



## MEMORANDUM

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**From:** Ken Gibb, Community Development Department Director   
**To:** Mayor and City Council  
**Date:** May 31, 2007  
**Re:** Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et al.) – Response to City Council Questions

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The following discussion provides responses to questions raised by the City Council that were received by City Staff between May 22 and May 30, 2007. Each of the questions is provided below with a corresponding response from Staff.

### **Question No. 1**

*Currently, the county resident living south of Dale Drive uses a spur off the end of Dale to access his/her home. How will the access be achieved after the extension of Circle?*

Staff assume that this question pertains to the property at 4190 NW Dale Drive (see Attachment A). The current access for this property is aligned within the existing public right-of-way for Circle Boulevard. A new private driveway access would be built for this property through improvements constructed as a result of extending Circle Boulevard south to Harrison Boulevard.

### **Question No. 2**

*With the applicable sign ordinance, can the City dictate the wording that goes on the monument sign?*

Per Article I, Section 8 of the Oregon Constitution, the City is not allowed to regulate the content of signs.

### Question No. 3

*What is the area of wetland saved by moving Circle Boulevard from its current ROW to the proposed location, east of the subject site?*

As calculated by the applicant, the area of wetland impacts would be reduced by 54,382 square feet, or approximately 1.25 acres (see Exhibit II-252 of the May 14, 2007, Staff Report to the City Council).

### Question No. 4

*Ms. Marquering suggested that we approve the Conceptual Plan, but delay approval of the Detailed Development Plan. Is that an option?*

Approving the subject application as a Conceptual Development Plan is an option that the City Council has available in reaching a decision.

This issue was also explored by the Planning Commission during their April 18, 2007, deliberations. In response to a similar question from the Commission, Staff noted that the applicant had submitted for a Conceptual and Detailed Development Plan approval, and through that submittal, provided the necessary documentation for Staff to consider the application complete, as outlined in Land Development Code Sections 2.5.40.01 (Conceptual Development Plan Application Requirements) and 2.5.50.01 (Detailed Development Plan Application Requirements). Additionally, Staff commented that based on those criteria, granting approval of only a Conceptual Development Plan at this juncture would not alter the type of information or degree of detail beyond what the applicant has already submitted, if a new application for a Detailed Development Plan was submitted later.

The idea of granting approval of only a Conceptual Development Plan appears to originally arise from public testimony concerning the number of Conditions of Approval and the issues that some of the conditions address. As noted by Staff during the April 18, 2007, Planning Commission deliberations, several of the Conditions of Approval were included to clarify when potential alterations to the Detailed Development Plan would trigger the need for approval of a Major Detailed Development Plan Modification, as the thresholds listed in LDC Section 2.5.60.02 do not address all conceivable development-related issues. To that extent, those specific conditions are not intended to identify or address deficiencies with the application, but are rather tools that Staff would rely on in the future to assess potential changes to a Detailed Development Plan approval.

To assist the Council in further understanding the context of each of the recommended Conditions of Approval, the table provided below classifies each of the Conditions into at least one of the following four categories:

- Advisory – Consistency with Application
- Advisory – Consistency with Land Development Code Standards, Comprehensive Plan Policies, and/or City Engineering Design Standards
- Advisory – Major Planned Development Modification Threshold
- Compatibility – Addresses Application Deficiency

**Table 1: Condition of Approval Categories and Context**

Condition of Approval No.	Condition Category	Staff Comment
1	Advisory – Consistency with Application	In general, this is a “boiler plate” condition included with all land use decisions. For ease of reference, the language points out certain aspects of the proposal.
2	<b>Compatibility – Addresses Application Deficiency</b>	The condition presents two options that the applicant may choose from to ensure consistency with Comp. Plan Policy 9.5.13, which was not satisfactorily addressed by the application.
3	Advisory – Consistency with Standards	As noted, LDC Section 3.3.30 requires easements between lots in certain situations. This condition advises the applicant that the easement standard applies to the subject proposal, and since a request was not made to vary from it, the applicant shall comply.
4	Advisory – Consistency with Standards	This condition advises the applicant that the vision clearance/setback standard applies to the subject proposal, and since a request was not made to vary from it, the applicant shall comply.
5	<b>Compatibility – Addresses Application Deficiency</b>	The condition confirms lot coverage standards, as requested by the applicant, but modified to ensure that a certain amount of open space is provided by the proposal, consistent with RS-6 development standards.
6	Advisory – Consistency with Standards	The condition confirms approved street tree spacing, which, as proposed, is consistent with LDC standards.
7	<b>Compatibility – Addresses Application Deficiency</b>	The condition clarifies the manner in which dwelling units are to be attached, which differs from what the applicant proposed.
8	Advisory – Consistency with Application	The condition identifies the percentage of window coverage required on certain building facades, as proposed by the applicant.
9	Advisory – Consistency with Application	The condition confirms that a Home Owners Association (HOA) shall be formed, and identifies language from other conditions of approval that the Covenants, Conditions, and Restrictions created for the HOA must contain.

Condition of Approval No.	Condition Category	Staff Comment
10	<b>Compatibility – Addresses Application Deficiency</b>	The condition prescribes certain landscaping methods to be used within tracts with pathways. The methods described are intended to enhance the compatibility of these areas with abutting development.
11	<b>Compatibility – Addresses Application Deficiency</b>	The condition prescribes certain landscaping methods to be used within tracts with natural features. The methods described are intended to enhance the compatibility of these areas with abutting development.
12	Advisory – Consistency with Standards – AND – Advisory – Consistency with Application	The condition confirms that the applicant shall include a Habitat Enhancement Plan (HEP), as proposed, but also notes that the HEP shall be incorporated with the overall landscaping maintenance plan, as required by LDC Section 4.2.20.
13	Advisory – Consistency with Standards	The condition confirms that the applicant shall submit a geotechnical report to the City for review and approval prior to issuance of excavation and grading permits. This is a standard requirement of the Public Improvement through Private Contract (PIPC) process.
14	Advisory – Consistency with Standards	The condition confirms that the applicant shall submit a final landscaping plan and associated financial securities to the City for review and approval. This is required by LDC Section 4.2.20.
15	<b>Compatibility – Addresses Application Deficiency</b>	The condition identifies specific lighting techniques to be used by the applicant for any exterior fixtures used in conjunction with the proposed monument sign.
16	<b>Compatibility – Addresses Application Deficiency</b>	The condition identifies a specific area for the monument sign proposed by the applicant. This area is less than what was originally proposed by the applicant and was reduced by the Planning Commission to address compatibility issues.

Condition of Approval No.	Condition Category	Staff Comment
17	Advisory – Consistency with Standards	The condition confirms that the applicant shall submit a Tree Preservation Report to the City for review and approval prior to issuance of excavation and grading permits. This requirement is consistent with LDC Section 4.2.20(c).
18	<b>Compatibility – Addresses Application Deficiency</b>	The condition specifies a height restriction for certain lots to address visual compatibility issues. This limitation is more restrictive than what is allowed by the LDC.
19	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires that the grading plan for the site be modified to eliminate grading impacts to significant trees within a certain portion of the site, thereby preserving them consistent with LDC Section 4.2.20(c).
20	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires that the applicant incorporate certain types of structures within the realigned portion of the creek that extends through the site. This requirement is consistent with specific Comprehensive Plan Policies that were not directly addressed by the applicant.
21	Advisory – Consistency with Standards	The condition informs the applicant that the City shall receive copies of documentation of state-required removal/fill permits associated with wetland impacts. This is consistent with LDC Section 4.5.100.b(3).
22	Advisory – Consistency with Standards	The condition informs the applicant that easements required by LDC Section 4.5.80(a) shall be provided with the final plat of each project phase, as needed.
23	Advisory – Consistency with Standards	The condition informs the applicant that documentation of permits issued by DEQ for the proposed stormwater plan shall be provided to the City. This is consistent with the PIPC process.

Condition of Approval No.	Condition Category	Staff Comment
24	<b>Compatibility – Addresses Application Deficiency</b>	The condition describes a long-term wetland monitoring framework that is coordinated with DSL and coincident with the City's acceptance of public improvements. This approach is consistent with several Comp. Plan Policies regarding wetland and riparian area preservation and mitigation that shall take place through the development process. The condition also relies on City-adopted stormwater design standards. The applicant did not satisfactorily address these criteria, therefore a condition is necessary.
25	Advisory – Consistency with Standards	The condition informs the applicant that PIPC plans shall be submitted to the City for review and approval, consistent with LDC Section 4.0.90.
26	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to perform updated Traffic Impact Analyses with each phase of the project to confirm timing of necessary traffic mitigation. The applicant did not specifically address the timing of these improvements or the manner in which data relied on to determine the need for such improvements would be collected.
27	Advisory – Consistency with Standards	The condition informs the applicant of weight limit restrictions on certain streets, which are specified in the Corvallis Municipal Code.
28	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to construct the improvements to Circle Boulevard through the site concurrent with Phase 1 of the project. This differs from what was proposed by the applicant and was deemed necessary to address adverse traffic impacts to the surrounding area.
29	Advisory – Consistency with Standards	The condition informs the applicant that approval of the proposed Conceptual and Detailed Development Plan is contingent upon approval of a forthcoming request to vacate a portion of the existing Circle Boulevard right-of-way, and that the vacation request shall be considered by the City Council through a separate land use process. This is consistent with LDC Section 2.8.30.07.

Condition of Approval No.	Condition Category	Staff Comment
30	Advisory – Consistency with Standards	The condition informs the applicant that dedication of necessary right-of-way for all proposed public streets shall occur through recordation of the final plat, or phases thereof. This requirement is consistent with LDC Section 2.4.40.
31	Advisory – Consistency with Standards	The condition informs the applicant that an environmental assessment is required for all land dedicated to the City, consistent with LDC Section 4.0.110(h).
32	Advisory – Consistency with Standards – AND – Advisory – Consistency with Application – AND – Advisory – Major Planned Development Modification Threshold	The condition informs the applicant that improvements to Circle Boulevard shall be constructed consistent with LDC standards, unless those standards are modified by the proposal. Additionally, the condition specifies thresholds, that, if exceeded, would require approval of a Major Planned Development Modification to construct the project. These thresholds are not specifically noted in LDC Section 2.5.60.02.
33	Advisory – Consistency with Standards – AND – Advisory – Consistency with Application	The condition informs the applicant that improvements to Harrison Boulevard shall be constructed consistent with LDC standards, unless those standards are modified by the proposal.
34	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires that the applicant make necessary improvements to Harrison Boulevard concurrent with Phase 1 of the project, unless an updated Traffic Impact Analysis demonstrates that the improvements are not necessary to maintain transportation system function. This requirement modifies what was proposed by the applicant and is recommended to comply with various LDC and Comp. Plan criteria that the applicant did not adequately address.

Condition of Approval No.	Condition Category	Staff Comment
35	Advisory – Consistency with Standards – AND – Advisory – Consistency with Application	The condition informs the applicant that all required Local Street improvements shall be constructed to City standards, unless modified by an approval.
36	Advisory – Consistency with Standards	The condition describes specific ODOT design standards that are to be used for reconstructing of a portion of the mulit-use path that currently extends through the site.
37	Advisory – Consistency with Standards	The condition clarifies that the HOA formed for the development shall be responsible for maintaining all private pathways that are not within public right-of-way, but also requires public access easements to be recorded for these amenities. Further, the condition describes specific design standards for these paths, as well as noting the timing for when the facilities are to be constructed. There requirements are consistent with various LDC criteria, Comp. Plan policies, and City Engineering standards.
38	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to make certain improvements to the public pedestrian circulation system concurrent with associated improvements to Circle Boulevard and Harrison Boulevard. This requirement differs from what was proposed by the applicant, and is recommended to address various LDC and Comp. Plan criteria that the applicant did not address adequately.
39	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to make certain improvements to the public pedestrian circulation system concurrent with associated improvements to Circle Boulevard and Harrison Boulevard. This requirement differs from what was proposed by the applicant, and is recommended to address various LDC and Comp. Plan criteria that the applicant did not address adequately.

Condition of Approval No.	Condition Category	Staff Comment
40	Advisory – Consistency with Standards	The condition informs the applicant that Local Street pedestrian improvements shall be constructed concurrent with each phase of the project, or within three years from the date that the plat for each phase is recorded. This is required by LDC Section 2.4.40.09.
41	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to make certain improvements to the transit circulation system concurrent with associated improvements to Circle Boulevard and Harrison Boulevard. This requirement differs from what was proposed by the applicant, and is recommended to address various LDC and Comp. Plan criteria that the applicant did not address adequately.
42	Advisory – Consistency with Standards	The condition informs the applicant that public utility improvements shall be constructed concurrent with each phase of the project, or within three years from the date that the plat for each phase is recorded. This is required by LDC Section 2.4.40.09.
43	Advisory – Consistency with Standards	The condition describes the dimensions of required public access easements needed to serve and maintain various public utilities. This requirement is consistent with City Engineering Design standards.
44	<b>Compatibility – Addresses Application Deficiency</b>	The condition describes potentially necessary forms of public water service pressure mitigation. The applicant did not adequately address this issue as it relates to specific City Engineering Design standards, and, therefore, a condition was recommended.
45	Advisory – Consistency with Standards	The condition informs the applicant of certain public water line design requirements that are consistent with City Engineering Design standards.

