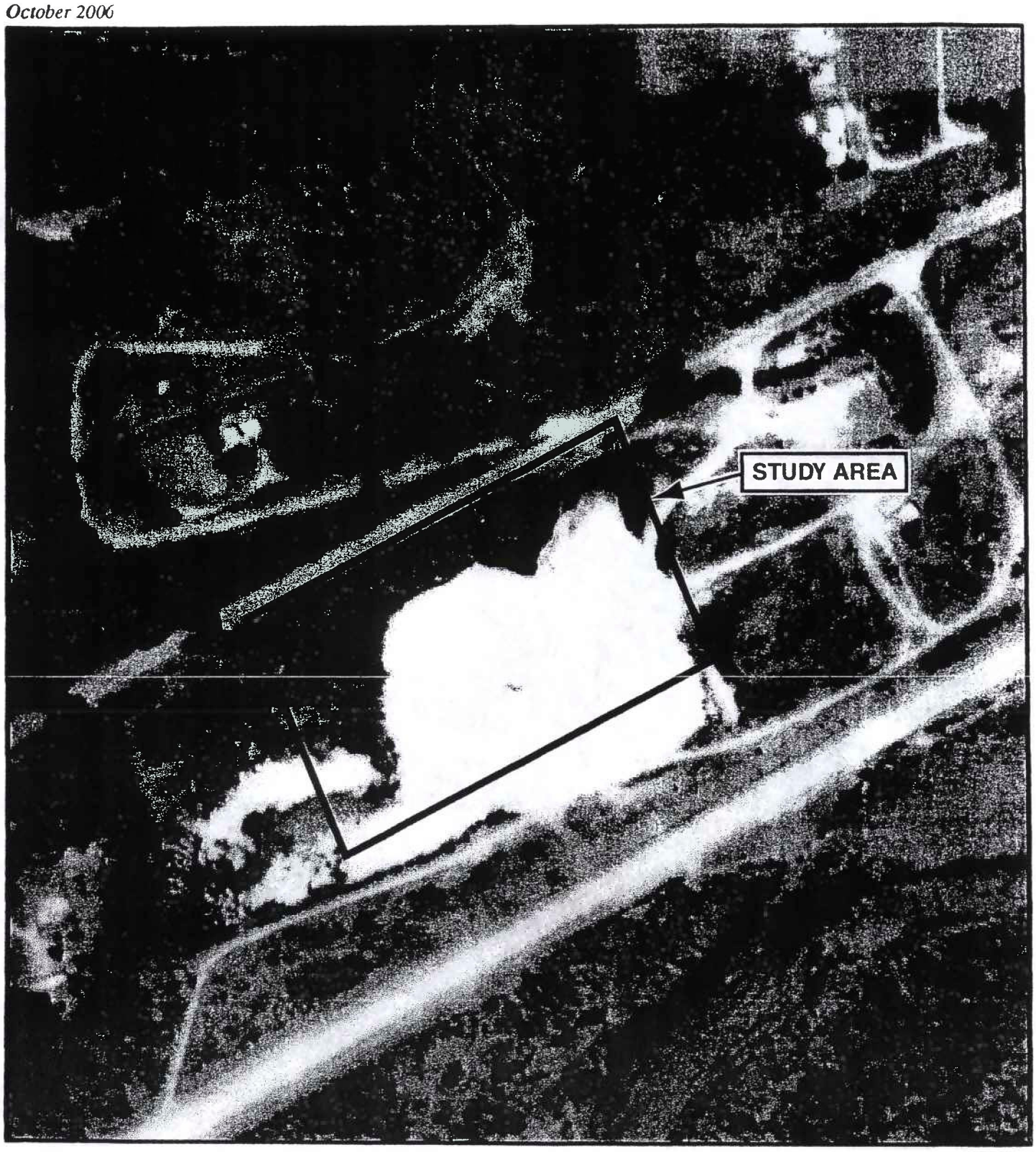
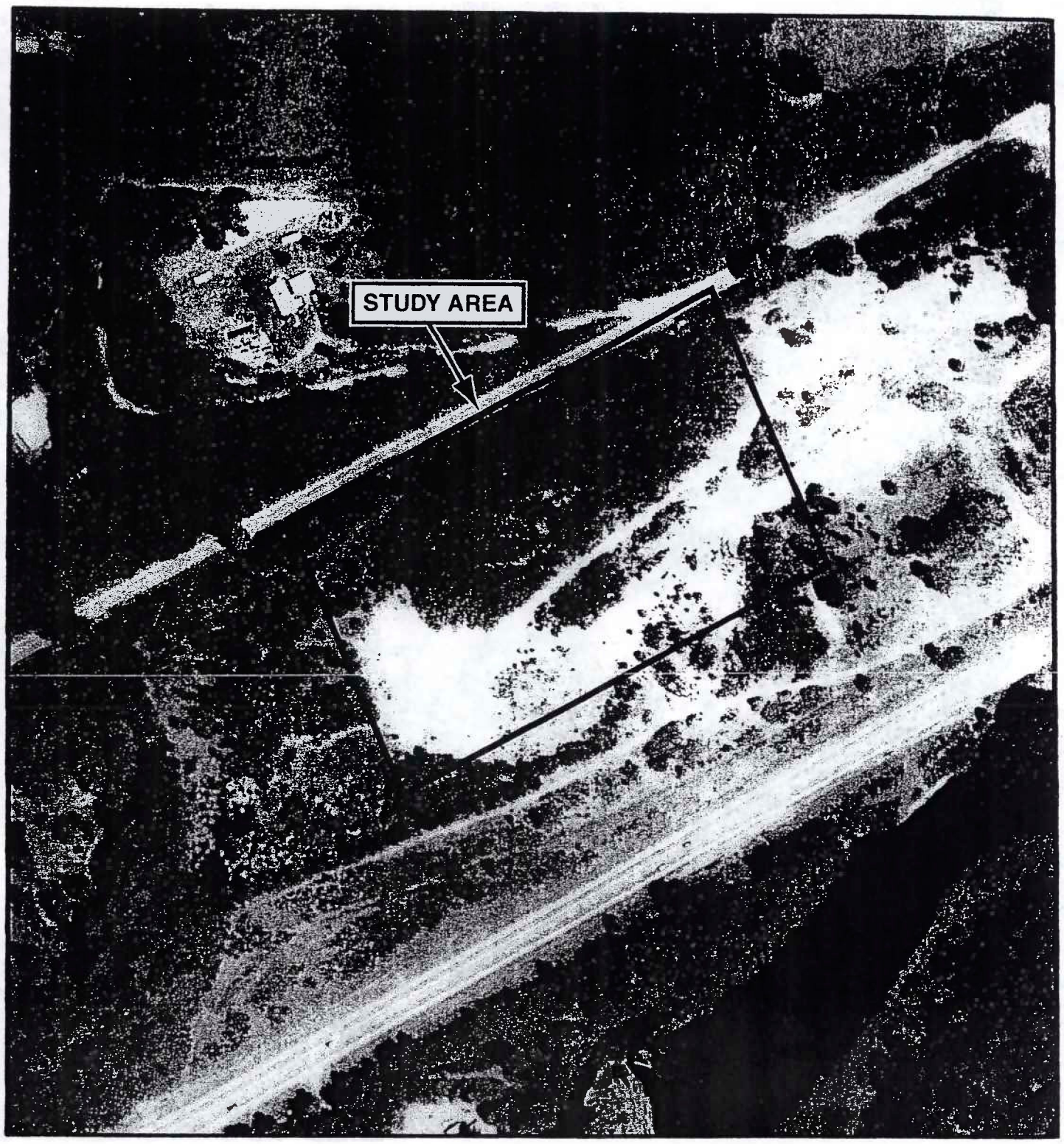


FIGURE 9: 1981 Aerial Photo

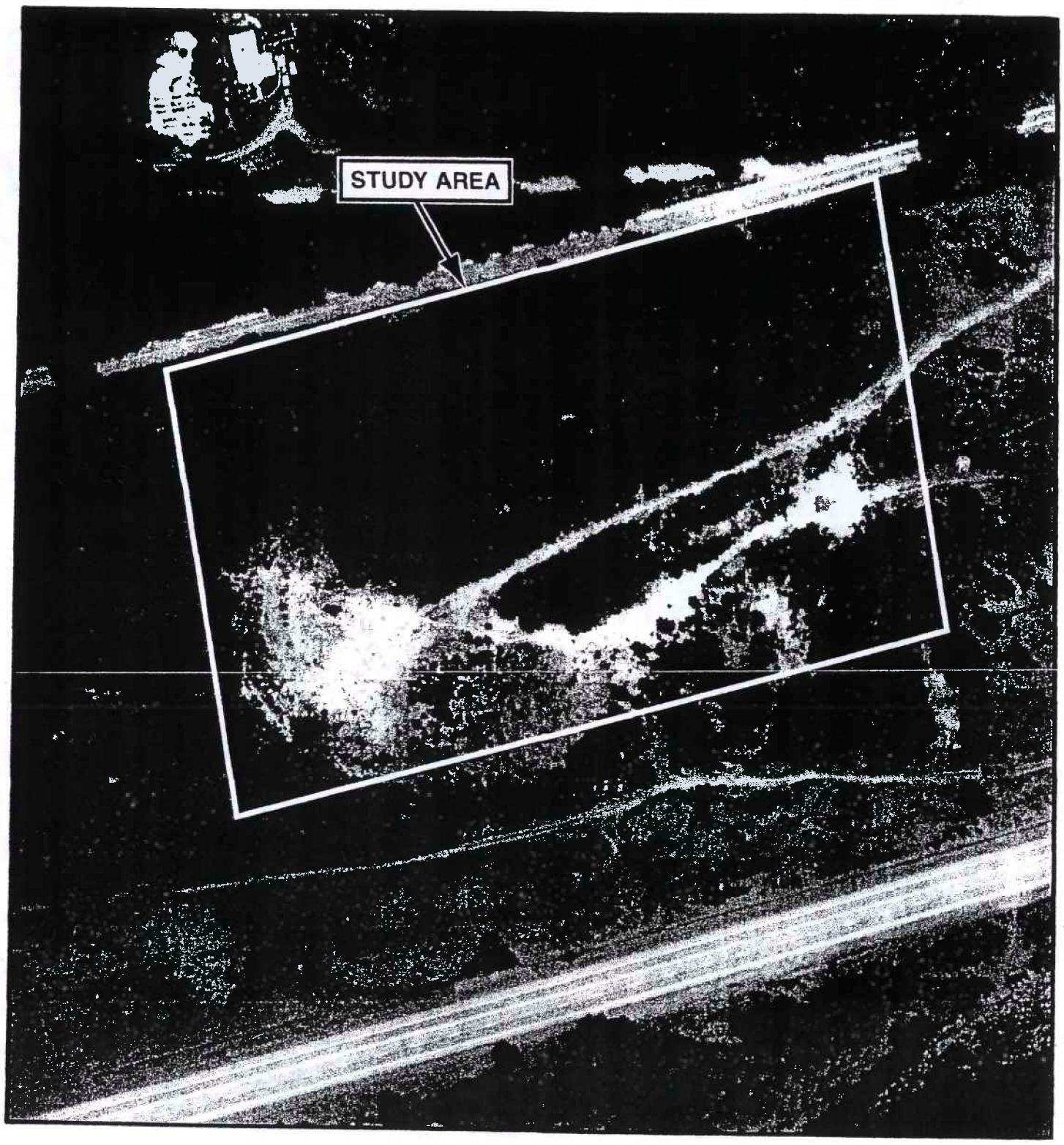
Scale undetermined



N

FIGURE 8: 1991 Aerial Photo

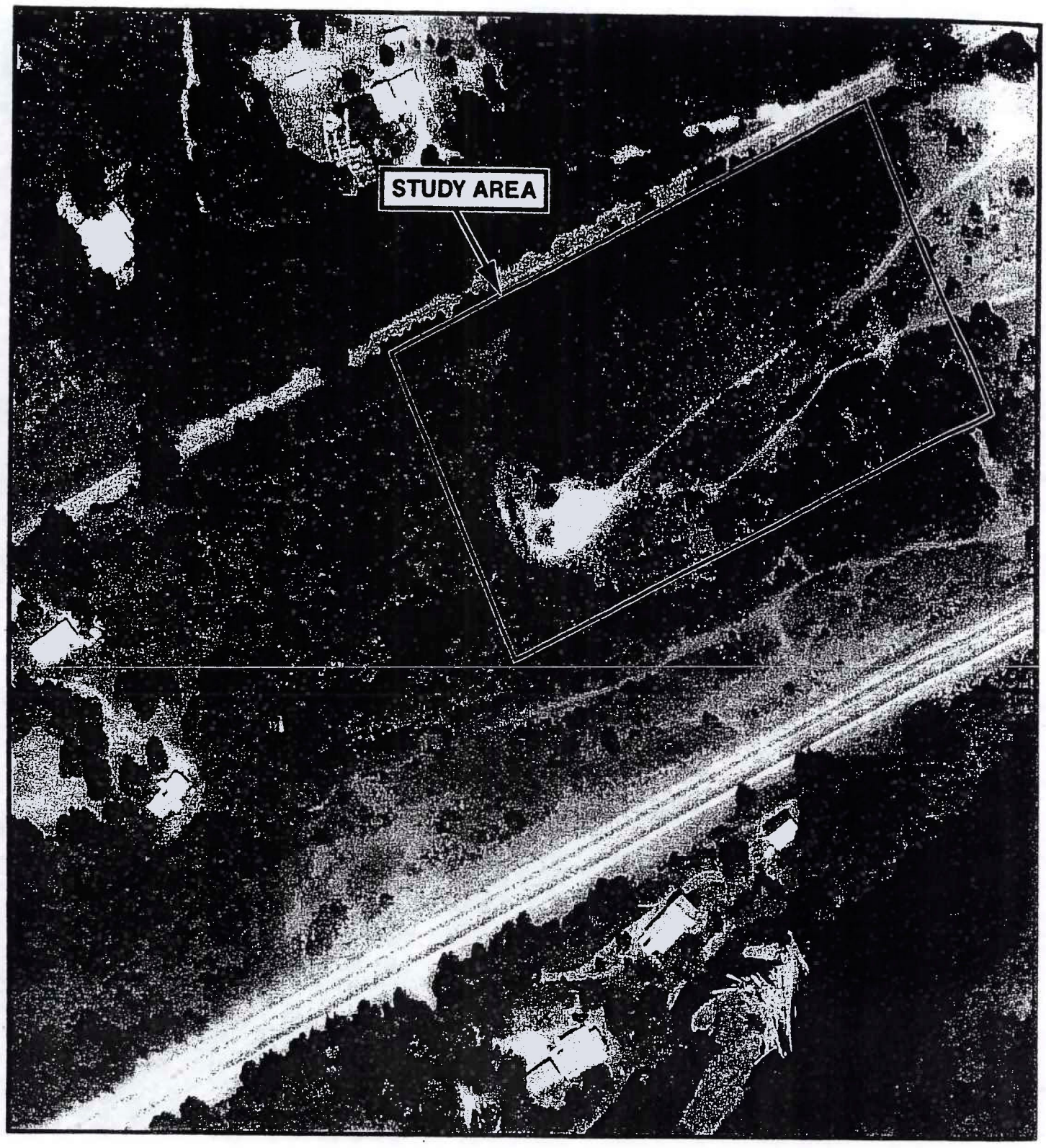
Scale undetermined



N

FIGURE 7: 1994 Aerial Photo

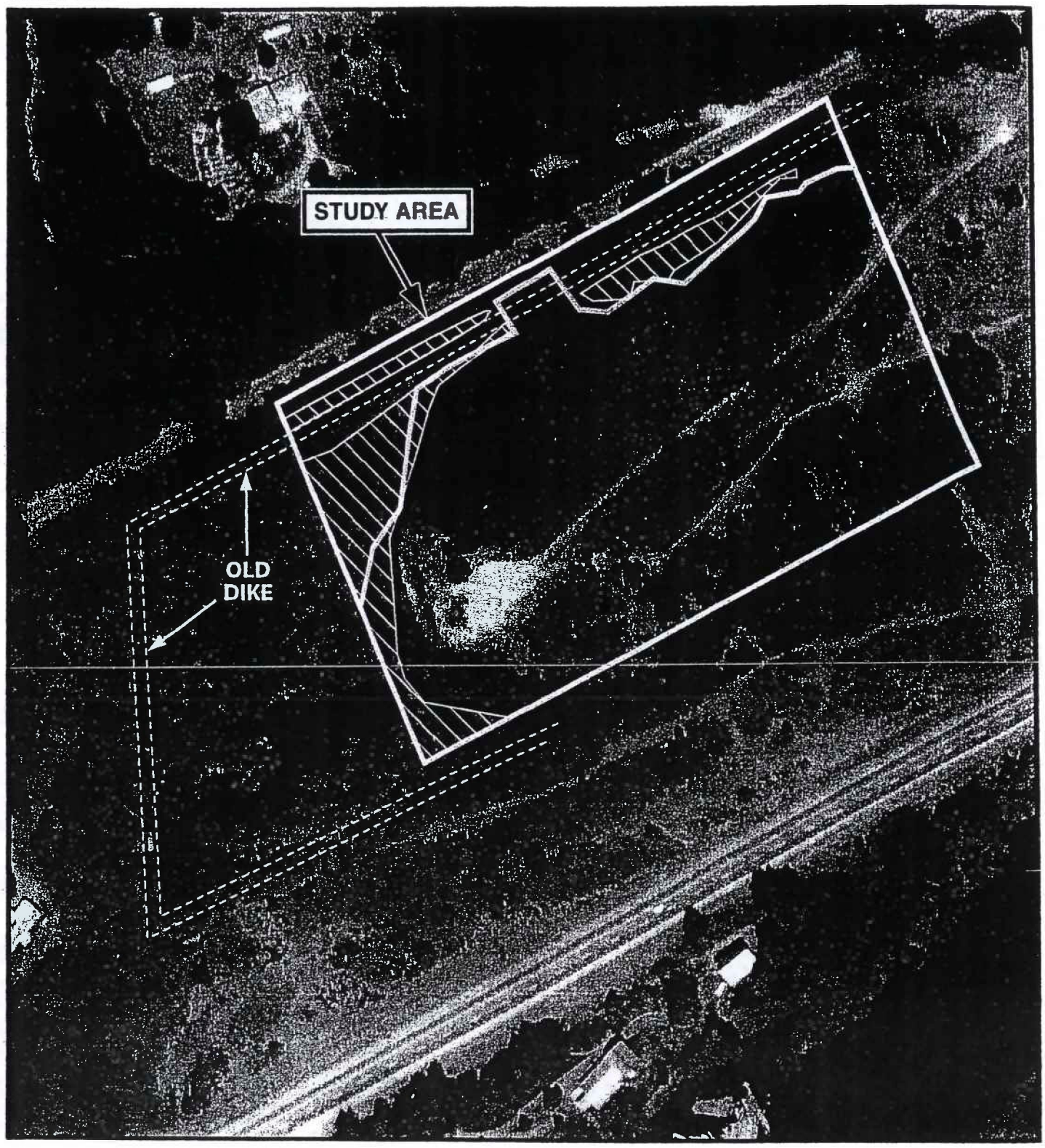
Scale undetermined



N

FIGURE 6: 2002 Aerial Photo

Scale undetermined



LEGEND

Wetlands per 2006 study

Maximum extent of old fill

FIGURE 6A: Wetland delineation and Maximum Old Fill Line on 2002 Aerial Photo

Scale undetermined

EXHIBIT D

EXHIBIT D

McKenzie Community Track and Field (MCTF)

Executive Summary

The specifics of the vision, needs, beneficiaries, current status of the project, phases of the construction, fundraising and budget of the project is included in the 3-ring presentation notebook or may be obtained from MCTF (McKenzieCTF@aol.com). The consensus of visitors to the site is that the setting for the MCTF facility is the most scenic of any T&F site in the state of Oregon.

