COMMUNITY DEVELOPMENT
333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Staff Report

Natural Resources Impact Review

NR-03-23 December 19, 2023

Summary

This proposal is for a Natural Resources Impact Review to reduce the 50-foot Riparian Corridor Overlay to 25 feet with the restoration of marginal resource quality to good quality. The subject property is unaddressed, but located southwest of the roundabout at the intersection of Knox Butte Road E and Timber Ridge Street NE and is identified as Linn County Assessor Map and Tax Lot: 11S-03W-03C Tax Lots 104 & 106. Natural Resource Impact Review criteria contained in Albany Development Code (ADC or Code) 6.310, 6.400, and 6.410 are addressed in this report for the proposed enhancement work. The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Natural Resource Impact Review for a reduction of the 50-foot Riparian Corridor Overlay to 25 feet with landscape enhancement and an Administrative Adjustment of the Open Space zoning boundary.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	David Martineau, project planner
Property Owner/Applicant:	1) Montagne Development, PO Box 3308, Salem, OR 97302 2) City of Albany, 333 Broadalbin Street SW, PO Box 490, Albany, OR 97321
Applicant's Representative:	Brandie Dalton, Multi Tech Engineering, 1155 13th Street SE, Salem, OR 97302, bdalton@mtengineering.net
Address/Location:	Address Unassigned (southwest of the intersection of Knox Butte Road E and Timber Ridge Street NE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-03C; Tax Lots 104 & 106
Zoning:	MUC – Mixed Use Commercial; OS - Open Space
Comprehensive Plan:	Village Center; Open Space
Overlay Districts:	Riparian Corridor Overlay (/RC); Significant Wetlands Overlay (/SW)
Total Land Area:	5.54 acres
Existing Land Use:	Pending future development of 54 townhomes on the Montagne Development Property
Neighborhood:	East Albany
Surrounding Zoning:	North: Residential Medium Density (RM) & Open Space (OS) East: Mixed Use Commercial (MUC) South: Residential Single Dwelling (RS-5); OS West: RS-5; OS

Surrounding Uses:	North:	Apartment Complex
	East:	Apartment Complex
	South:	Single Dwelling Units
	West:	Wetlands, Creek

Staff Decision

The subject application referenced above is APPROVED WITH CONDITIONS as described in this staff report. The approval expires three years from the date of approval.

Appeals

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(6)].

Notice Information

A notice of filing was mailed to property owners identified within 100 feet of the subject properties on October 20, 2023, in accordance with ADC 1.220. At the time the comment period ended on November 3, 2023, the Albany Planning Division received no comments.

Analysis of Development Code Criteria

The ADC includes the following review criteria for the Significant Natural Resource overlay districts (ADC 6.310) which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Natural Resource Impact Review Standards (ADC 6.310(A))

Criterion 1

The proposed activity is allowed under the requirements of the base zone.

Findings of Fact

1.1 The subject property is zoned Mixed Use Commercial (MUC), Open Space (OS), Riparian Corridor Overlay (/RC), and Significant Wetland Overlay (/SW). The applicant has tentative plat approval to subdivide approximately 5.54 acres of vacant land into 54 lots for future townhome development.

1.2 Townhouse development is a permitted use in the MUC zone. In limited circumstances, specifically when the existing resource quality is marginal or degraded, residential development is permitted to encroach up to 25 feet into the 50-foot Riparian Corridor overlay with enhanced landscape mitigation for the remaining 25 feet.

1.3 This criterion is met without conditions.

Criterion 2

There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.

Findings of Fact

2.1 According to the applicant, no development is proposed in the wetland areas on the site; however, there are two encroachments proposed in the riparian corridor.

2.2 The mitigation plan (Attachment H) shows a retaining wall located between the rear lot lines of Lots 32, 33, and 34, which lies within the riparian corridor. Additionally, a stormwater detention pond also lies partially within the riparian corridor.

2.3 Albany Development Code (ADC) Section 6.290(11) states that construction of an approved, vegetated post-construction stormwater quality facility (e.g., swale), located in a portion of the Riparian Corridor that is in degraded quality condition and planted with native plants is exempt from Natural Resource Impact Review.

2.4 The proposed retaining wall abutting Lots 32, 33, and 34 is not exempt from Natural Resource Impact Review. The applicant states that the placement of the retaining wall within the Riparian Corridor is necessary because fill approximately four feet deep will be placed on the south side of Lots 32, 33, and 34 to maximize the building pad area.

2.5 No dwelling units or parking areas will be located within the riparian corridor overlay.

2.6 This criterion is met without conditions.

Criterion 3

The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources, and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.

Findings of Fact

3.1 The applicant states that due to the location of some of the parking areas and lot layout, the developer is requesting a reduction in the riparian buffer to 25 feet where 50 feet is required. The applicant is not proposing any development over wetland areas on the site. The reduction in the buffer area reduces any likelihood of any impacts to those areas, according to the applicant.

3.2 Site grading associated with the townhome development inadvertently impacted about 0.54 acres of the riparian corridor. No trees were removed from the buffer; however, the impact included placement of fill. As such, the City required the applicant to prepare and submit a mitigation plan to improve the quality of the riparian buffer and improve the functions and values of the adjacent wetland and creek.

3.3 When a request is made to develop or impact the Riparian Corridor overlay district area per ADC 6.310(B)(2)(b), a mitigation plan will be required for enhancement of the remaining area per ADC 6.410.

3.4 The mitigation plan must document the location of the impact, the existing conditions of the resource prior to impact, presence of invasive species, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density, and a narrative describing how the resource will be replaced, and how debris and invasive species will be removed.

3.5 The applicant's landscape architect, Andrew Leisinger, determined that the existing resource quality is "Marginal," as it is described in Table 6.410-1 of the ADC. The plan being submitted indicates that the mitigation strategy will restore the riparian buffer area to "Good Quality," (Attachment G.1). He notes that the only native species on site are cottonwood trees. The only nonnative species on site is Himalayan blackberry. His report provides a recommendation of how to remove the invasive blackberries from the site.

3.6 The applicant or property owner of a development subject to an approved mitigation plan must provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120% of the value of the improvements installed pursuant to the plan for a 2-year period. The assurance will be released by the City upon receiving satisfactory proof that the mitigation measures have been successfully implemented. If mitigation improvements fail during the 2-year period, the assurance shall both be forfeited and used by the City to correct the problem pursuant to the approved mitigation plan, or the bond period may be extended for a 2½-year period with Director's approval to allow for another replanting strategy.

3.7 A report on the survival and health of planted vegetation, and the status of invasive species, shall be performed by a qualified professional at the expense of the applicant, and will be provided to the Community Development Department between 18 and 24 months from the initial planting that describes the health of all vegetation and shows pictures of the vegetation. The City may arrange an on-site inspection to verify information contained in the report. If the survival rate for tree and shrub species is below 80%, a replanting strategy shall be prepared, approved, and executed within 6 months of the report, with a subsequent report on survival provided to the Community Development Department between 12 and 18 months from the time of the second planting. At this point, if the

survival rate is still below 80%, the bond will either be forfeited or extended for a 2½-year period with Director's approval. If at the end of the extension period, the survival rate is still less than 80%, the bond will be forfeited.

3.8 The riparian area targeted for enhancement is on property owned by the City of Albany. Control and removal of invasive vegetation together with planting season times must be coordinated between the landscape installers and the Parks Department (see Attachment K). It is the responsibility of the applicant to ensure that invasive species of vegetation is removed according to the mitigation plan. Additionally, the applicant is responsible for planting all trees, shrubs and ground cover shown on the plan and must provide reporting as outlined in Finding 3.7 above.

3.9 This criterion can be met through conditions of approval.

Conditions

1. The mitigation plan must be revised to widen the Riparian Corridor buffer to the edge of the proposed retaining wall, lot lines and parking areas so that there are no pockets of area within the overlay that are untreated (see Attachment I).

2. The applicant must provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120% of the value of the improvements installed pursuant to the plan for a 2-year period. If mitigation improvements fail during the 2-year period, the assurance shall both be forfeited and used by the City to correct the problem pursuant to the approved mitigation plan, or the bond period may be extended for a 2½-year period with Director's approval to allow for another replanting strategy.

3. A report on the survival and health of planted vegetation, and the status of invasive species, must be performed by a qualified professional at the expense of the applicant, and will be provided to the Community Development Department between 18 and 24 months from the initial planting that describes the health of all vegetation and shows pictures of the vegetation.

4. The applicant must coordinate timing for removing invasive plant species, controlling weeds, and installing landscaping with the City of Albany Parks Department.

Criterion 4

Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.

Findings of Fact

4.1 The applicant's landscape architect provided a Site Assessment and Natural Resource Buffer Reduction plan dated August 24, 2023, and revised on October 4, 2023, along with mitigation plans. Per the assessment, the proposed development will not have an impact on any natural resources on the site.

4.2 According to the mitigation plan, over 160 trees will be planted within the 25-foot riparian buffer that borders the significant wetland. These include red alder, cascara, bitter cherry, and Douglas fir and will be at least three feet high at time of planting. In addition, six different types of one-gallon shrubs are also proposed. The rest of the mitigation area will be treated with Protime lawn seed.

4.3 This criterion is met without conditions.

Criterion 5

Any applicable local, state, and federal permits are secured.

Findings of Fact

5.1 The applicant will obtain any or all applicable permits.

5.2 This criterion is met without conditions.

Criterion 6

The additional requirements of ADC 6.310(B) will be met.

Findings of Fact

6.1 Findings addressing ADC 6.310(B)(2)(b), Permanent Alteration Within the Riparian Corridor are addressed below and incorporated herein by reference.

6.2 This criterion is met without conditions.

Natural Resource Impact Review Standards (ADC 6.310(B)(2)(b))

Structures and Land Altering Activities. The placement of structures and other impervious surfaces, as well as grading, excavation, placement of fill, and vegetation removal, are prohibited. Exceptions may be made for the purposes identified in items a-f of this Section, provided they are necessary to accommodate an approved activity and comply with any stated requirements for the activity or use.

Permanent Alteration Within the Riparian Corridor. Disturbance or development within the Riparian Corridor overlay district shall be allowed under the following circumstances:

Criterion (i)

The resource is characterized as 'marginal' or 'degraded' using the standards found in 6.410(5).

Findings of Fact

i.1 According to the applicant's landscape architect, the resource adjacent to the Brandis Townhomes is classified as "marginal," using the quality levels for riparian corridors in Table 6.410-1. Marginal quality is defined as the "combination of native trees, shrubs, and groundcover are at least 80% of the overlay area, and there will be 25%-50% tree canopy coverage at maturity."

i.2 Mitigation requirements for a resource that is considered "marginal" is as follows: "Restore to Good Quality with an approved plan (mature overlay area coverage will be estimated); Invasive species are removed and are not persisting."

i.3 According to the landscape architecture, the only invasive species on site is the Himalayan blackberry. He recommends that the stalks one inch in diameter and larger be cut with landscape loppers six inches above the ground. After cutting the fresh stalks, use full strength Crossbow and paint the top of the fresh stems with a paint brush dipped in Crossbow. Let the stems stand in the ground for one week before removing the blackberries. This will be made a condition of approval.

Conclusion

i.1 The riparian corridor along the western boundary of the Brandis Townhomes site is classified as marginal quality.

i.2 The resource must be restored to good quality with an approved mitigation plan.

i.3 A condition of approval will require the removal of invasive Himalayan blackberry using the method described by the landscape architect.

Condition

5. The invasive Himalayan blackberry with stalks one inch in diameter and larger must be cut with landscape loppers six inches above the ground. After cutting the fresh stalks, use full strength Crossbow and paint the top of the fresh stems with a paint brush dipped in Crossbow. Let the stems stand in the ground for one week before removing the blackberries.

Criterion (ii)

Demonstration that equal or better protection will be ensured through riparian corridor restoration and enhancement within the remaining overlay district area per the mitigation requirements in Sections 6.400 and 6.410. If the site is encumbered by easements or rights-of-way that would preclude onsite restoration or enhancement, an "in-lieu of payment" may be made to the City in the amount equal to the cost of onsite mitigation.

Findings of Fact

ii.1 According to the landscape architect, the mitigation plan will consist of installing the following plant materials as indicated on the Native Resource Buffer Reduction Plan (see Attachment H). By installing these plants in their proposed quantities, the natural resource area should improve to a good quality riparian corridor area after successful completion of the Mitigation Plan. All of the selected plant species are native to western Oregon.

Trees	Shrubs
Alnus rubra/Red Alder (45)	Cornus sericea/Red Twig Dogwood (115)
Rhamnus Purshiana/Cascara (40)	Mahonia aquifoliurn/Oregon Grape (137)
Prunus emarginata/Bitter Cherry (42)	Physocarpus capitatus/Pacific Ninebark (154)
Pseudotsuga menziesii/Douglas Fir (43)	Rosa pisocarpa/Baldhip Rose (134)
	Salix lucida ssp Lasiadra/Pacific Willow (151)
	Symphoricarpos albus/Common Snowberry (145)

ii.2 Ground cover will consist of native upland seed mix by protime lawn seed in the following proportions: blue wildrye (elymus glaucus) 34%; meadow barley (hordeum brachyantherum) 33%; and california brome (bromus carinatus) 33%. The seed will be applied at a rate of 1 lb. per 1,000 sf (30-40 lbs. per acre) and to any bare areas over 25 square feet.

ii.3 The findings, conclusions and conditions provided under Criterion 3 above are hereby incorporated by reference.

