CITY OF KEIZER MISSION STATEMENT

KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION

A G E N D A

KEIZER CITY COUNCIL
WORK SESSION

Monday, November 9, 1998
6:00 p.m.
Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

   a. McNary Estates Wetland Mitigation

4. OTHER BUSINESS

   This time is provided to allow Council members the opportunity to bring matters before the Council which are not on tonight's agenda.

5. WRITTEN COMMUNICATIONS

   To inform the Council of significant written communications and petitions.

6. ADJOURN

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days(48 hours) in advance

COMPENSATORY WETLAND MITIGATION PLAN

for

LARGENT APARTMENTS

Keizer, Oregon
December 19, 1997

prepared for

Multi/Tech Engineering Services, Inc.
1155 13th Street SE
Salem, Oregon 97302

by

Applied Technology
Wetlands & Forestry Consultants

38863 Scravel Hill Road NE
Albany, Oregon 97321
U.S.A.

Phone/Fax (541) 327-3427
Mobile (503) 580-9206
appliedtech@proaxis.com

EXECUTIVE SUMMARY

Multi/Tech Engineering Services, Inc., as agent for the owner, Around Town Partnership, commissioned this plan to mitigate proposed impacts to wetlands located on the site of an apartment/single-family development complex hereinafter referred to as Largent Apartments. The specific impact is the filling of 1.52-acres of palustrine emergent wetland. The proposed mitigation is the enhancement of 4.82-acres of primarily palustrine emergent wetland located on a 6.30-acre parcel approximately ¼ mile from the impact site.

The proposed impact should be permitted for two reasons. First, filling the wetland is required for the landowners to earn a fair economic return on their investment – an investment made with the understanding that there were no wetlands on the property based on an Oregon Division of State Lands (DSL) off-site determination. This document was shown to the current owner by the previous owner during purchase negotiations. As a result, full market value was paid assuming that the entire property was available for development.

The second reason is that the proposed impact and associated mitigation will result in no net loss of wetland functions & values; in fact, the proposed mitigation will result in net increases in functions and values. The results of Oregon Fresh Water Assessment Methodology analyses of the existing Largent Apartments site, the existing mitigation site, and the proposed mitigation site show that the wildlife, fish, water quality, and hydrologic (flood) control functions attributable to the proposed mitigation will be greater than the sum of the existing functions on the two tracts. As such, the impact and proposed mitigation is ecologically preferable to avoiding the Largent Apartments site wetland.

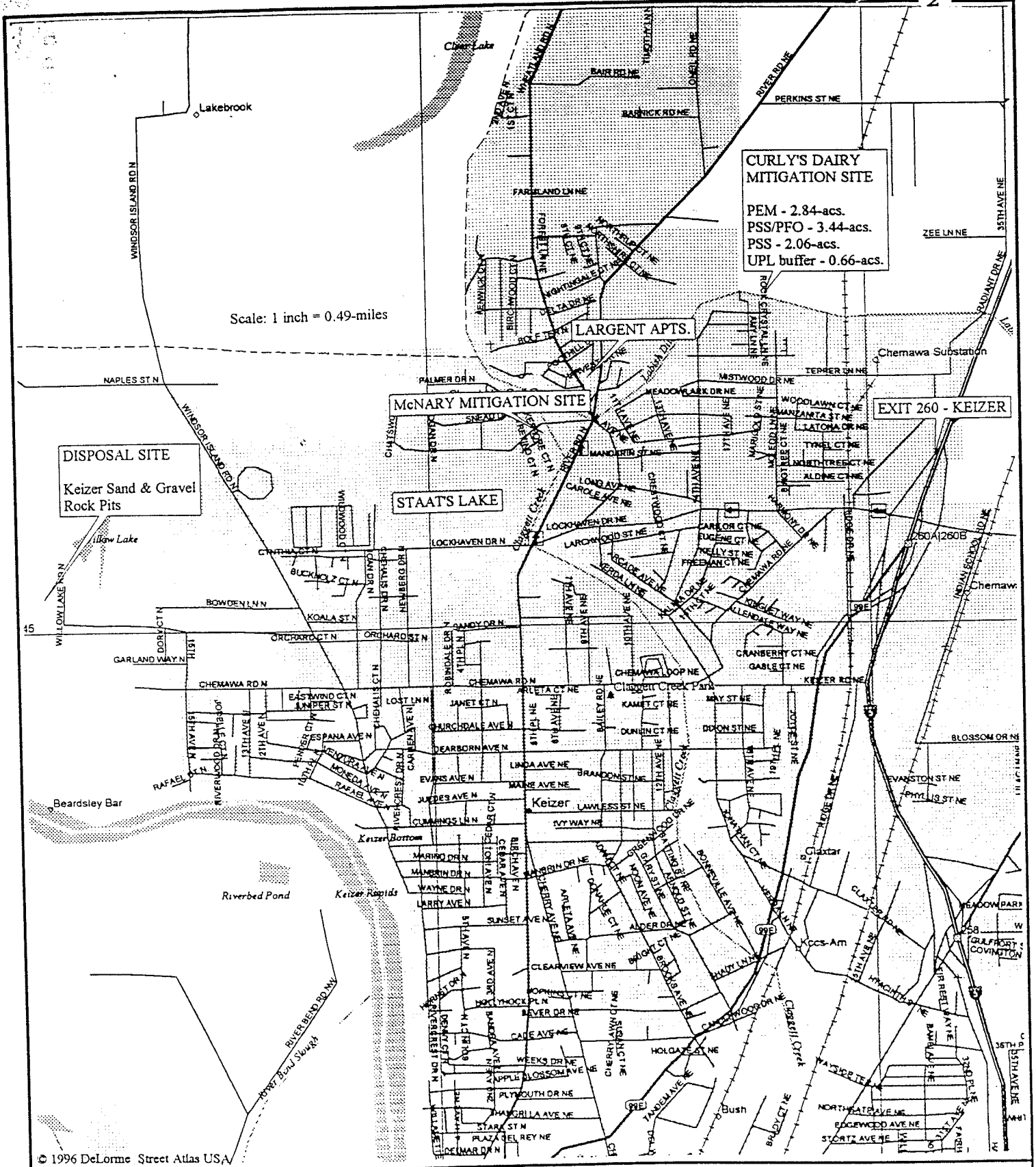
INTRODUCTION

Multi/Tech Engineering Services, Inc., as agent for the owner, Around Town Partnership, commissioned this plan to mitigate proposed impacts to wetlands located on the site of an apartment/single-family development complex hereinafter referred to as Largent Apartments. The specific impact is the filling of 1.52-acres of palustrine emergent wetland. The proposed mitigation is the enhancement of 4.82-acres of primarily palustrine emergent wetland located on a 6.30-acre parcel approximately ¼ mile from the impact site.