Current Status:

1. 12.87 acres of property on Blue River Drive about 1/4 mile from the McKenzie Schools has been donated by Aaron Jones to the MCTF.
2. The MCTF with the assistance of individuals, businesses and companies within the community has cleared, leveled and prepared the site.
3. Phase 1 of the project is completed (see Phases 1-6 of Construction).
4. The MCTF has currently completed Phase 2 and is preparing for Phase 3. **The completion of Phases 1-2 puts the project past the halfway mark and represents over $335,000 of in-kind and cash contributions.**

Current Needs: In Phase 3 we need funding to complete the track and field.

1. Rezoning the property has begun (approximate cost $15,000).
2. Final grading of the track and a 2" lift of asphalt (approx. $80,000).
3. Funding for the rubber surface and stripping of the track (approx.$70,000).
4. Funding for the field events such as shot put, long jump, etc. ($15,000)
5. Funding for completing the driveway and parking lot. ($5,000)

Future Needs: Phase 4 completion of the soccer fields and concessions building.

3. Funding for two soccer fields (also a surrounding fence to keep out the elk) which will serve children grades K-5. (Approximate cost $50,000).
4. Funding for the concession stand, restrooms and storage building. ($67,000)

Future Needs: Phases 5-6 completion of the wetlands project and native landscaping

1. MCTF is developing the west 4-5 acres as a wetlands science laboratory and accessible educational site. Proposals are being submitted for the initial planning phase and some work is currently underway.

Financial:

1. The approximately 13 acres has a value in excess of $122,000.
2. Community pro bono equipment donations, work, materials have exceeded $142,000.
3. Private cash contributions are currently over $72,000. A formal fundraising campaign has not been conducted so these donations are from word of mouth.
4. In 2006 MCTF will conduct a formal fundraising campaign. We will pursue funding from foundations, corporations, businesses and individuals.

Bottom Line:

We need $185,000 to complete the T&F to have it usable in 2006. Given the "track" record of the community we believe that we will have the contributions and "sweat equity" to complete the other aspects of the T&F project.

McKenzie Community Track & Field and Soccer Facility

Dear Donor

The McKenzie Community Track & Field is a non-profit organization founded in 2003 to address a specific set of needs. We are classified as a non-profit 509 (a) (1) under the 501 (c)(3) status of the IRS with an EIN of 33-1054969.

FACILITY AND LOCATION

The T & F and soccer facility is 40 miles from the nearest comparable facility. The property is on Blue River Drive, 1/4 mile east of the McKenzie Schools and one mile west of the community of Blue River. It is located on what was the Blue River millpond that was filled with excavation material (rocks and soil) from the road cut above the Schools. The area is essentially level and is a beautiful setting for the facility. We do not have a cornfield but we do have a setting for the T & F of "Dreams". Maps and other materials are available on request.

VISION:

To build a certified track & field and soccer facility for youth and members of the Upper McKenzie community that will provide an environment that promotes life-long wellness, fitness, discipline and self-confidence.

NEEDS:

* **The Upper McKenzie community and the McKenzie Schools have no track & field or soccer facilities.**
* **To accommodate the substantial number of students who participate in track & field, cross-country and soccer by providing a premier facility.**
* **To provide an attractive and safe setting for adult fitness activities.**
* **To increase economic opportunities by attracting schools, families and individuals to the facility for track & field events, invitational meets, soccer practices and games, training camps and fitness activities.**

BENEFICIARIES:

* **Youth from the McKenzie Schools and neighboring schools.**
* **Youth in Oregon who participate in track & field meets, soccer games or training camps.**
* **Adults in the community wishing to walk, jog or run on a safe and level surface.**
* **Parents with young children wishing to exercise while observing their children in a safe setting.**
* **Summer residents and tourists who wish an attractive and safe setting in which to walk, jog, run or exercise.**
* **Businesses on the Upper McKenzie**
* **McKenzie School District**

EXHIBIT E

Oregon
Theodore Kulongoski, Governor

Department of Environmental Quality
Western Region Eugene Office
1102 Lincoln Street, Suite 210
Eugene, OR 97401
(541) 686-7838
FAX (541) 686-7551
TTY (541) 687-5603

April 19, 2004

EXHIBIT E

Mr. Rick Re
Seneca Sawmill Company
PO Box 851
Eugene, OR 97440

Re: Seneca Jones Blue River Property
ECSI Site # 4095

Dear Mr. Re:

In May 2003 DEQ received a complaint that property located between Blue River Road and Highway 126 in Blue River Oregon, and owned by Seneca Jones Timber Company, may be contaminated from past practices when it was a log pond for a former mill site. The complainant was concerned that a student running track might be built over contaminated soil, and students could be exposed to contaminants.

As part of our follow-up to this complaint we requested that you, as the landowner, submit the results of environmental assessments you had done in 2002 and 2003 for the former mill site. These included the "Phase I Environmental Site Assessment, Former Sawmill and Veneer Plant, 51480 Blue River Drive" dated July 2002, prepared by AMEC Earth & Environmental, Inc., and the "Phase II Environmental Site Assessment, Former Sawmill Property (West), 51480 Blue River Drive," dated December 2003, also prepared by AMEC.

Based on our review of the Phase I and Phase II documents, it appeared that the site posed no significant risk to public health, safety, welfare, and the environment. However, we were concerned that the Phase I assessment did not include historical information from persons knowledgeable about actual operations and chemicals used while the mill was operating. Specifically, we wanted to know if anti-sapstain solutions or other wood treating chemicals had been used at the mill.

To address our outstanding concern we interviewed a former employee of the mill. He indicated that the mill produced green veneer and green un-planed lumber, and that no anti-sapstain solutions or other wood treating chemicals had been used.

Based on Phase I and Phase II assessments, and the additional historical information, DEQ has determined that no further action (NFA) is required under DEQ's Environmental Cleanup Program for the western portion of the former mill site unless new information becomes available indicating additional investigation is necessary. We will update our Environmental Cleanup Site Information (ECSI) database for the site accordingly.

— over —

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please feel free to contact me at (541) 686-7838 extension 269.

Sincerely,

Paul S. Rosenberg

Paul S. (Max) Rosenberg, R.G.
DEQ Western Region Site Assessment Section

cc: Keith Andersen, DEQ Eugene
Mindi English, DEQ Eugene
George Letchworth
Harry Bonini

EXHIBIT F

EXHIBIT F

WETLAND DELINEATION REPORT

for the

McKenzie Community Track and Field Project Area
T16S, R4E, Section 29
Blue River, Lane County, Oregon

Prepared for
The McKenzie Community Track and Field Committee

October 2006

Prepared by

Environmental Solutions LLC
55646 Drury Drive
Blue River, Oregon 97413
(541) 822-1090

Project Number 06-0801

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WETLAND DELINEATION REPORT COVER FORM

WETLAND DELINEATION REPORT 1

SUPPLEMENTAL INFORMATION
Data Sheets for Sample Plots
Site Photographs
Figures

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Figure 2:	Site Location Map (Lane County Tax Map)
Figure 3:	National Wetland Inventory Map (from Blue River Quad)
Figure 4:	Soil Survey Map (Lane County Soil Survey Sheet #51)
Figure 5:	Wetland Delineation Map
Figure 6:	2002 Aerial Photograph
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Figure 17:	Wetland Delineation with Historic Fill Lines

Weather Information
References
Miscellaneous Supporting Information
Glossary of Terms

WETLAND DEL...EATION / DETERMINATION REPOR ...OVER FORM

This form constitutes a request for a jurisdictional determination by the Department of State Lands. It must be fully completed and signed, and attached to the front of reports submitted to the Department for review and approval.

Wetlands Program Manager/Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

☒ Applicant ☐ Owner Name, Firm and Address: **McKenzie River Track and Field Committee** **ATTN: Jeff Sherman** **54800 East King Road, Blue River, OR 97413**	Business phone # **541-822-3451** Home phone # (optional) FAX # E-mail:
☐ Authorized Legal Agent, Name and Address:	Business phone # FAX # E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.
Typed/Printed Name: Jeffrey R. Sherman Signature: Jeffrey R Sherman
Date: 10-8-06 Special instructions regarding site access:

Project and Site Information (for latitude & longitude, use centroid of site or start & end points of linear project)

Project Name: **McKenzie River Track and Field project**	Latitude: **44deg 09'14"N**	Longitude: **123 deg 21'21"W**
Proposed Use: **school track, field facilities inlcuding shot put area, long jump, jogging trail**	Tax Map # **16-45-29**	
Project Street Address (or other descriptive location): **south adjacent to Blue River Drive, approximately 1/2 mile from west intersection with Highway 126** City: **Blue River** County: **Lane**	Township **16S** Range **4E** Section **29** QQ **20** Tax Lot (s) **1300** Waterway: **wetland** River Mile: **not applicable** NWI Quad(s): **Blue River**	

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: **Environmental Solutions LLC; ATTN: Nancy Holzhauser** **55646 Drury Drive** **Blue River, OR 97413**	Phone # **541-822-1090** FAX # **541-822-1053** E-mail address: **nholz@envsol.net**
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature: Nancy Holzhauser	Date: 10.9.06
Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent	
Wetland/Waters Present? ☒ Yes ☐ No	Total Wetland Acreage: **0.78 ac and 0.04 ac WOS in 7-ac study area**

Delineation Purpose:

☒ R-F permit application submitted with delineation	☐ Sale, purchase, lease etc.
☐ Mitigation bank site	☐ Partition, re-plat, lot line adjustment
☐ Industrial Land Certification Program site	☐ Habitat restoration project
☐ R-F application will be submitted within 90 days	☐ Other:

Other Information:	Y	N	
Has previous delineation/application been made on parcel?	☐	☒	If known, previous DSL #
Does LWI, if any, show wetland on parcel?	☐	☐	LWI wetland code:

For Office Use Only

DSL Reviewer: _____ Report Tier: ☐ 1 ☐ 2 ☐ 3 DSL WD # _____
Date Delineation Received: ____/ ____/ _____ DSL Project # _____ DSL Site # _____
Scanned: ☐ Final Scan: ☐ DSL WN # _____ DSL App. # _____

they exist right now, are that the Blue River High School is on the north side of Blue River Drive. The proposed track and field facility is on the south side of Blue River Drive approximately 1/4 mile from the school. Thus, people who are utilizing the high school for parking or who simply are at the school and desire to go to the track and field facility will be required to walk for some distance along the north side of Blue River Drive (10 feet? 20 feet? 100 feet?) before traversing to the south side of Blue River Drive. The exact particulars of that will need to be ironed out at the time of the request for the Special Use Permit. As I understand it this is a zone change that has been proposed, not a Special Use Permit.

The use of the Special Use Permit process provides sufficient opportunity to review these as yet uncompleted plans and improvements.

At present, because this is simply a rezoning and the potential site generated traffic associated with the proposed development is less than the potential site generated traffic under the existing zoning, there is no significant impact as defined in OAR 660-012-0060(c) and the Traffic Impact Analysis and the Independent Contractor, Damien Gilbert, PE Branch Engineering, retained by McKenzie Track and Field, has determined that the Traffic Impact Analysis may not be required based on Lane Code 15.697(a).

Therefore, I ask you to accept the recommendation of the Development Services Department and the Lane County Transportation Planning determines at the time of Special Use Permit application that further analysis is required, a Traffic Impact Analysis will be prepared.

Thank you for your volunteer time in considering this application.

George C. Letchworth III — 12-14-2007

George Letchworth — Date

STATEMENT OF GEORGE LETCHWORTH
PA 07-558, MCKENZIE TRACK AND FIELD PLAN AMENDMENTS/ZONE CHANGE PROPOSAL
REGARDING TRACK AND FIELD FACILITY

The Plan Amendment Zone Change Application for the proposed project will increase the recreational as well as the economic opportunities in the Blue River community by providing a state-of-the-art track and field facility that attracts schools and individuals to the area for local and regional events, meets, training camps and fitness activities. See Exhibit D, McKenzie Community Track and Field, Executive Summary and Vision Statement.

By focusing on the "state-of-the-art" facility accommodating regional events, meets and training camps some of you may have jumped to a conclusion inconsistent with the facts presently before the Commission. Essentially, this will be a high school track with two soccer fields and a educational wetlands for the community and students of the McKenzie School District. It will provide a home field for the track team rather than all events being on the road. In that sense, it will host regional events and meets. It will provide a safe and up to date training facility for the high school track team.

While our enthusiasm for this community facility has been linked to the 2008 Olympic Trials, I can assure you that there are no Olympic Events scheduled at a yet uncompleted high school track in Blue River, Oregon. The 2008 Olympic Trials provides a vehicle for track enthusiasm in Lane County and in Oregon. Blue River wishes to share in that enthusiasm. While the distance from Eugene and the size of the track would make it clear to any reasonable person that there will be no events, we can share in the enthusiasm. Further, it is not beyond belief that a few Olympic track and field competitors might be lured from Eugene for a cameo appearance at the track, instruction for Blue River athletes, and serve as role models for the youth.

I can categorically and emphatically assure you that there are no Olympic events, Olympic meets, Olympic training camps, Olympic fitness activities scheduled for this proposed track in Blue River. If approved and built it will be used for the type of events traditionally held at a good high school and community track given the fact that it is situated in Blue River, Oregon.

With reference to the plan to develop a trail along the north side of the Blue River Drive which will enable local students and community members to safely walk and/or ride their bicycles to the facility, and the apparent concern that it has raised, this again should be viewed as information for the Planning Commission and will be further developed at the time of the submission of a Special Use Permit. Basically, the facts, as

Perhaps the responses to Mr. Bonini's allegations may best be capsulized by an email response to Mr. Bonini provided by Louise Solliday, Director, Division of State Lands. That response is as follows:

> "Mr. Bonini. I have reviewed the entire file, including the video you provided to the agency.
>
> I am not sure what stalling you are referring to. We received your complaint and investigated it. You are aware of the results of the investigation. Our enforcement file is closed and there is no further action contemplated on our part." See Bonini, Exhibit H, top of page.

With reference to transportation issues raised by Mr. Bonini, we are attaching the Statement of George Letchworth, Vice President, McKenzie Community Track and Field. This Statement addresses the contemplated use for the facility in the event that approval is granted. It also addresses the access from the north side of Blue River Drive to the south side of Blue River Drive.

McKenzie Community Track and Field intends to comply with the applicable requirements of the Lane Code with respect to transportation. As noted, the applicant concurs in the Condition suggested by the Development Services Director that if the Lane County Transportation Planning determines at the time of Special Use Permit Application that a Traffic Impact Analysis is required, one will be prepared.

Members of the Commission are reminded that this is a Comprehensive Plan Amendment and Zone Change Application. If approved, the applicant is subsequently required to submit a Special Use Permit Application, and undergo the rigors associated with that application.

Thank you for your attention to this matter, and hopefully your anticipated approval of this Amendment and Zone Change for the Blue River Community.

Sincerely,

LEAHY & COX, LLP

Joseph J Leahy

Joseph J. Leahy
JJL:llk
cc: George Letchworth

Exhibit C A-4

LEAHY & COX LLP
ATTORNEYS

223 A Street, Suite D
Springfield, Oregon 97477-4500

(541) 746-9621
FAX (541) 746-4109

Joseph J. Leahy
Matthew J. Cox
Bonnie R. Williams
Mary Bridget Smith, Of Counsel

December 14, 2007

Lane County Planning Commission
c/o Deanna Harris, Planner
Department of Public Works
Land Management Division
125 E. 8th Avenue
Eugene, OR 97401-2926

RE: Applicant McKenzie Community Track and Field, Comprehensive Plan Amendment and Zone Change Application (File No. PA 07-5588)

Dear Ms. Harris:

This letter is written to supplement the original application in the above referenced matter, the letter to you dated December 11, 2007 with substantial attachments and exhibits, and to respond to the memo dated December 11, 2007 to you from Harry Bonini.

Mr. Bonini's video "documentaries" and narration of personal opinion have been previously well considered. Mr. Bonini continues to recycle, before the Lane County Planning Commission, the previous allegations and charges he made against McKenzie Community Track and Field with various regulatory entities, Department of Environmental Quality, Division of State Lands, Environmental Protection Agency and the Army Corps of Engineers. Each of those entities have responded to Mr. Bonini's complaints, and each of those agencies has determined that the property is not in violation of the applicable state or federal laws and therefore no enforcement actions have been taken.

Frankly, the applicant believes that Mr. Bonini's charges are irrelevant and unrelated to the Amendment and Zone Change Application. Nevertheless, given the fact that Mr. Bonini continues to recycle these allegations, the applicant would again suggest that the Planning Commission thoroughly review the attachments to the December 11, 2007 letter.

Thank you for your attention to this matter and your continuing courtesy and cooperation.

Sincerely,

LEAHY & COX

Joseph J Leahy

Joseph J. Leahy
JJL:AJ:llk

5. Compliance with Lane County Rural Comprehensive Plan.

Mr. Bonini has cited a number of sections of the Lane County Comprehensive Plan. These are as follows:

A. Paragraph "15 d. The former veneer mill site in Blue River (map 29-16-4E, tl202) is vacant land and, until Lane County's year 2000 periodic review, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use."

Please note that the reference to the former veneer mill site and the industrial designation specifically provides that the "industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land."

B. Paragraph "18 c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems."

For the reasons set forth in the Applicant's application and as described in the Staff Report, compatibility problems would not be created. Further, the language simply provides for discouragement in the event of a compatibility problem not a prohibition. In the present circumstances any inconsequential compatibility problems may be addressed through the Special Use Permit required of this application.

C. Mr. Bonini has also cited Paragraph 19 a, d, and g. This paragraph relates to residential densities and is not applicable.

D. Mr. Bonini has cited Paragraph 21 b. This paragraph relates to destination resorts and is not applicable.

E. Mr. Bonini has cited Paragraph 23. This paragraph relates to cluster subdivisions and is not applicable.

regarding compliance with Rural Comprehensive Plan policies, copy attached. See Exhibit 11, Facility Permit issued by Lane County Department of Public Works, copy attached. See Exhibit 12, Technical Memorandum prepared by Damien Gilbert, PE, Branch Engineering, Inc., copy attached.

The minor traffic study provides an analysis of existing trip generation and proposed trip generation as well as discussion of relevant criteria. Based on this information, the study concludes that the "potential traffic associated with the proposed development is less than the potential site generated traffic under the existing zoning." As such, a full traffic impact analysis is unlikely to be required under LC 15.697(a). However, in the event that Lane County Transportation determines that a traffic impact analysis is required during the special use permit application process, then the applicant will prepare one. See Exhibit 12, Page 4.

3. Weed Abatement Program.

See letter dated December 3, 2007 from R. David Cousineau, Gardens by Elizabeth, Inc., copy attached, regarding precautions taken with respect to the weed abatement program.

4. The unincorporated Blue River community is not limited to the small downtown area but rather encompasses a much larger area.

Please find enclosed a map indicating the range of McKenzie School District 68. Commences at approximately above Leaburg at Milepost 23 on the McKenzie Highway and terminates near EWEB at Milepost 53, a range of + or – 30 miles. Please find attached a petition executed by staff of McKenzie Schools and by students of the McKenzie Middle School and High School endorsing the track as a safe place near the school to practice and host track meets, and as a good place for the staff and community have all comers meets and to meet and exercise.

