



COMMUNITY DEVELOPMENT DEPARTMENT

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**NOTICE OF PLANNING COMMISSION DECISION:
APPROVED WITH CONDITIONS**

- NATURE OF REQUEST:** Conditional Use Permit to consider a phased plan for recreation development at Oregon State University’s MacDonalD/Dunn Forest, including development of new trails and facilities, decommissioning unauthorized trails, improvements to the parking area at the Lewisburg Saddle, installation of a new vault toilet at the Lewisburg Saddle, and potential improvements to vehicle parking and circulation at the north end of NW Oak Creek Road.
- APPLICABLE CRITERIA:** **Benton County Code (BCC)** Chapter 60: Forest Conservation (FC) Zone; Chapter 63: Rural Residential (RR) Zone; Chapter 78: Public Zone with Use Overlay; Chapter 87: Fender’s Blue Butterfly Overlay; Sections 53.205 through 235: Conditional Uses; 60.205 through 60.220: Conditional Uses in the FC Zone; Chapter 91: Specific Use Standards; Chapter 99: General Development Standards; **Oregon Administrative Rules** 660-034-0035: Park Uses On Agricultural and Forest Land; and 660-006-0025: Uses Authorized in Forest Zones
- PROJECT LOCATION:** Improvements to occur in a variety of locations within the MacDonalD/Dunn Forest, generally located to the north of Corvallis, west of Highway 99W, south and west of Tampico Road, and east of Highway 223 (Kings Valley Highway). A complete list of properties included within the Forest is included within the staff report, along with maps showing the location of the Forest. Although Dunn Forest contains some lands within Polk County, no development in those areas is proposed in this application, and this decision will have no bearing on development or activities within the Polk County portion of the Forest. See attached map.
- APPLICANT:** Ryan Brown, OSU Research Forests Recreation and Engagement Program Manager, on behalf of Oregon State University
- PROPERTY OWNERS:** Oregon State University and Oregon Department of Forestry (Peavy Arboretum)
- ZONE DESIGNATIONS:** Exclusive Farm Use (EFU)
- CAC PLANNING AREA:** North Benton (inactive)
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DECISION

This matter came before the Planning Commission in a public hearing held August 1, 2017. Due to the volume of testimony received, the Planning Commission decided to continue the public hearing to August 15, 2017. On August 15th the Planning Commission granted a request to hold the record open for one additional week, with the applicant allowed one additional week to submit a final written argument, per statute. On September 5, 2017, the Planning Commission returned to deliberate on the application. At the meeting on the 5th, the Planning Commission considered the record as a whole, then deliberated and reached a decision. The decision of the Planning Commission is:

To **APPROVE** the Applicant's request for a Conditional Use Permit for a phased plan for recreational development in the McDonald/Dunn Forest, based upon findings of fact, analysis, and staff conclusions in the staff report, oral testimony, and additional findings developed at the hearing, subject to the conditions of approval identified below.

The Community Development Department will objectively determine compliance with all conditions of approval. Physical development of the property is not authorized, except as specified to satisfy conditions set forth herein. All development on the property must be consistent with approved plans and any construction conditions set forth herein.

Based on the findings in the staff report and additional findings made by the Planning Commission, the Planning Commission has determined that the applicant's proposal meets relevant standards and criteria, and is hereby granted Approval, subject to satisfaction of the conditions listed below.

CONDITIONS OF APPROVAL

The applicant shall adhere to the following conditions under the terms of approval of this conditional use permit:

1. Development shall comply with the plans and narrative in the applicant's proposal identified as Attachment A, except as modified by the approval or the conditions below. Modifications to the Recreation Development Plan, other than those addressed through this decision, shall require approval through a Modification of a Conditional Use Permit request (BCC 53.225).
2. Pursuant to BCC 53.230, since the application is for a phased development plan, this conditional use permit shall be valid for five years from the date of decision. The applicant shall obtain all necessary permits and maintain compliance with all conditions of approval over the five-year life of the phased development plan. If the applicant fails to obtain required permits within the approval period, or allows approved permits to expire after the land use approval has expired, then this land use approval shall be void. Any project not completed within the 5-year period must be re-authorized through subsequent Conditional Use Permit approval. The approval may be extended for good cause at the discretion of the Planning Commission if a written request for extension is received by the Planning Official prior to expiration of the approval.
3. The following mitigation measures shall be completed within 3 years (a-c) or by January 31, 2018 (d-f):
 - a. Improvements to Lewisburg Saddle parking
 - b. Install a new vault toilet at Lewisburg Saddle
 - c. Improvements to the horse trailer parking area north of Lewisburg Saddle
 - d. Install bike racks at popular trailheads (including Oak Creek and Lewisburg Saddle), of a number and type that can accommodate increased bicycle traffic as a means of transportation to the

