



# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

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

**State Land Board**

August 23, 2021

**RECEIVED**

1 Nov 2022

**PLANNING**

2nd Story Investments, LLC.  
Attn: Jason Rucker  
4804 NW Bethany Boulevard, Suite I2- #282  
Portland, OR 97229

Kate Brown  
Governor

Re: WD # 2020-0630 **Approved**  
Wetland Delineation Report for SW Ebb St. at SW 50th Ave.  
Lincoln County; T7S R11W S27DC TLs 2800-3500  
Lincoln City Local Wetlands Inventory, Wetland SCC-1

Shemia Fagan  
Secretary of State

Tobias Read  
State Treasurer

Dear Mr. Rucker:

The Department of State Lands has reviewed the wetland delineation report prepared by Westbrook Science & Design, LLC, for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland boundaries as mapped in revised Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (totaling approximately 0.33 acres) and one ditch were identified. The wetland and the portion of the ditch contiguous with the wetland are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The remaining portion of the ditch not contiguous with the wetland is exempt per OAR 141-085-0515(10); therefore, that portion is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Lincoln County, Matt Unitis, at (503) 986-5262.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: Anita Cate Smyth, SPWS, Westbrook Science & Design, LLC  
Lincoln City Planning Department (Maps enclosed for updating LWI)  
Katharine Mott, Corps of Engineers  
Carrie Landrum, DSL  
Oregon Coastal Management Program

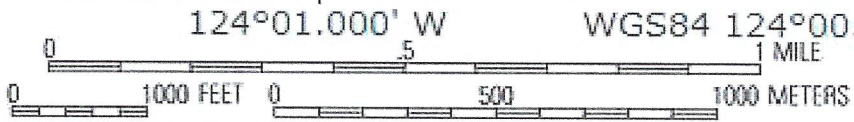
## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

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

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

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: 2nd Story Investments, LLC, Jason Rucker, Manager 4804 NW Bethany Boulevard, Suite I2 - #282 Portland, Oregon 97229	Business phone # Mobile phone # (optional) (503) 810-7270 E-mail: 2ndstory.jason@gmail.com
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. <b>Typed/Printed Name:</b> Jason Rucker, Mgr <b>Signature:</b> Date: <u>11/14/2020</u> Special instructions regarding site access: <u>Contact Applicant prior to site entry</u>	
Project and Site Information	
Project Name: SW Ebb St @ SW 50th Avenue	Latitude: 44.9288      Longitude: -124.0193 <b>decimal degree</b> - centroid of site or start & end points of linear project
Proposed Use: Mixed use: multifamily residential and commercial	Tax Map # 7S11W27DC Tax Lot(s) 2800-3500 ----- Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of SW Ebb Street, between SW 48th and SW 50th Avenues City: Lincoln City      County: Lincoln	Township 7S      Range 11W      Section 27      QQ DC Use separate sheet for additional tax and location information Waterway: None      River Mile: N/A
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Westbrook Science & Design, LLC Anita Cate Smyth 13700 SW Ascension Drive Tigard, OR 97223	Phone # Mobile phone # (if applicable) (503) 869-7897 E-mail: info@westbrookscience.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. <b>Consultant Signature:</b> _____      Date: _____	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      Study Area size: 0.92 acre      Total Wetland Acreage: 0.3300	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>466</u>
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____      Expiration date _____
<input checked="" type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u>WD09-0088</u>	<input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>SCC-1</u>
For Office Use Only	
DSL Reviewer: <u>MU</u> Fee Paid Date: ____ / ____ / ____	DSL WD # <u>2020-0630</u>
Date Delineation Received: <u>11 / 18 / 2020</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____





Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com/topo)

Source: as shown

VICINITY MAP - USGS

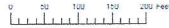
2nd Story Investments LLC  
 SW Ebb Street / SW 50th Street  
 Lincoln City, Oregon