Please also find enclosed a copy of the geographic boundaries of the Blue River Fire District depicting Tax Lot 1300.

Also enclosed are two prints depicting the former industrial area of the mill. The copy of the Mel Vincent watercolor depicts the general area looking east while the photograph taken depicts the general area looking west. In the photograph the school grounds area would be to the right off the photograph at the base of the ascending hill.

With respect to the wetlands, the applicant has not unlawfully filled any wetlands on the subject property. In fact, the Oregon Department of State Lands (DSL) has issued two letters stating that the "wetlands identified within the study area are the remaining areas of the log pond and are non-jurisdictional" pursuant to OAR 141-085-0015(5)(g). See Letters from Oregon Department of State Lands (Nov. 6 and 7, 2006), copy attached.

The letter dated November 6, 2006 acknowledged that the applicant had filled only 37 yards, and therefore a fill permit was not required. The applicant received another letter from DSL, dated April 4, 2007, indicating that the applicant had not violated any fill requirements and that the enforcement file was closed, copy attached. A copy of the wetland delineation report dated October 2006 is attached.

In response to Mr. Bonini's Formal Petition for Superfund Preliminary Assessment (PA) dated August 15, 2008, copy attached, submitted under Section 105(d) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) conducted a preliminary assessment of the site. This preliminary assessment included a site visit, interviews and review of available information. The EPA determined that the "[i]nformation regarding site operations and waste characteristics do not indicate the presence of a potential source of CERCLA hazardous substances at the Former Blue River Veneer Saw Mill & Pond Site."

The EPA also dismissed the citizen's concerns regarding the drinking water supply. Citing the Annual Drinking Water Quality Reports issued by the Blue River Water District for the years 2004-2006, the EPA stated that Blue River's drinking water supply is safe and meets federal and state requirements. Based on its analysis, the EPA stated that no further action under CERCLA is warranted at this site. See letters dated April 30 to Harry Bonini, Bonini Exhibit I, and McKenzie Track and Field, copies attached. See EPA Preliminary Assessment Trip Report, copy attached.

DEQ, DSL, EPA, and the Army Corps of Engineers have responded to complaints regarding potential contamination issues; however, each agency has determined that the property is not in violation of the applicable state or federal laws, and therefore no enforcement actions have been taken. See Bonini Exhibits H and K, copies attached.

2. The Applicant has conducted the required traffic impact analysis.

As discussed in previous comments submitted to Lane County Land Management, a full traffic impact analysis is not required for the purposes of this application. Branch Engineering has prepared a minor traffic study estimating the net trip changes associated with this proposal and addressing Goal 12, as requested by Lane County Transportation. See Exhibit 10, a letter dated December 4, 2007 to Ms. Harris

Exhibit C A-3

LEAHY & COX LLP
ATTORNEYS

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(541) 746-9621
FAX (541) 746-4109

Joseph J. Leahy
Matthew J. Cox
Bonnie R. Williams
Mary Bridget Smith, Of Counsel

December 11, 2007

Lane County Planning Commission
c/o Deanna Harris, Planner
Department of Public Works
Land Management Division
125 E. 8th Avenue
Eugene, OR 97401-2926

RE: Applicant McKenzie Community Track and Field, Comprehensive Plan Amendment and Zone Change Application (File No. PA 07-5588)

Dear Ms. Harris:

This letter is written to provide additional information to the Lane County Planning Commission in support of McKenzie Community Track and Field's application for a comprehensive plan amendment and zone change (File No. PA 07-5588) in response to issues raised during the Planning Commission hearing that was held on December 4, 2007.

1. The Applicant has taken the necessary precautions with respect to environmental protection and remediation.

Mr. Harry Bonini and other opponents mentioned that the applicant has not complied with applicable environmental requirements. The following is a summary of actions taken by the applicant with respect to environmental protection and remediation.

As mentioned in the revised application and written comments the prior owner, Seneca Timber, provided for two environmental assessments in 2002 and 2003 for the western area of Tax Lot 202, including the mill pond and current metes and bounds of the subject parcel, Tax Lot 1300. See Bonini Exhibit F, copy attached. On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) issued a letter to Seneca Sawmill, stating that based on the two environmental assessments no further action is required under DEQ's Environmental Cleanup Program. See Bonini Exhibit E, copy attached.

Analysis

The following summarizes the applicability of the relevant criteria:

OAR 660-12-060(1) (a) was not found to be applicable, as the proposed zone change and plan amendments will not change the functional classification of an existing or planned transportation facility.

OAR 660-12-060(1)(b) is not applicable, as the proposed amendment will continue to allow types or levels of land uses which would result in levels of travel or access which are consistent with the functional classification of the relevant transportation facilities.

OAR 660-12-060(1)(c)(A) is not applicable, as the increased vehicle trips generated by the proposed zone change and plan amendments were not found to cause types or levels of travel or access that would be inconsistent with the functional classification of any transportation facility.

OAR 660-12-060(1)(c)(B) is applicable and is satisfied, as a reasonable worst case development scenario under the proposed zone change and plan amendments will result in less traffic than the existing zone, and therefore was not found to reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP.

OAR 660-12-060(1) (c) (C) is applicable and is satisfied, as the proposed development is not projected to worsen the performance of a transportation facility that is already projected to perform below the mobility standard.

Based on LC 15.697(a) it is not expected the County will require a Traffic Impact Analysis for this development, as it does not exceed the threshold of 50 peak hour trips, and does not include heavy vehicles as a part of the normal daily operations.

Conclusion

In summary, based on the analysis performed herein, the potential site generated traffic associated with the proposed development is less than the potential site generated traffic under the existing zoning. Therefore, there is no significant impact as defined in OAR 660-012-0060(c), and a Traffic Impact Analysis is not expected to be required based on LC 15.697(a).

If Lane County Transportation Planning determines at the time of Special Use Permit application that further analysis is required, one will be prepared.

Relevant Criteria

To determine if the nearby transportation facilities would be affected by the zone change and plan amendments, Oregon Administrative Rules (OAR) was referenced.
OAR 660-012-0060 - Plan and Land Use Regulation Amendments, states:

> (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
>
> > (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
> >
> > (b) Change standards implementing a functional classification system; or
> >
> > (c) As measured at the end of the planning period identified in the adopted transportation system plan:
> >
> > > (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
> > >
> > > (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
> > >
> > > (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Additionally, Lane Code (LC) Section 15.697(a) requires a Traffic Impact Analysis be performed for any development generating more than 50 vehicle trips during a peak hour.

Existing Trip Generation

Based on the permitted land-uses in the existing Rural Industrial Zoning District, and after referencing Trip Generation, 7th Edition, published by the Institute of Transportation Engineers (ITE), General Light Industrial (ITE Land Use 110) was selected for the reasonable worst case development scenario under the existing designation. Based on that land use, the following table summarizes the potential trip generation for this site under the current designation:

Trip Generation Rates
(General Light Industrial)

Time Period	Average Rate per Unit	Number of Units	Total Trips
AM Peak Hour	7.51 Trips per Acre	12.87 Acres	97
PM Peak Hour	7.26 Trips per Acre	12.87 Acres	94
Saturday Peak Hour of Generator	0.96 Trips per Acre	12.87 Acres	13
Average Weekday	51.80 Trips per Acre	12.87 Acres	667

Proposed Trip Generation

Based on the information in the application for zone change, the selected representative use for the Peak hour trip generation rate is the Soccer Complex (ITE Land Use 488). This land use typically includes ancillary amenities such as a fitness trail, playgrounds, picnic grounds, activities shelter, an aquatic center, and basketball and tennis courts.

On a typical day during the peak design hour, no new primary vehicle trips are expected to be generated by this development, as it will primarily serve as a complimentary use to the existing nearby High School. There will be some diverted link traffic that would otherwise route to the existing school parking lot. The students from the school will be the primary users of this facility. Students will access the new track and field through the new trail between the school and the facility. The following table summarizes the projected trip generation for the proposed land use under the proposed designation:

Trip Generation Rates
(Soccer Complex)

Time Period	Average Rate per Unit	Number of Units	Total Trips
AM Peak Hour	1.40 Trips per Field	1.0	2
PM Peak Hour	20.67 Trips per Field	1.0	21
Saturday Peak Hour of Generator	28.73 Trips per Field	1.0	29
Average Weekday	71.33 Trips Per Field	1.0	71

Exhibit C A-2

RECEIVED AT HEARING
P.A. NO. 07-5588
DATE: 12-4-07 EXHIBIT NO. XII-2 dd

Branch Engineering, Inc.

310 5th Street • Springfield, Oregon 97477 • (541) 746-0637 • Fax (541) 746-0389

PRINCIPALS:
James A. Branch, P.E., P.L.S.
René Fabricant, S.E., P.E.
Michael Lane Branch, P.E.
Damien Gilbert, P.E.
Renee Clough, P.E.

TECHNICAL MEMORANDUM

Date: December 4, 2007

To: Shashi Bajracharya, P.E.
Sr. Engineering Associate
Lane County Transportation Planning Division
3040 North Delta Highway
Eugene, OR 97408

From: Damien Gilbert, P.E.

Re: McKenzie Community Track and Field
Branch Project No. 07-254

REGISTERED PROFESSIONAL ENGINEER #62780PE OREGON JULY 13, 2004 DAMIEN GILBERT

EXPIRES: JUNE 30, 2009

In an effort to identify if a Traffic Impact Analysis (TIA) will be required as a part of the Zone Change and Comprehensive Plan Amendment application by Lane County, I am supplying this memorandum summarizing the expected changes in site generated traffic associated with the proposed McKenzie Community Track and Field facility project. This is not intended to be a formal TIA, but is intended to address Goal 12 (Transportation Planning Rule), and to be the basis for determining if further analysis will be required.

Existing Conditions

The subject property is located on the south side of Blue River Drive, approximately one-quarter of one mile east of McKenzie School, and one mile west of the town of Blue River. The property is vacant, and has been used for lumber operations in the past.

Proposed Development

The primary objective of this application is to rezone the 12.87 acre property (Tax Lot 1300) from Rural Industrial to Rural Park and Recreation. The recreational use will consist of a track and field facility. This facility will provide benefit to the McKenzie School District and local community in the upper McKenzie Valley. The future development, pending the zone change, is expected to include the construction of park amenities and facilities, including a soccer field, hiking trail, driveway, parking lot, event concession stand, restrooms, storage building and a trail between the McKenzie school (east side of the proposed development) and the proposed track and field facility. The improvements will primarily serve the nearby High School that does not currently have these facilities.

EXHIBIT H

Oregon
Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

April 4, 2007

RL600/6353
Jeff Sherman
54860 King Road
Blue River, OR 97413

RE: Closure of Enforcement File No. 6353

Dear Mr. Sherman:

The Department of State Lands is closing the above referenced case file regarding your property (T. 16S, R. 4E, Section 29, Tax Lot 1300) located in Lane County. The earthwork conducted on said property was done in a non-jurisdictional capacity. No violation occurred on this property. The Cease and Desist Order, DSL Enforcement File 6353 ENF dated September 6, 2006 has been lifted. Compliance with the consent agreement signed September 19, 2006 is no longer required.

Thank you for your cooperation in this matter. If you have any further questions, please contact Bob Lobdell at 503-378-3805, extension 282.

Sincerely,

Michael Morales
Western Region Operations Manager
Wetlands and Waterways Conservation Division
Oregon Department of State Lands

RL:gh

cc: Garrett Dorsey, Corps of Engineers, Eugene District

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Oregon
Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

November 7, 2006

JMR600/37339
MCKENZIE COMMUNITY TRACK & FIELD COMMITTEE
ATTN JEFF SHERMAN
54800 EAST KING RD
BLUE RIVER OR 97413

Re: State Application Number 37339-NSP
Wetland, McKenzie Community Track & Field Facility Construction

Dear Mr. Sherman:

We have received your application fill 37 cyds of wetlands to construct a track and field facility in Township 16S, Range 4E, Section 29, Tax Lot 1300, Lane County, Oregon. The Department of State Lands requires a permit if you plan to remove, fill or alter 50 cubic yards or more of material within the banks of most waters of the state or designated wetlands. State-designated Essential Salmon Habitat streams and State Scenic Waterways are exceptions in that any amount of removal, fill or alteration typically requires a permit.

Based on your application, your project involves removal or filling of less than 50 cubic yards of material in waters that are not currently designated Essential Salmon Habitat or State Scenic Waterways. Therefore, a state removal-fill permit is not required. Please be advised, all new stream/road crossings must meet Oregon Department of Fish & Wildlife criteria for providing fish passage.

You must also receive authorization, when required, from the U.S. Army Corps of Engineers and local planning department before beginning construction. Please be aware that you must comply with Oregon Fish Passage Laws. Contact your local Oregon Department of Wildlife office for more information.

If you have any questions, please call Bob Lobdell at (503) 378-3805, extension 282.

Sincerely,

Michael Morales
Western Region Operations Manager
Wetlands and Waterways Conservation Division
Oregon Department of State Lands

cc: AnnKreager, Oregon Dept. of Fish and Wildlife
Shelly Hanson, Corps of Engineers, Portland District
Lane County Planning Dept.
Nancy Holzhauser, Environmental Solutions LLC

MM:jr
J:\AttachmentAwestLAS\NSP No State Permit Required LAS\37339-NSP.doc

Oregon
Theodore R. Kulongoski, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
www.oregonstatelands.us.

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

November 6, 2006

Jeff Sherman
McKenzie River Track and Field Committee
54800 East King Road
Blue River, OR 97413

Re: Wetland Delineation Report for McKenzie River Track and Field Project, Blue River Drive, Blue River; Lane County; T16S R4E Sec. 29B, Tax Lot 1300 (portion); WD #06-0607; App. #37339; ENF. #6353

Dear Mr. Sherman:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Solutions LLC for the site referenced above. Please note that the study area only includes a portion of the tax lot stated above. Based on the information presented in the report, we concur with the wetland boundaries as mapped in Figure 5 of the report. Within the study area, 3 wetland units were identified, totaling 0.82 acres. Nancy Holzhauser provided a very thorough and clearly written report. Based on the aerial photos and information provided in the report, we conclude that the original log pond was non-jurisdictional because it was artificially created from uplands per OAR 141-085-0015 (5g). Therefore, the wetlands identified within the study area are the remaining areas of the log pond and are non-jurisdictional.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within 60 calendar days of the date of this letter.

Thank you for having the site evaluated. Please phone me at extension 252 if you have any questions.

Sincerely,

Jill Myatt
Wetlands Specialist

Approved by
Janet C. Morlan, PWS
Wetlands Program Manager

cc: Nancy Holzhauser, Environmental Solutions LLC
Lane County Planning Department
Shelly Hanson, Corps of Engineers
Lane County Permit Coordinator, DSL

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EXHIBIT G

frequency of occupance in wetlands. These categories, referred to as the "wetland indicator status" are: obligate wetland plants (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), and Obligate upland (UPL).

Growing Season:
"The portion of the year when soil temperatures at 19.7" below the soil surface are higher than biological zero (41 F, 5 C)". The growing season for any given site is determined from the US Natural Resource Conservation Service (NRCS) data and information. The length of the season can be approximated from frost-free days, based on air temperature.

Wetland Classification:
The classification of wetlands as defined by plants, soils, and the frequency of flooding is described in "Classification of Wetlands and Deepwater Habitats of the United States". (USFWS 1979).

Riverine System:
Includes all wetlands and deepwater habitats contained within a channel but not including palustrine emergent, scrub/shrub, or forested wetlands, or estuarine systems. The riverine system is generally all freshwater rivers, creeks, and their tributaries.

Lacustrine System:
Includes areas where there is open water greater than 6.6' deep, with an area greater than 20 acres, and which is unvegetated by trees, shrubs, and persistent emergents, emergent mosses or lichens. Lacustrine waters may be tidal or nontidal, but ocean-derived salinity is always less than 0.5%.

Palustrine System:
All nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity is less than 0.5%. This includes areas traditionally called swamps, marshes, fens, as well as shallow, permanent or intermittent water bodies called ponds.

Unconsolidated Bottom:
All wetland and deepwater habitats with at least 25% cover of particles smaller than stones, and a vegetative cover less than 30%.

Aquatic Bed:
All wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years. This class includes rooted and floating vascular plants, as well as algal beds and aquatic mosses.

Emergent Wetland:
These wetlands have rooted herbaceous vegetation which stand erect above the water or ground surface.

Scrub/Shrub Wetland:
Wetlands dominated by shrubs and tree saplings that are less than 20' tall.

Forested Wetland:
Wetlands dominated by trees that are greater than 20' tall.

GLOSSARY OF TERMS

REFERENCES

Adamus, P.R. and D. Field. 2001. Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites. Oregon Division of State Lands, Salem, OR.

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Guard, B. Jennifer. 1995. Wetland Plants of Oregon and Washington. Lone Pine Publishing, Redmond, WA.

Hitchcock, C. Leo, A. Cronquist. 1978. Flora of the Pacific Northwest, University of Washington Press, Seattle WA.

Hitchcock, C. Leo, A. Cronquist, M. Ownbey. 1994. Vascular Plants of the Northwest, Part 1: Vascular Cryptograms, Gymnosperms, and Monocotyledons, University of Washington Press, Seattle WA.

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Natural Resources Conservation Service: Hydric Soils in Lane County, Oregon, 1990.

Reed, Porter B. Jr. 1988. National List of Plant Species that Occur in Wetlands: 1988 Oregon. For the National Wetlands Inventory, USFWS, St. Petersburg, FL.

Reed, Porter B. Jr. 1993 Supplement to List of Plant Species that Occur in Wetlands: Northwest Region. USFWS, St. Petersburg, FL.

US Army Corps of Engineers Wetlands Delineation Manual. January 1987: On-Site Determination Method for areas larger than 5 acres in size.

Whitson, Tom D. , editor. 2000. Weeds of the West, 9th edition. Printed by Grand Teton Lithography, Jackson, WY.

Please note this information is preliminary and subject to revision. Official and certified climatic data can be accessed at the National Climatic Data Center (NCDC) (http://www.ncdc.noaa.gov/oa/ncdc.html).

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CLIEUG


CLIMATE REPORT
NATIONAL WEATHER SERVICE PORTLAND OREGON
443 AM PDT TUE OCT 3 2006

.....

...THE EUGENE CLIMATE SUMMARY FOR OCTOBER 2 2006...