- trailhead, in an effort to reduce car traffic (and accommodate reduced parking availability at Oak Creek). The number of racks to accommodate bike demand shall be reviewed annually.
- e. Post signs at the Lewisburg Saddle and Oak Creek parking areas with contact information to report illegally parked cars, loose dogs, and other safety hazards.
 - f. Develop and implement a strategy to encourage alternative methods of transportation to trailheads to reduce vehicular traffic. Could include webcams or parking areas on website, parking fees, required carpooling, public information campaign, transit service, etc. Implementation of identified alternative methods would be completed within the applicant's three-year timeline.
4. At Oak Creek, the applicant shall, at their own expense:
- a. Develop (by 1/31/2018) an education and enforcement strategy, including education actions by OSU Research Forest staff and volunteers. Modify existing cooperative agreement with Benton County Sheriff's Department to enforce parking restrictions at Oak Creek, including the portion of NW Oak Creek Drive where bollards are installed. Enforcement is expected to occur periodically, at a frequency that provides sufficient deterrence. Implementation to be completed within three years.
 - b. By 4/31/2018:
 - i. Install break-away bollards along east and west side of NW Oak Creek Dr. to prevent parking inside the fog line. Re-evaluate effectiveness periodically and add additional bollards on NW Oak Creek Dr. if needed.
 - ii. Install signage as developed by OSU, Benton County Public Works, and Benton County Sheriff's Department to inform visitors of parking requirements and support enforcement.
 - iii. Initiate installation of web-cam on-site to allow visitors to know if parking is available before driving to the site.
 - c. By 12/31/2018:
 - i. Construct improved "loop" traffic flow with appropriate markings to allow vehicles to safely circulate through the site (minimize three-point turns, keep area clear for emergency vehicles, improve visibility, etc.)
 - ii. Additional safety improvements, including re-grading, re-paving, signs, and markings/delineations.
 - iii. Maximize parking capacity within the existing footprint of the area currently used for parking on OSU property (approximately 13 marked parking stalls). Continue to allow shoulder parking for approximately 6 vehicles on OSU property and approximately 3 vehicles on the appropriate section of Benton County's NW Oak Creek Dr.
5. Per BCC Section 60.220(2) the owner shall sign the following declaratory statement (on a form prepared, or approved, by Benton County Community Development staff) to be recorded into the County Deed Records for the subject property on which the conditional use is located that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, and that recognizes the hazards associated with the area:

The property herein described is situated in the Forest Conservation Zone in Benton County, Oregon. The purpose of such zone is to conserve forest land, promote the management and growing of trees, support the harvesting of trees and primary processing of wood products, minimize conflicts with forest and farm uses, and protect the air, water, and wildlife resources in the zone. Residents may be subjected to customary forest or farm management practices which produce noise, dust, fumes, smoke, and other impacts. The resource nature of surrounding

properties can result in herbicide and pesticide spraying, slash burning, timber cutting, farm operations, crown fires, hunting, use by big-game, bears, and cougar, and other accepted resource management practices. (Crown fires are fast-moving, high-intensity forest fires in which the fire spreads from one tree crown to the next rather than only along the ground.) Resource uses are the preferred uses in this zone. Activities by residents can create management difficulties or increased costs for nearby farm or forest operations. Grantee acknowledges the need to avoid activities that negatively impact nearby farm or forest uses.

In consideration for the approval by Benton County of the following use:

_____ , the grantee, including heirs, assigns and lessees, recognizes that such impacts are likely to occur, and agrees therefore that no action shall be brought at law or before any governmental body or agency involving the non-negligent utilization or continuation of accepted resource-management practices such as, but not limited to, the examples noted above. As used in this section, "accepted resource management practices" means a mode of operation that is authorized under the Forest Practices Act or necessary to a farm or forest operation to obtain a profit in money.

6. OSU Research Forests will follow all applicable local, state, and federal laws, including (but not limited to) the Endangered Species Act, National Historic Preservation Act, and the Oregon Forest Practices Act. Additionally, OSU Research Forests will comply with all applicable requirements related to protection of the Fenders Blue Butterfly in Sections 87.300 through 87.340 of the Benton County Code.
7. Prior to commencement of Phase II improvements, the applicant shall meet with County staff to determine if it would be possible to establish an emergency-only evacuation route for residents in the Oak Creek and Soap Creek areas through a designated route in McDonald Forest.
8. A Letter of Authorization (no fee) is required for the proposed pit privy at Lewisburg Saddle on Sulphur Springs Road. The State of Oregon's regulations for pit privies may be found under OAR 340-071-0330, Nonwater-Carried Systems. Installation, operation, and maintenance of the pit privy must comply with applicable requirements.
9. The Applicant shall obtain permits from Benton County Public Works for any work proposed within Benton County rights-of-way.