Conclusion

ii.1 This criterion can be satisfied through the conditions of approval provided under Criterion 3 above.

Criterion (iii)

In no case shall the site improvements be any closer than 25 feet from the Ordinary High Water mark or upland edge of the wetland, unless the improvements are otherwise allowed or exempted per this Section of the Code.

Findings of Fact

iii.1 No site improvements are proposed to be any closer than 25 feet from the Ordinary High Water Mark or upland edge of the significant wetland.

iii.2 The riparian buffer will only be improved with a landscape mitigation and enhancement plan that will restore the riparian corridor from "marginal" to "good" quality if the plan is followed.

Conclusion

iii.1 This criterion is met without conditions.

Natural Resource Mitigation Standards (ADC 6.400)

Mitigation is a way of compensating for adverse impacts to the functions and values of natural resources caused by development. In many cases, mitigation may result in resource area restoration or enhancement.

If a State or Federal agency has jurisdiction regarding development impacts within the Riparian Corridor and Significant Wetland overlay districts, and they require mitigation for those impacts, the City will not impose additional mitigation requirements over the same area. Those portions of development impacts not mitigated through a State or Federal agency will be subject to local mitigation requirements. Mitigation for impacts to turtle habitat in the Habitat Assessment overlay district will be solely managed by ODFW.

The need for mitigation, restoration, or enhancement will be determined during the Natural Resource Impact Review process. The Director may allow some degree of flexibility to the standards based on the specific location and level of impact.

(1) When Mitigation is Required: Mitigation will be required under the following circumstances:

(a) Removal of one or more native trees greater than 25 inches in circumference, which requires replacement per section (2)(c).

(b) Disturbance of more than 2,000 square feet of vegetated surface area. This level of impact will require a mitigation plan per 6.410.

(c) When a request is made to develop or impact the Riparian Corridor overlay district area per 6.310(B)(2)(b), a mitigation plan will be required for enhancement of the remaining area per 6.410.

Findings of Fact

1.1 The application is for a request to develop or impact the Riparian Corridor overlay district in accordance with ADC 6.310(B)(2)(b); therefore, a mitigation plan is required for enhancement of the remaining area per ADC 6.410.

1.2 The applicant submitted a mitigation plan for enhancing the remaining Riparian Corridor area abutting the Brandis Townhomes property (see Attachments H and I).

Conclusion

1.1 This standard is met without conditions.

(2) Local Mitigation Standards:

(a) On-site enhancement is required when the 50-foot area of the Riparian Corridor overlay district is impacted per 6.310(B)(2)(b), unless the activity is otherwise exempted per this section of the Code.

(b) For other mitigation options, on-site mitigation shall occur within the relevant Significant Resource overlay district as close to the impact area as reasonably feasible, taking into consideration the existing natural and human-made features of the site.

If on-site mitigation is not reasonably feasible, off-site mitigation shall be permitted in other locations inside the city in the following priority order:

(i) Within the impacted Significant Resource overlay district in the same drainage system; or

(ii) Outside the impacted Significant Resource overlay district, but within 100 feet of a Significant Resource overlay district in the same drainage system; or

(iii) Outside the same drainage system, but within a Significant Resource overlay district.

(c) Tree replacement requires planting a minimum 1½-inch caliper healthy and well-branched native deciduous tree or a 5-6 foot tall native evergreen tree for each tree removed. The

replanted tree shall be of a species that will eventually equal or exceed the removed tree in size if appropriate for the new location.

(d) Mitigation for impacts shall require a mitigation area ratio of 1:1; however if the quality of the resource is enhanced or restored per 6.410(5) the ratio may be lowered with Director approval.

(e) Planting densities and species composition shall be consistent with native wetland and riparian area plant communities currently or historically found in the drainage basin. Use of a reference site as guidance for developing a revegetation plan is recommended.

(f) Any mitigation requirements resulting from a proposed land division, shall require a mitigation plan concurrent with the land division process.

Findings of Fact

2.1 Onsite enhancement is not being proposed due to the limited area of Riparian Corridor on the Brandis Townhomes property.

2.2 Mitigation will occur as close to the impact area as reasonably feasible. The site of the proposed mitigation is on property owned by the City of Albany, which lies to the west of the Townhomes property.

2.3 Mitigation plantings will occur within the impacted Significant Resource overlay district, in conformance with ADC 6.400(2)(b)(i).

2.4 The mitigation for impacts resulting from a reduced Riparian Corridor buffer will be a ratio of 1:1 or better.

2.5 The selected plant densities and species composition are consistent with native wetland and riparian area plant communities currently or historically found in the drainage basin, as confirmed by the landscape architect.

Conclusion

2.1 The proposed mitigation plan satisfies the requirements listed in the local mitigation standards.

2.2 This criterion is met.

Natural Resource Mitigation Standards (ADC 6.410)

<u>Local Mitigation Plan.</u> When a local mitigation plan for impact to a significant natural resource is proposed or required as part of a development application, the applicant shall submit a mitigation plan prepared by a qualified professional with demonstrated experience in developing mitigation plans for the specific impacted resource.

(1) The mitigation plan shall document the location of the impact, the existing conditions of the resource prior to impact, presence of invasive species, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigation area with species and density, and a narrative describing how the resource will be replaced, and how debris and invasive species will be removed.

(2) The mitigation plan shall comply with all applicable State and Federal regulations, in addition to the City's standards. The City may approve a development but shall not issue a building permit until all required State and Federal permit approvals have been granted and copies of those approvals have been submitted to the City.

(3) The applicant or property owner of a development subject to an approved mitigation plan shall provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120% of the value of the improvements installed pursuant to the plan for a 2-year period. The assurance shall be in place before the issuance of development permits to ensure the success of mitigation improvements and the survival of the plants. The assurance will be released by the City upon receiving satisfactory proof that the mitigation measures have been successfully implemented per (4) below. If mitigation improvements fail during the 2-year period, the assurance shall both be forfeited and used by the City to correct the problem pursuant to the approved mitigation plan, or the bond period may be extended for a 2½-year period with Director's approval to allow for another replanting strategy. When the City of Albany, or another unit of government, is the applicant, it must adhere to the standards in this section, but an assurance is not required.

(4) A report on the survival and health of planted vegetation, and the status of invasive species, shall be performed by a qualified professional at the expense of the applicant, and will be provided to the Community Development Department between 18 and 24 months from the initial planting that describes the health of all vegetation and shows pictures of the vegetation. The City may arrange an on-site inspection to verify information contained in the report. If the survival rate for tree and shrub species is below 80%, a replanting strategy shall be prepared, approved, and executed within 6 months of the report, with a subsequent report on survival provided to the Department between 12 and 18 months from the time of the second planting. At this point, if the survival rate is still below 80%, the bond described in (3) will either be forfeited or extended for a 2½-year period with Director's approval. If at the end of the extension period, the survival rate is still less than 80%, the bond will be forfeited.

(5) Table 6.410-1 below summarizes the quality levels, mitigation requirements and expected condition of the significant wetlands and riparian corridor areas after successful completion of the mitigation plan; ODFW will solely determine the requirements for mitigation of significant wildlife habitat.

Findings of Fact

1.1 The applicant submitted a wetland delineation and evaluation prepared by Pacific Habitat Services dated March 23, 2023 (Attachment C). The report describes impacts to a jurisdictional wetland and an adjacent riparian buffer area. The developer of the Brandis Townhomes project graded and filled a small portion of wetland (approximately 570 square feet/42.25 cubic yards). The report states that the "Department of State Lands has a 50 cubic yard allowance for removal/fill within a wetland before a permit is required. Removal is calculated on an annual basis. Fill is calculated on a cumulative basis. Since the applicant filled less than 50 cubic yards within a wetland that is a non-ESH stream, State Scenic Waterway, or compensatory mitigation site, no removal/fill permit is required from the State."

1.2 Riparian Corridor buffers are under the jurisdiction of the City of Albany. Pacific Habitat Services estimates that an area of approximately 23,359 square feet, or 0.54 acre was graded and filled. As such, the project requires a Natural Resource Impact Review and compliance with mitigation standards in accordance with ADC 6.400 and 6.410.

1.3 The condition of the buffer has been evaluated based on pre-construction conditions at the time of the 2018-2019 delineation for reference, according to Pacific Habitat Services. According to the

vegetation corridor sample sites table, PHS determined that the canopy coverage was marginal (Attachment C.18).

1.4 Mitigation quality level as provided in Table 6.410-1 is addressed above in Criterion i.1 regarding permanent alteration within the Riparian Corridor and is hereby incorporated by reference.

1.5 Conditions of approval listed above in Conditions 2 and 3 above are hereby incorporated by reference.

Conclusion

1.1 The proposed mitigation plan satisfies the requirements listed in the local mitigation standards.

1.2 This criterion is met.

Overall Conclusion

As proposed, the application for natural resources impact review satisfies all applicable review criteria as outlined in this report with the following conditions.

Conditions of Approval

Condition 1 The mitigation plan must be revised to widen the Riparian Corridor buffer to the edge of the proposed retaining wall, lot lines and parking areas so that there are no pockets of area within the overlay that are untreated.

Condition 2 The applicant must provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120% of the value of the improvements installed pursuant to the plan for a 2-year period. If mitigation improvements fail during the 2-year period, the assurance shall both be forfeited and used by the City to correct the problem pursuant to the approved mitigation plan, or the bond period may be extended for a 2½-year period with Director's approval to allow for another replanting strategy.

Condition 3 A report on the survival and health of planted vegetation, and the status of invasive species, must be performed by a qualified professional at the expense of the applicant, and will be provided to the Community Development Department between 18 and 24 months from the initial planting that describes the health of all vegetation and shows pictures of the vegetation.

Condition 4 The applicant must coordinate timing for removing invasive plant species, controlling weeds, and installing landscaping with the City of Albany Parks Department.

Condition 5 The invasive Himalayan blackberry with stalks one inch in diameter and larger must be cut with landscape loppers six inches above the ground. After cutting the fresh stalks, use full strength Crossbow and paint the top of the fresh stems with a paint brush dipped in Crossbow. Let the stems stand in the ground for one week before removing the blackberries.

Condition 6 The mitigation plan must be followed as proposed. Any changes or deviations from the approved plan will require additional review.