Sheet 1 of 16 shows the location of the project site, the mitigation site, the disposal site for material excavated pursuant to the grading plan for the mitigation site, as well as significant wetland features in the immediate vicinity (Staats Lake and the Curly's Dairy Mitigation Site). Specifically, the project site location is described as being in the SW and SE 1/4s of Section 26 T06S, R03W, W.M. Likewise, the mitigation site location is described as being in the NW1/4 of Section 35 T06S, R03W, W.M. Sheet 2 of 16 shows the key components of this plan in a larger landscape context among the other wetland features in the immediate vicinity.

The proposed impact should be permitted for two reasons. First, filling the wetland is required for the landowners to earn a fair economic return on their investment – an investment made with the understanding that there were no wetlands on the property based on an Oregon Division of State Lands (DSL) determination (see Exhibit 1). This document was shown to the current owner by the previous owner during purchase negotiations. As a result, full market value was paid assuming that the entire property was available for development.

The second reason is that the proposed impact and associated mitigation will result in no net loss of wetland functions & values; in fact, the proposed mitigation will result in net increases in functions and values. As such, the impact and proposed mitigation is ecologically preferable to avoiding the Largent Apartments site wetland.



LOCATION MAP
LARGENT APARTMENTS MITIGATION PLAN

NW 1/4 Section 35 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

Scale: as shown

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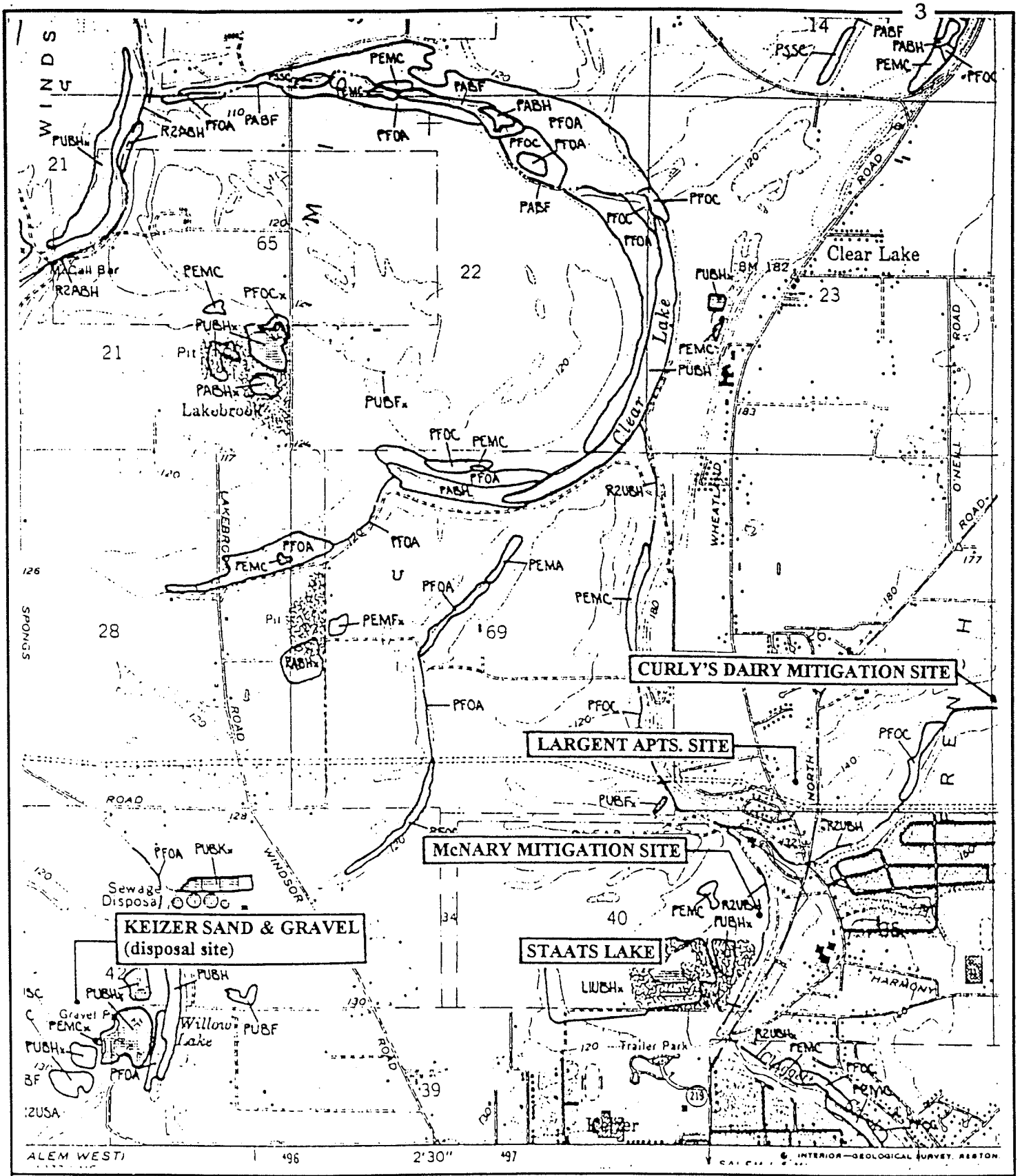
Sheet 1 of 16



NWI MAP

LARGENT APARTMENTS MITIGATION PLAN

SW & SE 1/4 Section 26 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

SCALE: 1" equals 2000'

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Sheet 2 of 16

EXHIBIT 1.

DIVISION OF STATE LANDS
775 Summer Street NE
Salem, OR 97310
503/378-3805

File Copy
7.1 acres

OFFSITE WETLAND DETERMINATION REPORT

COUNTY Marion CITY Keizer
LOCATION Wheatland Rd. & N. River Rd.
T 16S R 3W S 26 TAX LOT(S) Several around Foothill & Honest Dr. PN:
OWNER/~~AGENT~~: JACK LARGENT
ADDRESS: SE. Salem, OR 97302

☐ The National Wetlands Inventory shows a wetland on the property. A wetland professional should verify the mapped wetland.

☐ According to the county soil survey, there are hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

☐ According to the county soil survey, there may be wet spots (wetlands) on the property.

☒ There are no jurisdictional wetlands or waterways on the property. Therefore, no removal-fill permit is required.

☐ There are/may be wetlands and/or waterways on the property. Those areas are subject to the State Removal-Fill Law. A permit is required for 50 cubic yards or more of fill, removal, or alteration of substrate.

☐ A wetland delineation will be needed to locate and stake the wetland/non-wetland boundary. A list of consultants is attached.

☐ A removal-fill permit will be required for _____

☐ No removal-fill permit will be required for _____ because/if _____

☐ A state permit: ☐ was issued ☐ has been applied for.