Condition of Approval No.	Condition Category	Staff Comment
46	<b>Compatibility – Addresses Application Deficiency</b>	The condition identifies certain provisions contained in LDC Section 4.0.80(f) that must be satisfied in order for a private storm drain system to be constructed as proposed. The applicant did not adequately address this criteria, so the condition was recommended.
47	Advisory – Consistency with Standards	The condition informs the applicant that certain aspects of the final design for public stormwater drainage system improvements shall be confirmed through the PIPC process. This is consistent with LDC Section 4.0.90.
48	Advisory – Consistency with Standards	The condition informs the applicant of specific design standards that shall be used to reconstruct the realigned portion of the creek that currently extends along the west side of the Circle Boulevard right-of-way. The identified standards are prescribed by the Corvallis Stormwater Master Plan.
49	Advisory – Consistency with Standards	The condition informs the applicant that required drainageway easements shall be recorded with Phase 1 of the project, and that a maintenance plan and stormwater facilities agreement be reviewed and approved by the City. These requirements are consistent with the Corvallis Stormwater Master Plan and are satisfied as part of the PIPC process.
50	Advisory – Consistency with Standards	The condition informs the applicant that drainageway signing shall be required consistent with Corvallis Stormwater Master Plan standards. This requirement is satisfied through the PIPC process.
51	Advisory – Consistency with Application – AND – <b>Compatibility – Addresses Application Deficiency</b>	The condition informs the applicant that flow control structures shall be required as proposed, but also notes that additional information must be submitted through the PIPC process to confirm the exact location and design of these structures. This requirement is consistent with LDC Section 4.0.90.

Condition of Approval No.	Condition Category	Staff Comment
52	Advisory – Consistency with Standards	The condition informs the applicant of stormwater drainage system criteria that shall be used to finalized the proposed water quality and water detention facilities design. This information is received and reviewed through the PIPC process, consistent with LDC Section 4.0.90.
53	Advisory – Consistency with Standards	The condition informs the applicant of specific landscaping treatments that shall be used within water quality and water detention facilities, as noted in the Corvallis Stormwater Master Plan. This information is received and reviewed through the PIPC process, consistent with LDC Section 4.0.90.
54	Advisory – Consistency with Standards	The condition informs the applicant that a stormwater quality and detention facilities maintenance plan shall be submitted to the City for review and approval through the PIPC process. This requirement is consistent with procedures established through LDC Section 4.0.90.
55	Advisory – Consistency with Standards	The condition informs the applicant that groundwater recharge and infiltration rates shall be considered through the final design presented for proposed stormwater management facilities, as specified through the Corvallis Stormwater Master Plan. This information is received and reviewed through the PIPC process, consistent with LDC Section 4.0.90.
56	Advisory – Consistency with Standards	The condition informs the applicant of specific design standards prescribed by the Corvallis Stormwater Master Plan that shall be used in the final design of specific water quality facilities. This information is received and reviewed through the PIPC process, consistent with LDC Section 4.0.90.

Condition of Approval No.	Condition Category	Staff Comment
57	Advisory – Consistency with Standards – AND – Advisory – Major Planned Development Modification Threshold	The condition informs the applicant that required off-site public stormwater drainage and maintenance easements that are consistent with City Engineering Design standards shall be provided with documents submitted for approval of PIPC plans. Further, the condition informs the applicant of thresholds that, if exceeded, would require the approval of a Major Planned Development Modification before construction of the associated stormwater facilities could occur. These thresholds are not specifically described in LDC Section 2.5.60.02.
58	Advisory – Consistency with Standards – AND – Advisory – Major Planned Development Modification Threshold	The condition informs the applicant of thresholds that, if exceeded, would require the approval of a Major Planned Development Modification before construction of the associated stormwater facilities could occur. These thresholds are not specifically described in LDC Section 2.5.60.02.
59	Advisory – Consistency with Standards	The condition informs the applicant of recently adopted LDC standards related to design and installation of street lights, and requires that such facilities be installed concurrent with each respective project phase. This requirement is consistent with LDC Sections 4.0.70 and 4.0.90.
60	Advisory – Consistency with Standards	The condition informs the applicant of standards contained in LDC Section 4.0.100 that shall be used to facilitate installation of required franchise utilities, and notes that PIPC plans shall include this information. This requirement is consistent with LDC Section 4.0.90.
61	Advisory – Consistency with Application – AND – <b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to participate in a Neighborhood Traffic Calming Project, as proposed. The exact terms of the applicant's participation were not clearly described in the submitted application, and, therefore, a condition was necessary to finalize those terms.

Condition of Approval No.	Condition Category	Staff Comment
62	<b>Compatibility – Addresses Application Deficiency</b>	The condition requires the applicant to include language in the Covenants, Conditions, and Restrictions created for the HOA formed for this development that notifies future residents and home owners of potential adverse impacts resulting from adjacent agricultural activities. The Planning Commission decided that this aspect of overall compatibility was not addressed adequately by the applicant, and imposed this condition as a result.

As demonstrated in Table 1, 22 of the 62 Conditions of Approval have been recommended to address deficiencies in the submitted application. The remaining Conditions either specifically identify some aspect of the proposal for ease of later reference; inform the applicant of certain standards that must be incorporated with the final design of the project; or described a threshold not currently listed in LDC Section 2.5.60.02, which, if exceeded, would make approval of a Major Planned Development Modification necessary in order for the project to move forward. Thus, while there are conditions that rely on clear and objective criteria to reasonably resolve informational shortcomings of the application, or that achieve consistency with a criteria in a manner that differs from what was proposed by the applicant, a minority of the 62 recommended Conditions of Approval function in that regard. Given the complexity of the proposed development, 22 conditions of approval is not a comparatively inordinate amount when the specific terms of those conditions is taken into consideration.

Lastly, as required by Oregon Revised Statute Section 197.522 (provided below), the City is required to impose reasonable conditions of approval on an application in order to make the proposed activity consistent with the Comprehensive Plan and Land Development Code rather than deny the request. The 22 recommended conditions of approval that are intended to achieve consistency with these land use planning documents are reasonable conditions in that the language of these conditions is unambiguous; where necessary, the language references related Sections of the LDC that provide development standards that must be satisfied to achieve consistency; and the language notes when the applicant is required to satisfy the terms of the condition in order to proceed with the proposed land use activity.

**ORS § 197.522 – Local government to approve subdivision, partition or construction; conditions.**

**Local government to approve subdivision, partition or construction; conditions. A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land that is consistent with the comprehensive plan and applicable land use regulations or shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations. A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of reasonable conditions of approval. [1999 c.838 §4]**

### **Question No. 5**

*If the Beit Am property is developed at a later date, is there anything precluding that property from connecting into Circle Boulevard at that later date? And, will it require two access points, as suggested by Mr. Foster?*

In answer to the first part of the question, there is nothing that would preclude the Beit Am property from gaining access from Circle Boulevard, as proposed to be improved through the subject development project. The Beit Am parcel would have frontage along Circle Boulevard and that frontage would allow for adequate access separation between a new private driveway or Local Street and the intersection at Circle Boulevard and Harrison Boulevard.

To answer the second part of the question, several assumptions have to be made. The scenario presented by Mr. Foster during his oral testimony at the May 21, 2007, City Council hearing included a 30-lot residential subdivision. This type and magnitude of development would require the Beit Am property to be annexed into the City Limits and be Zoned for residential development. Currently, the Corvallis Comprehensive Plan designates this site as Residential - Low Density, which would allow the property to be zoned for residential use upon annexation. The site is 5.29 acres, which would allow for a gross density of no more than 31 units. However, the site is almost entirely encumbered by either areas of natural features or natural hazards that are regulated through the 2006, Revised Land Development Code. These new provisions would likely limit the amount of potential dwellings to less than 31 units. Regardless, in order for more than 18 units to be constructed, a secondary point of access would be required due to LDC Section 4.0.70.c(3), which allows no more than 18 units on a cul-de-sac. Given the resultant Circle Boulevard frontage of the subject site, only two opportunities exist for gaining two points of access, and one of those is severely hampered by grades in excess of 25 percent. Therefore, the probability that the site could support more than 18 units is low. Even if only 18 units were constructed, the resultant density would be consistent with the 2006, Revised LDC standards for the available Residential – Low Density Districts.

### **Question No. 6**

*Please give the City's preference, and development options, regarding the proposed western extent of Street J.*

Based on LDC criteria that require improvements resulting from development to extend to and through a subject site, Staff support the current site plan configuration. However, as pointed out through public testimony on this proposal, paving Street 'J' to its western most extent is not necessary to provide access to the abutting lots; actual improvements could stop 25 feet from the western property boundary, which would be coincident with the width of Tracts 'E' and 'O.' Construction of the unimproved portion of Street 'J' could then occur if and when the property currently held by Oregon State University was developed. Given that the subject proposal is being processed through the Planned Development process, the applicable LDC standards could be varied through a condition of approval, despite the fact that the applicant has not requested

this deviation.

**Question No. 7**

*Is it normal to have the geotechnical survey completed prior to going through this point in the planning process?*

As noted by Staff in the May 14, 2007, Staff Report to the City Council, a geotechnical report is not a requirement for submitting a land use application. However, on a case-by-case basis, Staff take the existing conditions and geologic information available for a given site into consideration, and based on that information, may request that a geotechnical report be provided as part of a land use application.

Through its review of the submitted application, Staff considered the existing conditions and geologic information available through the 1998 Corvallis Urban Growth Boundary Advisory Constraints Map, which was adopted as part of the 1998 Comprehensive Plan, and it was determined that a geotechnical report was not necessary at this point in the land use planning process. As shown on the Advisory Constraints Map, the "Corvallis Fault" does not extend through the subject site (see Attachment B). The location of the fault as shown on this map is based on information gathered by the Oregon Department of Geology and Mineral Industries, but is generally recognized as an approximate location. Until the geotechnical report is completed, it cannot be definitively stated that no geologic hazards exist on the site.

**Question No. 8**

*Street 'J' Stub – Does Staff have any particular concerns about ending the road development at the "buffer line?" Would we still want to complete the ROW dedication?*

Please see the response to Question No. 6.

**Question No. 9**

*Can Staff provide a revised/condensed list of "acceptable" street trees?*

As part of its initial review, Staff confirmed that each of the proposed street trees species shown on the proposed landscaping plan are included in the approved street tree list provided in LDC Section 4.2.60. This list was removed from the 2006, Revised Land Development Code because it was out dated and number of the trees that were listed proved themselves to be problematic, or were over planted. However, that version of the Land Development Code does not apply to the subject proposal, as the application was submitted prior to the December 31, 2006, implementation date for the 2006, Revised LDC.

Based on discussions with the City Forester, Staff recommend that the applicant be required to substitute *Liriodendron tulipifera* (Tulip Tree) with two or more of the following (please note that these substitutes are presented in order of performance):

- *Platanus x acerfolia*, Bloodgood London Plane Tree
- *Fagus grandifolia*, American Beech
- *Acer Macrophyllum*, Big Leaf Maple
- *Quercus coccinea*, Scarlet Oak
- *Ulmus japonica x wilsoniana*, Accolade Elm
- *Ulmus Morton Glossy*, Triumph Elm

None of the other trees brought into question through public testimony is recommended for substitution given their established performance record as street trees within Corvallis and throughout western Oregon. Please see below for more information.

### Bradford Pear

Approximatley 20 years ago, the Oregon nursery industry noticed that Bradford Pear trees were falling apart due to weak branch structure. Many new ornamental Pear cultivars have been developed, including the "New Bradford" which was selected for strength and better branch attachments. Staff is not aware of any nurseries in Oregon that still produce the old Bradford Pear. Therefore, the applicant's proposal to include Bradford Pear is not problematic.

### Norway Maple

In order to confirm local observations about Norway Maple, Staff contacted Mr. Keith Warren, who served on the Oregon Invasive Species Committee from 2002 to 2004. He has provided the following information.

Norway maple is widely regarded as being invasive in the Northeast US climate, especially in New England. In western Oregon, we have a Mediterranean climate, and our dry summers make it very difficult for Norway Maple to compete. Based on field observations of the Oregon nursery industry, Norway Maples have the potential to germinate and grow when seed from landscape trees blows to disturbed and unusually moist areas. However, a self-sustaining population, reproducing itself in the Pacific Northwest has not been observed, despite of being aware of this potential for years, ever since the problem surfaced in the Northeast.

The Oregon Department of Agriculture maintains the official list of banned plants for Oregon, known as the "noxious weed list." Several plants on this list have historically been grown by the Oregon nursery industry, and nurseries have eliminated these listed plants from their production. In the last few years, because of its invasive reputation in the Northeast, Norway Maple has been considered for listing by the Oregon Department of Agriculture. Evidence in the Pacific Northwest does not support its listing and it has not been added to the noxious weed list.

Norway maple has a successful history of use in the Pacific Northwest as a city street tree, with much benefit to cities, easy maintenance, and no documented history of being invasive.

**Question No. 10**

*Is there a location more proximate to the developed area of the site for the monument sign that won't adversely affect the wetlands?*

Given the potential size of the monument sign, as stipulated by Condition of Approval No. 16, the only location that meets these characteristics would be at the northeast corner of the intersection at Street 'A' and Circle Boulevard.

**Question No. 11**

*Need further information on the "markings" on EX 9.0. I count 55 of them, and they appear to be the smaller lots. A few are included in Condition 2, Option 'A.' Are the rest (plus a few more) part of Condition 2, Option 'B?'*

In response to a similar question from Councilor York at the May 21, 2007, public hearing, Staff had noted that the markings in question identified lots that were 6,500 square feet or larger. That response was incorrect, as Staff inadvertently referred to a different Exhibit that also had highlighted markings on it.