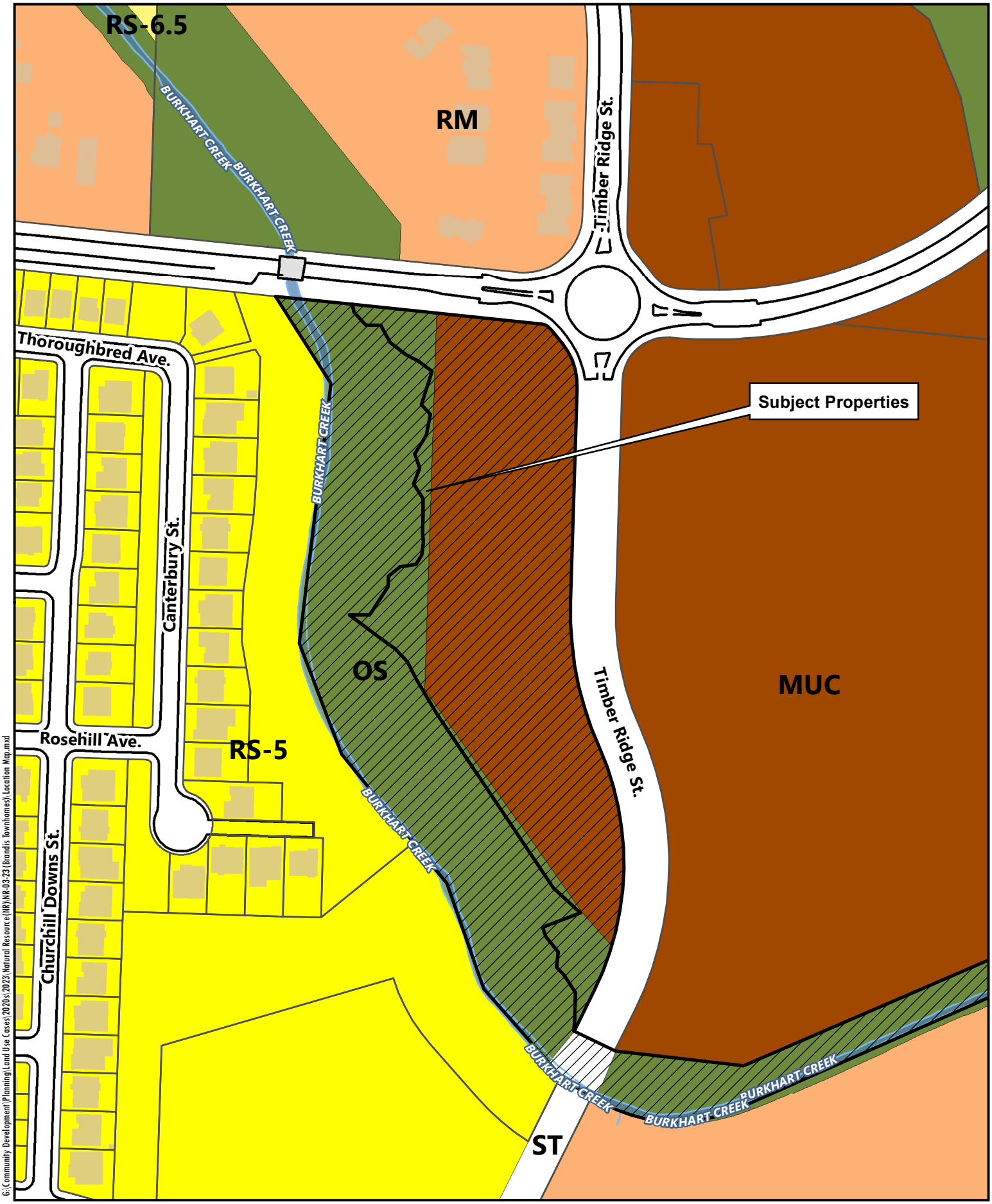
Attachments

A. Location Map
B. Site Map
C. Wetland Delineation & Evaluation, Pacific Habitat Services, March 23, 2023
D. Proposed Riparian Corridor Buffer Map
E. Applicant Narrative
F. Retaining Wall Findings
G. Riparian Mitigation and Enhancement Plan Memo
H. Riparian Mitigation Plan
I. Riparian Mitigation Plan w/ Mark-Up
J. Email from Charles Redon, Department of State Lands, April 14, 2023
K. Brandis Meadows Mitigation Timeline, City of Albany Parks Department

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
DSL	Department of State Lands
EPSC	Erosion Protection and Sediment Control
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
MUC	Mixed-Use Commercial District
NR	Natural Resource Impact Review File Designation
NWI	National Wetland Inventory
ODOT	Oregon Department of Transportation
OS	Open Space District
PA	Partition File Designation
/RC	Riparian Corridor Overlay
RM	Residential Medium Density District
RS-5	Residential Single Dwelling Unit District
SFHA	Special Flood Hazard Area
/SW	Significant Wetland Overlay

Attachment A



G:\Community Development\Planning\Land Use Cases\2020s\2023\Natural Resource (NR)\NR-03-23\Brandis Townhomes\Location Map.mxd

N

0 50 100 200 Feet

Unassigned; Timber Ridge Street

Date: 12/13/2023 Map Source: City of Albany

Location Map

Attachment B

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302
PH. (503) 363-9227 FAX (503) 364-1260
www.mtengineering.net office@mtengineering.net

EXISTING NATURAL RESOURCE BUFFER PLAN

BRANDIS MEADOWS TOWNHOME SUBDIVISION

MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE

68.2in\fls 1-NBB-X

Design: M.D.G.
Drawn: D.G.G.
ProjMgr: B.M.G.
Date: SEPT. 2022
Scale: AS SHOWN
As-Built: ----

JOB # 6832

1 / 2

J:\Mlw\6832-Brandis\Townhome\Subdivision\Dwg.'s\N-6832-fls.dwg 1-NBB-X, 5/25/2023 3:43:04 PM, DGuile

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070

Telephone number: (503) 570-0800 Fax number: (503) 570-0855

Date: **March 23, 2023**

To: **Dave Montagne**
Brandis Townhouses LLC
PO Box 3308
Salem, OR 97302

From: **Carlee Michelson, PWS**
Pacific Habitat Services, Inc.
9450 SW Commerce Circle Suite 180
Wilsonville, Oregon 97070

RE: **Extended Delineation and Buffer Evaluation at the Brandis Village, Knox Butte Road site in Albany, Oregon**
PHS Project #6457

Dave,

Pacific Habitat Services (PHS) conducted an extended wetland delineation at the Brandis Village, Knox Butte Road site in Albany to evaluate the location of buffers that extend into the Brandis Village development site. The site was previously delineated under WD20190116 and included TL100. PHS recently delineated applicable portions of TL104- a property owned by the City of Albany west of the development site. The area is known to include a significant wetland overlay on the Albany, Oregon Community Map (Figure A).The extended delineation area contains a portion of Burkhart Creek and adjacent wetlands that exist along a terrace several feet above the creek (Figure B). The west bank of Burkhart Creek was not delineated. Dominant vegetation along the terrace includes Oregon ash (*Fraxinus latifolia*, FACW), black cottonwood (*Populus balsamifera*, FAC), tall false rye grass (*Schedonorus arundinaceus*, FAC), other perennial facultative grasses (FAC), and patches of slough sedge (*Carex Obnupta*, OBL), and Juncus (FACW). Sample plots representing the delineated wetland and upland conditions are in Attachment 2. The east top of bank of Burkhart Creek was delineated by aligning GPS points and LiDAR and has an accuracy of +/- 3-feet. The wetland boundary was surveyed by Multitech Engineering with an accuracy of sub-centimeter.

The attached graphic shows the natural resources mapped by PHS within TL104, west of the proposed development property. The City of Albany will regulate a 50-ft buffer surrounding the wetland/waters. That buffer extends into TL100 where grading has occurred.

On-site Wetland Impacts

Wetlands are under the jurisdiction of the Department of State Lands. The current development graded and filled a small portion of wetland (approximately 570 square feet/ 42.25 cubic yards). The Department of State Lands has a 50 cubic yard allowance for removal/fill within a wetland before a permit is required. For activities in ESH streams, State Scenic Waterways and compensatory mitigation sites, a permit is required for any amount of removal or fill (not applicable to this site). Removal is calculated on an annual basis. Fill is calculated on a cumulative basis. Since the applicant filled less than 50 cubic yards within a wetland that is a non-ESH stream, State Scenic Waterway, or compensatory mitigation site, no removal/fill permit is required from the State.

On-site Buffer Impacts

Buffers are under the jurisdiction of the City of Albany. The current development graded and filled approximately 23,359 square feet/ 0.54 acre of buffer extending into TL100 as shown on Figure B. No trees were removed within the buffer. The condition of the buffer has been evaluated based on pre-construction conditions at the time of the 2018-2019 delineation for reference (Attachment 2).

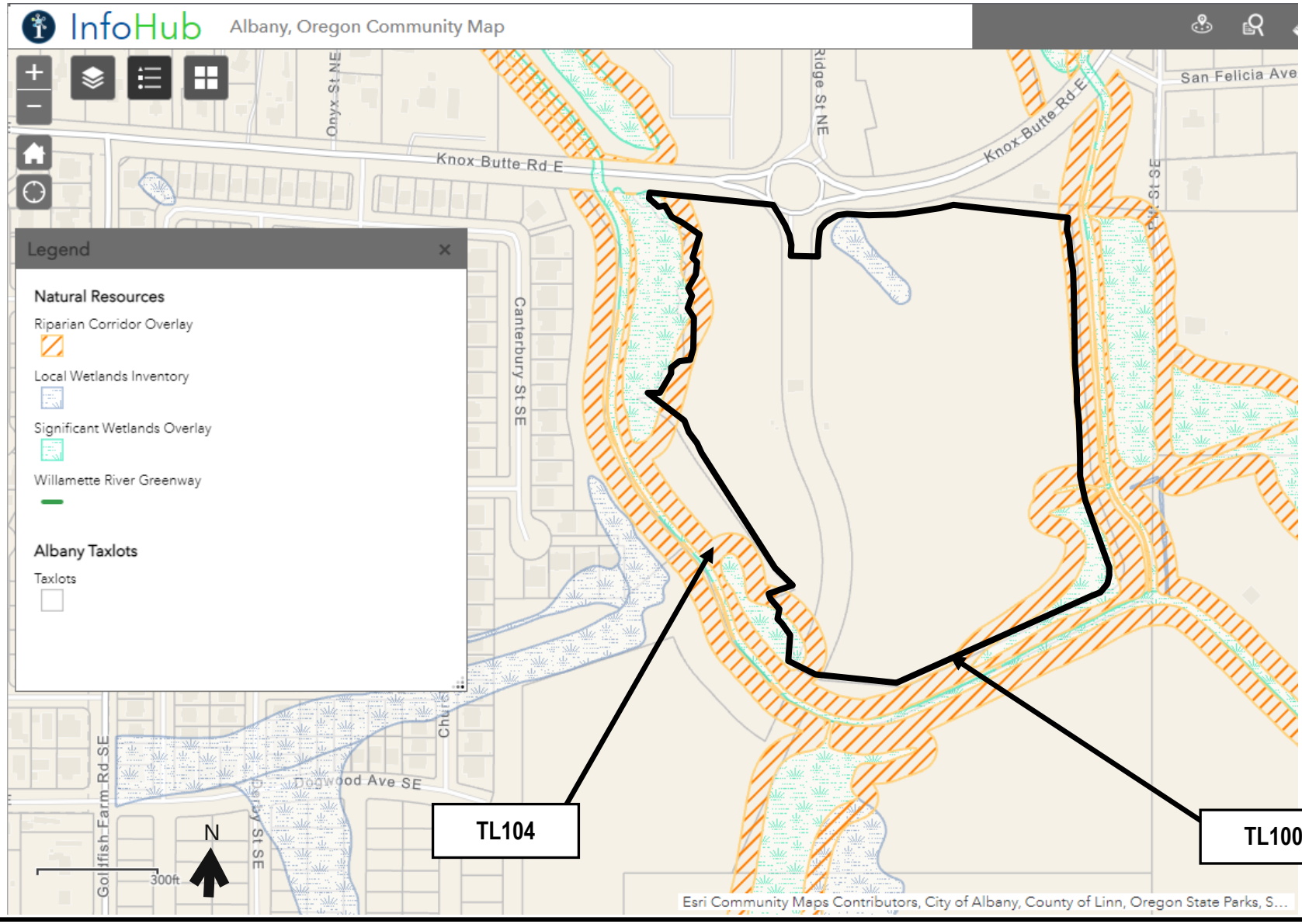
As the development impacts to buffer have already occurred, the project may require a Natural Resource Impact Review and comply with mitigation standards in accordance with ADC 6.400 and 6.410. Photos of current conditions on site can be seen in Attachment 2.

The applicant will coordinate with the City in response to buffer impacts associated with development on site, including discussions on fill removal, enhancement plantings, and appropriate mitigation that will improve the quality of the buffer and benefit the functions and values of the nearby wetlands and creek.

Attachment 1: Figure A, B
Attachment 2: Wetland Data Sheets
Attachment 3: Pre-construction vegetation table and photo documentation