☐ The proposed parcel division may create a lot that is entirely wetland and thus may create future development problems.

☐ A permit may be required by the Army Corps of Engineers (326-6995)

Comments: _____

Determination by: Janet C. Morlan Date: 4-15-93
Response Copy To:
☒ Owner/Applicant ☐ Enclosures: _____
☐ Skip Wendlowski, Keizer Planning Department
☐ _____, Corps of Engineers

JCM:435

EXISTING CONDITIONS ON THE LARGENT APARTMENTS SITE

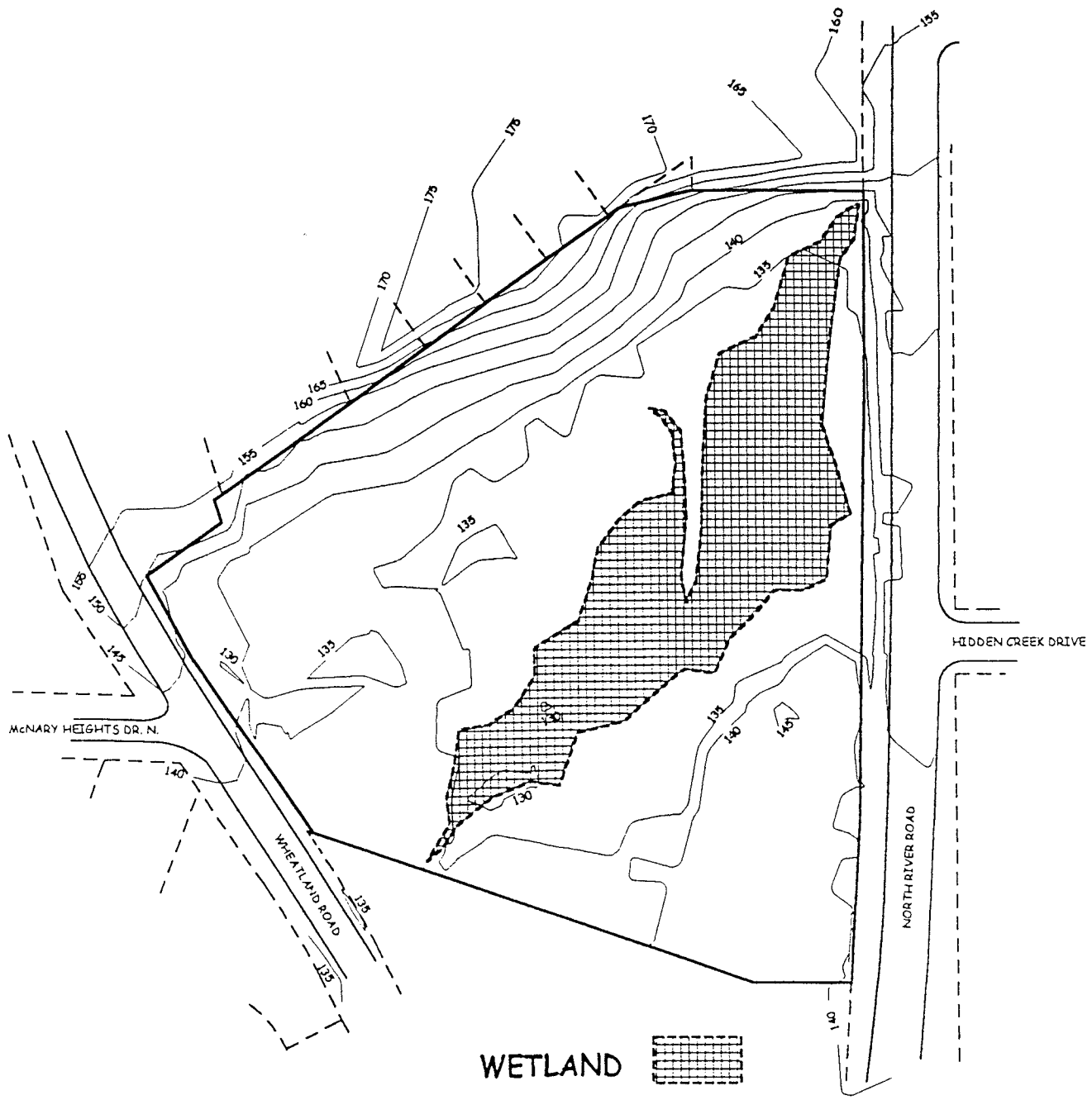
Wetland Description

The Largent Apartments site consists of 7.37-acres located about 0.2 miles north of the junction of Wheatland Road and North River Road in Keizer, Oregon. Following the Offsite Wetland Determination by the DSL on April 15, 1993 (Exhibit 1), and a October 27, 1995 on-site determination by that agency that wetlands exist on the property and that a delineation was required, Dr. Jay Lorenz was contracted to undertake a wetland determination and delineation. That delineation study was dated February 8, 1996 and the findings were concurred with by DSL on April 26, 1997.

The wetland determination and delineation study found that the Largent Apartments site contains 1.52-acres of palustrine emergent wetland in a single contiguous parcel (see Sheet 3 of 16). In this study Dr. Lorenz postulated that the historical evidence indicated that it was unlikely that wetlands were present on the site prior to the early 1980's. His suspicion was that the wetlands formed as a result of the City of Keizer discharging 10,000 cubic feet per month of water from the Delta Pump Station onto the site beginning in the Spring of 1981.

Vegetation on the site consisted of four plant communities. A disturbed grass community occupied fill material along the southern portion of the site. Dominant species included various unidentified grasses, red clover, Queen Anne's lace, and unspecified willows. Fill depths were 3 to 10 feet above the natural grade. In addition, a mixed shrub-grass community surrounded the wetland and was composed of Scotch broom, Hawthorn, Himalayan blackberry, tall fescue, velvet grass, meadow foxtail, plantain, and bluegrass species. The wetland itself contains a meadow foxtail – canary reed grass community, as well as a cattail/teasel/soft rush/velvet grass community.

The *Soil Survey of Marion County Area, Oregon* maps three soil series on the site: Amity silt loam, Camas gravelly sandy loam, and Woodburn silt loam. None of these soil series are listed on the Marion County FSA – Hydric Soil List. Areas adjacent to the southeast and southwest boundaries were filled prior to the delineation study. Elsewhere on the site field observations generally confirmed the Soil Survey mapping. The only exception was in the wetland where soil color and redoxymorphic features were indicative of wetland soils.