The markings on EX 9.0 (Exhibit II-265 of the May 14, 2007, Staff Report to the City Council) actually denote most of the lots that are intended to be constructed with detached homes, and that are less than 5,000 square feet in area. The markings were made by Staff during the review of the proposal to show where homes constructed consistent with Option 'B' of Condition of Approval 2 would be located.

**Question No. 12**

*Last night [May 21, 2007] there was a lot of testimony about faults, hydrology, and potential landslides. These are potentially serious safety issues and require technical analysis. Do we have enough assurance right now that there is not a problem?*

Please see the response provided for Question No. 7.

**Question No. 13**

*For this development, Terri Valiant [applicant's representative] said they would make changes to the proposed street tree species in response to public testimony that challenged the City's list of trees. What are we to believe?*

Please see the response to Question No. 9.

Witham Oaks  
Conceptual and Detailed Development Plan  
(PLD06-00012, et al.)  
Existing Access for 4190 Dale Drive



NOTE: Aerial photograph was taken in 2004.

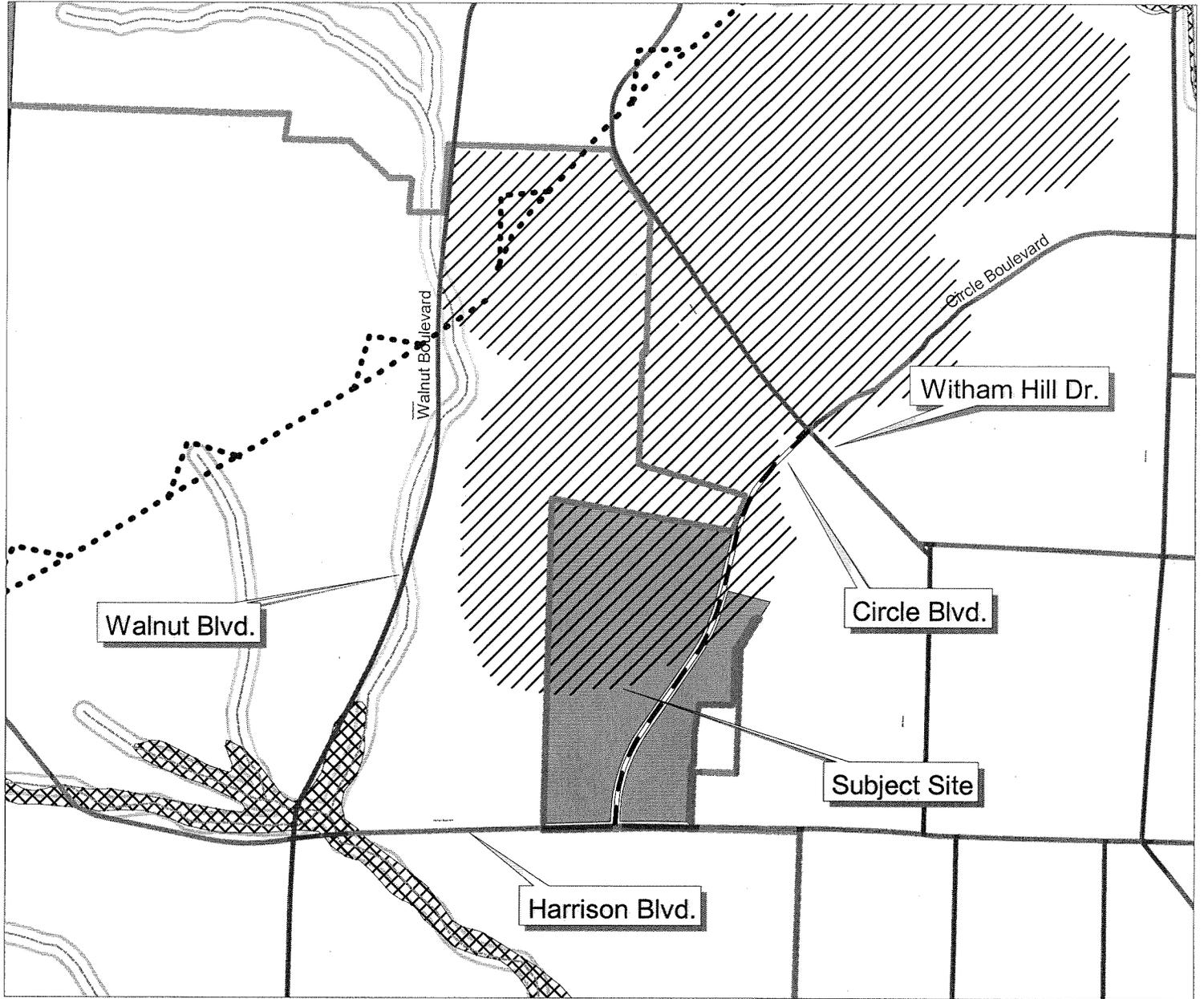
**LEGEND**

-  Subject Site Boundary
-  City Limits Line

100 0 100 Feet



# Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et al.) Comp. Plan Advisory Constraints Map



## LEGEND

### Transportation Plan Functional Classifications

-  Neighborhood Collector
-  Future Neighborhood Collector
-  Collector
-  Future Collector
-  Arterial Street
-  Future Arterial Street

-  City Limits
-  Subject Site
-  Significant Hillside
-  Corvallis Fault

-  Drainage
-  Drainageway Buffer
- Flood Plain**
-  100 Year Flood
-  500 Year Flood

500 0 500 Feet





## MEMORANDUM

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**From:** Ken Gibb, Community Development Department Director

**To:** Mayor and City Council

**Date:** May 31, 2007

**Re:** Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et at.) – Revised Recommended Condition of Approval No. 61

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During its April 18, 2007, deliberations, the Planning Commission approved the case cited above with an additional condition that requires the applicant to participate in a Neighborhood Traffic Calming project (Condition of Approval No. 61). Since that time, Staff have reviewed the language of the condition and have concluded that it could be modified to better clarify the terms of the applicant's participation. Revised language is provided below for your consideration. Staff recommend that the condition be modified as noted.

**Circle Boulevard Neighborhood Traffic Calming Project** – The applicant shall participate in a Neighborhood Traffic Calming Program project as outlined below:

- The applicant shall participate as if the 221 homes (or whatever the final number of approved homes is) are within the identified recovery area. However, the applicant will have only one vote in the process. Further, the applicant's participation shall be based upon the 221 homes as a percentage of total homes (221 plus identified recovery area homes).
- The applicant's participation in the project shall not be finalized until all appeal time periods have expired for the approval(s) of the Witham Oaks land use applications being sought by the applicant.
- The applicant shall participate in installation of traffic calming features along Circle Boulevard, from the Witham Hill Drive intersection down to 29<sup>th</sup> Street, consisting of up to 5 speed humps.
- The applicant shall provide the full amount of their percentage of participation in advance of the installation of the appropriate traffic calming features, as determined through the Corvallis Neighborhood Traffic Calming Program, subsequent to the final traffic calming proposal being presented by the neighborhood for approval, and authorized by the City Council.



## MEMORANDUM

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**From:** Ken Gibb, Community Development Department Director

**To:** Mayor and City Council

**Date:** May 31, 2007

**Re:** Appeal of Planning Commission Decision on Witham Oaks Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00012 et at.) – Additional Public Testimony

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The attached pieces of public testimony were received by City Staff between May 22, 2007, and 5:00PM on May 29, 2007.

This memorandum makes these comments public information.

RECEIVED

May 29, 2007

Corvallis Planning Commission  
501 SW Madison Ave.  
Corvallis, OR 97333

MAY 29 2007

Community Development  
Planning Division

RE: Witham Oaks

I am opposed to Witham Oaks development for several reasons.

The first is due to how the increased traffic will impact the livability of those already in residence.

The present homeowners along Circle Blvd and Harrison Blvd will see their property values plummet.

Secondly, the cow barns emit an odorous stink at any given time.

I suppose the people in the brand new homes will start bitterly complaining about that situation.

Thirdly, there are no schools in the vicinity so the children will be bussed, adding to traffic concerns.

Finally, and very importantly, is the protection of two of our greatest natural resources in Corvallis.

That of open space and our precious and dwindling Oak Savannah.

Respectfully,  
Peg Welch  
Homeowner and resident of 52 years  
Corvallis Oregon

1

## Day, Emely

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**From:** Rana S Foster [tweet.37@juno.com]  
**Sent:** Tuesday, May 29, 2007 4:52 PM  
**To:** Day, Emely  
**Subject:** PLD06-0012/SUB06-00005) Witham Oaks. input to CC record. thanks,

Witham Oaks (PDL06-00012/SUB06-00050

Dear City Council,

I concur with Louise Markerings testimony to the record, May 21, 2007.

Condition 23:

I am interested in fully finding out how storm water will be managed for this site. Significant drainage arises from this slope.

Will Harrison Blvd owned by the County become a storm drain on both sides of Harrison Blvd. to Oak Creek? Will storm water flow across OSU Ag. Zone and into Oak Creek to the south, if so will this be clean storm run off?

Will sediment from the site and from the eroding right of way ditch system on both sides of Harrison blvd enter Oak Creek? OSU and NRCS as well as City of Corvallis are investing time and money repairing Oak Creek for trout passage. Will City or County pay for Rip Rap to the ditch line ROW from this sites storm detention facility?

With run off from all phases be fully ladden with: pet wastes, lawn chemical waste, herbicides, pesticides? How well will to be left alone wetlands be protected in developers engineering plans from degradement?

All the openspaces will go unmanaged perhaps as the home owners association will not have funds to upkeep these very significant wetland acres?

Over time these protect wetlands will become more invaded by non native hawthorne, various blackberry species, false brome, ivy spp, yard waste plants. More hydrology will perhaps be routed to these wetlands from all the development above it and so these lowlying drainage pathway will erode deeply into these existing wetlands.

With all these wet acres undeveloped how is the developer showing that these wetlands will continue as wetlands if they will rely on a home owners group to maintain all these acres?

Intersection Harrison B. with Circle B:

Interested in safety at Harrison Blvd with intersection within a zone where traffic speeds are changing from 25mph to 45 and from 45 to 25. With Circle blvd connected and all traffic to and thru from Circle Blvd and Witham, this intersection will be exceedingly busy from day one.

Will the applicant in Phase one be providing a TIA and or be required to pay for intersection engineering should a stop light and turn lanes be required to make traffic safety a priority?

With extensive numbers of unknowns not being supported as fact to the public within this application, the public right to public involvement is reduced and reliance falls to facts provided by developer and contractees

to City Building Dept. and City Public Works Dept. at which time when these depts. review detailed information the public is not involved. State Goal One is not being applied by this applicant to these public processes so kindly offered by the City of Corvallis to its residents.

With 63 conditions of approval some of which are unsupported by information to the general public, City of Corvallis has lost a chance to include the public in review process to this development in all its phases.

The main Corvallis Fault location is where in relation to this site? Is the slope to the east be planned to be built on or filled for flat lots be overtop a fault associated with the nearby main Corvallis Fault? This eastern slope scarp to the is significant in its steepness and topographically and from a laymens view, may be reporting itself as an unstable area to fill and build into because it is a parallel fault with the nearby Corvallis Fault.

I am not in favor of (PLD06-00012/SUB06-0005) and would like all the conditions of approval to be backed up/supported to the public by this corporation and their contracted building firm with: up to date wetland delineation, geologic map and geotechnical survey results, hydrology study to show how much water will flow off site and which direction, set storm water storage/detention system detail, and all supportive information which generally comes with all development applications. This corporation as a responsible owner, and their builders are a recent new comer to of this community and should not be allowed to provide the public so few clear details as noted in Conditions of Approval to this massive proposal.

This site has features which are valuable (wetland soils, wetland botany, oregon white oak, springs, views that may not be retained with build out, douglas fir slopes connected to City open space, bike and walking pathway...)

The owners are interested in these assets to some extent but that this application with its precedent setting packet of Conditions of approval, shows that the owner is for some reason being given the chance by City Planning and City Council to go ahead with this application with a large amt. of missing information that the public is interested in reviewing. The public will not be able to see or review this missing significant information after the CC hearing is closed.

Goal One is a great goal and City of Corvallis adheres to allowing Public participation which is what keeps our Corvallis community happy.

Thanks, R. Foster  
1415 SW Brooklane Dr.  
Corvallis, Oregon 97333

RECEIVED

May 29, 2007

MAY 29 2007

To: Mayor and City Council of Corvallis  
From: Mark Knapp  
Subject: Witham Oaks Development Proposal

Community Development  
Planning Division

I present the following testimony for your immediate consideration, and I request that you reverse the Planning Commission's decision to approve the application for the Witham Oaks Conceptual and Detailed Development Plan, and Tentative Subdivision Plat (PLD06-00012/SUB06-00005).

## I. TREES

Oak savanna is an endangered habitat in the Willamette Valley that deserves the highest level of protection. Before European settlement, oak savanna was a primary vegetation class in the Willamette Valley.<sup>1</sup> But today, almost all of it is gone. The result has been rapidly declining populations of wildlife that depend on the Oregon White Oak.

Bob Altman of the American Bird Conservancy summarized the situation in a March 2000 report for Oregon-Washington Partners in Flight:<sup>2</sup>

Present-day vegetation and habitat for landbirds has changed dramatically in the last 150 years as a result of tremendous expansion of the human population. Contributing factors include cultivation of lands for agriculture, **loss of habitat to development**, livestock grazing, introductions of exotic species, fire suppression, harvest of oaks and cottonwoods, drainage of wetlands, and channelizing of waterways. The greatest change has been the near extirpation of grassland and savanna habitat. Current estimates of grassland and savanna habitat are less than 1% of the historic extent in the Willamette Valley and less than 10% in the Puget Lowlands. The two most significant factors contributing to loss and alteration of oak woodlands have been removal by harvest for development or agriculture, and invasion by conifers and dense exotic shrubs from fire suppression and grazing. Much of the riparian woodland and shrub communities have been lost....