CLIMATE NORMAL PERIOD 1971 TO 2000
CLIMATE RECORD PERIOD 1931 TO 2006
```

WEATHER ITEM	OBSERVED VALUE	TIME (LST)	RECORD VALUE	YEAR	NORMAL VALUE	DEPARTURE FROM NORMAL	LAST YEAR
TEMPERATURE (F)							
YESTERDAY							
MAXIMUM	74	251 PM	94	1980	71	3	56
MINIMUM	37	652 AM	32	1999	43	-6	44
AVERAGE	56				57	-1	50
PRECIPITATION (IN)							
YESTERDAY	0.00		1.38	1967	0.06	-0.06	0.48
MONTH TO DATE	0.00	-0% normal			0.12	-0.12	0.50
SINCE OCT 1	0.00	- 0% normal			0.12	-0.12	0.50
SINCE JAN 1	26.66	- 86% normal			30.94	-4.28	16.42
SNOWFALL (IN)							
YESTERDAY	0.0						
MONTH TO DATE	0.0						
SINCE SEP 1	0.0						
SINCE JUL 1	0.0						
SNOW DEPTH	0						
DEGREE DAYS							
HEATING							
YESTERDAY	9				8	1	15
MONTH TO DATE	20				15	5	26
SINCE SEP 1	127				130	-3	165
SINCE JUL 1	205				206	-1	185
COOLING							
YESTERDAY	0				0	0	0

Please note this information is preliminary and subject to revision. Official and certified climatic data can be accessed at the National Climatic Data Center (NCDC) (http://www.ncdc.noaa.gov/oa/ncdc.html).

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CDUS46 KPQR 191144
CLIEUG


CLIMATE REPORT
NATIONAL WEATHER SERVICE PORTLAND OREGON
441 AM PDT SAT AUG 19 2006

.....................................

...THE EUGENE CLIMATE SUMMARY FOR AUGUST 18 2006...

CLIMATE NORMAL PERIOD 1971 TO 2000
CLIMATE RECORD PERIOD 1931 TO 2006
```
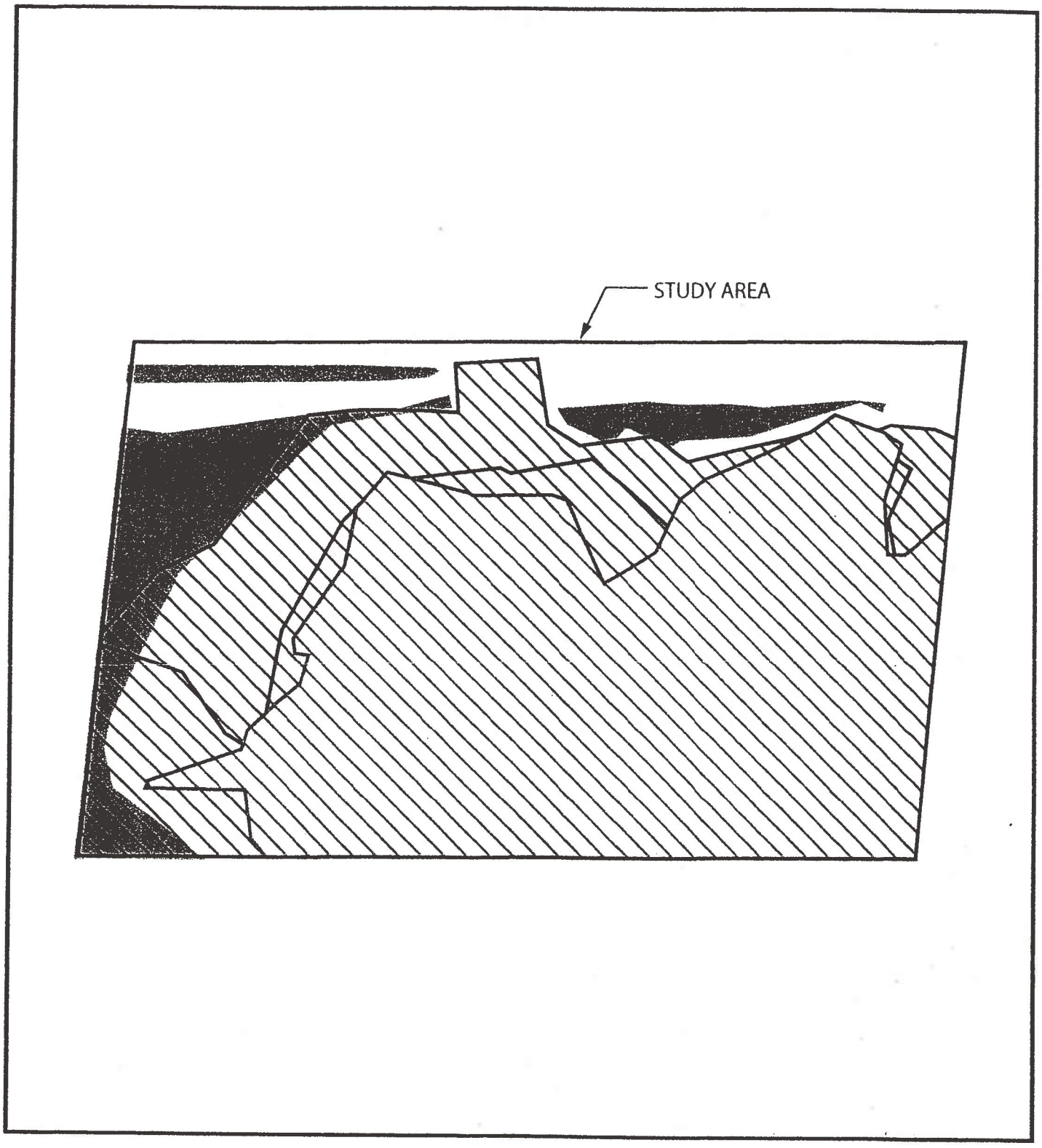

WEATHER ITEM	OBSERVED VALUE	TIME (LST)	RECORD VALUE	YEAR	NORMAL VALUE	DEPARTURE FROM NORMAL	LAST YEAR
TEMPERATURE (F)							
YESTERDAY							
MAXIMUM	92	501 PM	98	1950	82	10	84
MINIMUM	48	536 AM	39	1996	51	-3	52
AVERAGE	70				66	4	68
PRECIPITATION (IN)							
YESTERDAY	0.00		0.46	1979	0.03	-0.03	0.00
MONTH TO DATE	0.00	-0% normal			0.49	-0.49	T
SINCE OCT 1	44.98	-92% normal			48.86	-3.88	24.29
SINCE JAN 1	26.14	-91% normal			28.78	-2.64	14.50
SNOWFALL (IN)							
YESTERDAY	0.0						
MONTH TO DATE	0.0						
SINCE JUN 1	0.0						
SINCE JUL 1	0.0						
SNOW DEPTH	0						
DEGREE DAYS							
HEATING							
YESTERDAY	0				1	-1	0
MONTH TO DATE	26				18	8	2
SINCE JUN 1	163				215	-52	178
SINCE JUL 1	56				63	-7	9
COOLING							
YESTERDAY	5				3	2	3

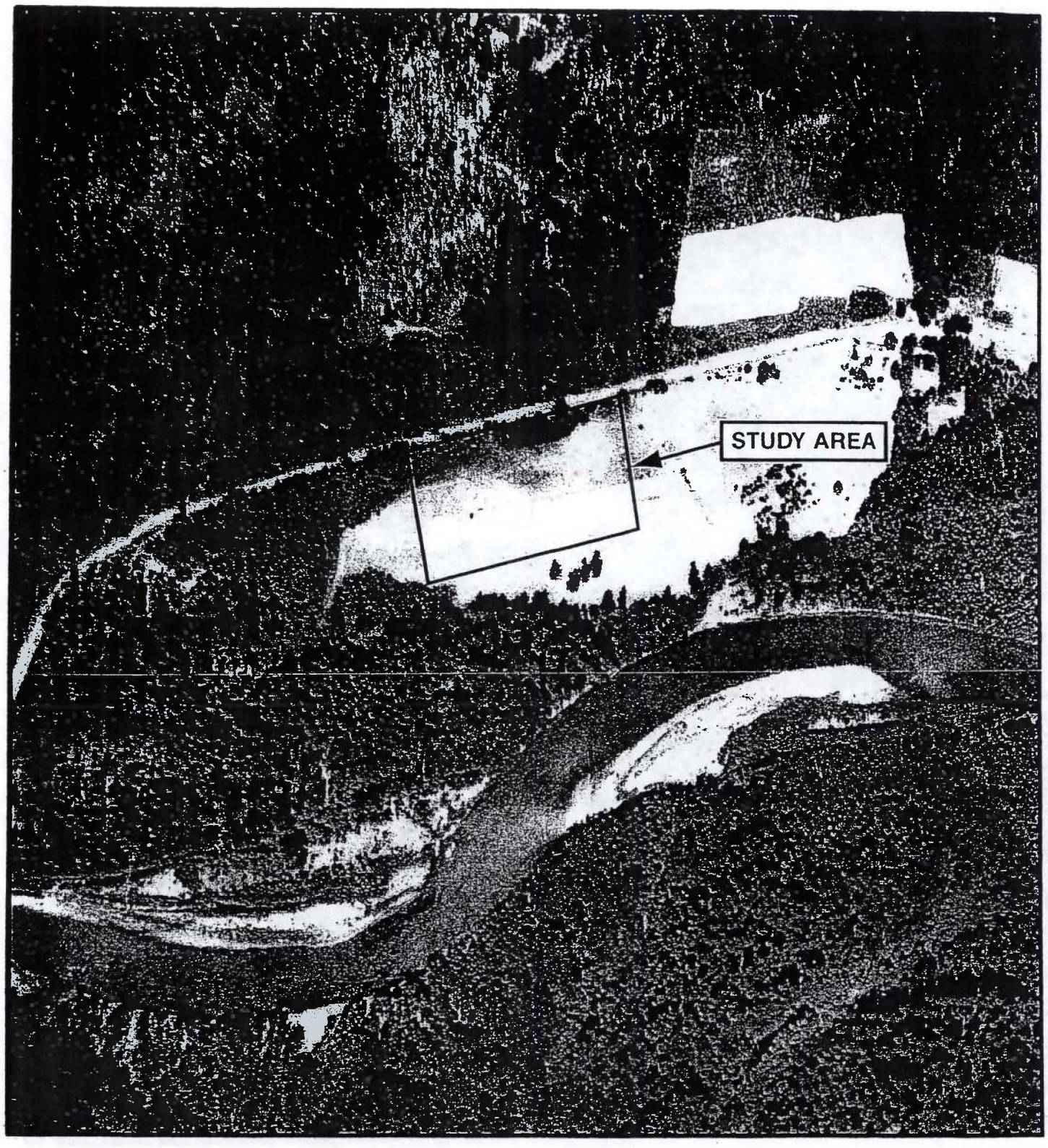


LEGEND

- Fill to 1980
- Fill to 1981
- Fill to 1994
- Wetlands 2006

FIGURE 17: Wetland Delineation with Historic Fill Lines

Scale: Undetermined



$\mathcal{N}$

FIGURE 16: 1936 Aerial Photo

Scale undetermined

$\mathcal{N}$

FIGURE 15: 1945 Aerial Photo

Scale undetermined

N

FIGURE 14: 1952 Aerial Photo

Scale undetermined

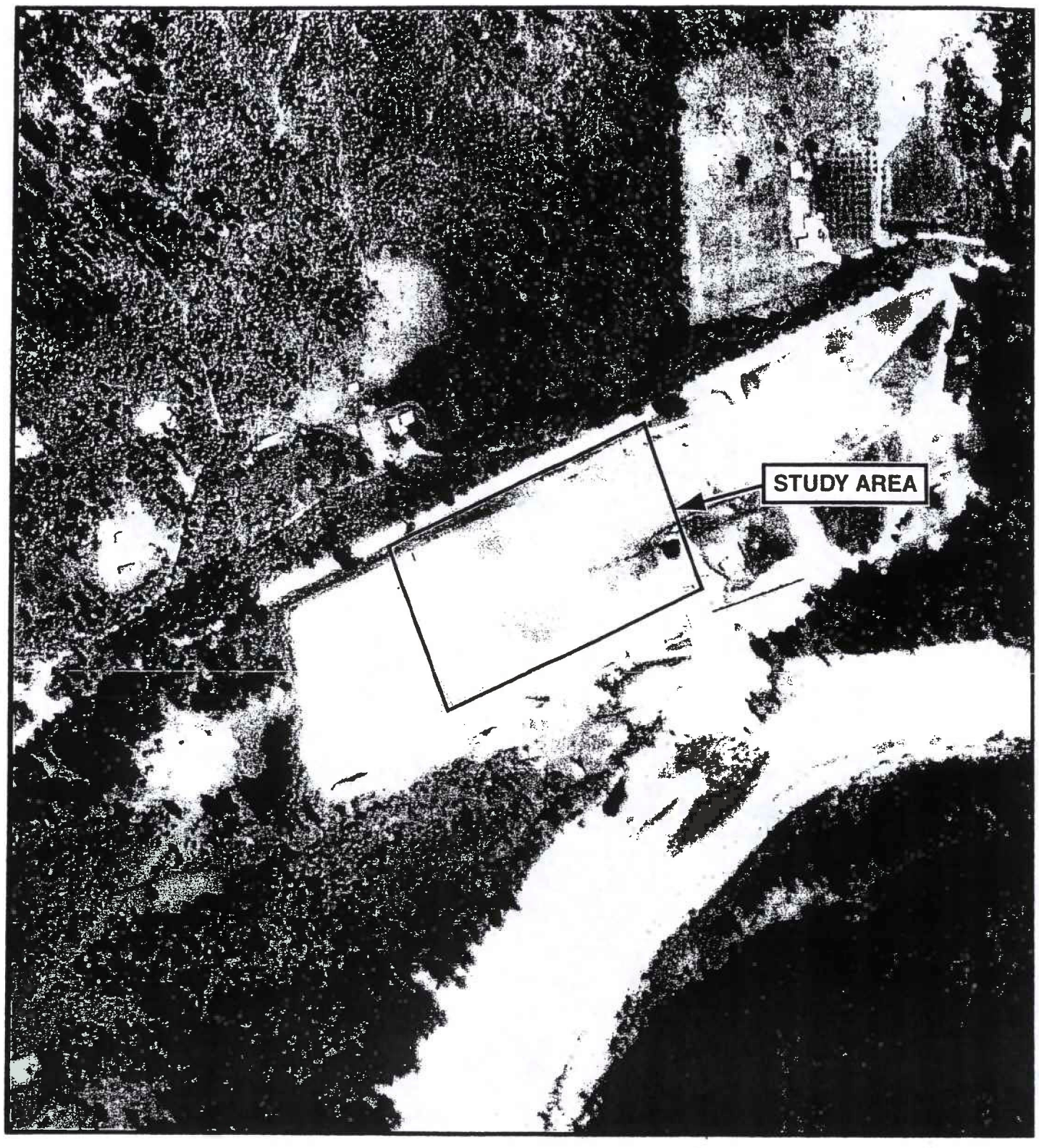


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FIGURE 13: 1959 Aerial Photo

Scale undetermined

N

FIGURE 12: 1967 Aerial Photo

Scale undetermined

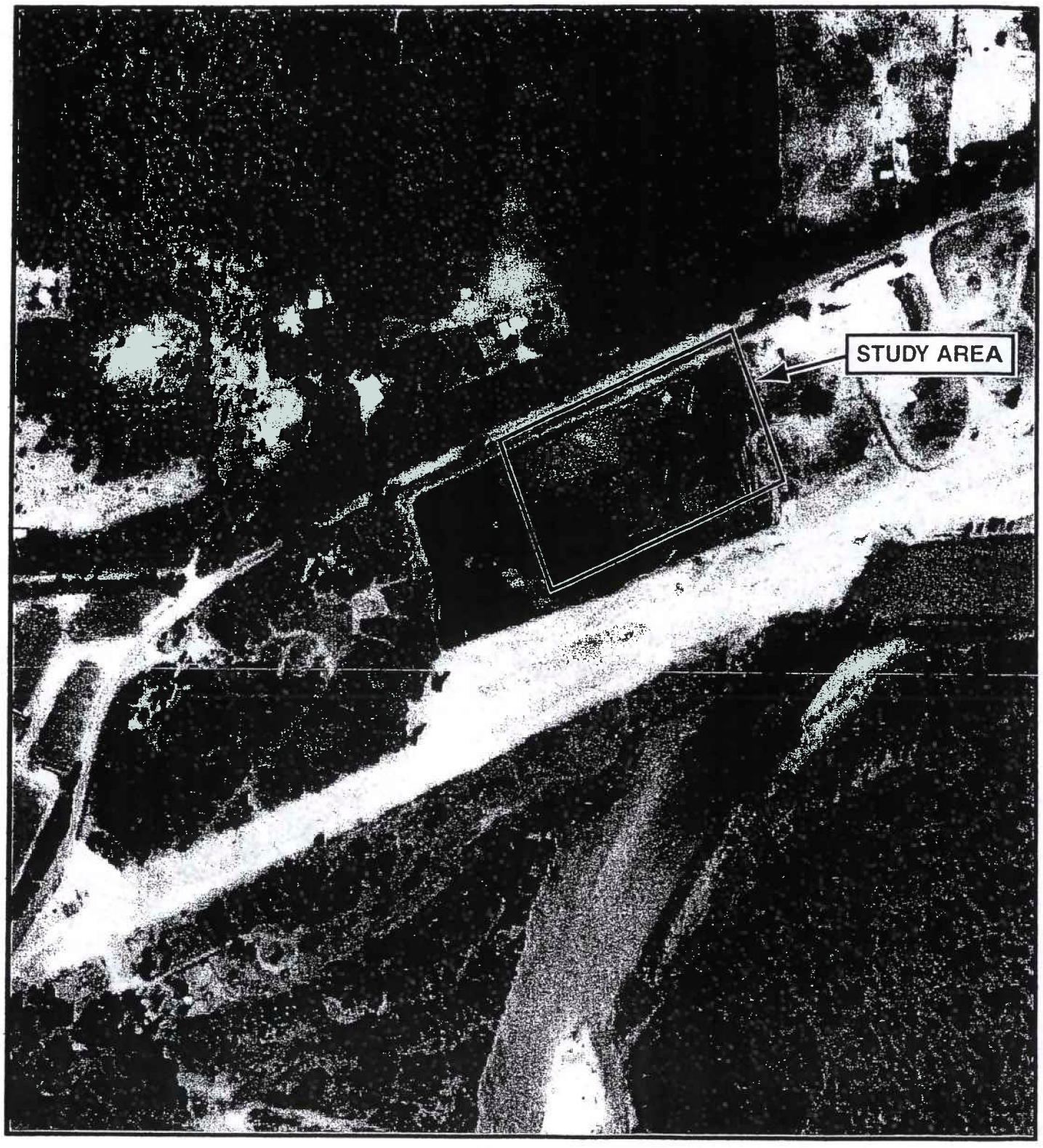

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FIGURE 11: 1972 Aerial Photo