N

SCALE: 1" equals 150'
CONTOUR INTERVAL: 5'

EXISTING SITE PLAN
LARGENT APARTMENTS
MITIGATION PLAN

SW & SE 1/4 Section 26 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

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Sheet 3 of 16

The field study was conducted in late November and mid-January (the rainy season). Historically, the site was a shallow valley running from northeast to southwest. North River Road and Wheatland Road were constructed on fill on the east and west flanks of the property. Keizer Auto Repair was constructed on fill along the southern boundary ten years prior to the study, effectively closing the valley and enclosing the property in a topographic bowl. In addition to precipitation, storm water enters the property from culverts in the northeast and northwest portions of the property. The aforementioned municipal well discharge also enters the property via the northeastern culvert. Water exits the property through a culvert near the southwestern terminus of the wetland. Of the eleven sample points installed, 7 showed evidence of wetland hydrology. However, Dr. Lorenz determined that 4 of these instances were more indicative of seasonal heavy rainfall than likely growing season hydrology, and were dismissed as upland.

In summary, using the protocols prescribed by both the US Army Corps of Engineers (COE) and DSL, Dr. Lorenz established the wetland boundary as shown on Sheet 3 of 16. No other wetland studies of this site are known to exist which refute these findings.

From a qualitative standpoint, Applied Technology Wetlands & Forestry Consultants completed a Wetland Functions and Values Assessment using protocols set forth by DSL in the Oregon Freshwater Assessment Methodology (OFWAM). Table 1 shows a summary of this assessment (detailed assessment results are in Appendix A). The existing wetland provides high function in regards to trapping sediment and other water borne pollutants. Wildlife habitat is limited due to relatively low species and vertical diversity. Fish habitat measures are not applicable because the site is functionally remote from fish-bearing water. Flood control capacity is limited because the upland soils and the outlet culvert adequately drain off excess water once the site is saturated. Ponding is shallow and temporary. The wetland is sensitive to future impacts primarily due to its proximity to urban development. Educational opportunities are limited due to hazardous access (steep slopes) and the fact that the property is not open to the public. Recreational value is low for the same reasons in addition to the fact that fishing is not possible and hunting (discharging firearms) is not permitted within the city limits. Lastly the aesthetic experience provided by this wetland scored "not pleasing" due to low visual diversity and constant traffic noise from North River Road and Wheatland Road. Lastly, the wetland was rated as having moderate potential for enhancement regarding wildlife habitat, flood control, and aesthetics.

TABLE 1. Function & condition summary sheet for the Oregon Method

Wetland identification: **Existing Largent Apartments Site**

Function	Evaluation Descriptor	Rationale
Wildlife habitat	PROVIDES SOME HABITAT	Low species richness & habitat interspers. No unvegetated open water Intense development nearby Good water quality >40% upland buffer >25' wide
Fish habitat	NOT PRESENT	Wetland not associated with open water
Water quality	INTACT	Water source is precip. and City well > 60% vegetative cover Medium size Growing season flooding
Hydrologic control	DEGRADED	Enclosed basin Unrestricted outflow
Sensitivity to impacts	POTENTIALLY SENSITIVE	Development is dom. land use & zoning Emergent vegetation resilient to impacts
Enhancement potential	MODERATE POTENTIAL	Hydrologic control improvement feasible Medium size Surrounding land uses make future impacts likely.
Education	NOT APPROPRIATE	Permission for public access unlikely for liability reasons. Steep slopes and rocky fill pose hazards. Fish not present; limited wildlife No limited mobility access
Recreation	NO RECREATION OPPORTUNITY	No infrastructure Hunting not allowed
Aesthetic Quality	NOT PLEASING	Low visual diversity Constant traffic noise

Narrative description of overall wetland function and conditions

Due to its lack of species richness and vertical diversity, this wetland provides limited wildlife habitat. It is hydrologically isolated to the extent that water travel between this and neighboring habitats is unlikely. Pollutant removal capability intact due to heavy cover of emergent vegetation. Hydrologic control could be enhanced by undersizing outlet or raising it. Generally not suited to other values because it is surrounded by urban development and steep access. Property not open to the public.

Proposed Largent Apartments Project Description

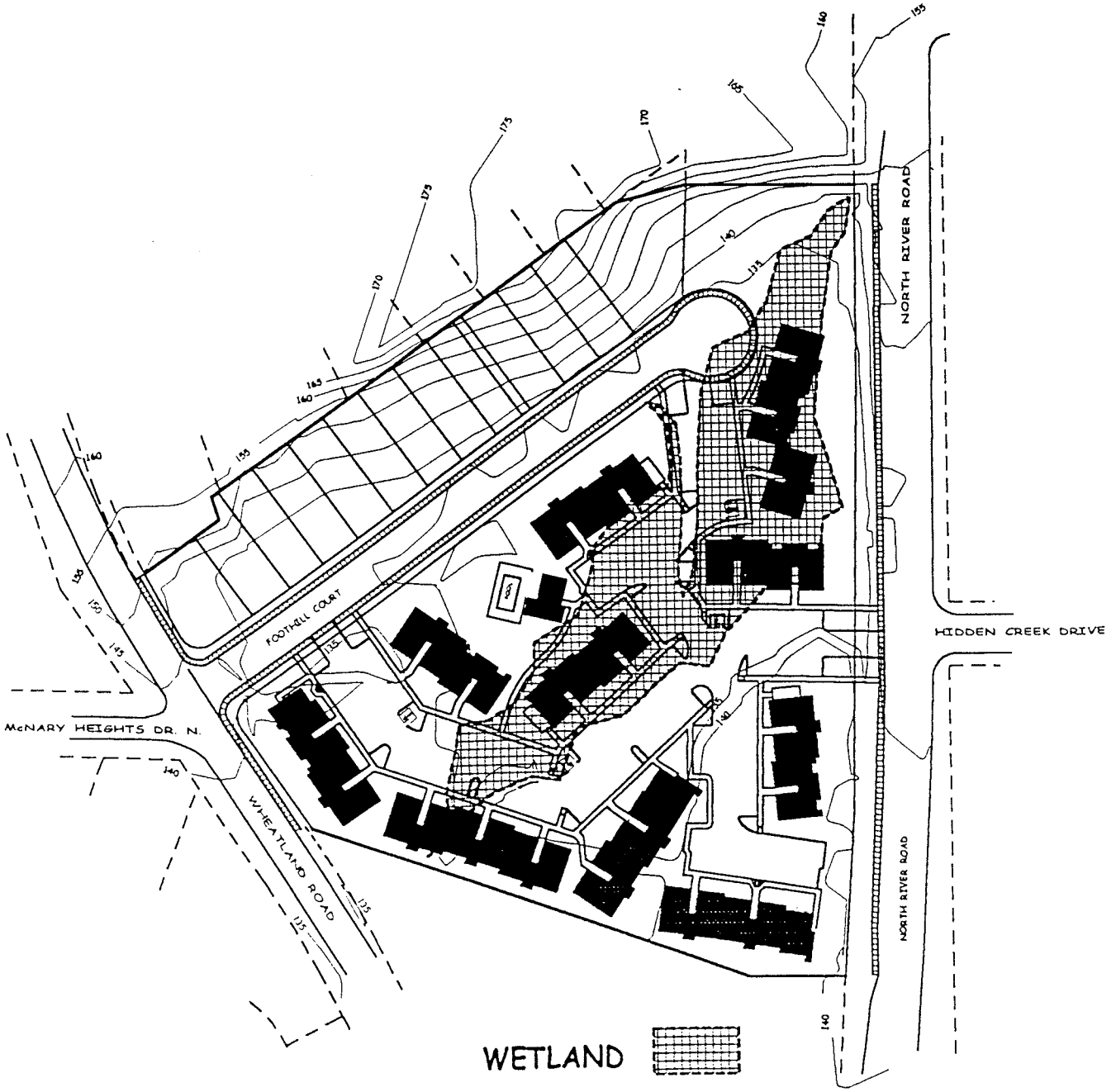
The proposed Largent Apartments project consists of 11 apartment buildings, recreation facilities, 14 single-family residential lots, and associated streets, walks, parking lots, and utilities (see Sheet 4 of 16). The project includes a total fill volume of 9,000 cubic yards, 5,000 of which would be placed in the 1.52-acre wetland area.