The survival of several native Oregon birds is now threatened by the extensive loss of habitat. The Terrestrial Ecology Enhancement Strategy Advisory Group for the City of Portland recently summarized this threat to wildlife.<sup>3</sup> They listed amphibians, reptiles, birds and mammals that have been:

<sup>1</sup> [http://www.fsl.orst.edu/pnwerc/wrb/Atlas\\_web\\_compressed/4.Biotic\\_Systems/4b.presetveg\\_web.pdf](http://www.fsl.orst.edu/pnwerc/wrb/Atlas_web_compressed/4.Biotic_Systems/4b.presetveg_web.pdf)

<sup>2</sup> [http://www.orwapif.org/pdf/western\\_lowlands.pdf](http://www.orwapif.org/pdf/western_lowlands.pdf)

<sup>3</sup> <http://www.portlandonline.com/shared/cfm/image.cfm?id=128741>

- classified by the Oregon Fish and Wildlife Commission as a Sensitive Species,
- identified as "focal species" by Partners in Flight,
- listed as priorities by the Oregon Watershed Enhancement Board, or
- identified as a "strategy species" in the Oregon Department of Fish and Wildlife's "Oregon Conservation Strategy for the Willamette Valley Ecoregion."

Included in their list of threatened wildlife species were several that specifically require Oregon White Oak trees for habitat:

<p><b>American kestrel</b> <i>Falco sparverius</i></p>	<p>OWEB priority; PIF focal species Highly significant declining trend; loss of old oak savannah trees with cavities for nesting</p>
<p><b>Western wood-pewee</b> <i>Contopus sordidulus</i></p>	<p>PIF focal species Highly significant declining trend; loss/degradation of riparian gallery forest and oak woodland openings and edges</p>
<p><b>White-breasted nuthatch</b> <i>Sitta carolinensis aculeate</i></p>	<p>OWEB priority; PIF focal species Highly significant declining trends; loss/degradation of large patches of oak woodlands and savannah, especially with old trees; few cavities</p>
<p><b>Chipping sparrow</b> <i>Spizella passerina</i></p>	<p>ODFW strategy species; OWEB priority; PIF focal species; highly significant declining trend; loss/degradation of oak woodlands with an open, herbaceous understory</p>
<p><b>Western meadowlark</b> <i>Sturnella neglecta</i></p>	<p>ODFW Sensitive Species (Critical in the Willamette Valley Ecoregion); ORNHIC List (4); ODFW strategy species; OWEB priority; PIF focal species Highly significant declining trends; requires large patches of grassland habitat; loss/degradation of grassland/prairie and oak savannah habitat; nesting failure due to timing of land management practices (e.g., mowing, grazing, haying, spraying)</p>

## **The Western meadowlark is also the Oregon State Bird.<sup>4</sup>**

The central portion of Witham Oaks contains about 40 acres of oak savanna that needs restoration to remove invasive species. Such restoration efforts are already underway at other sites in the Willamette Valley, such as the William L. Finley National Wildlife Refuge, just 10 miles south of Corvallis.<sup>5</sup> The U.S. Bureau of Land Management, the Oregon State University Extension Service, and numerous other agencies even collaborated to produce a landowner's guide for restoring Oregon White Oak habitat (Attachment A).

Pages 2 and 3 of that guide provide further instruction on why it is important to protect Witham Oaks:

Oregon White Oak savannas and woodlands are among the most endangered ecological communities in the Pacific Northwest. Oak habitats face threats on several fronts:

- Woodlands are disappearing ahead of rapidly expanding metropolitan areas.
- On rural landscapes, legacy oaks that persisted on pastures and woodlots for centuries are being cut down as agricultural practices intensify.
- Foresters have viewed Oregon White Oak as an undesirable species because no strong market has developed for the wood.
- Without active management, the natural process of forest succession gradually leads to the replacement of oaks by faster-growing trees such as Douglas Fir.
- Park managers and homeowners do not often plant Oregon White Oak for landscaping because of its reputation for slow growth.

Conservationists and public land managers in the Pacific Northwest recognize the critical role oak savannas and woodlands play as wildlife habitat and for maintaining ecosystem functions. However, most federal and state lands are concentrated in the Cascades, Coast Range, and Olympic Peninsula regions with few suitable sites for growing oaks.

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<sup>4</sup> [http://www.netstate.com/states/symb/birds/or\\_western\\_meadowlark.htm](http://www.netstate.com/states/symb/birds/or_western_meadowlark.htm)

<sup>5</sup> <http://www.fws.gov/willamettevalley/finley/wildlife.html>

Terri Valiant asserted during the appeal hearing that the land of Witham Oaks "is not pristine." She is correct in the strict sense of the term, but that description of the land obscures the bigger picture and fails to recognize the forest from the trees.

As I said in sur-rebuttal, the land is "pristine enough." Oak savanna is the historic vegetative class for the upland areas of western Corvallis (see map on page 4 of Attachment A). The central portion of the Witham Oaks property is essentially oak savanna in a degraded condition, due to livestock grazing and invasive plants. Part of what needs to be saved is the potential to restore a vanishing and essential ecosystem – with the unique habitat it provides for many native species of wildlife. By dismissing the land as "not pristine," the applicant would execute the wounded patient, rather than allowing it to be nursed back to health.

Converting the central portion of Witham Oaks into a housing project would neglect all of the above ecological evidence, contrary to the public interest. By destroying existing habitat and by preventing the restoration of undeveloped land to its historic habitat, the proposed development would violate the public interest, as stated in Comprehensive Plan Policy (CPP) 4.6.5:

On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.

and in CPP 4.10.9:

Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized.

and in CPP 4.13.2:

Development on land identified with significant plant communities, or significant fish and wildlife habitats, shall be planned to minimize the impact on the significant resources.

and in CPP 4.13.4:

The City shall encourage the retention of large, varied habitat areas on private and public lands including plant communities.

and in CPP 4.13.5:

Development occurring in significant wildlife areas will set forth a plan of action to reduce impact to significant identified areas.

and in CPP 4.13.6:

The City shall consider mechanisms such as density transfer and reduced densities as a means to protect significant plant, wildlife, and fish resources.

and in CPP 7.2.3:

The City shall participate in efforts to improve environmental quality at the local, national and global levels.

Rather than treating the Oregon White Oak as a tree deserving the highest level of protection, the proposed development would cut down most of the oak trees in the central portion of the site. Page 19 of the report by the Planning Department states that 189 significant trees would be removed above the 340-foot contour, which is the area that was originally identified for protection in the City's Open Space Inventory. In lieu of precise data from the applicant, the Planning Department estimated that about 145 of the removed trees above that elevation would be oak trees. By cutting down so many significant trees at that elevation, the development would violate codes applicable to the protection of open space.

The Oregon White Oak trees would be replaced with 538 trees from a list of seven non-native species, as shown on Attachment I-90 in the original application. There are several problems with these trees, as others have noted in oral and written testimony. In particular, Norway Maple is an invasive species that is banned in many other cities.

The planting of these non-native trees would not restore the existing tree-covered hillside appearance, thereby violating CPP 4.6.6:

On tree-covered hills, the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green, tree-covered hillside appearance. If a proposed development pattern would result in the loss of a tree-covered hillside appearance, assuming the development plan has been designed to minimize the loss of existing trees to the extent that it is safe and practicable, the development may proceed, provided the following provisions are met: (1) the loss of trees is further minimized by development techniques such as clustering; and (2) a sufficient number of new trees are planted to recreate (at maturity) a green, tree-covered hillside appearance.

The premise of compliance with this code is that the non-native trees to be planted on narrow strips of ground between concrete sidewalks and asphalt streets would grow to heights significantly greater than the roofs of the houses. However, problems have been identified with at least two of the seven species selected for planting, and it seems likely that many of the trees would not reach the height of the houses before needing to be replaced.

Attachment I-86 in the application clearly shows that the layout of the development would create large "bald" spots with only rooftops visible from a distance – even if the assumption about the height of street trees were valid. This deficiency would be particularly true where the slope is greater than 10 percent. For example, Lots 172 through 190 and Lots 193 through 205 would present two areas of about 3 acres apiece with no trees.

The primary cause of this deficiency would be the lack of trees on the lots themselves. The developer offered a plan that increased the maximum lot coverage from 40 percent to 60 percent, thereby eliminating 50% of the area available for trees in yards. Condition 5 would restore space for yard trees to only 49 of the proposed lots, and very few of those lots would remedy the bald spots.

The Planning Department briefly addressed the issue of yard trees on page 7 of its memorandum of May 14, 2007. My direct observation of the Grand Oaks development tells me that few yard trees would be planted, and even fewer would reach the height of the houses. Grand Oaks was built by Pahlisch Homes, and it provides an accurate model for what to expect from the proposed Witham Oaks development.

The root of the noncompliance problems with trees is that the proposed development is one that would maximize the interest of the developer by maximizing the size and number of houses to be built. The **public interest** would be better served by fewer houses with more space for trees, and it would be *best* served by building no houses and conserving all of the oak trees.

## II. SOIL

Building houses on a hillside with a history of abundant groundwater is an invitation for future problems and costly remediation. There is insufficient evidence that the risk of flooding and landslides is low enough to warrant the approval of the developer's plan. The proposed development would probably violate the public interest, as stated in CPP 4.6.2:

Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.

and in CPP 4.6.9:

Where development of hillsides occurs, removal of vegetation will be minimized to control erosion. Vegetation disturbed during development shall be replaced or enhanced through landscaping.

and in CPP 4.7.1:

Developments shall not be planned or located in known areas of natural hazards without appropriate safeguards.

### 1. Public influence is being suppressed.

A major problem with the development application and the process employed by the City is that the public is being excluded from critical portions of the decision-making process. Goal 1 of the Oregon planning process clearly explains that citizen involvement in land use decisions is not limited to information from developers or information about what government officials choose to allow.<sup>6</sup> (See Attachment B for the full text of *Goal 1 - Citizen Involvement*.)

Instead, a critical component of citizen involvement is the ability to **influence** the deliberations of government. Therefore, providing information to the public *after* their opportunity for formal input has ended, or *after* decisions about land use have been made, is insufficient to meet the **full** requirements of Goal 1.

The Planning Department addressed this issue on page 18 of its memorandum of May 14, 2007:

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<sup>6</sup> <http://www.lcd.state.or.us/LCD/docs/goals/goal1.pdf>

As noted by the appellants, a geotechnical analysis is not a required element of an application for a Conceptual and Detailed Planned Development. Therefore, neither the Comprehensive Plan, nor the LDC mandate that this type of information be made available for public review as part of the land use planning process.

However, Condition 13 does mandate that this information be a part of this *particular* land use decision. The language is emphatic:

Prior to issuance of excavation and grading permits for the site, the applicant **shall submit** a geotechnical analysis for the developable portion of the site ...

The geotechnical analysis is apparently important enough to local government representatives that they made it a requirement in this particular land use process. Consideration of that analysis certainly falls under the full purview of Goal 1 – regardless of whether such an analysis is generally required in the Land Development Code – because state law has greater legal authority.

The memorandum from the Planning Department continued:

As noted in LDC Section 4.0.90, other types of information that are relied on to reach a final engineered design for a Conceptual and Detailed Development Plan are similar in this regard. Through the City's Public Improvement through Private Contract (PIPC) process, an applicant finalizes the design of public streets and utilities, which involves information that, while consistent with the detailed parameters of a land use approval, is provided by state-licensed professionals based on established engineering principles and generally is not scrutinized by the general public prior to construction. However, such information would be readily accessible for public review if requested, and in the case of the subject proposal, the required geotechnical report would be included.

Limiting citizen involvement to merely reviewing important information is insufficient to meet the requirements of Goal 1. OAR 660-015-0000(1) is quite clear on this point:

**3. Citizen Influence** – to provide the opportunity for citizens to be involved in all phases of the planning process

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

(See Attachment C for the full text of *Goal 2 – Land Use Planning*.<sup>7</sup>)

Citizen input is not required for every square foot of concrete. However, wetland permits, reports about geotechnical suitability, or plans for stormwater management are all examples of land use components of scope that is sufficient to require full opportunity for citizen influence.

The memorandum from the Planning Department continued:

Despite the fact that the language of Condition of Approval No. 13 notes that the report shall be submitted to the City prior to issuance of excavation and grading plans, this information is also a prerequisite for obtaining approval of PIPC permits, which are authorized before the excavation and grading permit is issued. Therefore, from a procedural prospective, the results of a geotechnical report would be available for public scrutiny, and such information would be available for review by the public prior to issuance of either type of construction permit.

The PIPC process would satisfy the requirements of Goal 1 only if both the public notification and the public comment period met or exceeded that which is provided by the Land Development Code for land use hearings.

Further, Condition of Approval No. 13 does allow for additional public review and comment on the subject proposal, if deemed necessary through the Planned Development Modification process.

This scenario makes citizen involvement dependent on the conclusion of the geotechnical report. Goal 1 does not allow citizen influence to be limited in this way.

## **2. There are too many unanswered questions.**

The loss of biological diversity and stability on the hillside would be critical. The geotechnical analysis will be done with the presence of extensive and longstanding *live* root systems that stabilize the soil and take up a significant amount of groundwater. How can contractors for the developer determine what future runoff will be from a hillside without those roots?