Attachment 1

Figures

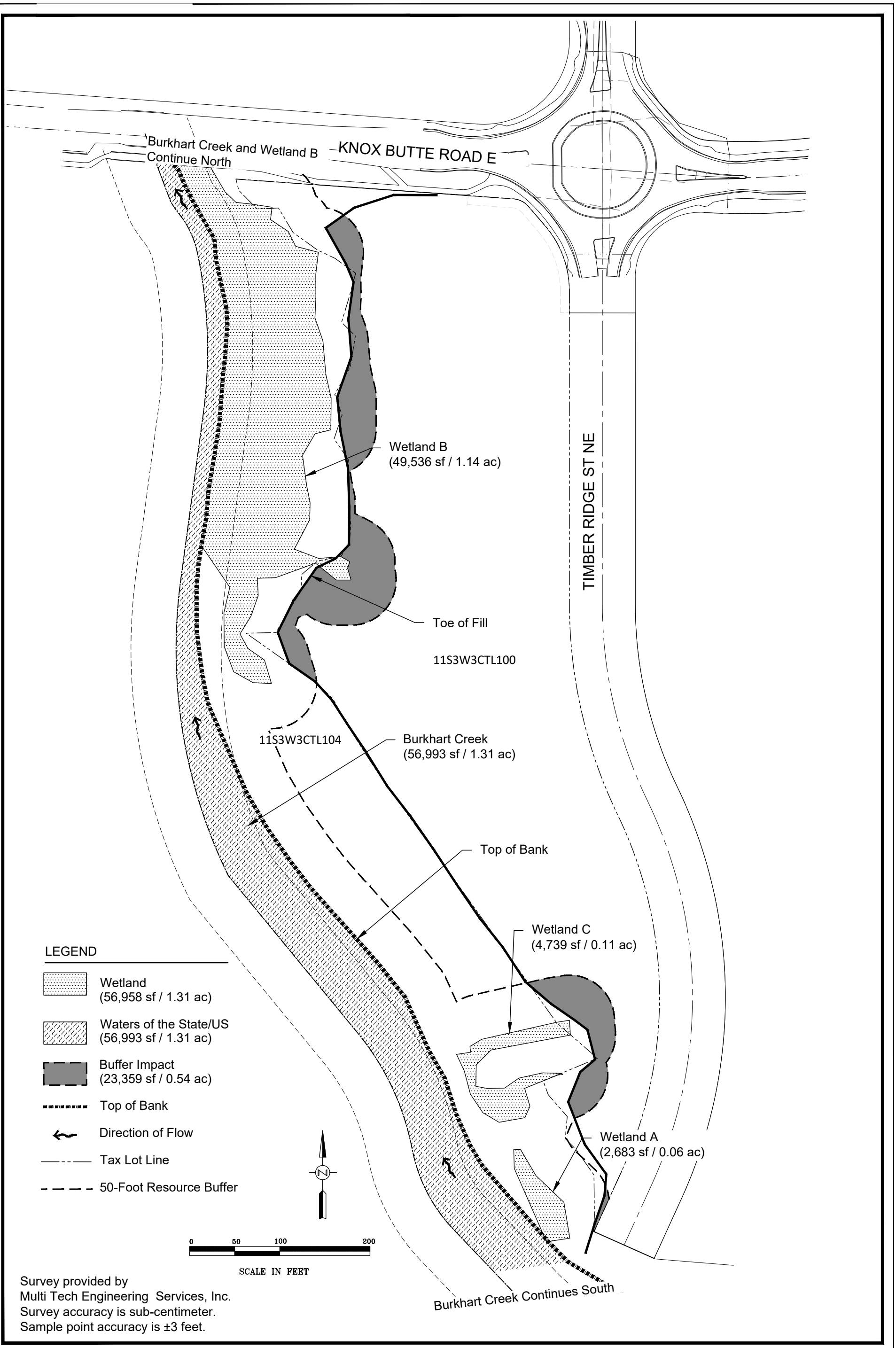


#6457
3/20/2023

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

City of Albany Info Hub Natural Resources Map
Brandis Village, Knox Butte Rd Site - Albany, Oregon
Albany, Oregon Community Map
(https://infohub.cityofalbany.net/infohub/

FIGURE
A



Survey provided by
Multi Tech Engineering Services, Inc.
Survey accuracy is sub-centimeter.
Sample point accuracy is ±3 feet.

Pacific Habitat Services,Inc.
9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070
Phone: (503) 570-0800 Fax (503) 570-0855

Resource Buffers and Impacts

FIGURE
B

3-24-2023

Attachment 2

Wetland Determination Data Sheets

PHS # 6457

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: **Brandis Apartments** City/County: **Albany/Linn** Sampling Date: **3/2/2023**

Applicant/Owner: **Montagne Development** State: **OR** Sampling Point: **1**

Investigator(s): **MS/CM** Section, Township, Range: **S3C, T11S, R3W**

Landform (hillslope, terrace, etc.:) **Terrace** Local relief (concave, convex, none): **None** Slope (%): **2**

Subregion (LRR): **LRRA** Lat: **44.6413** Long: **-123.0426** Datum: **WGS84**

Soil Map Unit Name: **Riverwash** NWI Classification: **PFOA**

Are climatic/hydrologic conditions on the site typical for this time of year? Yes **X** No ____ (if no, explain in Remarks)

Are vegetation ____ Soil ____ or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) **Y**

Are vegetation ____ Soil ____ or Hydrology ____ naturally problematic? If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	**X**	No		**Is Sampled Area within a Wetland?** Yes ____ No **X**
Hydric Soil Present?	Yes		No	**X**	
Wetland Hydrology Present?	Yes		No	**X**	

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: **30**)			
1 ***Populus balsamifera***	**20**	**X**	**FAC**
2			
3			
4			
	20	= Total Cover	
Sapling/Shrub Stratum (plot size: **15**)			
1 ***Rubus armeniacus***	**25**	**X**	**FAC**
2 ***Symphoricarpos albus***	**25**	**X**	**FACU**
3 ***Crataegus monogyna***	**15**		**FAC**
4 ***Oemleria cerasiformis***	**10**		**FACU**
5 ***Prunus avium***	**5**		**FACU**
	80	= Total Cover	
Herb Stratum (plot size: **5**)			
1 ***Agrostis capillaris***	**30**	**X**	**FAC**
2 ***Poa sp***	**10**	**X**	**(FAC)**
3 ***Juncus patens***	**10**	**X**	**FACW**
4 ***Schedonorus arundinaceus***	**10**	**X**	**FAC**
5 ***Galium aparine***	**10**	**X**	**FACU**
6 ***Ranunculus repens***	**5**		**FAC**
7			
8			
	75	= Total Cover	
Woody Vine Stratum (plot size: ____)			
1			
2			
	0	= Total Cover	

% Bare Ground in Herb Stratum **25**

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: **6** (A)

Total Number of Dominant Species Across All Strata: **8** (B)

Percent of Dominant Species That are OBL, FACW, or FAC: **75%** (A/B)

Prevalence Index Worksheet:

Total % Cover of		Multiply by:	
OBL Species		x 1 =	**0**
FACW species		x 2 =	**0**
FAC Species		x 3 =	**0**
FACU Species		x 4 =	**0**
UPL Species		x 5 =	**0**
Column Totals	**0** (A)		**0** (B)

Prevalence Index =B/A = **#DIV/0!**

Hydrophytic Vegetation Indicators:

____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

____ 3-Prevalence Index is ≤ 3.0[1]

____ 4-Morphological Adaptations[1] (provide supporting data in Remarks or on a separate sheet)

____ 5- Wetland Non-Vascular Plants[1]

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes X** **No** ____

Remarks:

Shrubs continued: Quercus garryana (FACU) 5%.

SOIL **PHS #** **6457** Sampling Point: **1**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(Inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-9	**10YR 3/2**	**100**					**Loam**	
9-15	**10YR 3/2**	**98**	**10YR 3/4**	**2**	**C**	**M**	**silt loam**	**Fine, 20% cobble**

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- _____ Histosol (A1)
- _____ Histic Epipedon (A2)
- _____ Black Histic (A3)
- _____ Hydrogen Sulfide (A4)
- _____ Depleted Below Dark Surface (A11)
- _____ Thick Dark Surface (A12)
- _____ Sandy Mucky Mineral (S1)
- _____ Sandy Gleyed Matrix (S4)
- _____ Sandy Redox (S5)
- _____ Stripped Matrix (S6)
- _____ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- _____ Loamy Gleyed Matrix (F2)
- _____ Depleted Matrix (F3)
- _____ Redox Dark Surface (F6)
- _____ Depleted Dark Surface (F7)
- _____ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- _____ 2 cm Muck (A10)
- _____ Red Parent Material (TF2)
- _____ Very Shallow Dark Surface (TF12)
- _____ Other (explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ **No** **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- _____ Surface Water (A1)
- _____ High Water Table (A2)
- _____ Saturation (A3)
- _____ Water Marks (B1)
- _____ Sediment Deposits (B2)
- _____ Drift Deposits (B3)
- _____ Algal Mat or Crust (B4)
- _____ Iron Deposits (B5)
- _____ Surface Soil Cracks (B6)
- _____ Inundation Visible on Aerial Imagery (B7)
- _____ Sparsely Vegetated Concave Surface (B8)
- _____ Water stained Leaves (B9) **(Except MLRA 1, 2, 4A, and 4B)**
- _____ Salt Crust (B11)
- _____ Aquatic Invertebrates (B13)
- _____ Hydrogen Sulfide Odor (C1)
- _____ Oxidized Rhizospheres along Living Roots (C3)
- _____ Presence of Reduced Iron (C4)
- _____ Recent Iron Reduction in Plowed Soils (C6)
- _____ Stunted or Stressed Plants (D1) **(LRR A)**
- _____ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- _____ Water stained Leaves (B9) **(MLRA1, 2, 4A, and 4B)**
- _____ Drainage Patterns (B10)
- _____ Dry-Season Water Table (C2)
- _____ Saturation Visible on Aerial Imagery (C9)
- _____ Geomorphic Position (D2)
- _____ Shallow Aquitard (D3)
- _____ Fac-Neutral Test (D5)
- _____ Raised Ant Mounds (D6) **(LRR A)**
- _____ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	_____	No	**X**	Depth (inches): _____
Water Table Present?	Yes	_____	No	**X**	Depth (inches): **>15**
Saturation Present? (includes capillary fringe)	Yes	_____	No	**X**	Depth (inches): **>15**

Wetland Hydrology Present?

Yes _____ **No** **X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

PHS # 6457

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: **Brandis Apartments** City/County: **Albany/Linn** Sampling Date: **3/2/2023**

Applicant/Owner: **Montagne Development** State: **OR** Sampling Point: **2**

Investigator(s): **CM/MS** Section, Township, Range: **S3C, T11S, R3W**

Landform (hillslope, terrace, etc.:) **Terrace** Local relief (concave, convex, none): **None** Slope (%): **2**

Subregion (LRR): **LRRA** Lat: **44.6409** Long: **-123.0420** Datum: **WGS84**

Soil Map Unit Name: **Riverwash** NWI Classification: **PFOA**

Are climatic/hydrologic conditions on the site typical for this time of year? Yes **X** No ____ (if no, explain in Remarks)

Are vegetation ____ Soil ____ or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) **Y**

Are vegetation ____ Soil ____ or Hydrology ____ naturally problematic? If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	**X**	No		**Is Sampled Area within a Wetland?** Yes ____ No **X**
Hydric Soil Present?	Yes		No	**X**	
Wetland Hydrology Present?	Yes		No	**X**	

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: **30**)			
1 ***Fraxinus latifolia***	**40**	**X**	**FACW**
2			
3			
4			
	40	= Total Cover	
Sapling/Shrub Stratum (plot size: **15**)			
1 ***Fraxinus latifolia***	**20**	**X**	**FACW**
2 ***Rubus armeniacus***	**20**	**X**	**FAC**
3 ***Crataegus monogyna***	**10**	**X**	**FAC**
4			
5			
	50	= Total Cover	
Herb Stratum (plot size: **5**)			
1 ***Geranium molle***	**75**	**X**	**(UPL)**
2 ***Arrhenatherum elatius***	**30**	**X**	**UPL**
3 ***Galium aparine***	**25**		**FACU**
4 ***Unidentified grass***	**10**		**(FAC)**
5			
6			
7			
8			
	140	= Total Cover	
Woody Vine Stratum (plot size: ____)			
1			
2			
	0	= Total Cover	

% Bare Ground in Herb Stratum **0**

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: **4** (A)

Total Number of Dominant Species Across All Strata: **6** (B)

Percent of Dominant Species That are OBL, FACW, or FAC: **67%** (A/B)

Prevalence Index Worksheet:

Total % Cover of		Multiply by:	
OBL Species		x 1 =	**0**
FACW species		x 2 =	**0**
FAC Species		x 3 =	**0**
FACU Species		x 4 =	**0**
UPL Species		x 5 =	**0**
Column Totals	**0** (A)		**0** (B)

Prevalence Index =B/A = **#DIV/0!**

Hydrophytic Vegetation Indicators:

____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

____ 3-Prevalence Index is ≤ 3.0[1]

____ 4-Morphological Adaptations[1] (provide supporting data in Remarks or on a separate sheet)

____ 5- Wetland Non-Vascular Plants[1]

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes X** **No** ____

Remarks:

SOIL **PHS #** **6457** Sampling Point: **2**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(Inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-9	**10YR 2/2**	**100**					**Silty Clay Loam**	**10% cobble**
9-16	**10YR 2/2**	**90**	**10YR 3/4**	**10**	**C**	**M**	**Silty Clay Loam**	**Coarse; 10% cobble**

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- _____ Histosol (A1)
- _____ Histic Epipedon (A2)
- _____ Black Histic (A3)
- _____ Hydrogen Sulfide (A4)
- _____ Depleted Below Dark Surface (A11)
- _____ Thick Dark Surface (A12)
- _____ Sandy Mucky Mineral (S1)
- _____ Sandy Gleyed Matrix (S4)
- _____ Sandy Redox (S5)
- _____ Stripped Matrix (S6)
- _____ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- _____ Loamy Gleyed Matrix (F2)
- _____ Depleted Matrix (F3)
- _____ Redox Dark Surface (F6)
- _____ Depleted Dark Surface (F7)
- _____ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- _____ 2 cm Muck (A10)
- _____ Red Parent Material (TF2)
- _____ Very Shallow Dark Surface (TF12)
- _____ Other (explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ **No** **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- _____ Surface Water (A1)
- _____ High Water Table (A2)
- _____ Saturation (A3)
- _____ Water Marks (B1)
- _____ Sediment Deposits (B2)
- _____ Drift Deposits (B3)
- _____ Algal Mat or Crust (B4)
- _____ Iron Deposits (B5)
- _____ Surface Soil Cracks (B6)
- _____ Inundation Visible on Aerial Imagery (B7)
- _____ Sparsely Vegetated Concave Surface (B8)
- _____ Water stained Leaves (B9) **(Except MLRA 1, 2, 4A, and 4B)**
- _____ Salt Crust (B11)
- _____ Aquatic Invertebrates (B13)
- _____ Hydrogen Sulfide Odor (C1)
- _____ Oxidized Rhizospheres along Living Roots (C3)
- _____ Presence of Reduced Iron (C4)
- _____ Recent Iron Reduction in Plowed Soils (C6)
- _____ Stunted or Stressed Plants (D1) **(LRR A)**
- _____ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- _____ Water stained Leaves (B9) **(MLRA1, 2, 4A, and 4B)**
- _____ Drainage Patterns (B10)
- _____ Dry-Season Water Table (C2)
- _____ Saturation Visible on Aerial Imagery (C9)
- _____ Geomorphic Position (D2)
- _____ Shallow Aquitard (D3)
- _____ Fac-Neutral Test (D5)
- _____ Raised Ant Mounds (D6) **(LRR A)**
- _____ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	_____	No **X**	Depth (inches):	_____
Water Table Present?	Yes	_____	No **X**	Depth (inches):	**>16**
Saturation Present? (includes capillary fringe)	Yes	_____	No **X**	Depth (inches):	**>16**

Wetland Hydrology Present?