Federal and State laws regulating wetland fills require that the permit applicant attempt to avoid the proposed impact, and in lieu of this, minimize the impact. The best way to avoid impacting a wetland by for-profit development activity is to not purchase the property in the first place, or to at least discount the purchase price for the undevelopable wetland area. This approach was effectively extinguished when the transaction went forward under the impression that there were no wetlands on the subject property.

An impact minimization scenario was developed and is presented in Sheet 5 of 16. This scenario includes 6 apartment buildings, recreation facilities, 13 single-family residential lots, and associated infrastructure. Under this scenario wetland fill would total 140 cubic yards over 0.07-acres. In addition, 208-feet of utility trenching (a water line and a storm sewer line) will cross the wetland. From the standpoint of the DSL, this impact would constitute a minor project (less than 0.5-acres) and would require compensatory mitigation. Likewise, from the standpoint of the COE, this impact minimization scenario would fall under their nationwide permit authority (specifically NWP 18 and 12), and would require compensatory mitigation. Such mitigation would probably entail enhancing the remaining wetland in an attempt to improve aesthetics and wildlife habitat. Alternatively, credits would be purchased from a DSL approved mitigation bank.

A functions and values assessment was conducted for the impact minimization scenario and, despite possible enhancements in wildlife habitat and aesthetics, the overall condition in wetlands functions and values would be only incrementally improved if at all. In no instance was the OFWAM evaluation descriptor increased through the contemplated enhancements. This was largely due to the increased encroachment – the "tightening of the noose" of development around the wetland.

There are two reasons why the impact minimization scenario is a bad idea. First, it deprives the landowners of the ability to make a fair return on their investment. The project engineer has estimated that the normal return for similar projects without wetland issues is about 17 percent. Under the minimal impact scenario he estimates the landowners' economic return would be very close to zero. His analysis is



N

SCALE: 1" equals 150'
CONTOUR INTERVAL: 5'

FULL IMPACT SITE PLAN
LARGENT APARTMENTS
MITIGATION PLAN

SW & SE 1/4 Section 26 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

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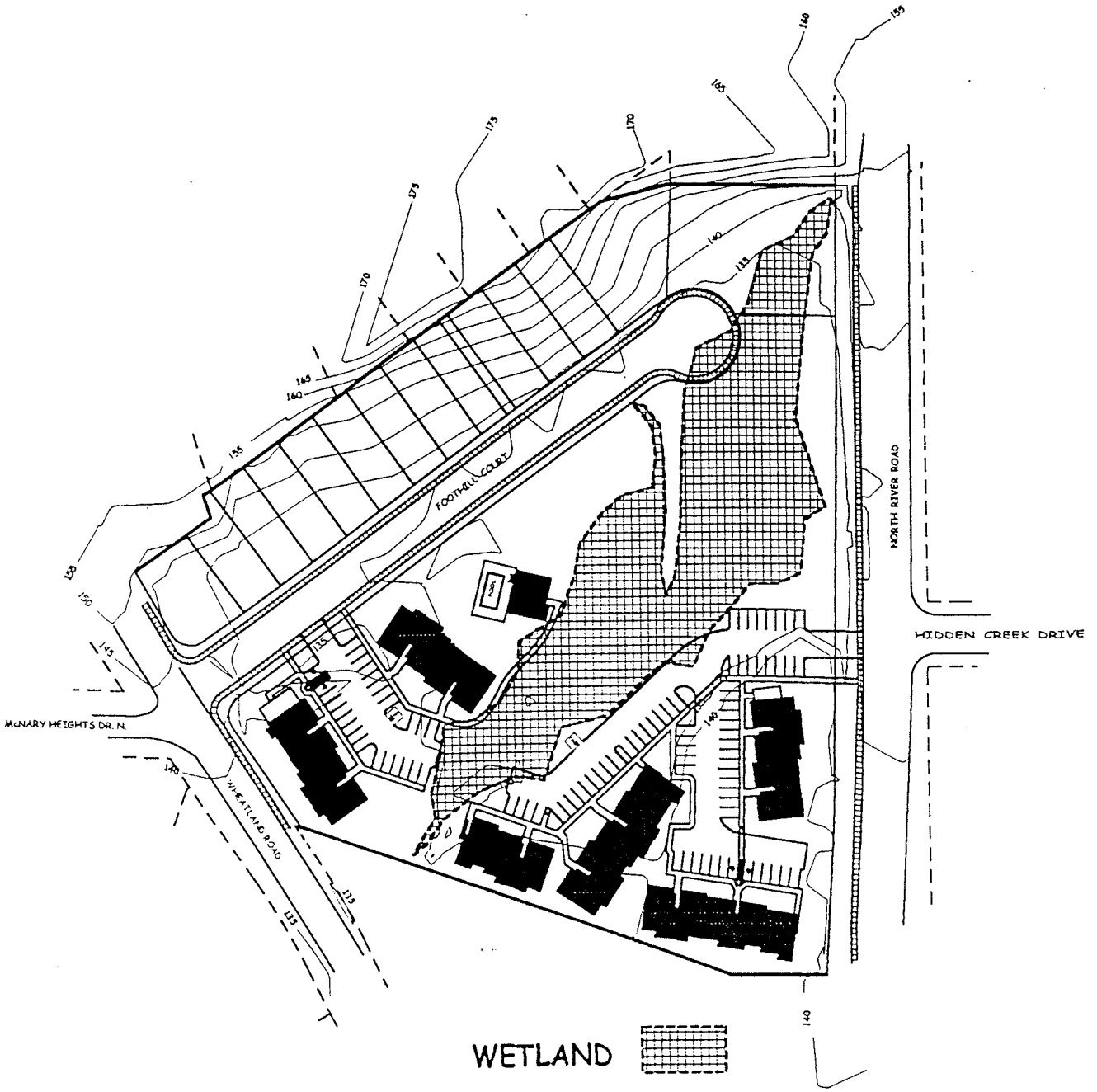