The area to be developed is about half a mile (1000 meters) from the trace of the Corvallis Fault, as it runs northeast to southwest through the upper portion of the OSU agricultural open space.<sup>8</sup> The Corvallis Fault is associated with a thick sequence of very poorly consolidated rock known as fault gouge (e.g., the quarry in Philomath). Fault gouges have very low structural

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<sup>7</sup> <http://www.lcd.state.or.us/LCD/docs/goals/goal2.pdf>

<sup>8</sup> [http://www.ci.corvallis.or.us/downloads/cd/naturalfeatures\\_studyareasm18X31.pdf](http://www.ci.corvallis.or.us/downloads/cd/naturalfeatures_studyareasm18X31.pdf)

integrity in general. In light of that observation, the lack of a geotechnical assessment of both slope/soil/rock basement stability and the effect of this on groundwater movement is a significant omission from the public record.

There is anecdotal evidence that the soil analysis pits dug on the steep south-facing slopes of Witham Oaks are full of water to within one foot of grade during the rainy season. Wouldn't that be a very poor location for dozens of foundations and basements, as proposed?

A preliminary wetlands report that was prepared for Matrix Development raised further concerns about the soils of Witham Oaks (Attachment D). According to Table 1 of the report (on page 6), there are eight soil types in Witham Oaks, and *none* of them are hydric – including 40 acres of Pengra Silt Loam.

According to the Federal Register (July 13, 1994):

A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

One would certainly expect that wetland soils listed in a wetlands report would be identified as hydric. In fact, the Oregon Hydric Soils List<sup>9</sup> that is maintained by the National Technical Committee for Hydric Soils<sup>10</sup> includes all four of the silt loam types found in Witham Oaks: Pengra on slopes of 2 to 12 percent; Holcomb, Woodburn and Amity in flood plains.

What happens when houses are built on hydric soil types like Pengra? The errors in the preliminary report demonstrate the importance of not shielding the developer from public influence in the evaluation of land use reports.

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<sup>9</sup> <http://soils.usda.gov/use/hydric/lists/state.html>

<sup>10</sup> <http://soils.usda.gov/use/hydric/ntchs/index.html>

### **III. WATER**

#### **A. Wetlands**

The development proposal would destroy riparian and wetland areas that were classified as Locally Significant by the Local Wetland Inventory for the City of Corvallis. Attachment I-277 in the application clearly shows how the new Circle Boulevard would obliterate the existing stream and wetland north of Street A – replacing it with mostly asphalt, concrete and sod. The extension of Circle Boulevard would violate Goal 5 of the statewide planning process and the Corvallis Comprehensive Plan:

Goal 5 – To protect natural resources and conserve scenic and historic areas and open spaces.

If the City were to go forward with the development proposal and the extension of Circle Boulevard, the development would violate the Oregon requirement for an ESEE Decision Process about the significant natural resources of Witham Oaks.

OAR 660-023-0040(1) states:

Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

The record of the development proposal contains no such analysis of the ESEE consequences of destroying or degrading the natural resource. According to OAR 660-023-0040(5)(c):

The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

Furthermore, Goal 1 of the statewide planning process requires the City to allow citizens a reasonable opportunity to influence the deliberations about such an ESEE analysis. It appears that such was not done.

The Planning Department may claim that the City is exempt from an ESEE analysis on the basis of the safe harbor of a protective ordinance. However, I will argue that such safe harbor is an illusion, and therefore no substitute.

The argument by the Planning Department (page 58) is that the partial destruction of the Witham Oaks riparian corridor is justified by the dictates of the Transportation Master Plan. The offered logic is essentially that LDC 4.5.110 confers the extension of Circle Boulevard with greater legal authority than the protection of the significant natural resources in question. In other words, habitat for cars is more important than habitat for wildlife.

Section 4.5.110 of the LDC, and OAR 660-023-0090 and 660-023-0100 note that Locally Significant Wetlands and riparian corridors are to be protected through the development process, unless impacts are necessary to construct streets that are planned through the Corvallis Transportation Master Plan. The extension of Circle Boulevard south to its intersection with Harrison Boulevard, as well as the full improvement of Harrison Boulevard to Arterial Street standards have both been adopted through the Corvallis Transportation Plan. Therefore, impacts to riparian and wetland areas on the site related to these improvements are allowed to occur without a request to vary from applicable protection standards.

The argument to exempt the riparian corridor and wetland from protection fails on four counts:

### **1. The road extension is too destructive.**

The argument in the report from the Planning Department depends on an unreasonable interpretation of minimal intrusion. OAR 660-023-0090(8) states:

As a safe harbor in lieu of following the ESEE process requirements of OAR 660-023-0040 and 660-023-0050, a local government may adopt an ordinance to protect a significant riparian corridor as follows:

(a) The ordinance shall prevent permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, except for the following uses, provided they are designed and constructed to **minimize intrusion** into the riparian area:

(A) Streets, roads, and paths;

The extension of Circle Boulevard would eliminate nearly half of the riparian area on the site. The road would also destroy the associated wetland north of Street A, and it would create a source of motor vehicle pollution that would drain into the remaining wetland in the southern portion of the site. The level of intrusion would not be minimized, as required by the Oregon Administrative Rule.

## **2. The road extension would nullify citizen involvement.**

By following outdated provisions in the Transportation Master Plan, the City would justify its action with factual assumptions and a philosophical vision that has been superseded by input from the citizens of Corvallis. The extension of Circle Boulevard would thereby violate Goal 1 of the statewide planning process and the Corvallis Comprehensive Plan.

Specifically, the basis of the future development in the Transportation Master Plan is the 1989 document, *Future Focus 2010*. Two of the fundamental assumptions in that document are that the population of Corvallis will grow to 62,500 by the year 2010, and that the fraction of local circulation done with motor vehicles will not decrease.

In stark contrast, the Corvallis 2020 Vision statement calls for a population of 57,500 to 63,500 in the year 2020 – a full decade later than the assumptions of the Transportation Master Plan. Furthermore, the 2020 Vision statement also directs the reliance on motor vehicles to be “**significantly reduced** by close coordination of land use and transportation decisions.”

## **3. The road extension is unnecessary.**

Even if the outdated and undemocratic assumptions of the Transportation Master Plan were followed, justification for the road extension would not be reached until the population actually approached 62,500. At the present annual growth rate of 1.5 percent, the population of Corvallis will not reach that level until 2016. In that respect, the Transportation Plan mirrors the present-day reality on Witham Hill; the proposed road is not needed for circulation.

The road extension *would* be needed if there were a sudden jump in the number of motor vehicles in the neighborhood. Meanwhile, at a time of tight government finances, the City would like to use the housing development to pay for the road. So it appears that circular logic is being employed; the housing development would justify the road, and the road would justify the housing development. I contend that the public interest exists outside of that Circle.

## **4. The road extension is not required.**

The extension of Circle Boulevard is neither a requirement nor a high priority in the Transportation Master Plan. The document is ambiguous about whether the extension **should** be built. Section 4.5.110(b) of the Land

Development Code grants **possible** "exemptions to the drainageway and wetland restrictions" for streets "that are included in the City of Corvallis Transportation Plan." The extension of Circle Boulevard is "included" in the plan in the same way that liver and onions are included in a discussion of what to eat for dinner; it's an undesirable option.

This perspective is particularly clear in Section 3.50.110 of the Plan, the discussion about Harrison Corridor concerns. Future congestion of Harrison Boulevard and the lack of north-south continuity from 35th Street are identified as major problems. Extending Circle Boulevard is one of the **rejected** strategies that were "included" in the document:

During the initial presentation of this transportation plan, the extension of Circle Boulevard across OSU property was proposed that intersected 35th Street at Orchard Avenue. The proposal provided direct access to OSU parking areas along Orchard Avenue and 30th Street from north Corvallis....

**This proposal was dropped when it received strong opposition from neighborhoods south of Harrison Boulevard, west of 35th Street and from Oregon State University.** [emphasis in original]

The extension of Circle Boulevard is listed in Table 10-3 as a potential development-related project, when the population reaches 62,500 (as discussed above). However, it is not listed in Table 10-2 among the 47 **priority** projects.

---

### **Is wetland destruction for a road illegal?**

Wetland protection is a declared priority for federal, state and local governments. Therefore, it could be argued that false justification for building a road through a wetland would be illegal.

A key component of the development proposal is to extend Circle Boulevard only to Harrison Boulevard, where motor vehicle traffic would **add** to the problem of congestion, not contribute to a solution. The project would fail to fulfill its primary documented justification.

The documented justification is also outdated. It is based on incorrect assumptions about population growth and motor vehicle use.

Use of the document for justification would override subsequent input from the citizenry, thereby violating Goal 1 of the statewide planning process.

Goal 5 of the statewide planning process would also be violated, because the ESEE process requirements in Oregon law have not been followed.

---

The code violations listed in the original appeal would be exacerbated by the present of fish. The applicant and the Planning Department contend that the stream is not fish-bearing. However, their evidence is inconclusive, and the historical record is that the stream has provided habitat for many fish. I confirmed that history in a conversation with Alice Burbott, a longtime resident of Witham Hill. I also conducted a field investigation of the area and noted that fish passage is possible north from Oak Creek, through the OSU dairy field, through the culvert under Harrison Boulevard, and into the wetland and stream of Witham Oaks. Research from Oregon State University confirms that fish can easily thrive in flooded fields and seasonal drainage ditches (Attachment E).

## **B. Stormwater**

The construction of 221 houses and 11 new streets would also damage the wetlands. With the prospect of uprooting so much land with heavy machinery, even the City's own engineer questioned whether the management of stormwater could protect the complex hydrology that maintains the wetlands. The original language of Condition 58 casts doubt on the health of wetland:

Given the complexity of the stormwater drainage system, it is not clear at this time whether the proposed stormwater drainage facilities, as shown in the application, can be constructed to City of Corvallis and King County criteria.

In response to questions from Planning Commissioner Webber about the Stormwater Management Plan, the City staff responded:

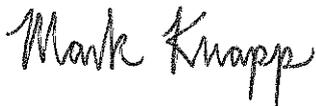
There is a great deal of detail to come.

Public influence is again being suppressed. The above argument about the future geotechnical analysis also applies to a final Stormwater Management Plan. To date, the public has only been presented with a preliminary report (Attachment I-150 in the application) that offers results from an XP-SWMM model, which is essentially a black box that is impossible to decipher. Such information is insufficient for meaningful public participation.

Public policy exists to protect the public interest. When codes and rules are violated, it does irreparable harm to the public interest. In this case, the complete preservation of riparian areas and wetlands – especially those so proximate to thousands of people – are strongly in the public interest, and the extension of Circle Boulevard is not.

The 20 acres of wetland on the Witham Oaks property cleanse the water that runs into the OSU dairy field. Clean water improves the research done by the OSU dairy, and that research benefits the public. Clean water produces clean milk and cheese, and that benefits the public. Clean water also drains from the Witham wetlands into Oak Creek, which provides habitat for wildlife that also ultimately benefits the public. Water from Oak Creek drains into the Marys River and the Willamette River, where it becomes drinking water for thousands of people – yet another public benefit.

I implore you protect the public interest and to reject the Witham Oaks development proposal.



Mark Knapp  
958 NW Sycamore Ave #19  
Corvallis, OR 97330

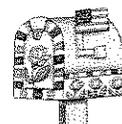
# A Landowner's Guide *for Restoring and* Managing Oregon White Oak Habitats



David Vesely *and* Gabe Tucker

*with Illustrations by* Raven O'Keefe

USDI Bureau of Land Management, Salem District  
Oregon Department of Forestry  
Oregon State University Extension Service  
The American Bird Conservancy  
The Nature Conservancy  
USDA Forest Service  
USDI Natural Resource Conservation Service