Scale undetermined

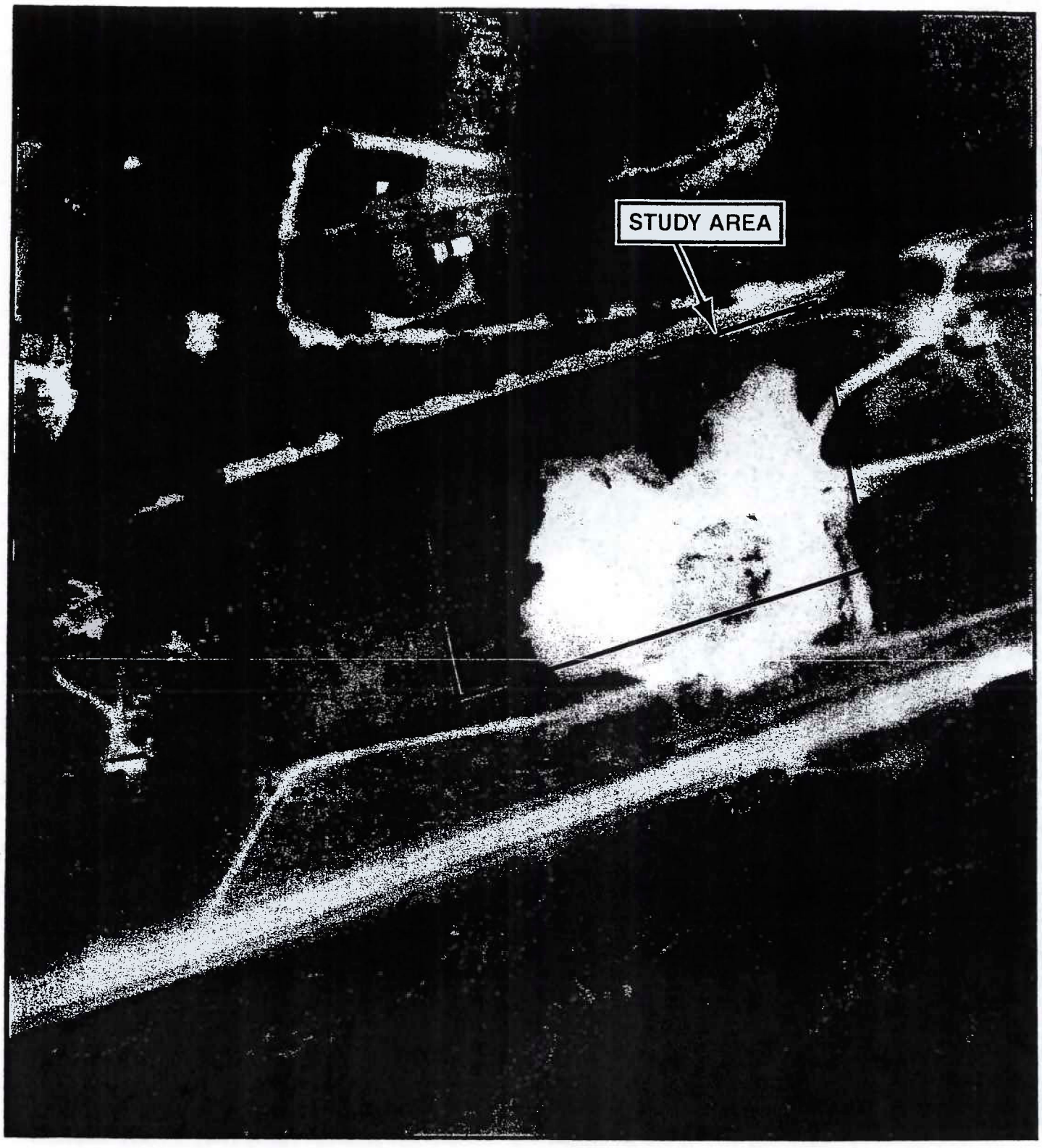

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FIGURE 10: 1980 Aerial Photo

Scale undetermined

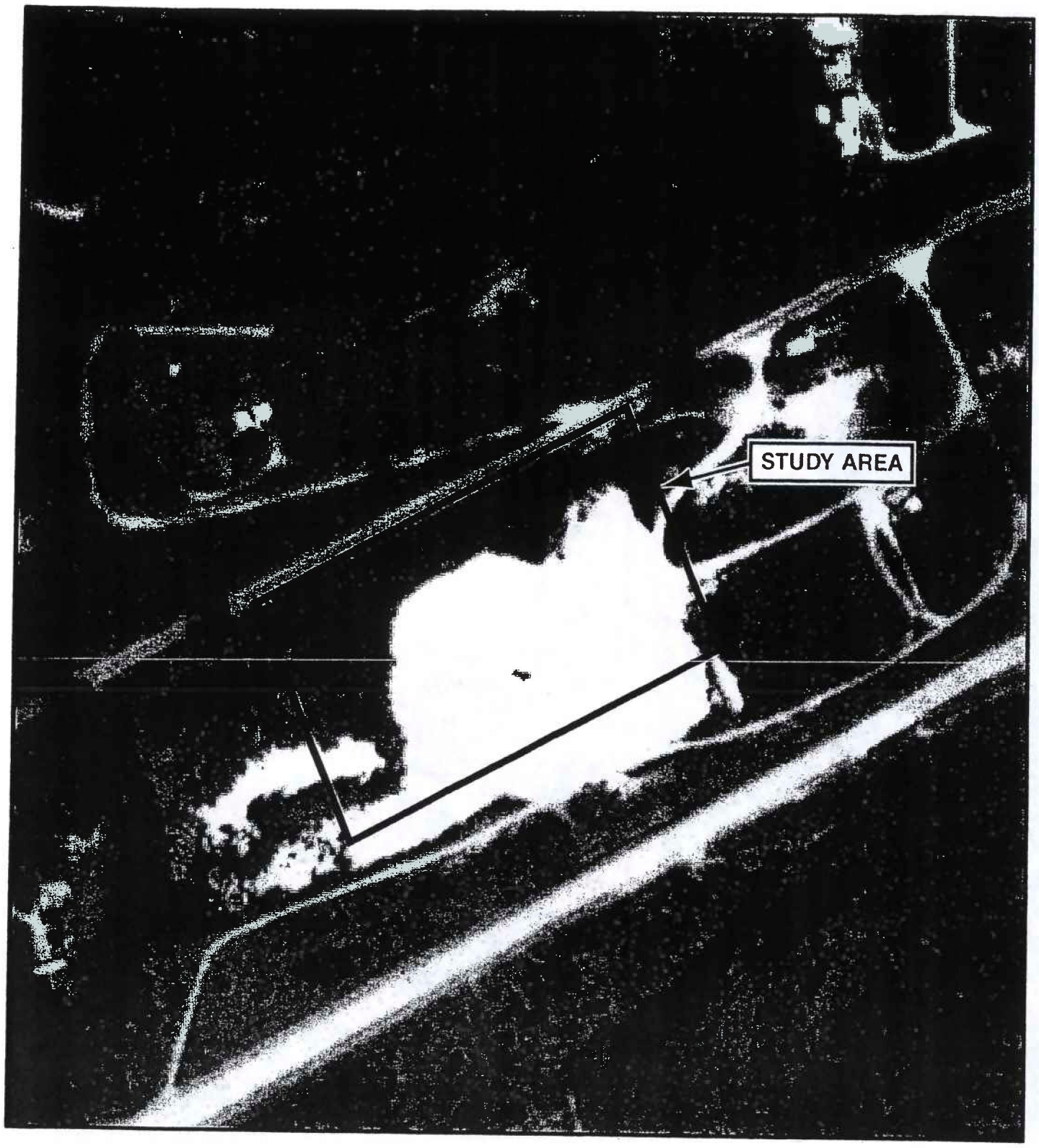

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FIGURE 9: 1981 Aerial Photo

Scale undetermined

N

FIGURE 8: 1991 Aerial Photo

Scale undetermined

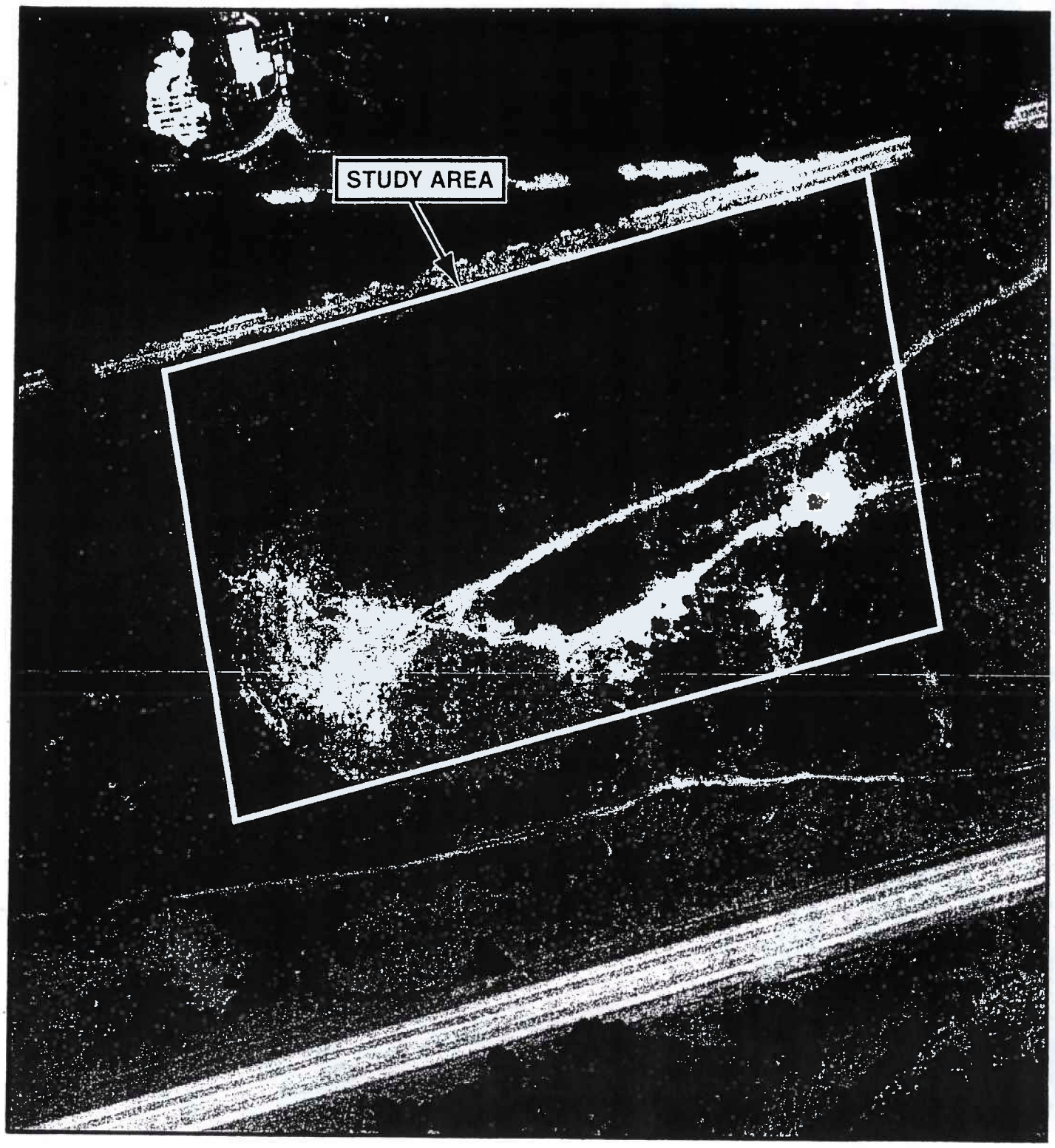

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FIGURE 7: 1994 Aerial Photo

Scale undetermined

N

LEGEND

Wetlands per 2006 study

Maximum extent of old fill

FIGURE 6A: Wetland delineation and Maximum Old Fill Line on 2002 Aerial Photo

Scale undetermined

$\mathcal{N}$

FIGURE 6: 2002 Aerial Photo

Scale undetermined

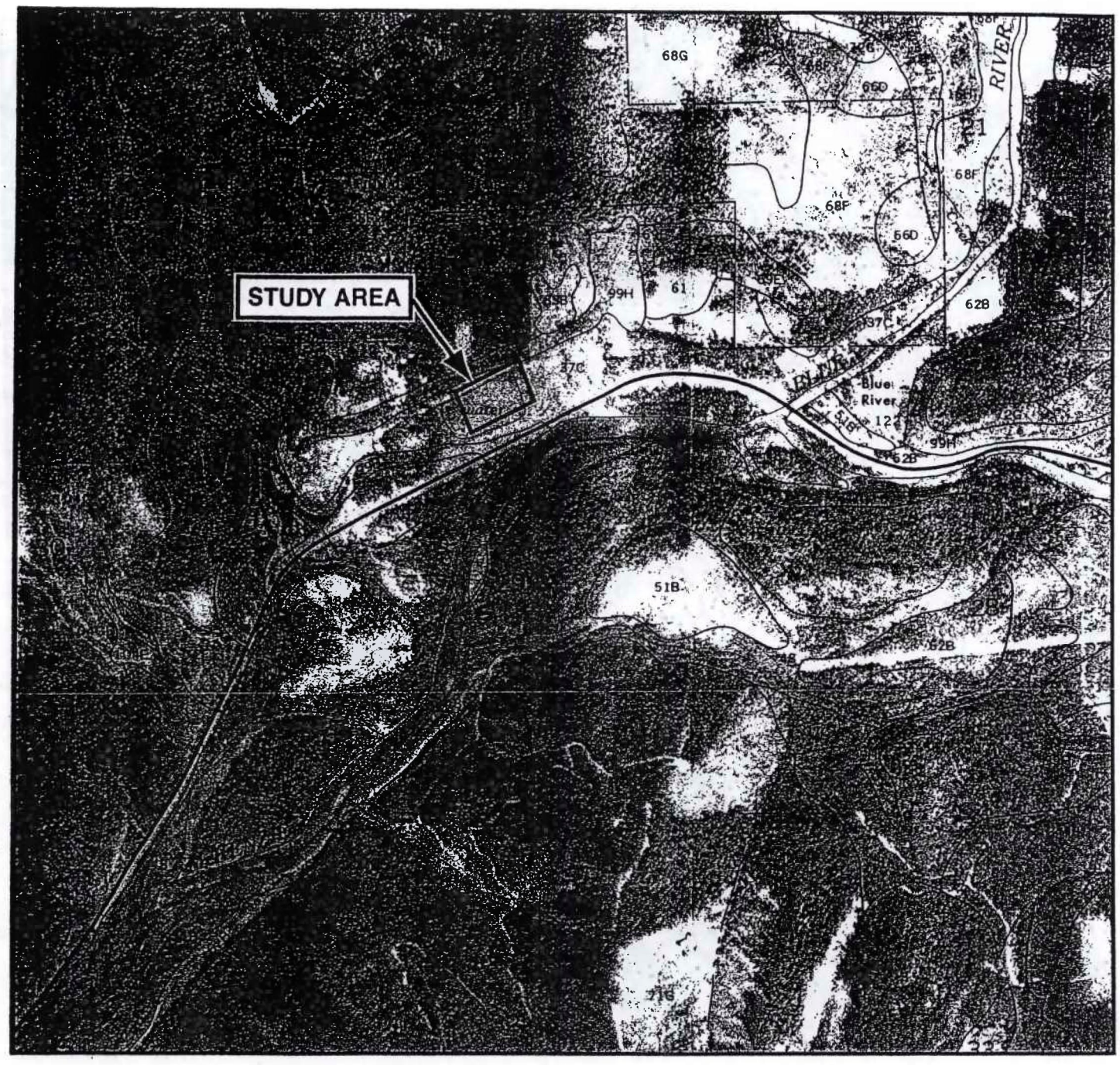

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FIGURE 4: Soil Survey Map

Source: Lane County Soil Survey Sheet #51
#37C: Cupola cobbly loam, Nonhydric

Scale: 2" = 1 mile

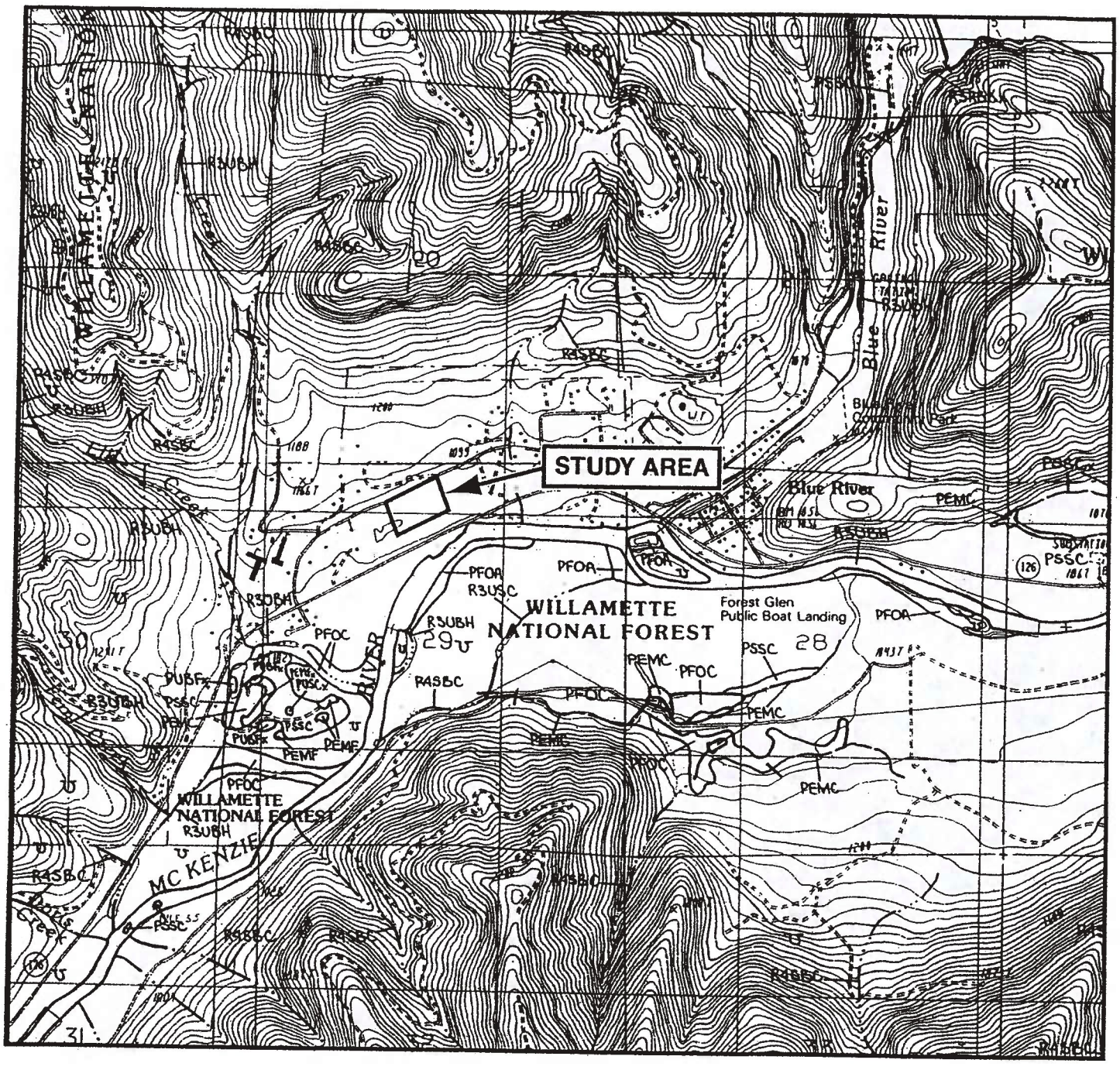

FIGURE 3: National Wetland Inventory Map

Source: NWI Blue River Quad
Scale: 2.6" = 1 mile

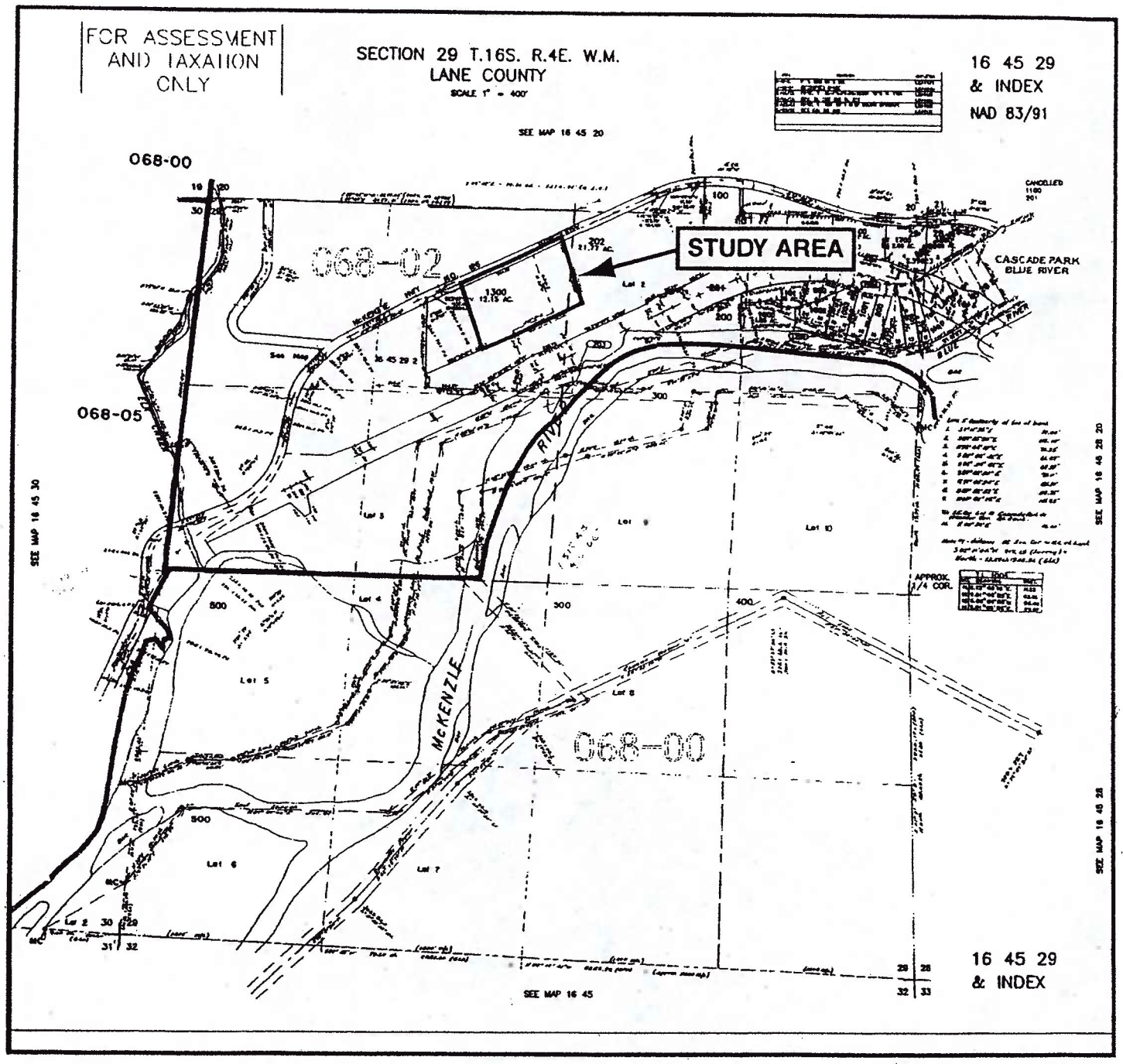

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FIGURE 2: Site Location on Tax Map