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SCALE: 1" equals 150'
CONTOUR INTERVAL: 5'

MIN. IMPACT SITE PLAN

LARGENT APARTMENTS MITIGATION PLAN

SW & SE 1/4 Section 26 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

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Sheet 5 of 16

based on a comparison of the sales price of the property after development under both scenarios and the respective development costs. The facts of the analysis are these: the land cost is the same for both scenarios, and the public improvement costs required by the City of Keizer for peripheral street improvements and access are the same for both scenarios. Under the minimum impact scenario these relatively fixed capital costs are spread over 42 fewer income producing rental units. In addition, because of the location of the wetland in relation to the shape of the property, there is a decrease in the developable acreage of 2.5-acres – not just the 1.52-acres taken up by the wetland itself. These factors together render the project a wash under the minimal impact scenario.

Although it may be argued that they should not have based their purchase on an off-site determination, it is reasonable to expect that persons not versed in the intricacies of wetlands science and regulation would accept findings recorded on an official document at face value. Subsequent findings by DSL that wetlands did in fact exist on the property were not disclosed to the current landowners prior to the sale of the property.

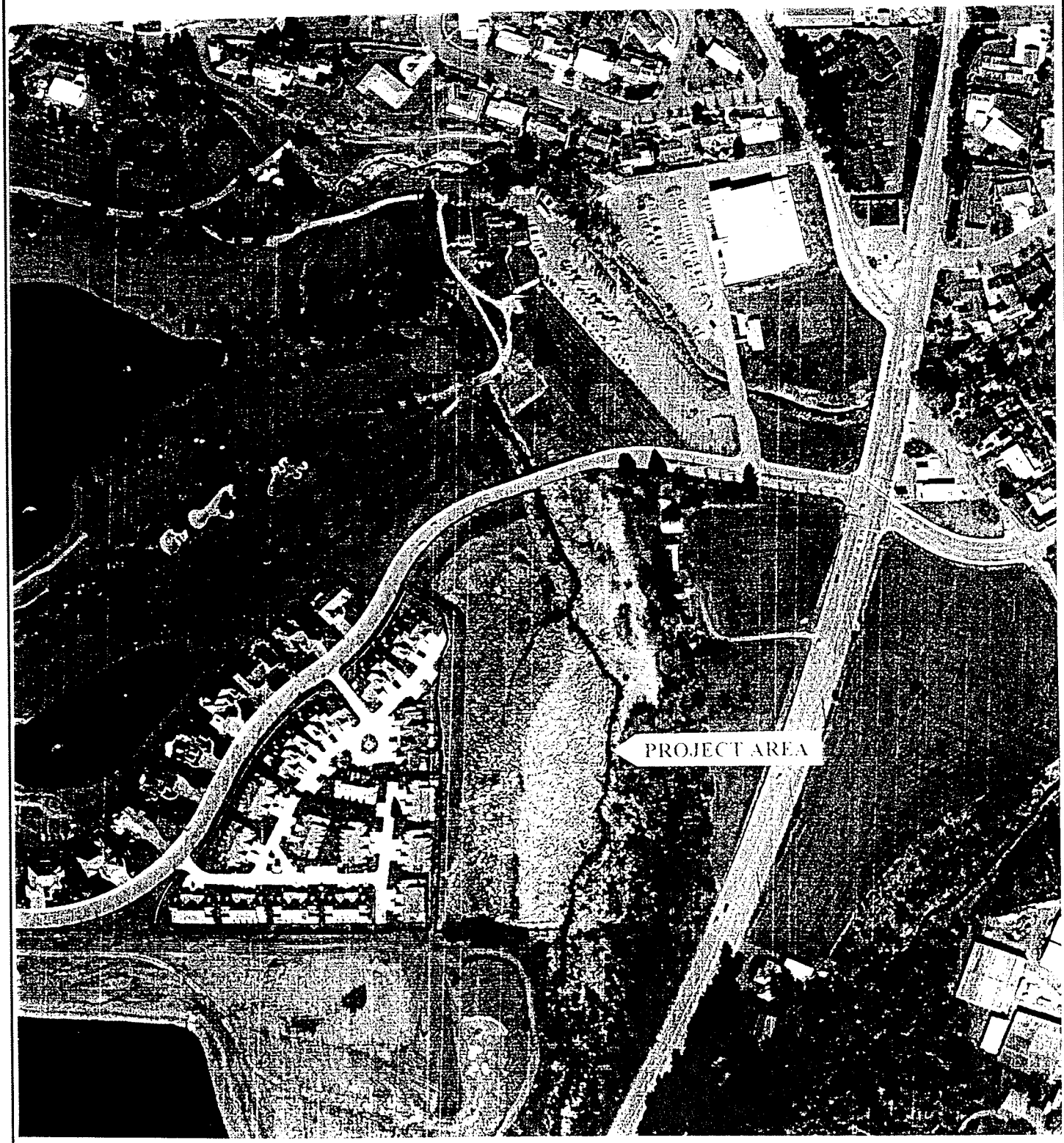
The second reason the minimal impact scenario is not in the public interest is because the proposed off-site mitigation is ecologically preferable. As will be shown in the remainder of this plan, the proposed off-site mitigation will not only preserve the wetland functions and values present at both the Largent Apartments site and the mitigation site, it will add to them for a net increase in functions and values in the larger landscape context.

MITIGATION PLAN

Existing Wetland Condition

The proposed mitigation site is a 6.30-acre parcel located adjacent to Claggett Creek ¼-mile south of the Largent Apartments site. It is bounded on the north by McNary Golf Course, on the west by McNary Estates, on the south by commercial development along Staats Lake, and on the east by a continuation of the wetland/upland complex and a single-family residence (see Sheets 6 & 7 of 16).