Figure

1



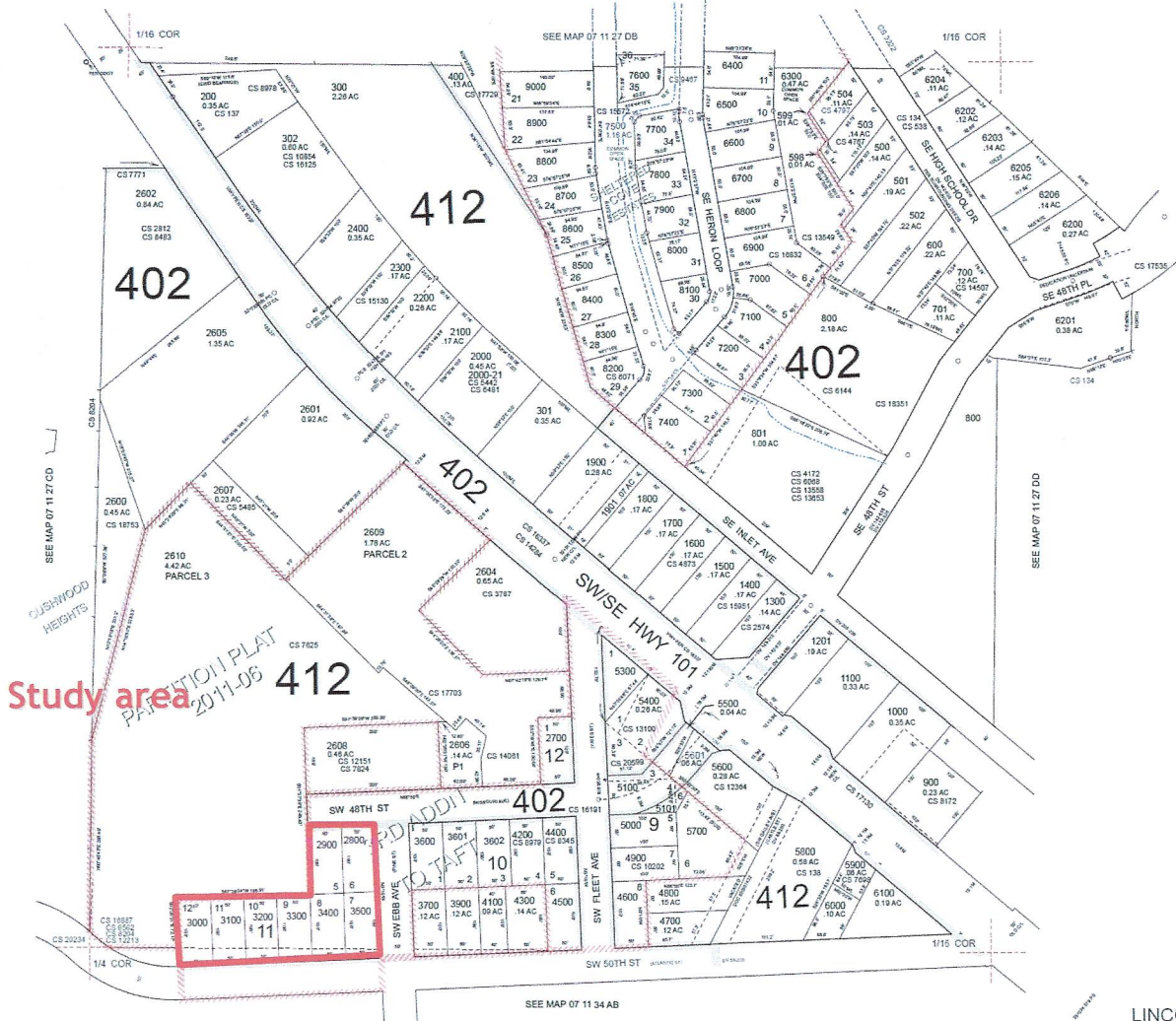
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W. 1/4 S.E. 1/4 SEC. 27 T.7S. R.11W. W.M.  
LINCOLN COUNTY  
1" = 100'

07 11 27 DC  
LINCOLN CITY

Cancelled  
100  
100-30  
1100-21  
1200  
2500  
2600  
3000  
4000  
5200  
5701  
6100-21  
6100-22  
6207  
6208



Study area  
PARTITION PLAT  
2011-06

Revised: SEB  
06/17/2020

LINCOLN CITY  
07 11 27 DC

Source: OregonMap accessed from [www.ormap.net](http://www.ormap.net)

### TAX LOT MAP

2<sup>nd</sup> Story Investments LLC  
SW Ebb Street / SW 50th Street  
Lincoln City, Oregon