Source: Lane County Tax Map
Scale: Undetermined

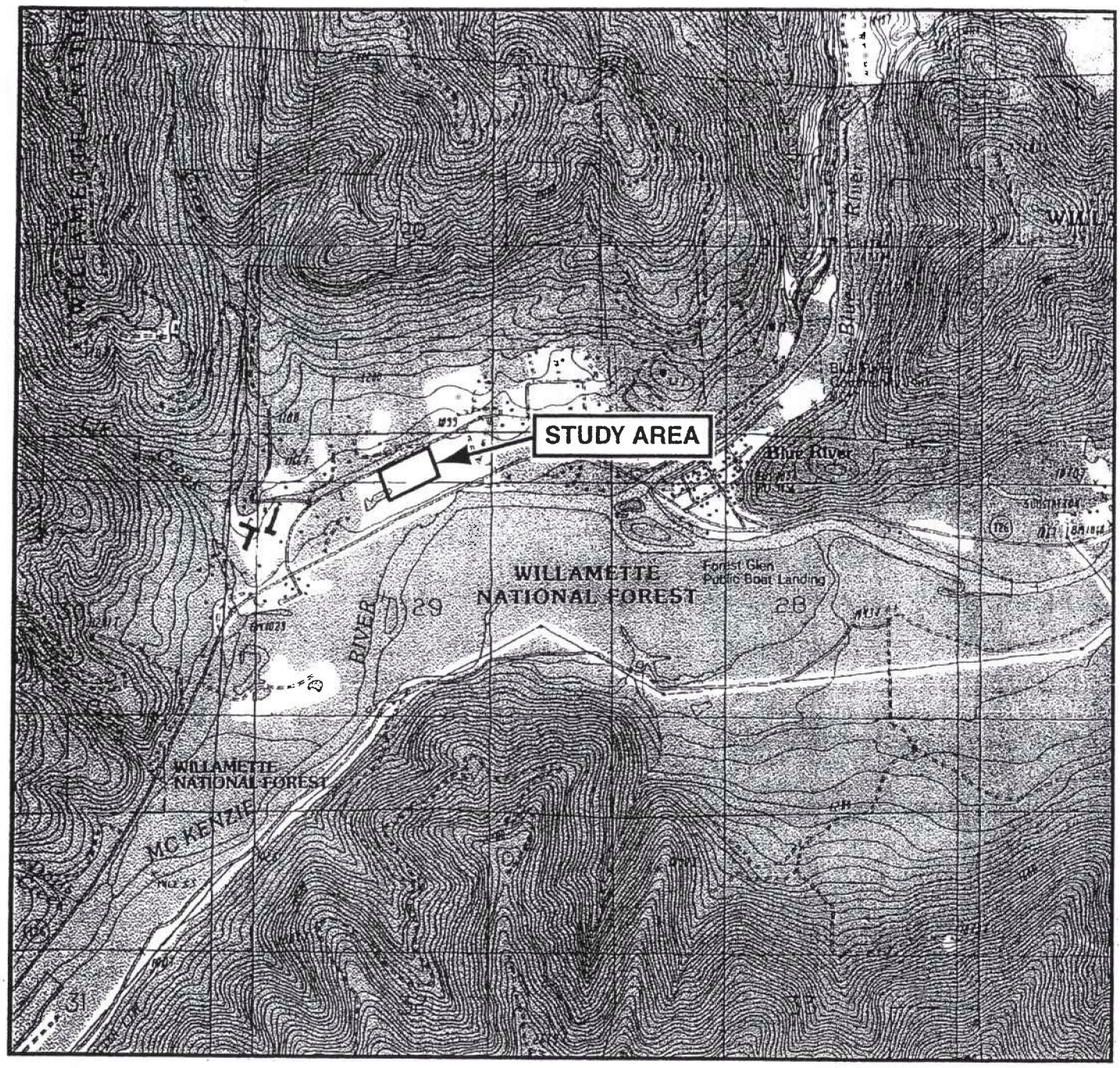

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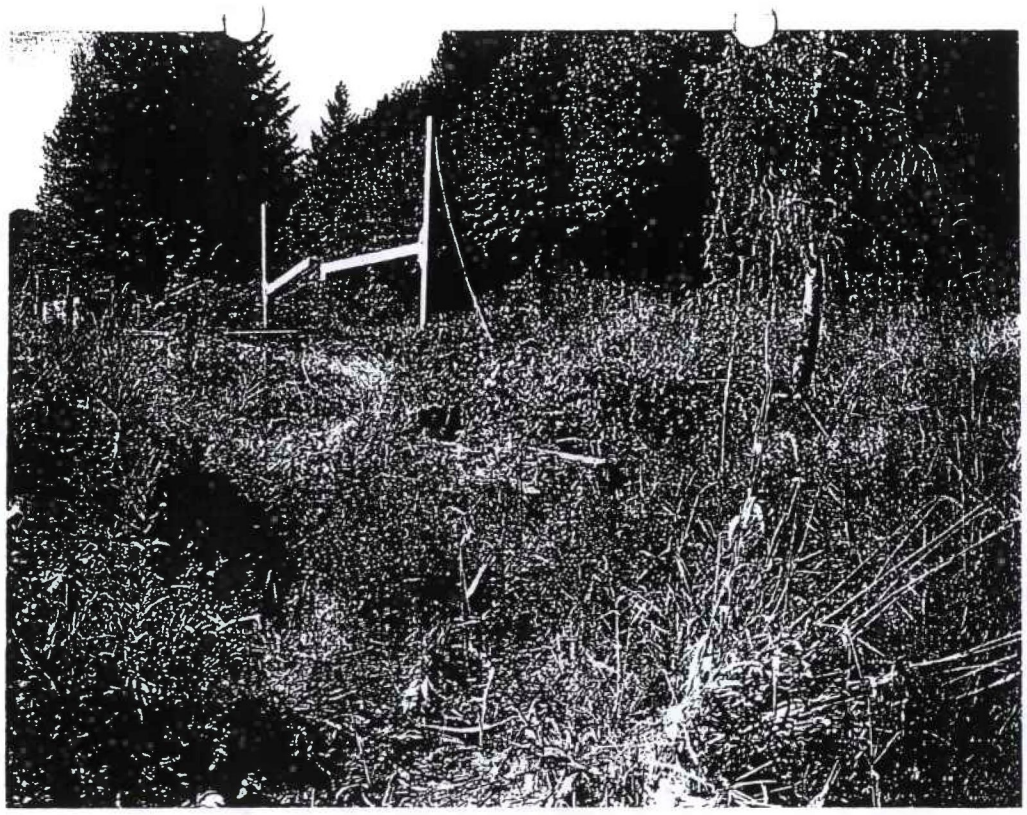
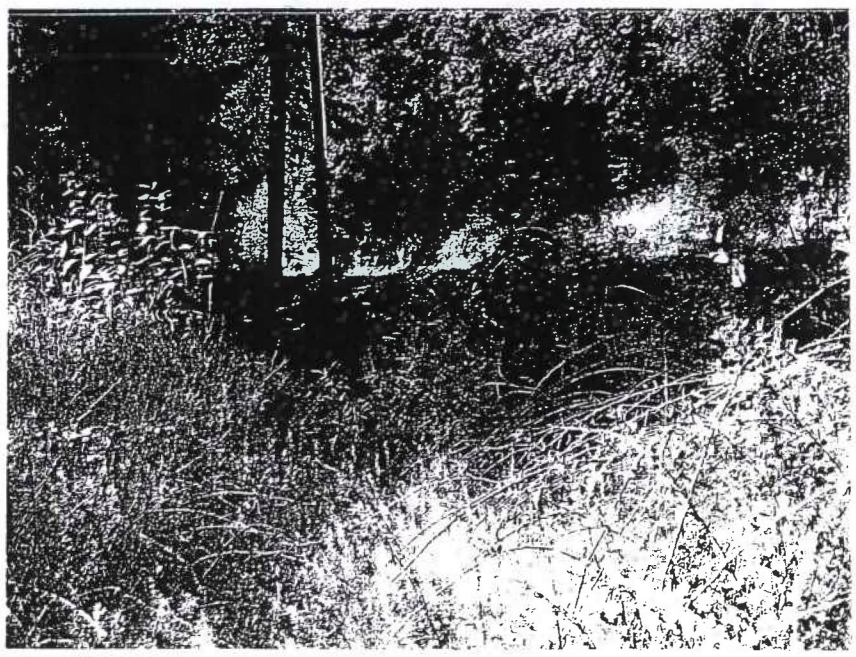
FIGURE 1: Site Location Map

Source: Blue River USGS Quad
Scale: 2.6" = 1 mile

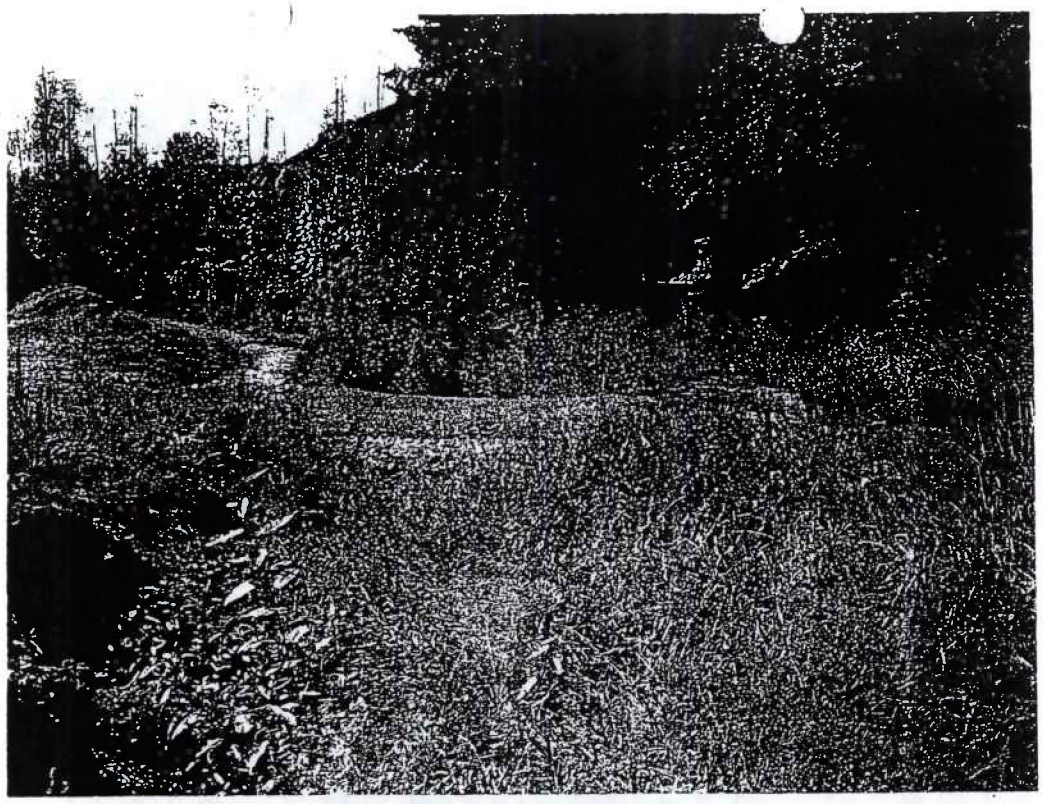
P7 looking west from old fill near SP 14, across unfilled portion of log pond in west portion of site and study area. Majority of vegetation cover is reed canary grass, and the pond is typically 2-3 feet deep winter through spring. Old dike is barely visible in high middleground.



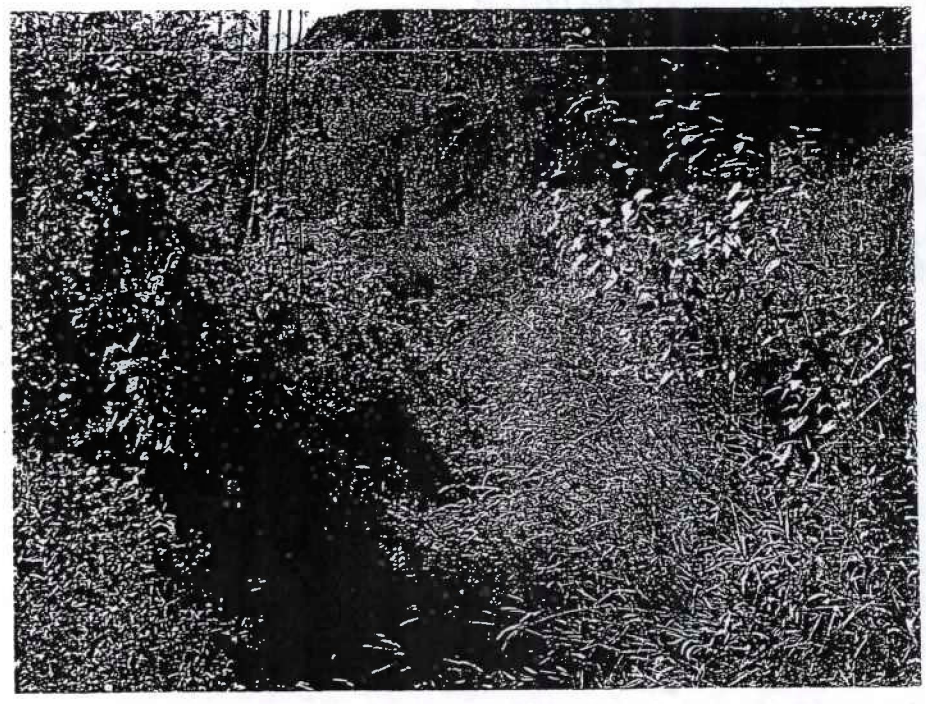
P5 looking west from near SP3 (foreground orange flag) to road crossing with new culvert and 6-inch lift of gravel on top of the old road crossing. Culvert was installed in bottom of old ditch excavated across the road crossing by Seneca prior to 2002, to prevent access onto the site. Culvert bottom is 1-1.5 feet higher than the wetland boundary. Wetland boundary for the unfilled portion of the log pond east of the old road crossing is approximately 15 feet east of the culvert, and indicated with the pink flag in the middle of the photo.



P6 looking west down roadside ditch along Blue River Road north of the old dike, in the northwest portion of the study area- majority of ditch is vegetated with Armenian blackberry. Old dike is in left side of photo.

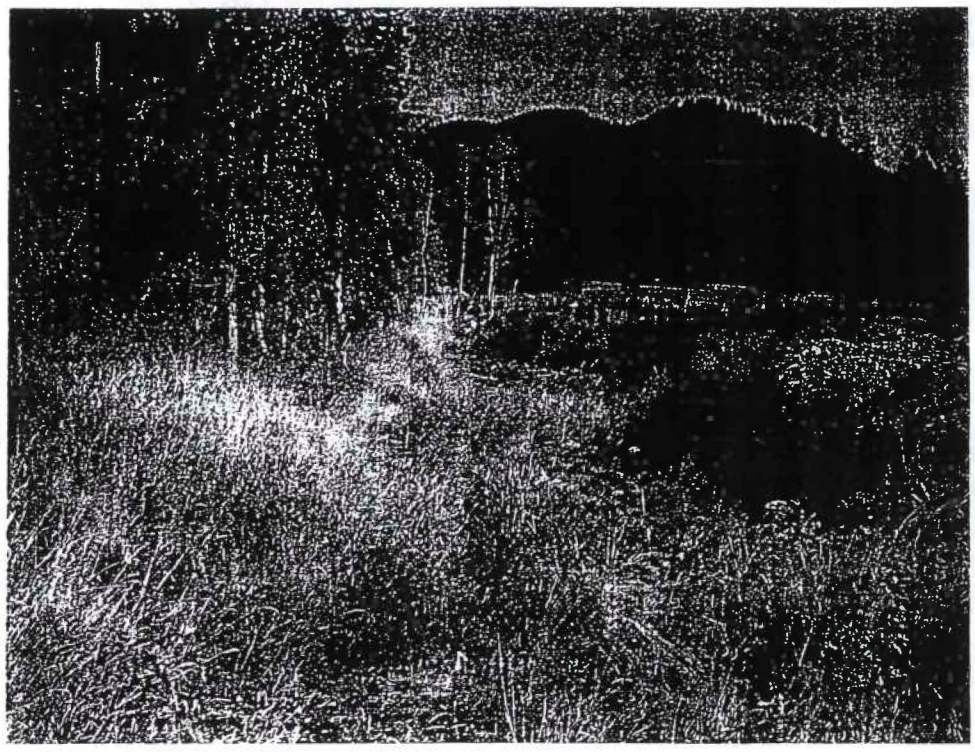


P3 looking west from old road crossing to new trail crossing (gravel surface and fill in middleground). Old fill is to the left, narrow finger of unfilled abandoned log pond is in middle of photo, and old dike is to the right. Note where the right side of the trail appears to end in bark; that section continues to the west along the old dike. Trail was constructed partially in the wetland.



P4 looking west from trail crossing down finger of unfilled abandoned log pond between old fill (on left) and old dike (on right). Reed canary grass is the predominant vegetation within this entire wetland area.