Of the total 6.30-acres, 4.82-acres are wetland and includes 0.16-acres of open water to the centerline of Claggett Creek, and 4.66-acres of palustrine emergent wetland completely dominated by reed canary grass



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SITE AERIAL PHOTO
LARGENT APARTMENTS
MITIGATION PLAN

March 26, 1994

NW 1/4 Section 35 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

SCALE: 1" equals 286'
Source: WAC-940R 4(39)

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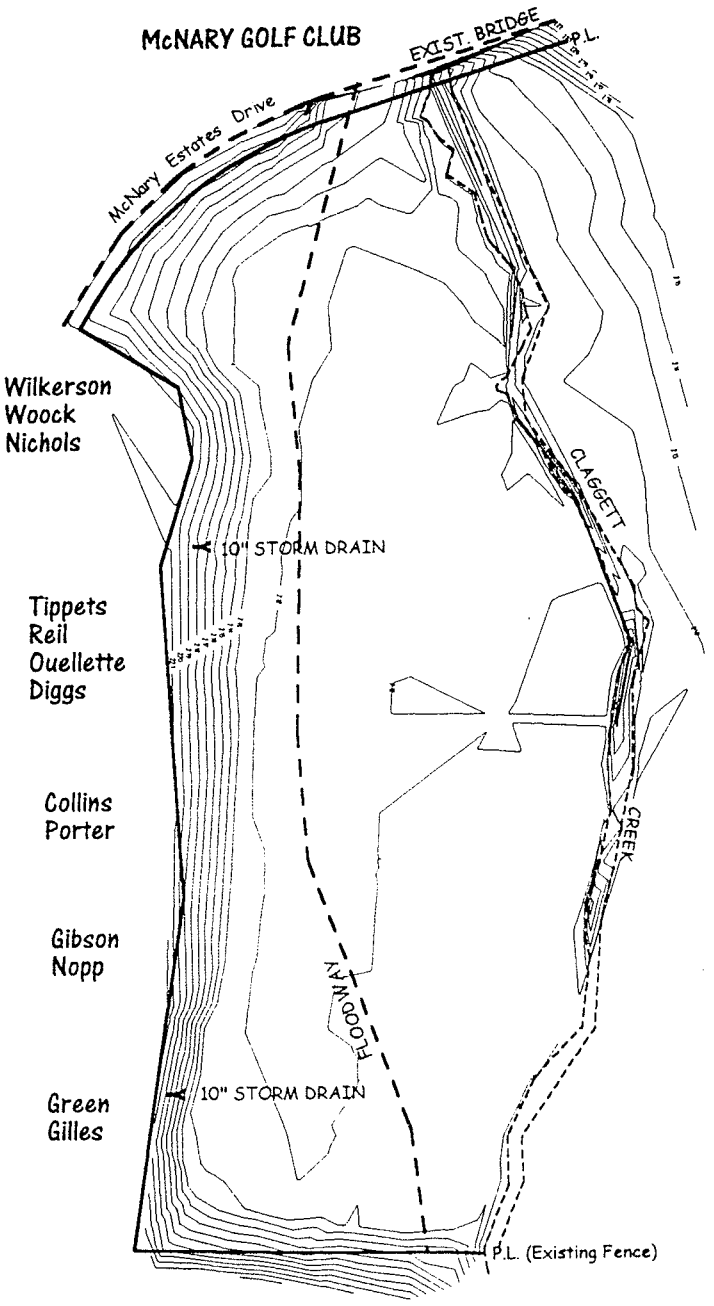
Sheet 6 of 16



LEGEND	
Water Line	
Property Line	P.L.
Culvert	
Floodway	

NOTES: Property's eastern boundary is the centerline of Claggett Creek.

Topographic survey completed on August 16, 1997 by Multi/Tech Engineering Services, Inc.

N

SCALE: 1" equals 150'

ADJOINER MAP
LARGENT APARTMENTS MITIGATION PLAN

SW & SE 1/4 Section 26 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

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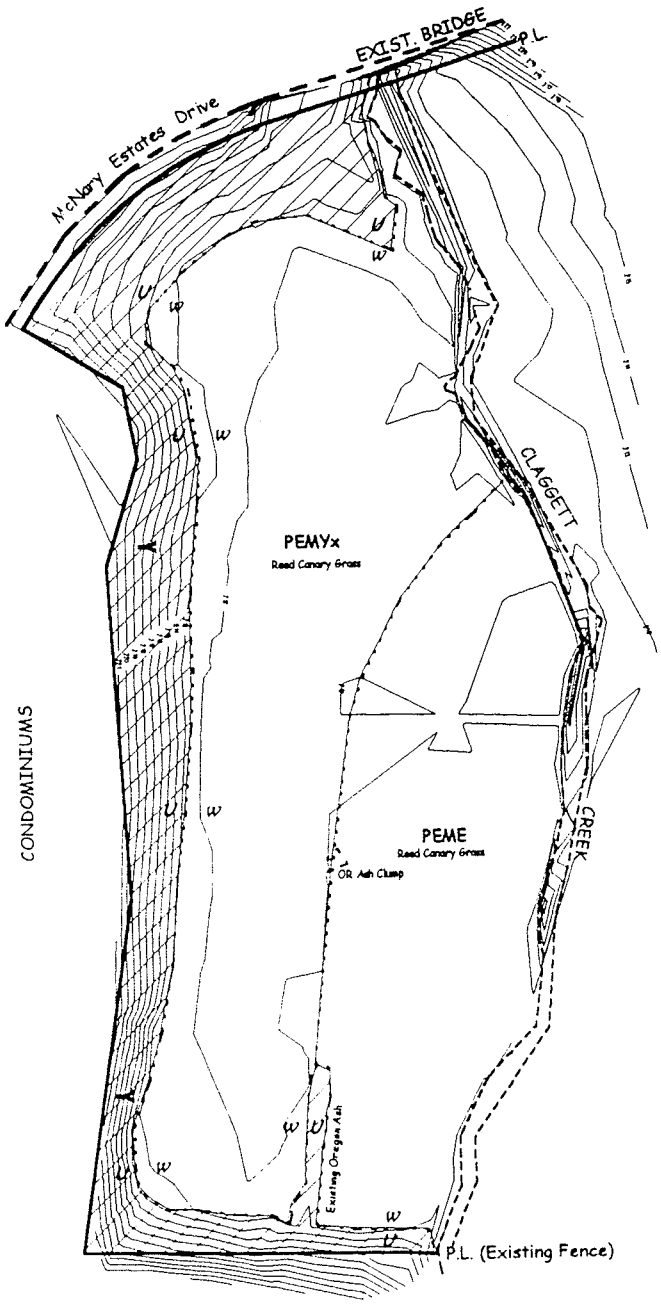
(an invasive introduced species considered a noxious weed in the Pacific Northwest). Sheet 8 of 16 shows the results of a wetland determination and delineation study conducted on this property by Applied Technology Wetlands & Forestry Consultants on July 24-28, 1997. DSL concurred with these findings on October 14, 1997.