Mrs. Louise Marquering  
1640 NW Woodland Dr.  
Corvallis, OR 97330



# A Landowner's Guide for Restoring and Managing Oregon White Oak Habitats

Written by David Vesely and Gabe Tucker  
Illustrations by Raven O'Keefe

Pacific Wildlife Research • October 2004

for

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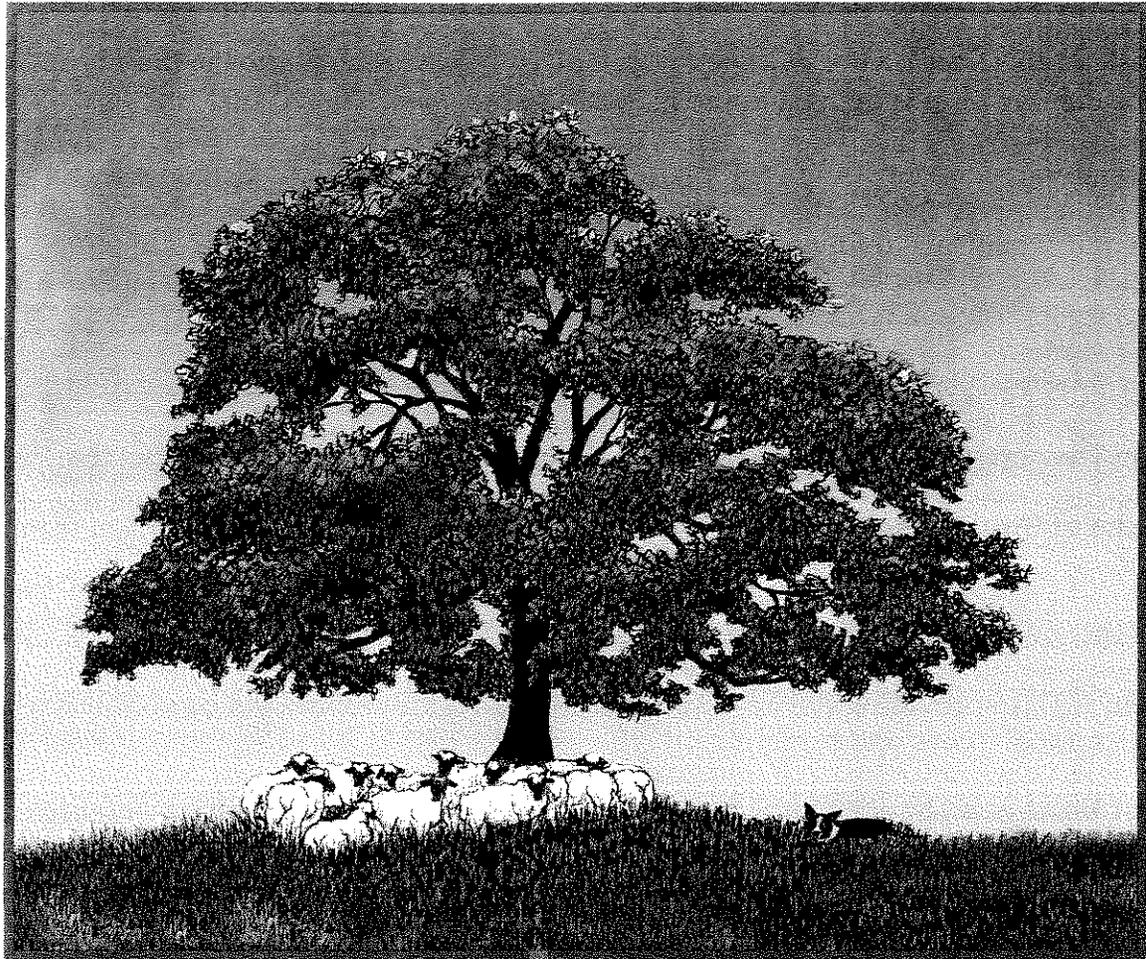
## Funded by:

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The Nature Conservancy



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*Less than 1% of oak-dominated habitats are protected in parks or reserves. Private landowners hold the key to maintaining this important natural legacy.*



## GLOSSARY OF TERMS

Throughout this Landowner's Guide, we have highlighted many terms in **bold type** to indicate that the term is defined in the glossary below.

**Biodiversity:** The variety of life and all its processes. The definition encompasses all living plants and animals, the ecological relationships among species, and evolutionary processes that permit organisms to function in a changing environment. Food webs and other ecological interactions play critical roles in nutrient cycling, maintaining water and air quality, preserving soil fertility, and many other "ecosystem services."

**Climax Species:** A species associated with the terminal stage of ecological succession.

**Crown:** The portion of a tree composed of branches and stem above the lowest live limb.

**Diameter at Breast Height (DBH):** The diameter of a tree stem measured 4.5 feet from the ground.

**Drip Line:** An imaginary line formed on the ground by the circumference of a tree crown.

**Habitat:** A place providing the necessary resources and environmental conditions for a plant or animal to live and reproduce.

**Habitat Elements:** The specific biological features (such as large trees, snags, prey species) and physical features (such as streams, caves, soil) occurring in the environment used by a species. The availability of habitat elements is assumed to have a significant effect on the survival, growth, and reproduction of wildlife.

**Habitat Structure:** See Vegetation Structure.

**Habitat Type:** A group of plant communities sharing similar characteristics such as species composition and wildlife relationships. Habitat types are usually named for the most dominant climax plant species in the community, for example, "Douglas-fir / western hemlock forest" or "Oregon white oak savanna".

**Mast:** A collection or crop of acorns produced by an individual tree or group of trees.

**Natural Regeneration:** The seeds, seedlings, and sprouts of trees that have become established on a site through natural processes of reproduction and dispersal.

**Overstory:** The highest vertical stratum of individual plants within a community. In a forest or woodland, the overstory is composed of dominant and co-dominant trees.

**Plant Community:** Any group of plants belonging to a number of different species that co-occur within the same habitat and interact through competition and other ecological relations.

---

**Plant Community Composition:** See Vegetation Composition.

**Root Zone:** The soil region that encompasses the roots of a tree.

**Savanna:** A plant community or vegetation type dominated by grasses with scattered, drought-resistant trees.

**Seral Species:** A species associated with the early or middle stages of ecological succession.

**Site Quality:** The productive capacity of a site to grow trees. Site quality is determined by soil type, climate, elevation, and other intrinsic factors.

**Snag:** A dead, standing tree.

**Stocking:** The number of trees per unit area relative to the optimum number of trees for growth and yield.

**Suppression:** The inhibitory effect that a more dominant tree exerts on the growth of a shorter tree through competition for resources, for example, sunlight and water.

**Thinning:** The silvicultural practice of removing selected trees during stand development to accelerate the growth of the remaining trees.

**Shade Tolerance:** The capability of a tree to survive and grow in the shade of taller vegetation.

**Understory:** The layer of vegetation between the forest canopy and the ground. Typically composed of shade-tolerant shrubs, tree seedlings, and saplings.

**Vegetation Composition:** The assemblage of plant species in a given area.

**Vegetation Structure:** The spatial arrangement of trees and other vegetation within a forest stand. Vertical structure refers to the stratification of vegetation, from the uppermost portion of the tree canopy to the ground.

**Wildland/Urban Interface:** The transitional zone between a highly developed urban area and an adjacent forest or chaparral. Often characterized by low-density residential neighborhoods that are vulnerable to forest or brush fires.

**Woodland:** In this guide, woodlands refer to stands of deciduous or mixed deciduous-conifer trees with a generally continuous or semi-open canopy.



## ABBREVIATIONS AND ACRONYMS

ac	Acre
BLM	Bureau of Land Management
CRP	Conservation Reserve Program
DBH	Diameter breast height
FSA	Farm Service Agency
ft	Feet
in	Inch
lbs	Pounds
LIP	Landowner Incentive Program
ODFW	Oregon Department of Fish & Wildlife
p.	Page
NRCS	Natural Resources Conservation Service
TPA	Trees per acre
USDA	United States Department of Agriculture
USDI	United States Department of Interior
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Survey
WDFW	Washington Department of Fish & Wildlife
WHIP	Wildlife Habitat Incentive Program



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## INTRODUCTION

*On the 10th, the country was somewhat more hilly than the day previous, but still fine grazing land. ... The country had an uninviting look, from the fact that it had been overrun by fire, which had destroyed all the vegetation except the oak trees, which appeared not to be injured.*

Lieutenant Charles Wilkes, describing a location along the Willamette River, September 1841.

Written accounts by the first naturalists and pioneers describe wide expanses of prairies and savanna across the Puget Sound region and major valleys of western Oregon. Trees were so scarce in the Willamette Valley that early land surveyors had to build rock piles to mark section corners instead of using traditional witness trees. At that time, grasslands and savannas were actively managed by American Indians, who deliberately set fire to the valleys each fall. The practice prevented forests from encroaching upon hunting grounds and plant gathering areas used by the tribes.

*In Washington and British Columbia, the species  
is still widely known as "Garry oak"*

The first settlers in the region often preferred the foothills of the Cascades and Coast Ranges rather than the valley floors. At these higher elevations were found park-like stands of Oregon white oak and ponderosa pine that provided firewood and timber for early homesteads. As soon as they were able to do so, settlers put an end to the widespread practice of grassland burning by American Indians because of the threat it posed to their crops and wood supply.

One hundred and fifty years after early pioneers settled in western Washington and Oregon, the prairies that once spread across valley floors have largely been replaced by agricultural fields and suburban homes. Since the suppression of burning, more than half of the pre-settlement oak savannas and open woodlands are now dense forests of Douglas-fir, grand fir, and bigleaf maple.

## Purpose of the Landowner's Guide

The primary purpose of this Guide is to encourage private landowners to conserve, and when appropriate, actively manage Oregon white oaks that already exist on their property, and consider planting additional oaks. In the early chapters of the Guide, we describe some of the uses and benefits of this remarkable tree in hopes of motivating landowners to take action. An introduction to the ecology of the Oregon white oak is included so the reader can better understand how management practices are founded on aspects of the tree's biology. Later chapters are designed to help landowners develop land management goals and understand the process of natural resource planning.

We hope this Guide will motivate landowners to take the next steps: seek out further information at university and government websites, contact your natural resource specialists, and enroll in woodland management courses and workshops. At the end of this Guide, we provide a list of government agencies and private organizations that can provide such technical assistance and funding opportunities for private landowners undertaking oak conservation projects.

Throughout this Landowner's Guide, we distinguish between oak **woodlands** and oak **savannas**. By woodlands, we are referring to stands of deciduous or mixed deciduous/conifer trees with a generally continuous or semi-open canopy. Savannas are ecological communities dominated by grasses and having scattered trees.

*The future of oak savannas and woodlands depends upon the active participation of private landowners*

For the purposes of this publication, we include livestock pastures with trees as savannas. Without recurring fire or active management, savannas will eventually become woodlands.

Oregon white oak savannas and woodlands are among the most endangered ecological communities in the Pacific Northwest. Oak habitats face threats on several fronts:



### Observations of David Douglas

In 1826, the naturalist David Douglas traveled the length of the Willamette Valley. His journal is filled with references to the natural vegetation he observed.

*September 27*

"Country undulating; soil rich, light, with beautiful solitary oaks and pines interspersed through it, and must have a fine effect, but being all burned and not a single blade of grass except on the margins of rivulets to be seen. This obliged us to camp earlier than we would have otherwise done."

*October 2*

"Country the same as yesterday, rich but not yet a vestige of green herbage; all burned except in deep ravines. ... As no place could be found suitable fodder for the horses, we had to travel till four o'clock, we camped at a low point of land near a rivulet."

After returning home, Douglas wrote the first scientific description of the oaks he observed in the Willamette Valley. He named the species *Quercus garryana*, after Nicholas Garry, Deputy Governor of the Hudson's Bay Company. In Washington and British Columbia, the species is still widely known as "Garry oak".

- Woodlands are disappearing ahead of rapidly expanding metropolitan areas.
- On rural landscapes, legacy oaks that persisted on pastures and woodlots for centuries are being cut down as agricultural practices intensify.
- Foresters have viewed Oregon white oak as an undesirable species because no strong market has developed for the wood.
- Without active management, the natural process of forest succession gradually leads to the replacement of oaks by faster-growing trees such as Douglas-fir.
- Park managers and homeowners do not often plant Oregon white oak for landscaping because of its reputation for slow growth.

Conservationists and public land managers in the Pacific Northwest recognize the critical role oak savannas and woodlands play as wildlife habitat and for maintaining ecosystem functions. However, most federal and state lands are concentrated in the Cascades, Coast Range, and Olympic Peninsula, regions with few suitable sites for growing oaks. Therefore, the future of oak savannas and woodlands depends upon the active participation of private landowners.