Yes _____ **No** **X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Attachment C.11

PHS # 6457

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: **Brandis Apartments** City/County: **Albany/Linn** Sampling Date: **3/2/2023**

Applicant/Owner: **Montagne Development** State: **OR** Sampling Point: **3**

Investigator(s): **MS/CM** Section, Township, Range: **S3C, T11S, R3W**

Landform (hillslope, terrace, etc.:) **Terrace** Local relief (concave, convex, none): **None** Slope (%): **2**

Subregion (LRR): **LRRA** Lat: **44.6409** Long: **-123.0420** Datum: **WGS84**

Soil Map Unit Name: **Riverwash** NWI Classification: **PFOA**

Are climatic/hydrologic conditions on the site typical for this time of year? Yes **X** No ____ (if no, explain in Remarks)

Are vegetation ____ Soil ____ or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) **Y**

Are vegetation ____ Soil ____ or Hydrology ____ naturally problematic? If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes **X**	No ____	**Is Sampled Area within a Wetland?**	Yes **X**	No ____
Hydric Soil Present?	Yes **X**	No ____			
Wetland Hydrology Present?	Yes **X**	No ____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: **30**)			
1 ***Fraxinus latifolia***	**20**	**X**	**FACW**
2			
3			
4			
	20	= Total Cover	
Sapling/Shrub Stratum (plot size: ____)			
1			
2			
3			
4			
5			
	0	= Total Cover	
Herb Stratum (plot size: **5**)			
1 ***Schedonorus arundinaceus***	**25**	**X**	**FAC**
2 ***Poa sp***	**40**	**X**	**(FAC)**
3 ***Galium aparine***	**25**	**X**	**FACU**
4 ***Ranunculus repens***	**20**		**FAC**
5 ***Geranium lucidum***	**10**		**(UPL)**
6			
7			
8			
	120	= Total Cover	
Woody Vine Stratum (plot size: ____)			
1			
2			
	0	= Total Cover	

% Bare Ground in Herb Stratum **0**

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: **3** (A)

Total Number of Dominant Species Across All Strata: **4** (B)

Percent of Dominant Species That are OBL, FACW, or FAC: **75%** (A/B)

Prevalence Index Worksheet:

Total % Cover of		Multiply by:	
OBL Species		x 1 =	**0**
FACW species		x 2 =	**0**
FAC Species		x 3 =	**0**
FACU Species		x 4 =	**0**
UPL Species		x 5 =	**0**
Column Totals	**0** (A)		**0** (B)

Prevalence Index =B/A = **#DIV/0!**

Hydrophytic Vegetation Indicators:

____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

____ 3-Prevalence Index is ≤ 3.0[1]

____ 4-Morphological Adaptations[1] (provide supporting data in Remarks or on a separate sheet)

____ 5- Wetland Non-Vascular Plants[1]

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes X** **No** ____

Remarks:

SOIL **PHS #** **6457** Sampling Point: **3**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(Inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-8	**10YR 3/2**	**95**	**7.5YR 4/4**	**5**	**C**	**M,PL**	**Silt Loam**	**Fine, Medium**
8-14	**10YR 3/2**	**75**	**7.5YR 3/4**	**25**	**C**	**M**	**Silt Loam**	**Coarse**

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

	Histosol (A1)		Sandy Redox (S5)
	Histic Epipedon (A2)		Stripped Matrix (S6)
	Black Histic (A3)		Loamy Mucky Mineral (F1) **(except MLRA 1)**
	Hydrogen Sulfide (A4)		Loamy Gleyed Matrix (F2)
	Depleted Below Dark Surface (A11)		Depleted Matrix (F3)
	Thick Dark Surface (A12)	**X**	Redox Dark Surface (F6)
	Sandy Mucky Mineral (S1)		Depleted Dark Surface (F7)
	Sandy Gleyed Matrix (S4)		Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

	2 cm Muck (A10)
	Red Parent Material (TF2)
	Very Shallow Dark Surface (TF12)
	Other (explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes **X** **No**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

	Surface Water (A1)		Water stained Leaves (B9) **(Except MLRA 1, 2, 4A, and 4B)**		Water stained Leaves (B9) **(MLRA1, 2, 4A, and 4B)**
	High Water Table (A2)				
	Saturation (A3)		Salt Crust (B11)		Drainage Patterns (B10)
	Water Marks (B1)		Aquatic Invertebrates (B13)		Dry-Season Water Table (C2)
	Sediment Deposits (B2)		Hydrogen Sulfide Odor (C1)		Saturation Visible on Aerial Imagery (C9)
	Drift Deposits (B3)	**X**	Oxidized Rhizospheres along Living Roots (C3)		Geomorphic Position (D2)
	Algal Mat or Crust (B4)		Presence of Reduced Iron (C4)		Shallow Aquitard (D3)
	Iron Deposits (B5)		Recent Iron Reduction in Plowed Soils (C6)		Fac-Neutral Test (D5)
	Surface Soil Cracks (B6)		Stunted or Stressed Plants (D1) **(LRR A)**		Raised Ant Mounds (D6) **(LRR A)**
	Inundation Visible on Aerial Imagery (B7)		Other (Explain in Remarks)		Frost-Heave Hummocks (D7)
	Sparsely Vegetated Concave Surface (B8)				

Field Observations:

Surface Water Present?	Yes		No	**X**	Depth (inches):	
Water Table Present?	Yes		No	**X**	Depth (inches):	**>14**
Saturation Present? (includes capillary fringe)	Yes		No	**X**	Depth (inches):	**>14**

Wetland Hydrology Present?

Yes **X** **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

PHS # 6457

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: **Brandis Apartments** City/County: **Albany/Linn** Sampling Date: **3/2/2023**

Applicant/Owner: **Montagne Development** State: **OR** Sampling Point: **4**

Investigator(s): **CM/MS** Section, Township, Range: **S3C, T11S, R3W**

Landform (hillslope, terrace, etc.:) **Terrace** Local relief (concave, convex, none): **Concave** Slope (%): **2**

Subregion (LRR): **LRRA** Lat: **44.6406** Long: **-123.0420** Datum: **WGS84**

Soil Map Unit Name: **Riverwash** NWI Classification: **PFOA**

Are climatic/hydrologic conditions on the site typical for this time of year? Yes **X** No ____ (if no, explain in Remarks)

Are vegetation ____ Soil ____ or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) **Y**

Are vegetation ____ Soil ____ or Hydrology ____ naturally problematic? If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	**X**	No		
Hydric Soil Present?	Yes	**X**	No	**Is Sampled Area within a Wetland?**	Yes **X** No
Wetland Hydrology Present?	Yes	**X**	No		

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: **30**)			
1 ***Fraxinus latifolia***	**90**	**X**	**FACW**
2			
3			
4			
	90	= Total Cover	
Sapling/Shrub Stratum (plot size: **15**)			
1 ***Fraxinus latifolia***	**10**	**X**	**FACW**
2			
3			
4			
5			
	10	= Total Cover	
Herb Stratum (plot size: **5**)			
1 ***Unidentified grass***	**75**	**X**	**(FAC)**
2 ***Geranium molle***	**10**		**(UPL)**
3 ***Arrhenatherum elatius***	**5**		**UPL**
4			
5			
6			
7			
8			
	90	= Total Cover	
Woody Vine Stratum (plot size: ____)			
1			
2			
	0	= Total Cover	

% Bare Ground in Herb Stratum **10**

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: **3** (A)

Total Number of Dominant Species Across All Strata: **3** (B)

Percent of Dominant Species That are OBL, FACW, or FAC: **100%** (A/B)

Prevalence Index Worksheet:

Total % Cover of		Multiply by:	
OBL Species		x 1 =	**0**
FACW species		x 2 =	**0**
FAC Species		x 3 =	**0**
FACU Species		x 4 =	**0**
UPL Species		x 5 =	**0**
Column Totals	**0** (A)		**0** (B)

Prevalence Index =B/A = **#DIV/0!**

Hydrophytic Vegetation Indicators:

____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

____ 3-Prevalence Index is ≤ 3.0[1]

____ 4-Morphological Adaptations[1] (provide supporting data in Remarks or on a separate sheet)

____ 5- Wetland Non-Vascular Plants[1]

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes X** **No** ____

Remarks:

SOIL **PHS #** **6457** Sampling Point: **4**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(Inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-6	**10YR 2/2**	**100**					**Silty Clay Loam**	
6-10	**10YR 3/1**	**98**	**10YR 2/1**	**2**	**C**	**M**	**Silty Clay**	**Nodules, Coarse**
10-16	**10YR 3/1**	**95**	**10YR 3/6**	**5**	**C**	**M**	**Silty Clay**	**Coarse**

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

	Histosol (A1)		Sandy Redox (S5)
	Histic Epipedon (A2)		Stripped Matrix (S6)
	Black Histic (A3)		Loamy Mucky Mineral (F1) **(except MLRA 1)**
	Hydrogen Sulfide (A4)		Loamy Gleyed Matrix (F2)
	Depleted Below Dark Surface (A11)		Depleted Matrix (F3)
	Thick Dark Surface (A12)	**X**	Redox Dark Surface (F6)
	Sandy Mucky Mineral (S1)		Depleted Dark Surface (F7)
	Sandy Gleyed Matrix (S4)		Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

	2 cm Muck (A10)
	Red Parent Material (TF2)
	Very Shallow Dark Surface (TF12)
	Other (explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes **X** **No**

Remarks:

10% cobbles throughout

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

	Surface Water (A1)		Water stained Leaves (B9) **(Except MLRA 1, 2, 4A, and 4B)**		Water stained Leaves (B9) **(MLRA1, 2, 4A, and 4B)**
	High Water Table (A2)				
	Saturation (A3)		Salt Crust (B11)		Drainage Patterns (B10)
	Water Marks (B1)		Aquatic Invertebrates (B13)		Dry-Season Water Table (C2)
	Sediment Deposits (B2)		Hydrogen Sulfide Odor (C1)		Saturation Visible on Aerial Imagery (C9)
	Drift Deposits (B3)		Oxidized Rhizospheres along Living Roots (C3)	**X**	Geomorphic Position (D2)
	Algal Mat or Crust (B4)		Presence of Reduced Iron (C4)		Shallow Aquitard (D3)
	Iron Deposits (B5)		Recent Iron Reduction in Plowed Soils (C6)	**X**	Fac-Neutral Test (D5)
	Surface Soil Cracks (B6)		Stunted or Stressed Plants (D1) **(LRR A)**		Raised Ant Mounds (D6) **(LRR A)**
	Inundation Visible on Aerial Imagery (B7)		Other (Explain in Remarks)		Frost-Heave Hummocks (D7)
	Sparsely Vegetated Concave Surface (B8)				

Field Observations:

Surface Water Present?	Yes		No	**X**	Depth (inches):	
Water Table Present?	Yes		No	**X**	Depth (inches):	**>16**
Saturation Present? (includes capillary fringe)	Yes		No	**X**	Depth (inches):	**>16**

Wetland Hydrology Present?