Table 2 shows the results of an OFWAM Functions and Values Assessment for the mitigation site (detailed assessment results are in Appendix A). In summary, the wildlife habitat function is impaired by low species richness and vertical diversity and low habitat interspersion; in other words, the habitat is too uniform to provide habitat elements to a wide variety of wildlife. Fish habitat along Claggett Creek is degraded due to a lack of streamside shade and in-stream structure (things like boulders and logs). As with the Largent Apartments site, access is limited and the lack of public parking is a major barrier to educational use and recreation. Aesthetic quality is pleasing and visibility from McNary Estates Drive is good; however, the scene could be further enhanced by increasing plant species richness and vertical diversity. Water quality function is currently high due to the dense vegetation cover on the site, but untreated storm water from McNary Estates also enters the wetland at two points. Flood control is substantial: the property is in the Claggett Creek 100-year floodplain and provides important protection for McNary Estates.

In summary, enhancement opportunities exist across the spectrum of wetland functions and values.

Proposed Mitigation Goals, Objectives, and Performance Standards

Sheet 9 of 16 shows the proposed mitigation plan elements. These elements include the preservation of existing trees and shrubs on the property, as well as the replacement of the reed canary grass with 6 native wetland communities. In addition, the upland areas will be converted from their present turf to a mosaic of upland forest, shrubs, and wildflower meadow. This plan also provides for treating the storm water through a biofiltration swale prior to entering the wetland, and for the addition of large wood along the aquatic portions of the site.



LEGEND

- Water Line
- Veg. Comm. Type Line
- Upland (U)
- Wetland (W)
- Property Line — P.L.
- Culvert

R3UB (aquatic)	0.16 acs.
PEMYx (meadow)	2.81 acs.
PEME (meadow)	1.85 acs.
Total Wetland	4.82 acs.
Upland	1.48 acs.
GRAND TOTAL	6.30 acs.

NOTE: R3UB located between the waterlines of Claggett Creek.

Property's eastern boundary is the centerline of Claggett Creek.

Topographic survey completed on August 16, 1997 by Multi/Tech Engineering Services, Inc.

N

SCALE: 1" equals 150'
CONT. INT.: 1'

DELINEATION MAP
LARGENT APARTMENTS
MITIGATION PLAN

NW 1/4 Section 35 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

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Sheet 8 of 16

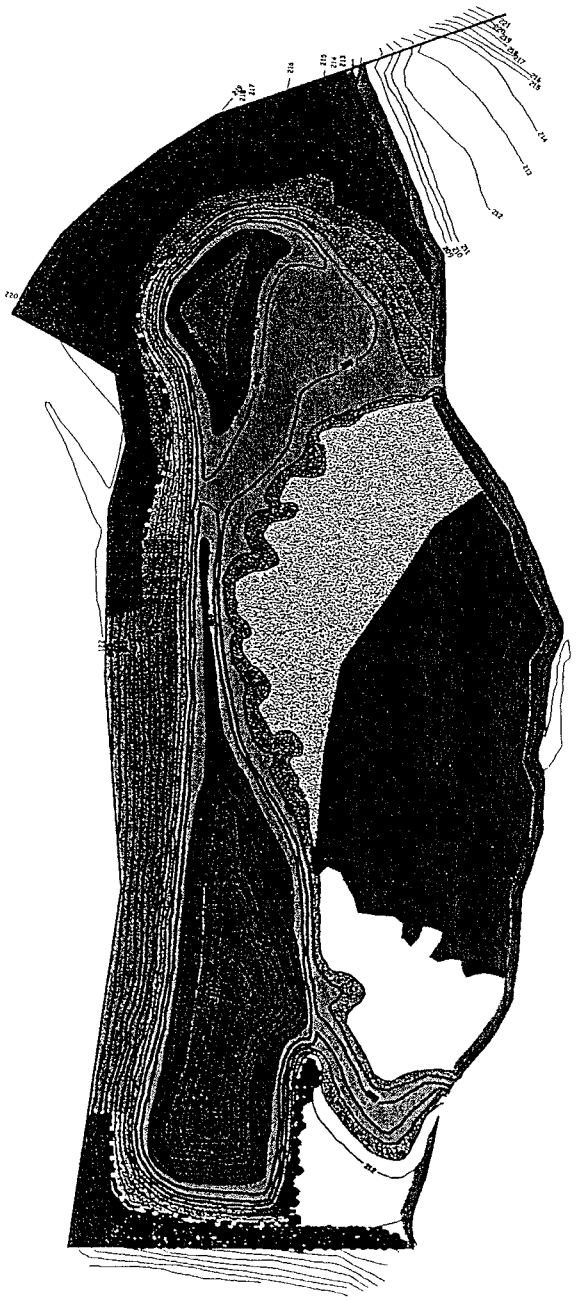
TABLE 2. Function & condition summary sheet for the Oregon Method

Wetland identification: **Existing McNary Mitigation Site**

Function	Evaluation Descriptor	Rationale
Wildlife habitat	PROVIDES SOME HABITAT	Low species richness & vertical diversity Low Cowardin interspersion Connected to other wetlands by creek Good water quality Good vegetative buffer
Fish habitat	DEGRADED	Creek lacking streamside shade Creek lacking in-stream structure
Water quality	INTACT	High vegetative cover Large area
Hydrologic control	INTACT	In floodplain Unrestricted inflow Intact vegetative buffer Large area
Sensitivity to impacts	POTENTIALLY SENSITIVE	Surrounded by development
Enhancement potential	HIGH POTENTIAL	Fish habitat degraded Hydrology relatively predictable Intact vegetative buffer
Education	HAS POTENTIAL	Access limiting Observable from perimeter Some wildlife habitat
Recreation	NOT APPROPRIATE	Access limiting No infrastructure Limited fishing; no hunting
Aesthetic Quality	PLEASING	Good viewability No visual detractors

Narrative description of overall wetland function and conditions

This wetland has the advantages of size, proximity to Claggett Creek, and relatively predictable hydrology. Greatest drawback is being almost completely dominated by reed canarygrass which negatively impacts wildlife habitat, fish habitat, and aesthetic quality. Access restrictions severely limit the potential for education and recreational activities which require on-site location. Water quality could be improved by treating stormwater runoff. Flood control is intact and important.



LEGEND

- Ash/Sedge (0.47ac.)
- Aquatic (0.96ac.)
- Barley/Sedge (0.6ac.)
- Mannagrass (1.05ac.)
- Cutgrass (0.91ac.)
- Island Upland (0.4ac.)
- Willow (0.24ac.)
- Upland Shrub(0.16ac.)
- Wildflowers (0.38ac.)
- Bioswale (0.12ac.)
- Forest (0.77ac.)
- Existing Trees
- Existing Blackberry (0.10ac.)

N

SITE MAP
LARGENT APARTMENTS MITIGATION PLAN

NE 1/4 Section 35 T06S, R03W, W.M.
City of Keizer
Marion County, Oregon

SCALE: 1" equals 150'
CONTOUR INTERVAL: 1'

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Sheet 9 of 16