Site Photographs Taken October 2, 2006



P1 looking east from old road crossing (near SP 1, 2, 3) up isolated section of old log pond that was not filled by Seneca during the 1980s. Old fill is to the right, the old dike is to the left. Pink flags in foreground are for wetland boundary, orange flags are sample plots. Unvegetated fill in middle of right side of photo was pushed onto upland bench, based on review of historic aerial photos when comparing wetland boundary location to the fill boundary on the 1994 and 2002 photos.

P2 looking east along narrow area north of the dike and east of the road crossing in the northeast portion of the site. Although dominant vegetation was colonial bentgrass, soils were not hydric (see SP4).

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 10/2/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Prunella vulgaris/Rubus armeniacus* Plot #: 14
Plot Location: 8' east of SP 13
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Excavated log pond and historic fill.
Recent weather: Rained 4 of past 14 days, last rain 9/21. Precip mo-to-date: 0% normal (0", normal 0.12"); precip YTD 86% normal (26.66", normal 30.94"). Sunny and warm on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Salix hookeriana**	SS	15	FACW	*Hypericum perfoliatum**	H	5	UPL
*Rubus armeniacus**	SS	30	FACU	*Polystichum munitim**	H	5	FACU
*Prunella vulgaris**	H	5	FACU	*Populus balsamifera*	SS	5	FAC
*Hypochaeris radicata**	H	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 50% (D≥ 10%); Herb total cover: 20% (D≥ 4%)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 1/5 = 20%
Criteria met? No Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	7.5YR 3/2			CL, dry, blocky, 40% gravel, pebble

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks: This is all in old fill.

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other:
Criteria Met? No Remarks:

Determination: NO Wetland
Comments: This plot paired to SP13 to determine wetland boundary around abandoned log pond. Wetland boundary determined to be where dominance of *Phalaris arundinacea* and *Salix hookeriana* changes to dominance of *Rubus ursinus, R. armeniacus*, *Prunella vulgaris*, and other upland herbaceous species.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 10/2/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Salix hookeriana* Plot #: 13
Plot Location: 260' SW of SP 8, 6' west of edge of old fill in west portion of study area
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Excavated log pond and historic fill.
Recent weather: Rained 4 of past 14 days, last rain 9/21. Precip mo-to-date: 0% normal (0", normal 0.12"); precip YTD 86% normal (26.66", normal 30.94"). Sunny and warm on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Salix hookeriana**	SS	10	FACW				
*Fraxinus latifolia**	SS	5	FACW				
*Populus balsamifera**	SS	5	FAC				
*Phalaris arundinacea**	H	80	FACW				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 20% (D≥ 4%); Herb total cover: 80% (D≥ 16%)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 4/4 = 100
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-6"	10YR 2/1	CCD 7.5YR 5/8		Silt, blocky, damp
6-12"	10YR 3/2	CCD 7.5YR 4/6		Silt, blocky, damp
12-16"	10YR 2/1			SiL, blocky, damp

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? Yes Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
_X_ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
_X_ other: dominance of wetland vegetation
Criteria Met? Yes Remarks: Used best professional judgment for wetland hydrology, based on dominance of *Phalaris* in log pond bottom and strong indicators of hydric soil.

Determination: YES Wetland
Comments: This plot paired to SP14 to determine wetland boundary around abandoned log pond. Wetland boundary determined to be where dominance of *Phalaris arundinacea* and *Salix hookeriana* changes to dominance of *Rubus ursinus, R. armeniacus*, and *Prunella vulgaris* (see SP 14).

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 10/2/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Lapsana communis/Rubus armeniacus* Plot #: 12
Plot Location: 5' south of SP11
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Dike fill around historic log pond.
Recent weather: Rained 4 of past 14 days, last rain 9/21. Precip mo-to-date: 0% normal (0", normal 0.12"); precip YTD 86% normal (26.66", normal 30.94"). Sunny and warm on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Lapsana communis**	H	60	UPL	*Bare*		35	
*Rubus armeniacus**	SS	5	FACU				
Daucus carota	H	T	UPL				
Verbascum thapsus	H	T	UPL				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 60% (D≥ 12%)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 0/2 = 0%
Criteria met? No Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	7.5YR 3/2			SiCL, dry to damp, blocky, 50% gravel and pebble

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: NO Wetland
Comments: This plot paired to SP11 to determine ordinary high water and wetland boundary elevations in roadside ditch, determined to be where *Rubus armeniacus* rooted and *Lapsana communis* dominance changes to *Epilobium ciliatum* dominance. Wetland boundary is approximately 1 foot above ditch bottom here.

W /LAND DETERMINATION DATA F LM

City: Blue River County: Lane Date: 10/2/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Epilobium ciliatum/Physocarpus capitatus* Plot #: 11
Plot Location: 40 feet west of road crossing in roadside ditch approximately 18' south of Blue River Road.
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Excavated roadside ditch
Recent weather: Rained 4 of past 14 days, last rain 9/21. Precip mo-to-date: 0% normal (0", normal 0.12"); precip YTD 86% normal (26.66", normal 30.94"). Sunny and warm on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Epilobium ciliatum**	H	65	FACW-	*Rosa nutkana*	SS	5	FAC
Phalaris arundinacea	H	10	FACW	*Hypericum perfoliatum*	H	T	UPL
*Physocarpus capitatus**	SS	40	FACW-				
Rubus armeniacus	SS	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 50% (D≥ 10%); Herb total cover: 75% (D≥ 15 %)
Percent of dominant speoies that are OBL, FACW, FAC+, and FAC: 3/3 = 100%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-8"	10YR 3/2			SiCL, dry, granular
8-12"	10YR 3/2	CCD 10YR 3/4		SiCL, dry, platy
12-16"	10YR 3/2			SiCL, granular, damp

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? Yes Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
_X_ drainage patterns
Criteria Met? Yes Remarks:

Secondary indicators (2 or more required):
_X_ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____

Determination: **YES** Wetland
Comments: This plot established to document conditions in roadside ditch north of dike. Paired to SP12 to determine location of wetland boundary along ditch banks as well as to the east of this plot. The ditch slopes uphill approximately 4' east of SP11, where east wetland boundary flagged. Wetland and ordinary high water elevation are approximatley 1 foot above ditch bottom, and coincide with change from wetland to upland vegetation as well as elevation to which some erosion extends, and is 6- 8' wide its length through the study area, with top of bank width 25-37 feet wide for its length along Blue River Road.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 10/2/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus armeniacus* Plot #: 10
Plot Location: 50' ENE from SP2, approximately 2' up on dike bank
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled and diked excavated log pond
Recent weather: Rained 4 of past 14 days, last rain 9/21. Precip mo-to-date: 0% normal (0", normal 0.12"); precip YTD 86% normal (26.66", normal 30.94"). Sunny and warm on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	60	FACW	*Hypericum perfoliatum*	H	T	UPL
*Bidens frondosa**	H	20	FACW				
*Trifolium repens**	H	20	FAC				
*Rubus armeniacus**	SS	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: ¾ = 75%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	7.5YR 4/3 and 7.5YR 3/3 mixed			SiCL, damp, granular to platy with 30% pebble (historic fill)

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Criteria Met? No Remarks:

Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____

Determination: NO Wetland
Comments: This plot established as upland plot to determine elevation of wetland boundary in historic log pond between fill and dike, east of SP3. SP10 is 3 feet above bottom of wetland, and wetland boundary determined to be where dominant vegetation changes from *Phalaris* and *Bidens* to *Rubus*, which is approximately 2 feet above the bottom of the wetland here.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Populus balsamifera* Plot #: 9
Plot Location: 4' north of SP8, approximately 2' up on dike bank.
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	100	FACW				
*Populus balsamifera**	SS	10	FAC				
*Rubus ursinus**	SS	5	FACU+				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 10% (D≥ 2%); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 2/3 = 66%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	10YR 2/2			SiCL, dry, granular to platy with 30% pebble (historic fill)

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: **NO** Wetland
Comments: This plot established as pair to SP8 to determine wetland boundary along depression of old log pond between old fill and dike- wetland boundary determined to be where dominance of *Phalaris* changes to dominance of *Rubus ursinus* along both banks (north and south), and is associated with an elevation of 1.5 feet above the wetland bottom in this area.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus armeniacus* Plot #: 8
Plot Location: 2' west of culvert outfall on west side of trail crossing, in bottom of depression between dike and fill.
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	30	FACW	*Rubus armeniacus**	SS	10	FACU
*Agrostis tenuis**	H	30	FAC	*Lactuca muralis*	H	T	UPL
*Trifolium repens**	H	20	FAC	*Daucus carota*	H	T	UPL
*Lolium perenne**	H	20	UPL				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 10% (D≥ 2%); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 3/5 = 60%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-11"	10YR 2/2	CCD 7.5YR 4/ 4		SiL, dry, granular to platy
11-18"	10YR 4/2	CCD 7.5YR 3/ 4		CL, dry, platy

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? Yes Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 18" Depth to saturated soil: None to 18"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
_X_ drainage patterns

Secondary indicators (2 or more required):
_X_ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____

Criteria Met? Yes Remarks:

Determination: YES Wetland
Comments: This plot established to describe conditions within narrow portion of excavated log pond between old fill and the dike. It is paired to SP9 to determine wetland boundary along both sides of the banks. Wetland boundary extends east through SP7, therefore 19-foot wide trail fill was placed in wetland area.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus armeniacus* Plot #: 7
Plot Location: 3' east of culvert outfall on east side of trail crossing, in bottom of depression between dike and fill.
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	50	FACW	*Cirsium arvense*	H	T	UPL
*Agrostis tenuis**	H	40	FAC	*Lolium perenne*	H	T	UPL
Trifolium repens	H	10	FAC	*Bidens frondosa*	H	T	FACW
*Rubus armeniacus**	SS	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0% (D≥ 0%); Shrub total cover: 5% (D≥ 1); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 2/3 = 66%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	10YR 3/2	CCD 7.5YR ¾		SiL, dry, granular to blocky

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? Yes Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 18" Depth to saturated soil: None to 18"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
_X_ drainage patterns
Secondary indicators (2 or more required):
_X_ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? Yes Remarks:

Determination: YES Wetland
Comments: This plot paired to SP6 to determine location of wetland boundary within depression north of old fill and south of old dike. Wetland boundary determined primarily by soils and hydrology information (oxidized rhizospheres), as *Phalaris* is growing throughout the depression and up the bank a ways- based on observations in many other sites, *Phalaris* is well adapted to growing conditions that include upland banks adjacent to wetland areas, as its roots can be 3-6 feet deep, and is therefore not always a reliable wetland indicator in transitional upland sites.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus ursinus* Plot #: 6
Plot Location: 11' east of culvert outfall on west side of driveway road crossing, in bottom of depression between dike and fill; 9' east of SP5.
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	100	FACW				
*Rubus ursinus**	SS	5	FACU+				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0 (D≥ 0%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: ½ = 50%
Criteria met? Yes Remarks: If *Rubus* not counted because it is in such low percent cover, percent wetland species would be 1/1 = 100%.

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-16"	7.5YR 2.5/2			SiL, dry, blocky, 20% gravel, pebble
16-18"	7.5YR 2/2	CCD 5YR 5/6		SiL with 20% pebble, dry blocky

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 18" Depth to saturated soil: None to 18"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: NO Wetland
Comments: This plot established to document conditions traveling west along depression formed between old dike and old fill. It is paired to SP7 to determine eastern location of wetland boundary in this depressional area. SP6 is approximately 9' east of wetland boundary.

W)LAND DETERMINATION DATA F LM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus ursinus* Plot #: 5
Plot Location: 2' west of culvert outfall on west side of driveway road crossing, in bottom of depression between dike and fill
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	90	FACW				
*Rubus ursinus**	SS	10	FACU+				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 0 (D≥ 0%); Shrub total cover: 10% (D≥ 2%); Herb total cover: 90% (D≥ 18 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: ½ = 50%
Criteria met? No Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-7"	10YR 2/2			SiL, dry, blocky, 40% gravel, pebble
7-13"	10YR 3/2			SiCL with 20% pebble, dry blocky
13-16"	10YR 3/2	FCD 7.5YR 4/6		SiCL, blocky, 20% pebble

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: NO Wetland
Comments: This plot established to document conditions north of historic log pond fill and south of the old dike, west of the access road to determine where the wetland conditions are first encountered, traveling west from the old access road.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Holcus lanatus/Rubus armeniacus* Plot #: 4
Plot Location: 16' east of road crossing, 34' south of Blue River Road in depression north of old log pond dike
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Holcus lanatus**	H	40	FAC	*Pseudotsuga menziesii**	T	5	FACU
*Agrostis tenuis**	H	35	FAC				
*Phalaris arundinacea**	H	25	FACW				
*Rubus armeniacus**	SS	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover:5 (D≥ 1%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 100% (D≥ 20 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 3/5 = 60%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-5	10YR 2/2			SiCL, granular, dry
7-16"	10YR 3/2			Silt, granular, dry

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: NO Wetland
Comments: This plot established to document conditions in depression to north of log pond dike, south of Blue River Road. Although FAC vegetation dominant, soils and hydrology criteria not met.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus armeniacus* Plot #: 3
Plot Location: 14' east of SP2
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	35	FACW	*Rubus armeniacus**	SS	10	FACU
*Eleocharis obtusa**	H	15	OBL	*Bare*		25	
*Ludwigia palustris**	H	15	OBL				
Bidens frondosa	H	T	FACW				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover:0 (D≥ 0%); Shrub total cover: 10% (D≥ 2%); Herb total cover: 65% (D≥ 13 %)

Percent of dominant species that are OBL, FACW, FAC+, and FAC: ¾ = 75%
Criteria met? Yes Remarks:

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-7"	10YR 3/2	CCD 7.5YR 4/6		SiCL, granular, damp
7-13"	10YR 2/2	CCD 7.5YR 4/6		SiCL, damp, platier
13-16"	7.5YR 3/4			C fill, blocky, damp

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon _X_ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? Yes Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:

Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
_X_ drainage patterns

Secondary indicators (2 or more required):
_X_ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____

Criteria Met? Yes Remarks:

Determination: **YES** Wetland
Comments: This plot paired to SP2 to determine wetland boundary location. SP3 is 1.5 feet lower than SP2, and associated with wetland within excavated log pond area that was not historically filled. Wetland gradient is towards the east, with the deepest portion near the east property line. Wetland boundary determined primarily by elevation, as fill bank forms the south boundary and old log pond dike forms the north boundary for its entire length- also determined to be where vegetation changes from *Bidens* and *Phalaris* to *Acer macrophyllum* saplings, *Cytisus scoparius, Lolium perenne,* and *Rubus armeniacus*. This plot is 11' east of wetland boundary.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Agrostis tenuis/Rubus armeniacus* Plot #: 2
Plot Location: 12' east of SP1
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Partially filled excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Agrostis tenuis**	H	70	FAC	*Pseudotsuga menziesii**	T	5	FACU
*Trifolium repens**	H	25	FAC				
Dipsacus sylvestris	H	5	FAC				
*Rubus armeniacus**	SS	5	FACU				

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 5 (D≥ 1%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 100% (D≥ 20 %)

Percent of dominant species that are OBL, FACW, FAC+, and FAC: 2/4 = 50%
Criteria met? Yes- marginal (see remarks) Remarks: Shrub and tree layers are minimal cover, therefore if these two layers are not considered, percent dominant wetland species would be 2/2 or 100%.

SOILS

Map Unit Name: #37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-4"	10YR 2/2			SiCL, dry, granular
4-16"	7.5YR 3/3			Clay fill, dry, blockier
16-18"	7.5YR 2.5/3	CCD 5YR 4/6		CL, blocky, dry

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 18" Depth to saturated soil: None to 18"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Criteria Met? No Remarks:

Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____

Determination: NO Wetland
Comments: This plot established along transect moving east from road crossing, in order to determine wetland boundary- it is paired to SP3 to determine wetland boundary location, with this information used in flagging the wetland boundary in the portion of the partially filled log pond east of the road crossing. Although wetland vegetation is predominant, soils and hydrology criteria are not met. This plot is 3 feet west of wetland boundary.

WETLAND DETERMINATION DATA FORM

City: Blue River County: Lane Date: 8/18/06 Investigator: N. Holzhauser
Project Location: Blue River Drive, approx. ¼ mile east of McKenzie School Contact: Jeff Sherman
Plant Community: *Phalaris arundinacea/Rubus armeniacus* Plot #: 1
Plot Location: 12" east of culvert across entrance driveway
Normal Environmental Conditions? Yes
__Vegetation _X_Soil _X_Hydrology significantly disturbed? Historic fill in excavated log pond
Recent weather: Rained 0 of past 14 days, last rain over 18 days ago. Precip mo-to-date: 0% normal (0", normal 0.49"); precip YTD 91% normal (26.14", normal 28.78"). Sunny and hot on day of field visit.

VEGETATION

Dominant plant species*	Stratum	%cover	Status	Dominant plant species	Stratum	%cover	Status
*Phalaris arundinacea**	H	45	FACW				
*Rubus armeniacus**	SS	5	FACU				
*Pseudotsuga menziesii**	T	5	FACU				
Bare		45					

*Dominant species comprise over 20% absolute cover in plot. Tree total cover: 5 (D≥ 1%); Shrub total cover: 5% (D≥ 1%); Herb total cover: 45% (D≥ 9 %)
Percent of dominant species that are OBL, FACW, FAC+, and FAC: 1/3 = 33%
Criteria met? No Remarks:

SOILS

Map Unit Name:#37C: Cupola cobbly loam Drainage class: well-drained
Taxonomy: medial skeletal mesic endic dystrandepts On Hydric Soil List? No
Confirmed mapped soil type?

Depth	Matrix color	Redox concentrations*	Redox depletions	Texture/structure
0-8"	10YR 2/2			SiCL, dry, granular
8-16"	10YR 3/3			Clay fill, dry, blockier

*abundance/size/contrast/color/location (matrix or pores/peds)

___ Histosol ___ Gleyed ___ Organic streaking (sandy soils)
___ Histic epipedon ___ Redox features w/in top 10" ___ Organic pan (sandy soils)
___ Sulfidic odor ___ Concretions/Nodules ___ Listed on Hydric Soil List
___ Reducing conditions ___ High org. content in sandy soils ___ Others:_____
Criteria Met? No Remarks:

HYDROLOGY

_X_ Recorded data available: _X_ Aerial photos ___Stream gauge ___Other
___ No recorded data available
Field observations:
Depth of surface water: None Depth to free water in pit: None to 16" Depth to saturated soil: None to 16"
Wetland hydrology indicators:
Primary indicators:
___ inundated
___ saturated in upper 12"
___ water marks
___ drift lines
___ sediment deposits
___ drainage patterns
Secondary indicators (2 or more required):
___ oxidized root channels in upper 12"
___ water-stained leaves
___ local soil survey data
___ FAC-neutral test _____
___ other: _____
Criteria Met? No Remarks:

Determination: **NO** Wetland
Comments: This plot established to determine if the recently installed culvert for the road crossing was placed on wetland or upland soils; based on this data, it appears that the material under the culvert is historic fill from when the log pond was partially filled by Seneca Timber Company in the 1980s.