Yes **X** **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Attachment C.15

PHS # 6457

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: **Brandis Apartments** City/County: **Albany/Linn** Sampling Date: **3/2/2023**

Applicant/Owner: **Montagne Development** State: **OR** Sampling Point: **5**

Investigator(s): **CM/MS** Section, Township, Range: **S3C, T11S, R3W**

Landform (hillslope, terrace, etc.:) **Terrace** Local relief (concave, convex, none): **None** Slope (%): **2**

Subregion (LRR): **LRRA** Lat: **44.6406** Long: **-123.0426** Datum: **WGS84**

Soil Map Unit Name: **Riverwash** NWI Classification: **PFOA**

Are climatic/hydrologic conditions on the site typical for this time of year? Yes **X** No ____ (if no, explain in Remarks)

Are vegetation ____ Soil ____ or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) **Y**

Are vegetation ____ Soil ____ or Hydrology ____ naturally problematic? If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes		No	X	**Is Sampled Area within a Wetland?** Yes ____ No **X**
Hydric Soil Present?	Yes	X	No		
Wetland Hydrology Present?	Yes		No	X	

Remarks:

VEGETATION - Use scientific names of plants.

		absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: 30)				
1	***Fraxinus latifolia***	40	X	FACW
2				
3				
4				
		40	= Total Cover	
Sapling/Shrub Stratum (plot size: ____)				
1				
2				
3				
4				
5				
		0	= Total Cover	
Herb Stratum (plot size: 5)				
1	***Schedonorus arundinaceus***	50	X	FAC
2	***Galium aparine***	20	X	FACU
3	***Geranium lucidum***	20	X	(UPL)
4				
5				
6				
7				
8				
		90	= Total Cover	
Woody Vine Stratum (plot size: ____)				
1				
2				
		0	= Total Cover	

% Bare Ground in Herb Stratum **10**

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: **2** (A)

Total Number of Dominant Species Across All Strata: **4** (B)

Percent of Dominant Species That are OBL, FACW, or FAC: **50%** (A/B)

Prevalence Index Worksheet:

Total % Cover of		Multiply by:	
OBL Species		x 1 =	**0**
FACW species		x 2 =	**0**
FAC Species		x 3 =	**0**
FACU Species		x 4 =	**0**
UPL Species		x 5 =	**0**
Column Totals	**0** (A)		**0** (B)

Prevalence Index =B/A = **#DIV/0!**

Hydrophytic Vegetation Indicators:

____ 1- Rapid Test for Hydrophytic Vegetation

____ 2- Dominance Test is >50%

____ 3-Prevalence Index is ≤ 3.0[1]

____ 4-Morphological Adaptations[1] (provide supporting data in Remarks or on a separate sheet)

____ 5- Wetland Non-Vascular Plants[1]

____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** ____ **No** **X**

Remarks:

SOIL **PHS #** **6457** Sampling Point: **5**

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(Inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-8	**10YR 3/2**	**100**					**silt loam**	
8-14	**10YR 4/1**	**95**	**10YR 3/4**	**5**	**C**	**M**	**Silty clay loam**	**Fine**

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- **X** Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ___

Depth (inches): ___

Hydric Soil Present? Yes **X** **No** ___

Remarks:

Minor cobbles

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water stained Leaves (B9) **(Except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water stained Leaves (B9) **(MLRA1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ Fac-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	___	No **X**	Depth (inches):	___
Water Table Present?	Yes	___	No **X**	Depth (inches):	**>14**
Saturation Present? (includes capillary fringe)	Yes	___	No **X**	Depth (inches):	**>14**

Wetland Hydrology Present?

Yes ___ **No** **X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Attachment 3

Vegetation Table and Photo Documentation

Vegetated Corridor Sample Sites

Brandis Village, Knox Butte Road Site, Albany

Plant Community	A			
Sample Point	**5**	**7**	**9**	From original sample points in WD20190116
TREES				
Native				
Fraxinus latifolia	60			
Populus balsamifera		40		
Non native				
SHRUBS & SAPLINGS				
Native				
Oemleria cerasiformis			20	
Fraxinus latifolia	70	30		
Non native				
Rosa sp.	5			
Invasive				
Rubus armeniacus	5		30	
HERBS				
Native				
Galium aparine	5			
Geum macrophyllum			5	
Epilobium ciliatum		5		
Non native				
Geranium lucidum	85		90	
Unidentified grass	5	20		
Rumex crispus		5		
Lapsana communis		5		
Invasive				
Dipsacus fullonum		5		
	A			Average
***Canopy cover**	**60**	**40**	**0**	**33**
% Native Species	**57**	**68**	**17**	**48**
% Invasive Species	**2**	**5**	**21**	**9**
Total cover	**235**	**110**	**145**	**163**
Condition: Canopy/Natives	**Marginal**			

*Canopy cover totals reflect multi-layer coverage

Photo A:

Looking east at the edge of Wetland B.

(Photo taken: March 2, 2023)

Photo B:

Looking northwest at the edge of grading south of Knox Butte Road.

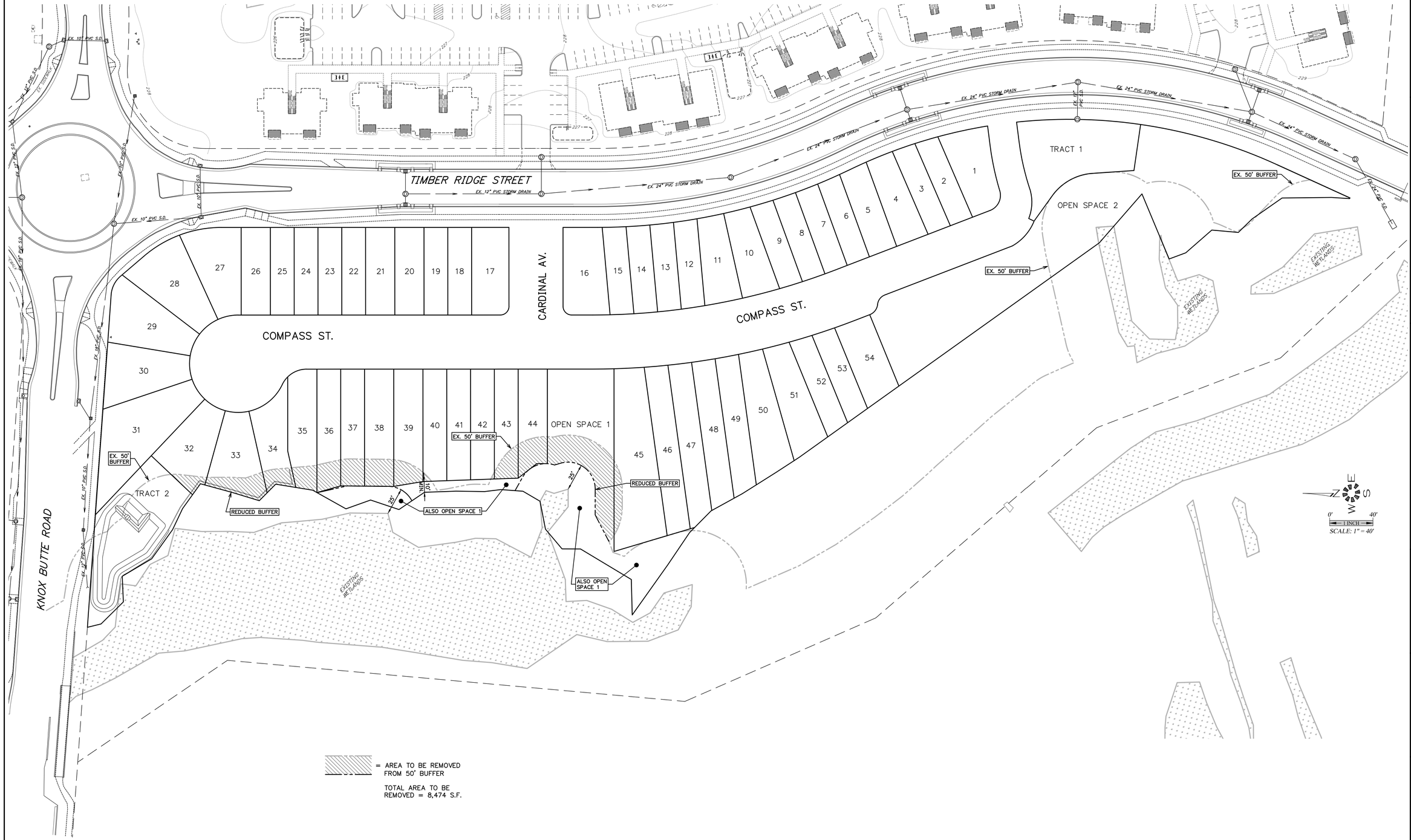
(Photo taken: March 2, 2023)

Project #6457
3/20/2023

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Photo documentation

Brandis Village site - Albany, Oregon



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www.mtengineering.net office@mtengineering.net

NATURAL RESOURCE BUFFER REDUCTION PLAN

BRANDIS MEADOWS TOWNHOME SUBDIVISION

6832mb 2-NRB-P

Design: M.D.G.
Drawn: D.G.G.
ProjMgr: B.M.G.
Date: SEPT. 2022
Scale: AS SHOWN
As-Built: ----

JOB # 6832

2 / 2

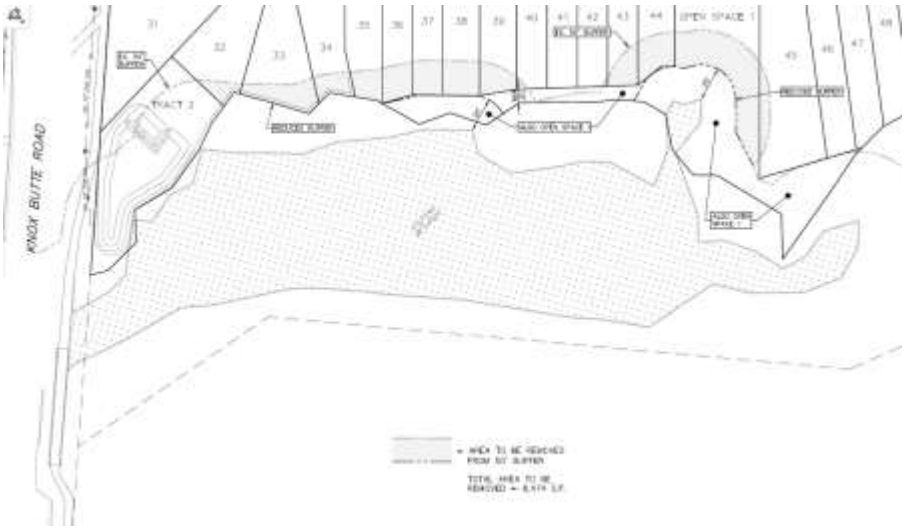
Natural Resource Impact Review

Section 6.310

Criterion A. (1) The proposed activity is allowed under the requirements of the base zone.

Applicant Response: The subject property is zoned Mixed Use Commercial (MUC), Open Space (OS), Riparian Corridor Overlay (RC), and Significant Wetland Overlay (SW). The applicant's proposal is to subdivide approximately 5.54 acres of vacant land into 54 lots for future townhome development.

The applicant is also requesting a reduction in the 50-foot riparian corridor buffer to 25 feet. See attached is site plans.



The development is a permitted use in the current zones and overlays. The proposed development was granted approval June 15, 2022, via SD-03-22, SP-01-22, VR-01-22.

Criterion A. (2) There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.

Applicant Response: Due to the location of some of the parking areas and lot layout, the developer is requesting a reduction in the riparian buffer to 25 feet where 50 feet is required. The applicant is not proposing any development over the riparian corridor or wetland areas on the site. However, the reduction in the buffer area reduces any likely hood of any impacts to those areas. The location of all the structures and parking (as shown on the site plan) will be the least disruptive to the riparian corridor and wetland areas.

Criterion A. (3) The proposed activity is designed, located and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the

water resources, and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.

Applicant Response: Due to the location of some of the parking areas and lot layout, the developer is requesting a reduction in the riparian buffer to 25 feet where 50 feet is required. The applicant is not proposing any development over the riparian corridor or wetland areas on the site. However, the reduction in the buffer area reduces any likely hood of any impacts to those areas. The location of all the structures and parking (as shown on the site plan) will be the least disruptive to the riparian corridor and wetland areas.

Criterion A. (4) Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.

Applicant Response: The applicant's professional provided a Site Assessment and Natural Resource Buffer Reduction plan dated August 24, 2023, along with mitigation plans. Per the assessment, the proposed development will not have an impact on any natural resources on the site.

Criterion A. (5) Any applicable local, state, and federal permits are secured.

Applicant Response: The applicant will obtain any and/or all applicable permits.

Criterion A. (6) The additional requirements of ADC 6.310 (B) will be met.

Applicant Response: See applicant response below.

NATURAL RESOURCE IMPACT REVIEW STANDARDS
ADDITIONAL REQUIREMENTS
ADC 6.310(B)

Criterion B. (1) Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.

Applicant Response: The applicant already has approval to develop the subject property. See SD-03-22, SP-01-22, VR-01-22 approvals.

Criterion B. (2) Structures and Land Altering Activities. The placement of structures and other impervious surfaces, as well as grading, excavation, placement of fill, and vegetation removal, are prohibited. Exceptions may be made for the purposes identified in items a-f of

this Section, provided they are necessary to accommodate an approved activity and comply with any stated requirements for the activity or use.

(a) Water-Related and Water-Dependent Uses. Development of water-related and water-dependent uses.

Applicant Response: The proposed is not water-related or water dependent. The proposal is for the development of townhouse units, none of which will be located in the wetland areas on the site. Therefore, this criterion is not applicable.

(b) Permanent Alteration Within the Riparian Corridor. Disturbance or development within the Riparian Corridor overlay district shall be allowed under the following circumstances:

(i) The resource is characterized as 'marginal' or 'degraded' using the standards found in 6.410(5).