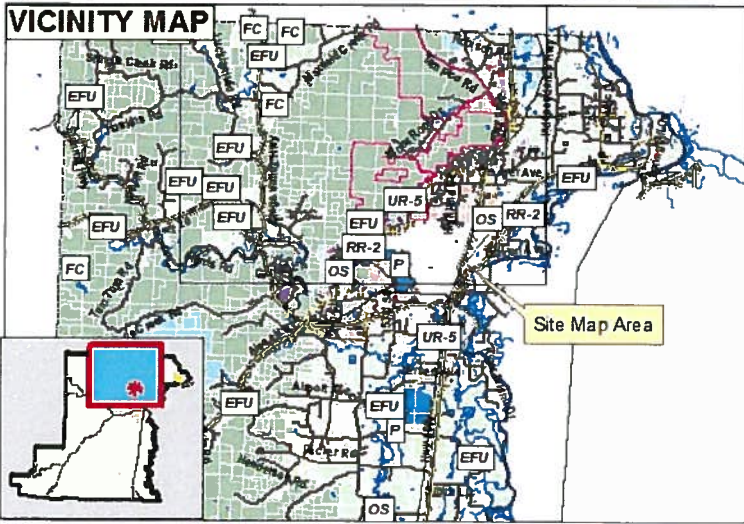
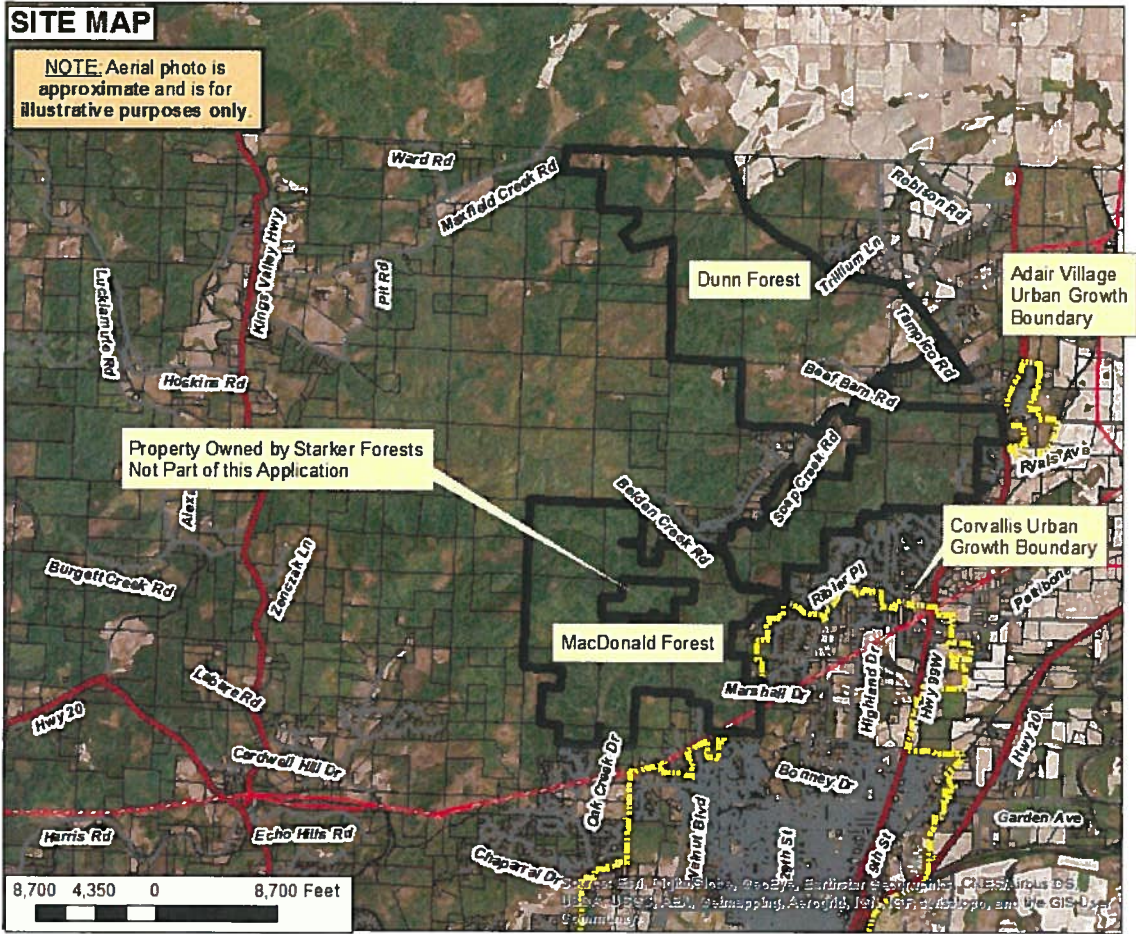
PLANNING OFFICIAL:



Date of Decision: September 5, 2017.

THIS DECISION MAY BE APPEALED TO THE BENTON COUNTY BOARD OF COMMISSIONERS BY FILING AN APPEAL FORM AND PAYING THE APPEAL FEE BY 5:00 P.M. ON **September 19, 2017** (THE 14TH CALENDAR DAY AFTER THE DATE OF THE DECISION). You may obtain an appeal form, and you may submit the completed form and the appeal fee, at the Community Development Department, 4077 SW Research Way, Corvallis. A person receiving this notice by mail may appeal this decision only to the Board of Commissioners and may not appeal directly to the Oregon Land Use Board of Appeals. This decision will not become final until the 14-day appeal period has elapsed. The findings of fact relied upon in making this decision are available for review free of charge at the Community Development Department. A copy can be provided at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.
 The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.



FILE NUMBER
LU-16-077

APPLICATION TYPE
Conditional Use Permit

APPLICANT
Oregon State University Research Forests