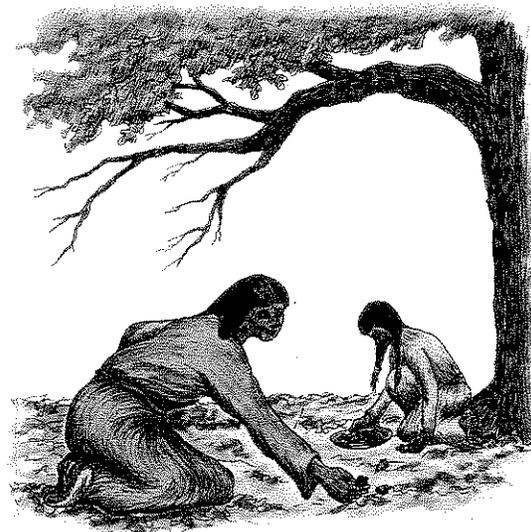
### Oaks and the Kalapuya Tribes

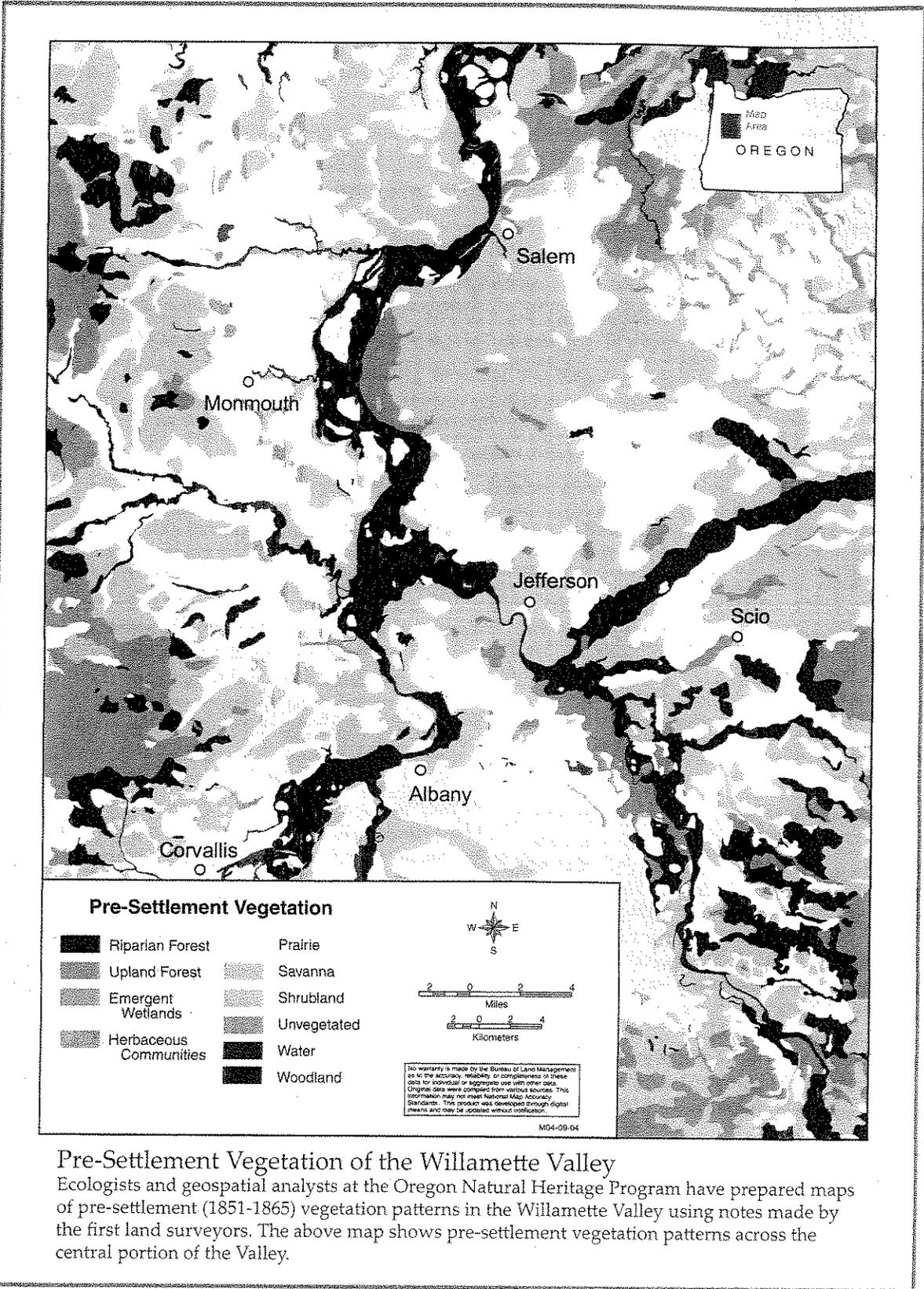
The plants associated with oak savannas, prairies and woodlands, were among the most important natural resources to the Kalapuya tribes of the Willamette Valley. Larger Indian tribes on the coast and along the Columbia River restricted Kalapuya access to the major salmon-bearing rivers. So the Kalapuya depended upon the plants of the western interior valleys to supply most of their foods. Groups of families traveled together to different locations throughout the year to take advantage of seasonal foods.

In the fall, village life was organized around the collection, preparation, and storage of acorns. Bread and porridge made from acorn meal were staples of the Kalapuya diet. Acorns have less carbohydrates and protein than cereal crops, but are rich in fat and fiber. The bitter tannins in acorns were easily leached out by soaking them in running water. The wood of oaks was also manufactured into various tools.

The Kalapuya were known to regularly use at least 50 other species of plants. The starchy roots of the camas, a member of the lily family commonly found in savannas and wet prairies, was an equally important food. Camas was collected in the spring when they were easier to dig out of the moist, clay soil. Woodland fruits and nuts such as salmonberry, huckleberry, bitter cherry, and hazelnuts provided diversity to the Kalapuya diet. In late summer, seeds of the tarweed were collected and ground into flour.

The Kalapuya were expert in the basic ecology and management of natural resources on which they depended. Fire was used for many purposes. Grass fires were set in the fall to make it easier to find fallen acorns and prevent other trees from encroaching. Patches of camas and tarweed were also maintained by regular burning. The Kalapuya were aware of the preferences of deer and elk to use the edges of habitat types. They used annual burning to maintain a mosaic of woodlands and openings that created optimum conditions for big game animals.





### Pre-Settlement Vegetation of the Willamette Valley

Ecologists and geospatial analysts at the Oregon Natural Heritage Program have prepared maps of pre-settlement (1851-1865) vegetation patterns in the Willamette Valley using notes made by the first land surveyors. The above map shows pre-settlement vegetation patterns across the central portion of the Valley.

---

## Why Should I Get Involved?

There are a number of good reasons for private landowners to participate in the conservation of oak savannas and woodlands. Four major reasons are listed below.

### **Benefits to Wildlife**

Oak savannas and woodlands are used by more than 200 species of native wildlife in the region. Many of these species are imperiled by habitat loss and degradation and introduced species. Whether you own a 40-acre woodlot or two Oregon white oaks in your backyard, preserving these trees will help ensure a future for wildlife near your home. The table below shows just a few of the representative wildlife species in woodlands and savannas.

**Wildlife associated with Oregon white oak habitats in the Pacific Northwest.** The table includes only a small sample of representative species found in woodlands and savannas.

Taxonomic Group	Woodland Species	Savanna Species
Amphibians	ensatina (salamander), red-legged frog	long-toed salamander, Pacific tree frog
Reptiles	western skink, ring-necked snake, sharptail snake, rubber boa	western fence lizard, gopher snake, northwestern garter snake
Birds	white-breasted nuthatch, western wood-pewee, Merriam's wild turkey, northern pygmy-owl	American kestrel, western bluebird, savanna sparrow, western meadowlark
Mammals	vagrant shrew, western gray squirrel, coyote, blacktail deer	long-eared myotis, Botta's pocket gopher, brush rabbit

Oak trees are an important **habitat element** that influence the abundance and distribution of wildlife species. Shade provided by a woodland canopy offers an escape from summer heat, thereby allowing warm-blooded animals to conserve energy. Woodland foliage also provides important hiding cover for wildlife on landscapes dominated by agricultural fields and pastures. Trees in riparian areas can also reduce water temperatures and improve stream conditions for fish. Leaves continue to serve wildlife, even when they are no longer on the tree. Fallen leaves provide a source of organic litter, an important microhabitat for amphibians and reptiles. On savannas and agricultural landscapes, trees serve an important function as perches for red-tailed hawks, kestrels, and great horned owls as they wait to ambush their next meal.

Many birds and mammals use tree cavities for nesting, roosting, or den sites. Downy woodpeckers, white-breasted nuthatches, western bluebirds, the long-eared myotis (bat) and western gray squirrel are just a few examples. Cavities usually begin as a pocket of decaying wood.

Wood-boring insects tunnel through the decay until discovered by a woodpecker. The woodpecker makes a meal of the insects and then may excavate the cavity for a nest or roosting site. When a cavity is no longer used by the woodpecker, it becomes a valuable

---

resource for dozens of other wildlife species. In coniferous forests, most cavities occur in the stem of a **snag**. Oaks have better mechanisms than conifers for sealing off pockets of decayed wood from healthy portions of the tree. Therefore, cavities are found as often in dead branches on living oaks as in snags. Dead trees continue to serve functions for wildlife after they have fallen to the ground. Decaying logs host a rich supply of insects, a source of food for many vertebrates, as well as provide hiding cover for amphibians, reptiles, and small mammals.

*When a cavity is no longer used by the woodpecker, it becomes a valuable resource for dozens of other wildlife species*

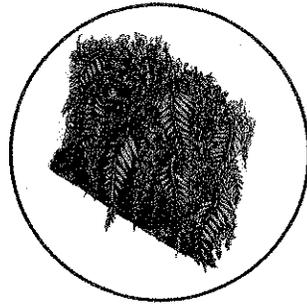
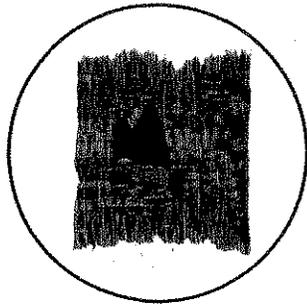
Perhaps the greatest importance of oaks to wildlife is their production of acorns, also known as "**mast**." These large, edible seeds have a high caloric content and represent an important food resource during fall and winter when other forages are becoming scarce. Because annual acorn production is highly variable, few wildlife species can risk being entirely dependent on acorns. However, good acorn crops can boost survival and reproduction rates, permitting some wildlife populations to attain greater densities than would be possible without this resource.



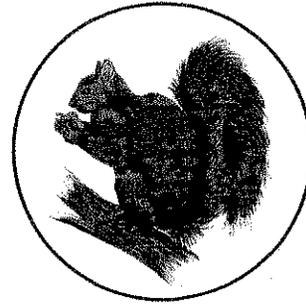
Tarweed (*Madia elegans*), and other wildflowers grace this oak stand near Salem, Oregon. Oak stands such as this contain habitat elements that support a variety of wildlife species.

*Lynda Boyer, Heritage Seedlings*

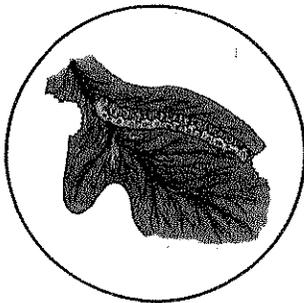
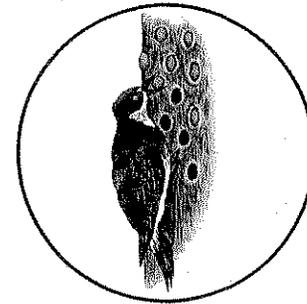
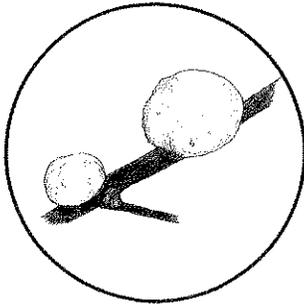
Offers nest & den sites  
for wildlife



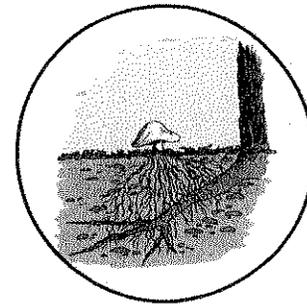
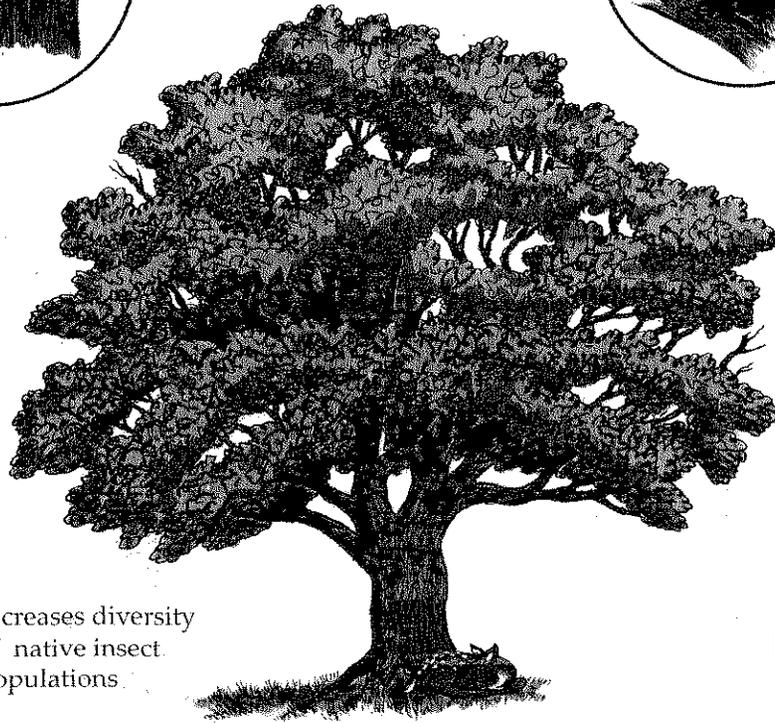
Provides unique microhabitats  
for mosses & lichens



Important food source  
for many species of  
wildlife



Increases diversity  
of native insect  
populations



Maintains  
ecological  
processes

Even a single Oregon white oak can make a significant contribution to the biological richness of your property.

## Maintain Native Biodiversity

Oregon white oaks are important contributors to the biodiversity of the Pacific Northwest. For example,

- A single Oregon white oak may host dozens of species of microorganisms uniquely adapted to its leaves, roots, and woody tissues.
- The branches of an ancient oak can become draped with mosses and lichens not found on conifers.
- Several species of the wasp family Cinipidae are among the many insects that feed or reproduce solely on white oak trees and nowhere else.
- On a landscape scale, oak savannas and woodlands support communities of plants and animals that are remarkably different than the intensively managed agricultural fields and conifer forests surrounding them.

These points illustrate the fact that a single oak in a suburban backyard may increase the biodiversity of the property many fold, even if the landowners do not see most of it.

*An insect survey conducted at a single site in Lane County, Oregon discovered 35 species of moths and butterflies using the foliage of Oregon white oak*

## Fire Hazard Reduction

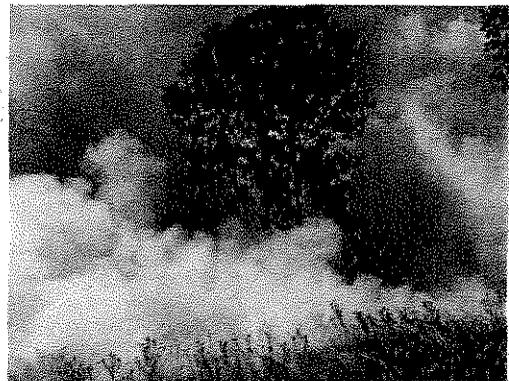
Every year, wildland fires destroy homes, cause millions of dollars of property loss, and put firefighters at risk across the region. Most of the damage is preventable if landowners take care to reduce the fire hazard on their property. While no tree is fireproof, Oregon white oaks have characteristics that make them safer in the wildland/urban interface. For example, the wood and leaves of white oaks contain much less flammable resin than Douglas-fir or other conifers. Therefore, standing oaks and litter underneath the trees are less prone to carry a fire. Conifers grown in open settings retain their lower branches creating a "fuel ladder" up the tree. In contrast, the branch structure of oaks tends to minimize the chance that a ground fire will be carried up into the tree crown.