WETLAND DELINEATION REPORT

1.0 Background Information

This Wetland Delineation report has been prepared for the McKenzie Community Track and Field Committee (MCTFC) in response to a violation notice from the Oregon Department of State Lands, Enforcement File #6353, which states that fill had been placed on wetlands without a permit. Approximately 12.16 acres (Tax Lot 1300 Tax Map 16-45-29) was donated to the McKenzie Community Track and Field Committee (MCTFC) by Seneca Timber Company in 2004. Beginning in 2003, prior to the donation from Seneca, Seneca allowed the MCTFC to begin clearing vegetation in order to determine the location of the track and associated facilities. The purpose of this study is to document wetland information and map the wetland boundaries within the study area as they were most likely present prior to 2004, based on review of historic aerial photos, field observations, and from interviews with people that have worked on the property. Fill boundaries visible in the 1980, 1981, 1991, 1994 (the last available aerial photo before the 2002 photo) and 2002 aerial photos were compared to the wetland delineation field data in 2006 in order to determine if additional fill had been placed in wetlands since the MCTFC acquired the site. The boundaries of the study area have been designed to include all area of the proposed and active development. The MCTFC has every intention of constructing the facility to focus on avoidance and minimization of wetland impacts.

2.0 Detailed description of the site, its landscape setting, and previous and current land uses:

OAR141-090-0035(8a)

The study area is approximately 7.7 acres located in the central and east portions of the 12.15-acre Tax Lot 1300. It is located on a bench approximately 2000 feet north of the McKenzie River and 30-50 feet in elevation above the river. This bench within which the study area is located is bounded to the north by Blue River Drive and to the south by the McKenzie Highway. It is within the upper McKenzie River valley, at the base of the Old Cascades.

The majority of the study area is relatively level at 990-991 feet, as it is located predominantly on fill placed in a historic log pond by Seneca Timber Company between the late 1970s and early1990s. The fill is approximately 6-8 feet deep on the log pond. A small isolated section of unfilled log pond is present in the northeast corner of the study area, and a larger unfilled portion of the log pond is in the west and northwest portions of the study area. Portions of the 6-8-foot tall dike that enclosed the old log pond are still present on the site, which extends across the north portion of the study area. A roadside ditch along the south side of Blue River Drive is located between the dike and the road in the northwest portion of the study area. This ditch is 6 feet lower than both the dike and the road, and flows into a wetland area on the west adjacent property. The study area has a gentle southwest to south aspect. Drainage for the onsite wetlands associated with the abandoned log pond is to the southwest.

As stated previously, the study area is predominantly on fill that was placed in a decommissioned log pond in the 1970s through the early 1990s (referred to as "old fill" in this report), when it was owned by Seneca Timber Company. Based on review of available historic aerial photos, the log pond was in use between 1945 and 1980. Material from excavation of the log pond was used to construct a perimeter dike to contain water that was pumped from the McKenzie River, based on information from local residents that had worked at the mill. The west portion of the property, including the far west portion of the study area, is within the diked log pond area and was not filled. Seneca had breached the dike in the very southwest corner of the log pond in order to drain it during decommissioning. A beaver dam has since been constructed across the breach, such that the remaining portions of the unfilled log pond are inundated much of the year. Dominant vegetation within the unfilled portion of the log pond is

nonnative reed canary grass (*Phalaris arundinacea*). Old fill placed in the log pond was not extended all the way to the northern dike in the northern portion of the study area, such that the dike is still present, to the south of which remains an isolated section of the old log pond (see W1, Figure 5) and a finger of the old log pond (see W2, Figure 5). The dike itself is 6-8 feet above the bottom of the log pond, and the predominant vegetation growing on the banks and top of the dike is nonnative Armenian blackberry (*Rubus armeniacus*). Water outfalls the log pond at the beaver dam, into a small intermittent stream which runs south to southwest into a culvert under Highway 126 near the intersection with Blue River Drive, 1550 feet from the study area. From that culvert, it is ditched approximately 500 feet to a private yard. It is unknown if or how it connects to either Elk Creek or the McKenzie River from that point.

A dirt access road had been constructed by Seneca from Blue River Drive south over the dike and onto the property in order to access the site, including the study area, when it was being filled in the 1970-early 1990s. According to local residents, the source of the fill was from various US Forest Service road construction projects in the vicinity of the site. Once the fill had been placed on the property, Seneca excavated a shallow and narrow ditch, approximately 30 inches wide and 30 inches deep, across the dirt access road to prevent people from driving onto the property. Since the MCTCF acquired the property in 2004, they have installed a culvert in that ditch, added a small (approximately 6 inches) lift of gravel and a topcoat of asphalt on the access road. The MCTFC has hauled rock onto the site to spread for a regulation-sized oval track across the majority of the fill on the study area, and a 10,000- square foot gravel parking area in the west portion of the study area, all sited on top of the old fill. They have also constructed a 19-foot length of trail that connects the dike to the old fill in the northwest portion of the study area (between SPs 7 and 8). Based on information from the wetland study, it appears that this section of trail was constructed in wetlands while the road upgrade, including the culvert, was constructed in uplands (see SPs 1 and 5).

Based on review of the historic aerial photos dating back to 1936 (Figures 6-16), the study area and vicinity were cleared as an agricultural field from before 1936, the date of the earliest available aerial photo, through 1945. The 1952-1972 photos show the entire study area and vicinity as an excavated log pond surrounded by a dike. The 1972 photo also shows the McKenzie Highway in the process of construction to the south of the study area and vicinity. The 1981 photo shows the log pond drained and placement of fill in the east half of the pond. The 1981 photo shows an extension of the fill across much of the southwest portion of the log pond, with a visible ponded area in that corner. Woody vegetation is visible in the unfilled west portion of log pond. The 1994 photo shows a larger area of fill of which the size and shape appears unchanged in the later 2002 photo. The 1994 and 2002 photos show much of the log pond and filled areas vegetated. The dike is still visible in the 2002 photo around most of the site. Present use on the land adjacent to the study area to the west is single family residential. Blue River Drive is north adjacent to the study area, and vacant land owned by Seneca Timber Company is to the south and east. The McKenzie Highway and McKenzie River are south of the study area by approximately 1500-2000 feet.

Vegetation

The majority of unfilled portions of the log pond are vegetated with reed canary grass (*Phalaris arundinacea*: FACW). An isolated section of the old log pond between the fill and the dike in the northeast corner of the site is vegetated with native obtuse spikerush (*Eleocharis obtusa*: OBL), cattail (*Typha latifolia*: OBL), simple-stem burreed (*Sparganium emersum*: OBL), false loosestrife (*Ludwigia palustris*: OBL), and leafy beggarstick (*Bidens frondosa*: FACW). A fringe of Hooker's willow (*Salix hookeriana*: FACW+) and cottonwood (*Populus balsamifera*: FAC) and Oregon ash (*Fraxinus latifolia*:

FACW) saplings are growing around the east edge of the log pond at the old fill boundary near the west boundary of the study area.

The dike within the study area is vegetated with reed canary grass along the bottom 1-2 feet of its bank adjacent to the unfilled portions of the log pond, with Armenian blackberry (*Rubus armeniacus*: FACU) the predominant vegetation across the remainder of the dike banks and across the top of the dike. Rows of Douglas-fir (*Pseudotsuga menziesii*: FACU) are growing along the dike in the northwest portion of the study area. The old fill within the study area is vegetated with Scot's broom (*Cytisus scoparius*: UPL), Armenian blackberry, and cottonwood seedlings. The bottom of the east section of roadside ditch south of Blue River Drive is vegetated with hairy willowherb (*Epilobium ciliatum*: FACW); however the majority of the ditch is vegetated with Armenian blackberry.

Soils

The site is mapped on sheet #51 of the Lane County Soil Survey with a single soil type: #37C Cupola cobbly loam, which is not listed as a hydric soil in the Lane County Hydric Soil List (refer to Figure 4). For a description of Cupola cobbly loam, refer to the Supplemental Information section of this report.

Soils observed in the abandoned and unfilled portion of the log pond were a silt or silty clay loam with hydric soil indicators including a chroma of 2 with mottling in the top 10 inches of the profile. Upland soils observed in the perimeter dike and fill for the east half of the log pond were a gravelly silty clay loam or clay, consistent with fill material. Hydric soil indicators observed in the bottom 1-foot elevation of the dike within the study area included mottling in the top 10 inches. The remainder of these areas did not exhibit hydric soil characteristics. Soils in the roadside ditch to the north of the northern dike in the northwest portion of the site were a silty clay loam with mottling at 8-12 inches, and therefore met the hydric soil criteria.

Several areas in the old fill along the log pond in the northeast portion of the site, including the road crossing, were vegetated with facultative wetland species such as reed canary grass (FACW) or facultative species such as colonial bentgrass (*Agrostis tenuis*: FAC) however the soils did not exhibit hydric soil characteristics (see SP1 in fill for the road crossing, SP2 to the east of the road crossing, SP4 to the north of the dike and east of the road crossing, SP5-7, 9, and 10 to the east and west of the road crossing). These sample plots were located in the fill associated with the dike and the old fill placed on the site during Seneca's ownership, and appear to be areas where the reed canary grass or colonial bentgrass became established because of a low water table, extending up to 12 inches or so from the surface, that could still be reached by the roots of these opportunistic plant species.

Hydrology

The only direct indicators of wetland hydrology observed during the field visits included inundation in a small deeper section of the unfilled portion of the log pond in the very northeast corner of the site. Indirect indicators of wetland hydrology observed in the study area included oxidized rhizospheres in the top 12 inches of the surface.

3.0 Description of any wetlands, including whether or not they extend offsite, and the characteristics of the wetland/non-wetland boundaries on the site, and methods and rationale used to determine the boundaries of any wetlands on the site: *OAR141-090-0035(8b,c)*

W1: Approximately 0.14 of wetlands in the northeast corner of the study area, supported by SP3. Dominant vegetation is reed canary grass, simple-stem burreed, cattail, false loosestrife, and obtuse spikerush. Soils are a silty clay loam over clay with mottling in the top 10 inches. The wetland

boundary was determined to be at the elevation where mottling was no longer observed in the soils, and keyed to a change in vegetation dominance from reed canary grass to Armenian blackberry, although in places the reed canary grass did continue further up the bank above the elevation where mottling was observed in the top 10 inches (see SP10). This wetland is in the palustrine emergent (PEM) Cowardin class. It is in the Depressional Hydrogeomorphic (HGM) class with its primary sources of hydrology from precipitation and surface runoff. This wetland is located entirely within the study area, and is bounded to the east by rock and other fill from an old road crossing, to the north by the old dike, to the south by old fill, and to the west by the old road crossing. This wetland is sloped to the east, with the deeper area near the east study area boundary.

W2: Approximately 0.64 acres in the west and northwest portion of the study area associated with the unfilled portion of the abandoned log pond, supported by plots 7, 8, and 13. Dominant vegetation is reed canary grass, with a narrow fringe of Hooker's willow, and Oregon ash and cottonwood saplings along the east edge of the log pond where it abuts the old fill. Soils in this wetland area were observed to be a silt or silt loam to at least 18 inches, with a chroma of two and mottling in the top 10 inches. Oxidized rhizospheres were also observed in the sample plots within this wetland area. The wetland boundary was determined to be along the old dike or old fill, at the elevation where Armenian blackberry was rooted and hydric soil indicators were no longer observed. This wetland is in the PEM Cowardin class and the Depressional HGM class with its primary sources of hydrology from precipitation and surface runoff. This wetland continues off the study area and is enclosed by the old dike for the log pond, except where it was breached and a beaver dam constructed across the breach in the southwest corner of the Tax Lot (outside of the study area).

W3: Approximately 0.04 acres of shallow roadside ditch in the study area, north of the log pond dike and south of Blue River Drive. It is supported by SP 11. The ditch is 6-8 feet wide across the channel bottom, with a 20-25 foot top-of-bank width. The wetland boundary and ordinary high water (OHW) elevation were determined to be one and the same, and located approximately 1 foot higher than the channel bottom, where a dominance of hairy willowherb changes to a dominance of Armenian blackberry, and at the uppermost level of erosion observed near SP 11. Soils were observed to be a gravelly silty clay loam, indicative of the old fill, with mottling at 8-12 inches. Based on the observations, the ditch appears to carry water infrequently, as most of it is covered with Armenian blackberry, both along the banks and across the bottom. The ditch begins as a recognizable feature near SP 11, and continues offsite to the west. This ditch is in PEM Cowardin class and the Riverine Flow-through HGM class with its primary hydrology source from surface runoff.

4.0 Description, approximate year, and analysis of any site alterations that likely affected the presence, location or geographic boundaries of any waters of the state on the site (e.g., surface drainage ditches or fill material): *OAR141-090-0035(8c)*

The disturbance history of the study area and surroundings is described in Section 2.0, as it is instrumental in understanding the site conditions.

5.0 Site-specific methods used to conduct the field investigation, select sample plot locations, and make the PJDs: *OAR141-090-0035(8d)*

The intent of the wetland delineation study was to determine the location of wetland boundaries prior to any site disturbance that happened during the MCTFC's ownership, in order to determine the extent of the violation. In order to make that determination, it was necessary to review historic aerial photos prior to the field visits in order to determine the maximum extent of fill placed during Seneca's ownership and before MCTFC's ownership, and compare that to present field conditions by laying down the surveyed wetland delineation boundaries on top of those aerial photos (see Figures 6A and 7A). Therefore, in

addition to having sample plots located to best represent each wetland, the adjacent non-wetland areas, and as paired upland and wetland plots for determining the location of the wetland boundary, sample plots were also sited each side of the trail fill to determine if the trail fill was placed on wetlands, and on each side of the openings for new culvert in order to determine the nature of the material under the culvert, that is, if the culvert and additional road material were placed on or in wetland or upland areas. More specific information as to the reason each individual sample plot was sited is noted in the comment section of the data sheets.

The Preliminary Jurisdictional Determinations were based on vegetation and soils information, with secondary hydrology indicators such as erosion in the roadside ditch and presence of oxidized rhizospheres in combination with hydric soil and hydrophytic vegetation boundaries in other portions of the study area because of the dry time of year that the field study was conducted, when direct hydrology indicators such as saturated soils or inundation are typically not present. Soil information was the strongest determining factor especially in the north portion of the site, where FAC and FACW plant species such as colonial bentgrass and reed canary grass were growing in areas that lacked hydric soil characteristics (see SP4 and SP10, for example).

6.0 Explanation if significant deviation from wetlands mapped on the NWI or LWI: ***OAR141-090-0035(17e)***
No wetland features are mapped on the study area in the Blue River quad of the National Wetland Inventory map.

7.0 Methods used to determine the geographic extent of other waters of the state (e.g., ordinary high water): ***OAR141-090-0035(8g)***
In order to determine the location of the wetland or ordinary high water elevation in the roadside ditch along the north boundary of the study area, paired sample plots were located in the ditch bottom, in an area dominated with wetland species (SP11), and up the bank to the south of that sample plot where the dominant vegetation is upland species (SP12). The ordinary high water elevation in the ditch corresponds to the elevation where wetland plant species dominance (hairy willowherb and ninebark (*Physocarpus capitatus*: FACW-)) changed to upland species dominance (nipplewort: *Lapsana communis*: UPL and Armenian blackberry), which also coincides with the uppermost elevation that some erosion was observed.

8.0 Additional information to help establish state jurisdiction (fish presence in stream or ditch, ditch width, historical photo explanation, hydrology monitoring data explanation, data sufficient to determine whether or not an identified water area is artificially created entirely from upland, etc): ***OAR141-090-0035(21)***
The log pond was artificially created, however the portion that remains as a seasonally inundated wetland feature is over 1 acre in size and it is not known if it was created entirely in uplands, as wetland conditions cannot be readily discerned from the 1936 or 1945 aerial photos, prior to excavation of the log pond.

9.0 Wetland boundary and data plot mapping method and estimated accuracy: ***OAR141-090-0035(8f)***
Sample plots and wetland boundaries were mapped using a hand-held GPS unit keyed to the landmarks on the most recent aerial photo, along with a tape and compass to confirm wetland sample point measurements, with an estimated accuracy of 15 feet.

10.0 Date(s) of field investigation: ***OAR141-090-0035(8h)***
August 18 and October 2, 2006.

11.0 Precipitation on the day of and immediately preceding (approx. 1 to 2 weeks) the date(s) of the field investigation(s) and percent of normal rainfall for the water year to date: *OAR141-090-0035(8i)*
August 18, 2006: Based on information from the National Weather Service, precipitation month-to-date was at 0% of normal, at 0 inches compared to normal month-to date of 0.49 inches; precipitation since October 1, 2005 (beginning of rainy season) was at 92% of normal, with 44.98 inches of rainfall compared to normal for the season of 48.86 inches, and precipitation year-to-date was at 91% of normal, with 26.14 inches compared to normal of 28.78 inches. It had rained 0 of the 14 days prior to the field visit, with the last rainfall prior to the field visit in July. It was sunny and hot on the day of the field visit.
October 2, 2006: Based on information from the National Weather Service, precipitation month-to-date was at 0% of normal, at 0 inches compared to normal month-to date of 0.12 inches; precipitation since October 1, 2006 (beginning of rainy season) was at 0% of normal, with 0 inches compared to normal for the season of 0.12 inches, and precipitation year-to-date was at 86% of normal, with 26.66 inches compared to normal of 30.94 inches. It had rained 4 of the 14 days prior to the field visit, with the last rainfall prior to the field visit on September 21. It was warm and sunny on the day of the field visit.

12.0 Results and conclusions of the investigation: *OAR141-090-0035(8j)*
Based on review of available information and from observations during the field visit, it is my professional opinion that positive indicators of wetlands are present in the study area, as specified in the 1987 US Army Corps of Engineers Wetlands Delineation Manual. A total of two wetland areas and one roadside ditch that met the wetland criteria were identified in the field. These wetlands are summarized below. Comments relating to concerns in the violation notice are noted in italics.

W1: Approximately 0.14 of isolated wetlands in the northeast corner of the study area, entirely within the study area. This wetland is in the PEM Cowardin class and the Depressional HGM class with its primary sources of hydrology from precipitation and surface runoff. *Based on observations during the field study, it appears that the new culvert for the road crossing that was installed in the old road fill was not installed on wetlands but entirely on the old road crossing (see SP 1 and 5, both plots established to determine the condition of the fill material under the new culvert).*

W2: Approximately 0.64 acres in the west and northwest portion of the study area associated with the unfilled portion of the abandoned log pond. This wetland is in the PEM Cowardin class and the Depressional HGM class with its primary sources of hydrology from precipitation and surface runoff. This wetland continues off the study area and is enclosed by the old dike and a beaver dam constructed in the southwest corner of the Tax Lot (outside of the study area). *Based on observations during the field study, it appears that as portion of the 19-foot long section of trail that connects the dike to the old fill in the northwest portion of the study area was placed on wetlands (a total of 0.005 acres and 37 cubic yards of wetland impact).*

W3: Approximately 0.04 acres of shallow roadside ditch along Blue River Drive in the northwest portion of the study area, north of the log pond dike. The ditch is 6-8 feet wide across the channel bottom, with a 20-25 foot top-of-bank width. The wetland boundary and ordinary high water (OHW) elevation were determined to be one and the same, and located approximately 1 foot higher than the channel bottom. This ditch is in PEM Cowardin class and the Riverine Flow-through HGM class with its primary hydrology source from surface runoff.

In comparing the fill boundaries on the past aerial photos to this 2006 wetland delineation, which had the fill as its south and east boundaries, it appears that the only additional placement of fill on wetlands

since 2004, when the MCTFC acquired the property, occurred over a 10-foot section associated with the jogging trail in the northwest corner of the study area.

13.0 Required Disclaimer:

"This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055." Additionally, this report may need to be reviewed and approved in writing by the US Army Corps of Engineers and a Removal/Fill Permit may be required from the Oregon Department of State Lands and the US Army Corps of Engineers prior to conducting any activity that impacts wetlands present in the project area.

Nancy Holzhauser
Ecologist

10.9.06
Date