(ii) Demonstration that equal or better protection will be ensured through Riparian Corridor restoration and enhancement within the remaining overlay district area per the mitigation requirements in Sections 6.400 and 6.410. If the site is encumbered by easements or rights-of-way that would preclude onsite restoration or enhancement, an "in-lieu of payment" may be made to the City in the amount equal to the cost of onsite mitigation.

Residentially zoned lots that were created prior to December 1, 2011, that are less than 20,000 square feet and can't be further subdivided are allowed to encroach up to 25 feet into the Riparian Corridor overlay district without the requirement for restoration or enhancement of the remaining 25 feet. The mitigation requirements in Section 6.400 still apply.

(ii) In no case shall the site improvements be any closer than 25 feet from the Ordinary High Water mark or upland edge of the wetland, unless the improvements are otherwise allowed or exempted per this Section of the Code.

Applicant Response: Per the memo dated August 24, 2023, “The only native species on the site is the Cottonwood Tree-Populous tremula. There are several Cottonwood tree sprouts around the base of these trees. The issue of removal of the Cottonwood sprouts is not apparent to the preservation of the Cottonwood trees or the Mitigation Plan. There is also indigenous grass in this area and removal will not affect the Mitigation Plan.”

During construction on the site, the applicant will ensure that the Riparian Corridor is protected as needed or required by staff.

(c) Vegetation Removal. Removal of live vegetation that is not exempt under 6.290(9) is only allowed to accommodate an approved use or development activity under this section of the Code.

Applicant Response: The proposed development will not require the removal of any native trees or native vegetation as noted in the memo dated August 24, 2023.

(d) Private Construction of Public Non-Master Planned Transportation Facilities and Privately Owned Transportation Facilities. In addition to other City standards, the following standards shall apply to the location and construction of public non-master planned and/or private transportation facilities and structures, such as driveways, local streets, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths. In addition to other City standards, the following standards shall apply to privately constructed transportation facilities and structures:

(i) The facility is designed to be the minimum width necessary to allow for safe passage of vehicles, bicycles and/or pedestrians, and to meet minimum width requirements.

Applicant Response: The proposed is not for a transportation facility, therefore, this criteria is not applicable.

(ii) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.

Applicant Response: As shown on the site plan, the location of the structures on the site are located in an area that minimizes the impacts to the area.

(iii) The number of crossings is the minimum amount necessary to afford safe and efficient access.

Applicant Response: There are no crossings proposed. Therefore, this criteria is not applicable.

(iv) The number of crossings is minimized where reasonably feasible through use and creation of shared access for abutting lots and access through easements for adjacent lots.

Applicant Response: There are no crossings proposed. Therefore, this criteria is not applicable.

(v) Crossing structures have a natural bottom or other design that meets ODFW fish passage requirements.

Applicant Response: There are no public planned transportation facilities or privately owned transportation facilities proposed to be located within the riparian corridor or wetlands area. Therefore, this criterion is not applicable.

(e) Private Construction of Public Non-Master Planned Utilities and Privately Owned Utilities. In addition to other City standards, the following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for public non-master planned utilities and private utilities, within or crossing parcels in Significant Natural Resource overlay districts, as well as any above-ground utility structures.

(i) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only feasible alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity.
(ii) Common trenches for private utilities, to the extent allowed by the building code, shall be required where reasonably feasible in order to minimize disturbance of the protected resource.
(iii) Topsoil and sod shall be conserved during trench construction or maintenance, and replaced on top of the trench. Side-casting and storage of excavated material prior to replacement on top of trench is permitted. Any side-cast material not placed back on top of the trench shall be removed and may not be stored in the Significant Natural Resource overlay district after the construction or maintenance work is completed.
(iv) Hydraulic impacts on protected resources are minimized.
(v) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.
(vi) Above-ground utilities that cause ground disturbance in the Significant Natural Resource overlay district and are not within an existing right-of-way or easement, and are not shown in an approved master plan, will only be allowed in limited circumstances, and if they meet the general requirements in 6.310(A).

Applicant Response: There are no private or publicly planned utilities proposed to be located within the riparian corridor or wetlands area. Therefore, this criterion is not applicable.

(f) Adjustment or Variance. Development associated with an approved adjustment or variance.

Applicant Response: No adjustments or variances have been requested for the development of the site. The application is, however, requesting a reduction in the riparian corridor buffer to 25 feet where 50 feet is required.

MULTI/TECH
ENGINEERING SERVICES, INC.

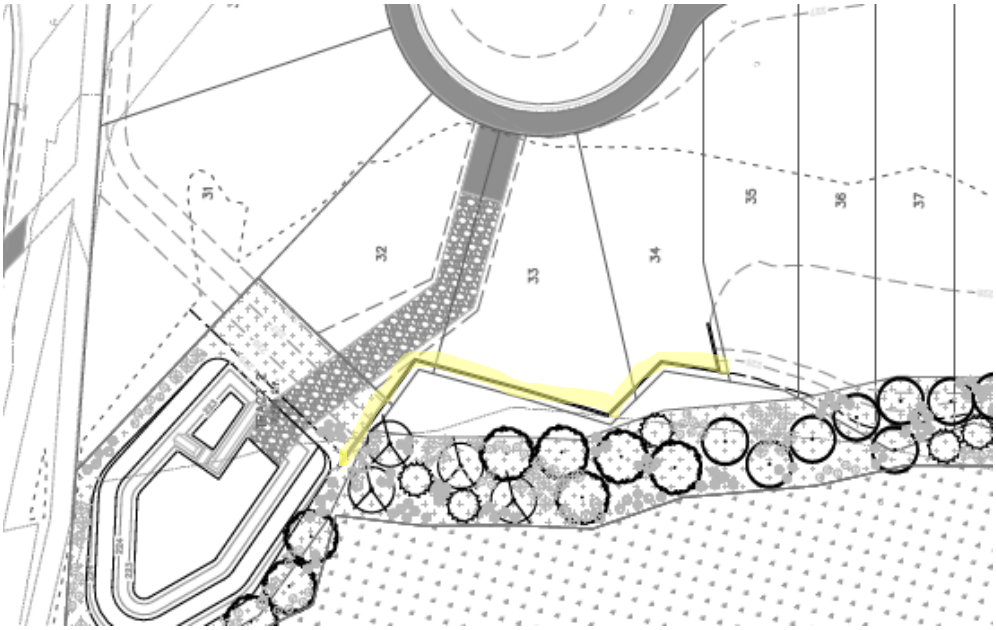
1155 13th Street SE
Salem, Oregon 97302
(503) 363-9227

Brandis Meadows Townhome Subdivision

Buffer Impacts

Retaining Walls

We have proposed the use of retaining walls along the side of Lot 32 and the rear of Lots 33 & 34.



These lots have short front to back lengths, as such it is necessary to maintain the maximum building pad area possible for the units to be constructed.

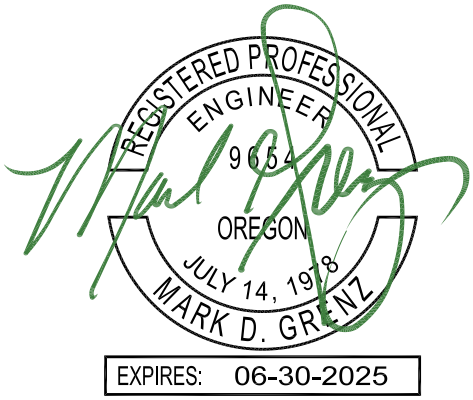
These lots are located within the identified flood hazard area, as such need to be filled to an elevation that is approximately 4 feet above the existing ground in these locations.

The use of retaining walls allows for the fill work to take place up to the proposed walls, thus maximizing the building area as intended.

MULTI/TECH
ENGINEERING SERVICES, INC.

The use of a sloped fill will not allow a building pad area to be created on Lot 32 due to the access way for the water quality facility.

The use of a sloped fill on Lots 33 and 34 will reduce the pad length such that the proposed unit will not fit, requiring a smaller and less desirable unit to be designed.



LEISINGER DESIGNS

August 24, 2023

To: Mr. Brian Grenz
Production Coordinator

Mrs. Brandie Dalton
Land-Use Planner

Multi Tech Engineering Services
1155 13th Street SE
Salem, Oregon 97302
(503) 363-9227

Subject: Brandis Meadows Townhome Subdivision-Native Resource Buffer Reduction Plan

Dear Mr. Grenz:

Based on the requirements indicated by the City of Albany Development Code, Article 6 for expected condition of the significant wetland and riparian corridor area a mitigation plan will be developed and native plant materials installed. This letter addresses the issues and condition's related for a Natural Resource Mitigation Plan for Brandis Meadows Townhome Subdivision developed by Leisinger Designs-Landscape Architect, Salem, Oregon.

Quality Levels, Mitigation Requirements:
In looking at this area as per the City of Albany Development Code, Article 6, Table 6-2 the Existing Resource Quality is Marginal Quality. Expected Future Resource Quality is to Restore to Good Quality per approved Mitigation Plan (Buffer Reduction Plan).

Native Plant Species on Site:
The only native species on site is the Cottonwood Tree-Populous tremula. There are several Cottonwood tree sprouts around the base of these trees. The issue of removal of the Cottonwood sprouts is not apparent to the preservation of the Cottonwood trees or the Mitigation Plan. There is also indigenous grass in this area and removal will not affect the Mitigation Plan.

Non-Native or Invasive Plant Species on Site:
All non-native, invasive plant species shall be removed from the site. The only invasive plant Species on site is Rubus discolor (Himalayan Blackberry). It is recommended that the large stalks 1 inch in diameter and larger shall be cut with landscape loppers 6 inches above the ground. After Cutting the fresh stalks use full strength Crossbow and paint the top of the fresh stems with a paint brush dipped in Crossbow. Let the stems stand in the ground for one week before removal of the Blackberry's.

This will help reduce or to eliminate the resurgence of the Blackberry's.

Local Mitigation Landscape Plan:
The Plan will consist of installing the following plant materials as indicated on the Native Resource Buffer Reduction Plan as attached. By installing this type of vegetation the Natural Resource area should improve to a good quality riparian corridor area after successful completion Of the Mitigation Plan.

Trees:
Alnus rubra / Red Alder
Populus trichocarpa/Black Cottonwood
Prunus emarginata/Bitter Cherry
Pseudotsuga menziesii/Douglas Fir

Shrubs:
Cornus sericea/Red Twig Dogwood
Mahonia aquifolium/Oregon Grape
Physocarpus capitatus/Pacific Ninebark
Rosa pisocarpa/Baldhip Rose
Salix lucida ssp Lasiadra/Pacific Willow
Symphoricarpos albus/Common Snowberry

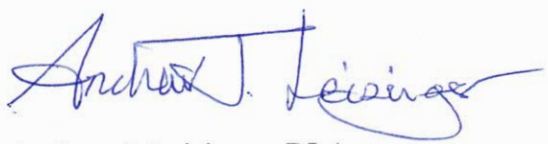
Time of year for Planting Riparian Vegetation:
Planting shall be installed between February 1st and March 30th or between October 1st and November 15th. If planting is installed outside these time frames, additional measures may need to be taken by providing a watering truck to ensure establishment and survival of the plant materials during the summer months.

Plant material shall be transported to the site in a timely manner to minimize on-site storage. Where Storage is required, all plants shall be kept moist and shaded.

Plant stock shall be handled in a matter that will not break, scrape, or twist any portion of the plant. Protect plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions). Read Landscape Notes on Mitigation Landscape Plan prior to installing plant materials.

Please review the above information and feel free to contact me should you have any questions.