Figure

2

# FIGURE 5 - WETLAND MAP

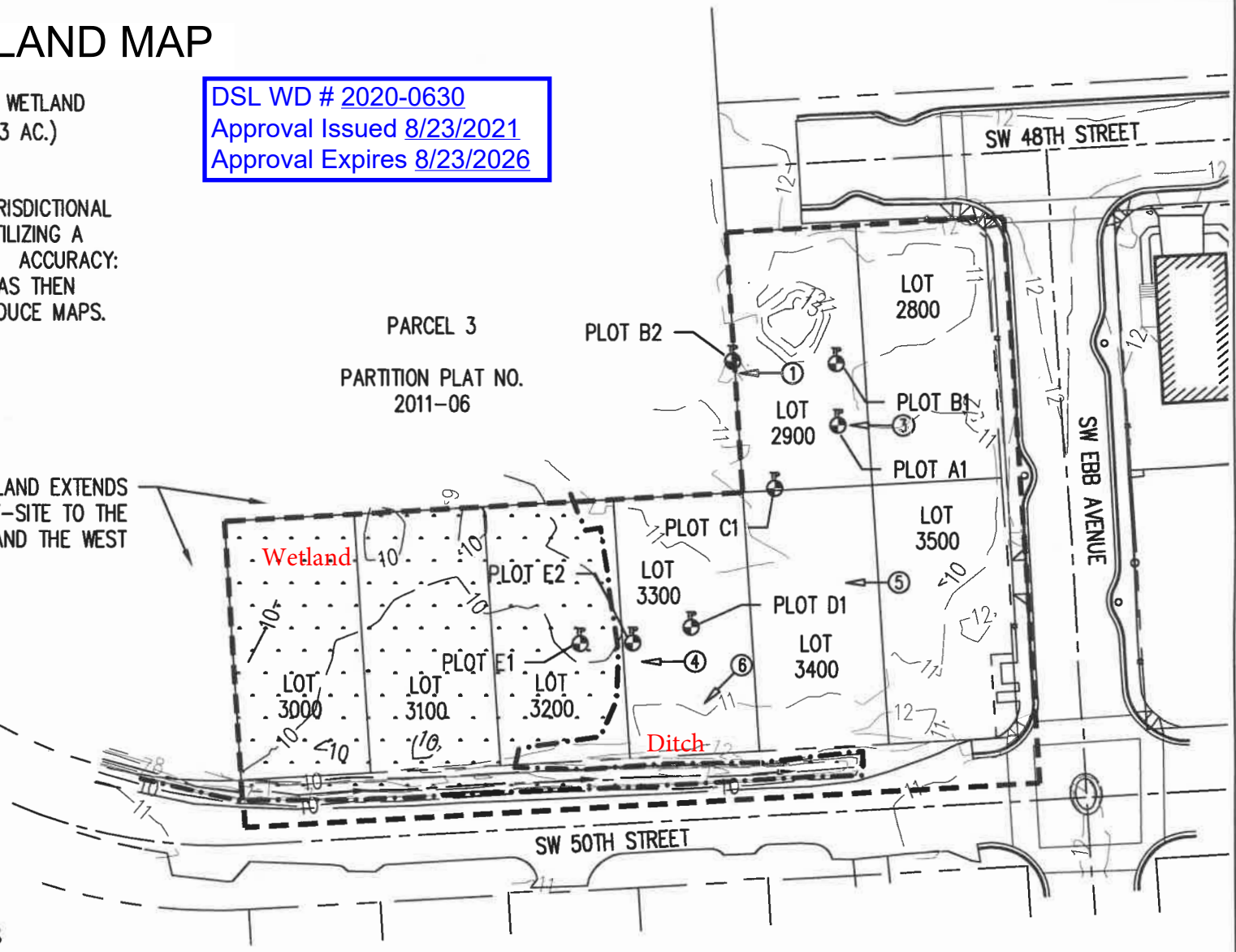
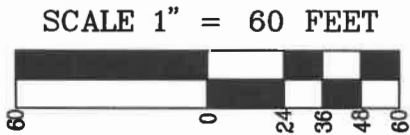
 ON-SITE DELINEATED WETLAND  
AREA 14,157 SF (0.33 AC.)

DSL WD # 2020-0630  
Approval Issued 8/23/2021  
Approval Expires 8/23/2026

SAMPLE PLOT LOCATIONS AND JURISDICTIONAL BOUNDARY WERE OBTAINED BY UTILIZING A TRIMBLE ROBOTIC TOTAL STATION. ACCURACY: ± 1 FOOT. THE SURVEY DATA WAS THEN IMPORTED INTO AUTOCAD TO PRODUCE MAPS.



WETLAND EXTENDS OFF-SITE TO THE NORTH AND THE WEST



<p><u>PREPARED FOR:</u></p> <p>TAFT DEVELOPMENT, LLC 6740 SW RALIEGHWOOD LANE PORTLAND, OREGON 97225</p>	<p>JOB NAME: LINCOLN CITY TAFT</p>	<h2 style="margin: 0;">NORTHWEST</h2> <h1 style="margin: 0;">SURVEYING, Inc.</h1>	<p>1815 NW 169th PLACE, SUITE 2090 BEAVERTON, OR 97006 PHONE: 503-848-2127 FAX: 503-848-2179 nwsurveying@nwsrvy.com</p>
	<p>JOB NUMBER: 2261</p>		
	<p>DRAWING NUMBER: 2261 WETLD</p>		
	<p>DRAWN BY: BJA</p>		
	<p>CHECKED BY: CW</p>		