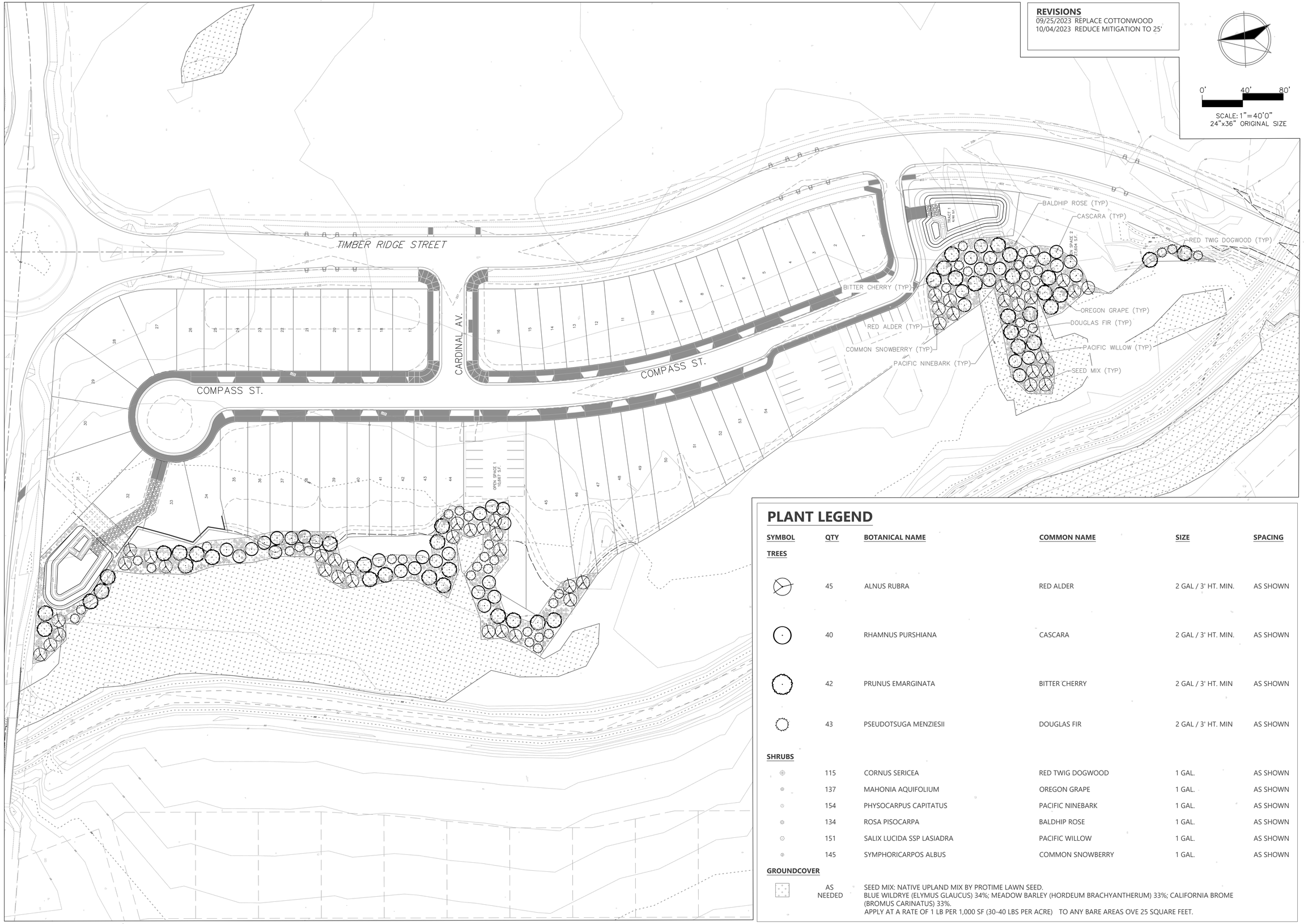
Sincerely,



Andrew J. Leisinger, RLA
Landscape Architect
LEISINGER DESIGNS
503-378-0200
andy@leisingerdesigns.com

REVISIONS
09/25/2023 REPLACE COTTONWOOD
10/04/2023 REDUCE MITIGATION TO 25'

0' 40' 80'
SCALE: 1"=40'0"
24"x36" ORIGINAL SIZE



PLANT LEGEND

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
TREES					
	45	ALNUS RUBRA	RED ALDER	2 GAL / 3' HT. MIN.	AS SHOWN
	40	RHAMNUS PURSHIANA	CASCARA	2 GAL / 3' HT. MIN.	AS SHOWN
	42	PRUNUS EMARGINATA	BITTER CHERRY	2 GAL / 3' HT. MIN	AS SHOWN
	43	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	2 GAL / 3' HT. MIN	AS SHOWN
SHRUBS					
	115	CORNUS SERICEA	RED TWIG DOGWOOD	1 GAL.	AS SHOWN
	137	MAHONIA AQUIFOLIUM	OREGON GRAPE	1 GAL.	AS SHOWN
	154	PHYSOCARPUS CAPITATUS	PACIFIC NINEBARK	1 GAL.	AS SHOWN
	134	ROSA PISOCARPA	BALDHIP ROSE	1 GAL.	AS SHOWN
	151	SALIX LUCIDA SSP LASIADRA	PACIFIC WILLOW	1 GAL.	AS SHOWN
	145	SYMPHORICARPOS ALBUS	COMMON SNOWBERRY	1 GAL.	AS SHOWN
GROUNDCOVER					
	AS NEEDED	SEED MIX: NATIVE UPLAND MIX BY PROTIME LAWN SEED. BLUE WILDRYE (ELYMUS GLAUCUS) 34%; MEADOW BARLEY (HORDEUM BRACHYANTHERUM) 33%; CALIFORNIA BROME (BROMUS CARINATUS) 33%. APPLY AT A RATE OF 1 LB PER 1,000 SF (30-40 LBS PER ACRE) TO ANY BARE AREAS OVE 25 SQUARE FEET.			

REGISTERED
78
Andrew J. Leisinger
OREGON
1/25/82
LANDSCAPE ARCHITECT

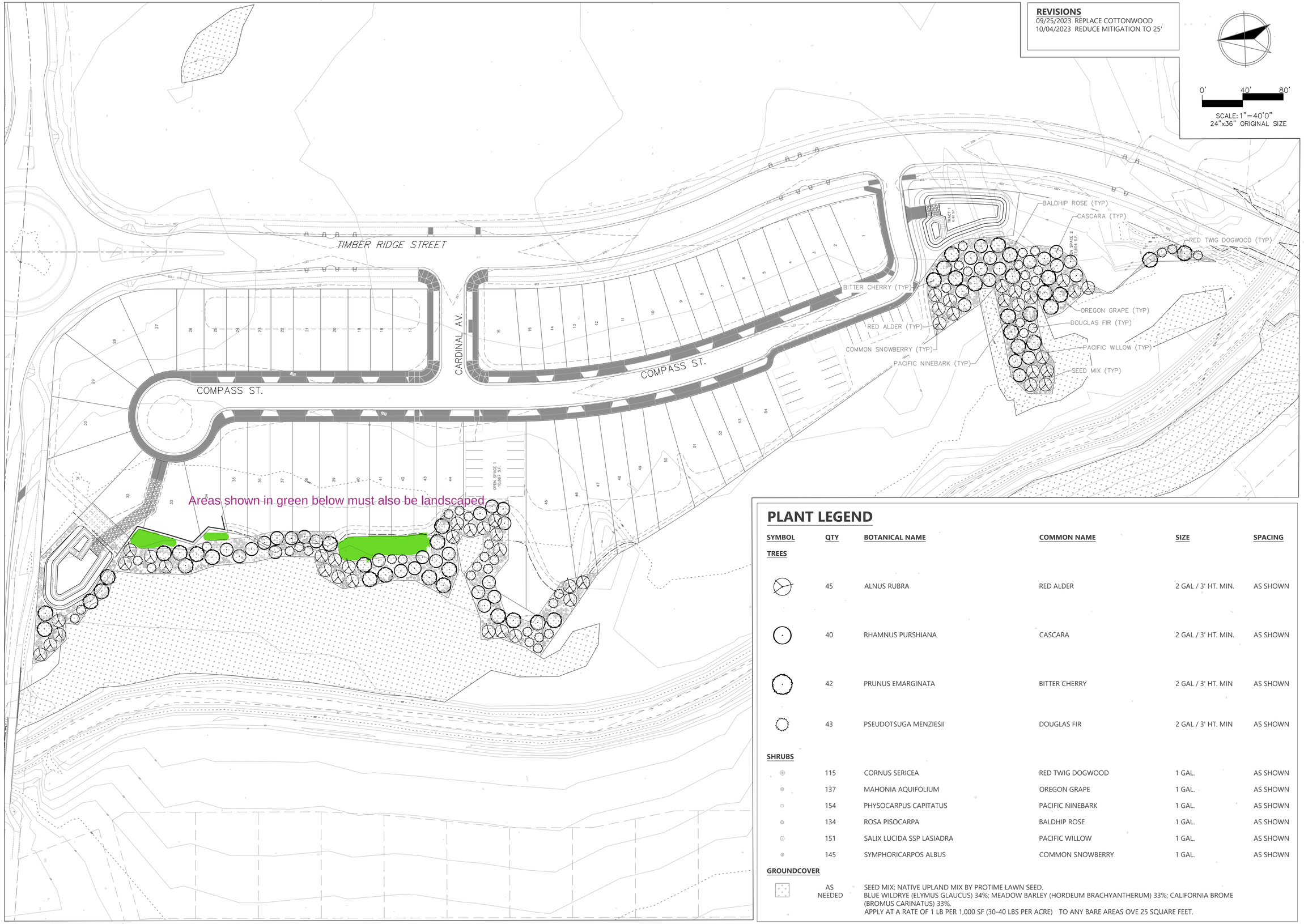
LANDSCAPE ARCHITECTURE
SITE PLANNING
Andrew J. Leisinger, RLA
Landscape Architect
3295 Triangle Drive SE. STE. 105, Salem, Oregon 97302
Phone: (503) 378-0200, Cell: (503) 580-2103, andy@leisingerdesigns.com
LEISINGER DESIGNS

BRANDIS MEADOWS TOWNHOME SUBDIVISION
NATIVE RESOURCE BUFFER REDUCTION PLAN

JOB NO.
DATE 08/21/2023
DESIGN BY AL/NP
CHECKED BY AL
SHEET LS-1

REVISIONS
09/25/2023 REPLACE COTTONWOOD
10/04/2023 REDUCE MITIGATION TO 25'

0' 40' 80'
SCALE: 1"=40'0"
24"x36" ORIGINAL SIZE



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REGISTERED LANDSCAPE ARCHITECT
78
Andrew J. Leisinger
OREGON
1/25/82

LANDSCAPE ARCHITECTURE
SITE PLANNING
Andrew J. Leisinger, RLA
Landscape Architect
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Phone: (503) 378-0200, Cell: (503) 580-2103, andy@leisingerdesigns.com
LEISINGER DESIGNS

BRANDIS MEADOWS TOWNHOME SUBDIVISION
NATIVE RESOURCE BUFFER REDUCTION PLAN

JOB NO.
DATE 08/21/2023
DESIGN BY AL/NP
CHECKED BY AL
SHEET LS-1

From:	REDON Charles * DSL
To:	"Carlee Michelson"
Cc:	John van Staveren; Belcastro, Staci; Martineau, David; Hiemstra, Aaron; Mark Grenz, P.E.; Dave Montagne; page.diemer@northcoreusa.com; Ficek, Michael; adamhuskey.mdi@gmail.com; Mark Grenz, P.E.
Subject:	RE: Brandis Meadows Townhomes - Wetland and Riparian Corridor Impacts
Date:	Friday, April 14, 2023 10:42:52 AM

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Thank you all for the detailed report and restoration plan. DSL has no further concerns at this point as long as two things occur: 1) The surrounding grade is reestablished, with appropriate erosion control measures used as needed; and 2) No use of Glyceria occidentalis/Western Mannagrass! This shows up in "native" seed mixes often, but has been shown to be an introduced/invasive species.

Regards,
Charles

Charles Redon, Aquatic Resource Coordinator
Oregon Department of State Lands
Phone (503) 302-6045
www.oregon.gov/DSL

775 Summer St. NE, Suite 100
Salem, OR 97301

From: Carlee Michelson <cm@pacifichabitat.com>
Sent: Friday, April 14, 2023 8:51 AM
To: REDON Charles * DSL <Charles.Redon@dsl.oregon.gov>
Cc: John van Staveren <jvs@pacifichabitat.com>; Staci.Belcastro@cityofalbany.net; David.Martineau@cityofalbany.net; Aaron.Hiemstra@cityofalbany.net; Mark Grenz, P.E. <MGrenz@mtengineering.net>; Dave Montagne <dave@mdipropertyinfo.com>; page.diemer@northcoreusa.com; Michael.Ficek@cityofalbany.net; adamhuskey.mdi@gmail.com; Mark Grenz, P.E. <MGrenz@mtengineering.net>
Subject: Brandis Meadows Townhomes - Wetland and Riparian Corridor Impacts

Hi Chuck,

PHS was contracted to evaluate potential wetland impacts at the Brandis Meadows construction site in Albany, Linn County, Oregon. The City of Albany has requested that the owner and project team conducting work on site self-report impacts to DSL in an effort to mitigate any potential harm to the wetland. PHS has prepared a memo of our findings on behalf of the project team, attached, and have cc'd all members of the City involved in this action.

Please reach out with any questions,

Thank you,

Carlee Michelson, PWS (*she/her*)

Pacific Habitat Services, Inc. | Environmental Consultants
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

www.PacificHabitat.com cm@PacificHabitat.com

O 503.570.0800 x314 F 503.570.0855

Brandis Meadows Mitigation Timeline

Stage	Task	Year	Season	Notes
Site Prep	Spot area spray	-1	Spring	Cut blackberries/ large weeds
Site Prep	Spot area spray	-1	Fall	Spray blackberries/ weedy regrowth
Planting	Bareroot/ container planting	1	Winter	
Establishment	Ring and Spot Spray	1	Spring	
Planting	Interplanting (replace failed)	2	Winter	
Establishment	Ring and Spot Spray	2	Spring	
Establishment	Ring and Spot Spray	3	Spring	