### Oak Galls

Many oaks bear conspicuous bulges and outgrowths called "galls". Some galls are shaped like small apples or potatoes, while others appear to be intricately engineered structures. Galls can form on any part of an oak, but twigs and leaves are the most common locations. Galls are probably not too harmful to oaks, but heavy infestations may increase stress on trees already weakened by injuries, disease, or competition.

Oak galls are formed by a highly specialized family of insects called cynipid wasps (derived from their taxonomic family—Cynipidae). Cynipid wasps are little more than a millimeter in length—and they don't sting. Cynipid wasps have extremely complex life histories that have evolved as a consequence of their close association with oaks.



Oregon white oaks are well adapted to survive most ground fires.

*Chris Seal, USFWS*

## Farm Uses

Driving through the Willamette Valley on a summer afternoon, one does not have to travel far before observing how valuable the spreading crown of an oak is to livestock. Cattle, sheep, and horses naturally gravitate to tree shade to avoid the sun. Research demonstrates that livestock produce less meat, milk, and wool when stressed by heat. Water transpiration through tree leaves also creates a greater cooling effect than artificial shade structures.

Other benefits include:

- Well-spaced oaks increase livestock dispersal across pastures and therefore improve forage utilization.
- Studies conducted on closely-related oak species (blue oak and interior live oak) indicate that soil near oaks has greater concentrations of nutrients than pasture areas without oaks, improving the abundance and nutritional value of the forage crop.
- Oaks scattered throughout field crops and grain storage areas will provide hunting perches for hawks and owls. These predators can limit crop damage by voles, ground squirrels, rats, and other pests.
- Oaks and associated **understory** vegetation that are retained along streams intercept and trap run-off from pastures, thus protecting water quality and fish habitat.

## In Summary...

In the Pacific Northwest, most of the land in the geographic range of Oregon white oak is in private ownership. Federal and state land management agencies administer only a small portion of existing oak habitat. Less than 1% of oak-dominated habitats in Oregon are protected in parks, designated wilderness, or special management areas. Therefore, any conservation strategy must largely depend on the efforts of private landowners.



A savanna-type pasture in Polk County, Oregon.

*A stand of mature, healthy oaks is a wonderful legacy for a landowner to leave for future generations to enjoy*

Oregon white oaks are worth the commitment. A stand of mature, healthy oaks is a wonderful legacy for a landowner to leave for future generations to enjoy. Although conservation of these special trees must be driven by private property owners, there are many programs available to assist with grants, loans, and planning services. The remainder of this Landowner's Guide will summarize the biology of Oregon white oak, provide an overview of habitat management practices, and identify resources to help you plan and implement your project.

## *Landowner Stories: Jefferson Farm*

Driving south on I-5 from Portland toward Albany, traffic speeds through a landscape mosaic composed of shopping centers, suburban neighborhoods, grass seed fields, turf farms, and horticultural nursery crops. Nurseries that grow ornamental and landscaping plants represent the fastest growing segment of agricultural industry in Oregon. One of these wholesale nurseries is Heritage Seedlings, Inc., owned by Mark and Jolly Krautmann.

The Krautmann's plan is to showcase the diversity of Willamette Valley native plants and wildlife on their Jefferson farm. The couple recently purchased the property in the south Salem Hills just barely beyond the noise of I-5 traffic. It's hard to believe that the couple only acquired the land in the fall of 2003. In just a few months, they have secured cost-share funds and grants for restoration work on the farm from the U.S. Fish and Wildlife Service, Natural Resources Conservation Service, and Oregon Department of Fish and Wildlife. The USFWS Private Stewardship Grant was established to assist private landowners in creating and managing habitats for threatened and endangered species.

The restoration work on the Jefferson farm may benefit as many as 30 species of plants and wildlife. During the next five years, four different habitat types will be restored or enhanced on the property. They are upland prairies and savannas, Oregon white oak woodlands, wet prairie, and riparian forest.

*The partnership among the Krautmanns, NRCS, USFWS, and ODFW unequivocally demonstrates that private landowners and agencies can collaborate on efforts to protect natural resources*

Lynda Boyer, a botanist employed full-time by Heritage Seedlings, manages the Jefferson farm project. Lynda began inventorying the flora of the farm immediately after it was purchased by the Krautmanns. Although most of the property has been intensively grazed for decades, Lynda is finding remnant populations of native wildflowers and grasses. A sample of species from her inventory include: woodland star, prairie violet, western buttercup, camas and blue wild rye. Lynda also supervises crews that are thinning trees in the woodland and savanna units and spraying invasive weeds on the prairie. Most of the heavy brush and unwanted trees are being removed with a tractor fitted with a shearing attachment.



A novel thinning approach is planned for dense areas of small diameter Oregon white oaks. In most restoration projects, the oaks removed during the thinning operation would be sold as firewood or chipped. Mark plans to utilize a mechanical tree spade developed for the nursery industry to remove many of these oaks—including a root mass. Some of the trees are up to 15 feet tall and have already attained more than 20 years of growth. Some will be re-planted in the riparian restoration area, others will be transported to one of the lower agricultural fields for continued growth.

Mark and Jolly Krautmann have a guiding sense that most agricultural producers care deeply about wildlife habitat, soil conservation and water quality, as well as the productive capacity of their farms. The partnership among the Krautmanns, NRCS, USFWS, and ODFW unequivocally demonstrates that private landowners and agencies can collaborate on efforts to protect natural resources. Mark concludes, "We all share the same sunshine, air, water, and land to care for and to pass to generations who will follow us. How could we possibly act upon our stewardship responsibility without that guiding, humbling realization?"



## ECOLOGY OF OREGON WHITE OAK

### Species Distribution

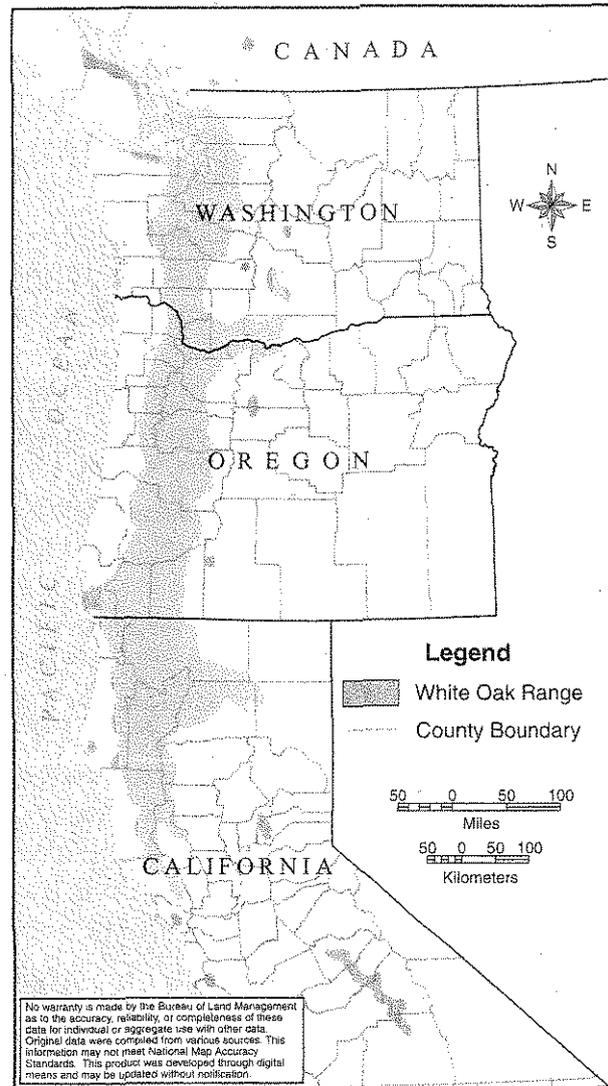
The geographic range of Oregon white oak stretches from its northernmost extent at Vancouver Island, British Columbia, to Los Angeles County, California. The species occurs throughout the Puget Trough and on islands in Puget Sound, Washington. Its distribution reaches eastward along the Columbia River for approximately 125 miles. In Oregon, the species is abundant in the Willamette, Umpqua, and Rogue Valleys. It also can be found in localized areas along the east side of the Cascade Range. Oregon white oaks are common in the Klamath Mountains and northern counties of California, but are patchily distributed south of San Francisco Bay. In Washington and Oregon, the species is generally limited to elevations below 3,800 ft. In the southernmost portion of its range, Oregon white oak occurs in elevations up to 7,500 ft, although its form is more like a shrub than a tree.

### Reproduction and Growth

Oregon white oaks can reproduce from seeds (acorns) or from sprouts. The average length of an acorn is approximately  $1\frac{1}{4}$  inches with a  $\frac{3}{4}$  inch diameter. Trees typically do not begin producing acorns until they are about 20 years old. Acorns usually drop from trees between late August and November.

Acorns are further dispersed by animals who gather and carry them to food caches. Acorns do not require a period of dormancy and may germinate soon after dispersal and fall rains. The seedling quickly develops a deep taproot that allows its survival on dry or grassy sites. Annual acorn production varies from tree to tree and year to year. In a good year a tree on an average site with a 30 ft diameter **crown** may produce approximately 20 lbs of acorns. Trees that are able to tap water deep underground during the summer may have higher productivity. Trees on dry sites may produce much less.

Most Oregon white oaks actually may have grown from a sprout rather than a seed. Tree growth proceeds much more rapidly from a sprout because it can utilize the existing root



Geographic range of Oregon white oak.

system. Some sprouts originate from dormant buds at the base of the tree, or from roots close to the surface, while others arise from branches or the stem. Tree injuries, such as cutting and fire, stimulate the growth of sprouts.

*Many of the oaks standing today were living when Lewis and Clark visited the Northwest in 1804.*

Many of the oaks standing today may have been living when Lewis and Clark visited the Northwest in 1804. A few trees may attain a life span of 500 years. The growth of Oregon white oaks varies according to soil type, competition from other trees, and other characteristics of the site. Under the best conditions, a 100-year old tree may reach heights greater than 80 feet. On poor sites, a tree of the same age may only be 25 feet tall.

### Soils and Topography

Oregon white oak occurs on a wide range of soils and topographic conditions—from dry, rocky hillsides to floodplains. However, oaks are usually out-competed on good quality sites by faster-growing trees. Across much of its range, Oregon white oak is restricted to locations that are either too dry in summer or too wet in winter for most other trees. Soils at these locations are often characterized by heavy clays or gravelly loams. Soils that support oaks tend to be acidic, ranging from 4.8-5.9 in pH.

### Ecological Role

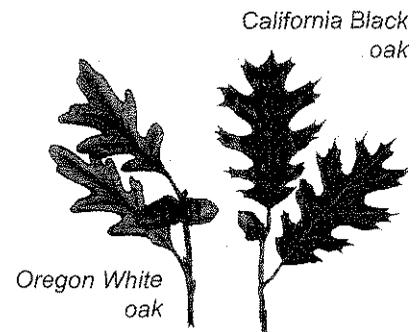
Oregon white oak has a long lifespan of up to 500 years and may persist as a **climax species** on sites prone to drought or naturally occurring fire. However, Oregon white oaks more commonly exist as an early- to mid-seral species on better quality sites. The species has an intermediate **shade tolerance**. This fact, coupled with its slow growth, prevents Oregon white oak from enduring in stands that contain faster-growing competitors such as Douglas-fir, grand fir, or bigleaf maple. This is clearly illustrated across woodlands in the region, where large, dead and dying oaks are common underneath conifer forest canopies.

### Plant Associates

Several distinct **plant communities** associated with Oregon white oak woodlands have been recognized, along with many different grassland types found on oak savannas. Other

### Other Oaks of the Pacific Northwest

Oregon white oak is the most widely distributed oak in the Pacific Northwest, but five other members of the genus *Quercus* (true oaks) also occur in the region. A shrubby form of Oregon white oak that grows only in the Siskiyou Mountains of southwest Oregon has been named Brewer's oak (*Q. breweri*, or alternatively, *Q. garryanna* var. *breweri*). California black oak (*Q. kelloggii*) can be found throughout southwest Oregon, northward to Eugene, Or. It can be most easily distinguished from white oak by its 3-toothed, bristle-tipped leaves. As the names implies, black oaks have dark gray bark and white oaks have white or tan-colored bark.



Canyon live oak (*Q. chrysolepis*) is widely distributed in California, but is restricted in our region to southwest Oregon. Canyon live oak has un-lobed, evergreen leaves. In contrast to Oregon white oak and California black oak, the species can thrive on shaded, north-facing slopes. Two final species: Sadler's oak (*Q. sadleriana*) and huckleberry oak (*Q. vaccinifolia*) are low shrubs that only occur in California and the Siskiyou region of Oregon.

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trees that commonly occur with oaks are Douglas-fir, grand fir, ponderosa pine, Pacific madrone, bigleaf maple, and Oregon ash. In southwest Oregon and northern California, black oaks may coexist in stands with Oregon white oaks. Native shrubs commonly associated with oaks include: poison oak, snowberry, oceanspray, hazel, serviceberry, and hawthorn. Sword fern, native and non-native grasses, and a great diversity of other plants are also found in oak woodlands and savannas.

## Ecological Succession

Ecological succession (also known as plant community succession) refers to changes in **vegetation structure and composition** that occur over time on a site through natural processes. Ecological succession has played an important role in shaping current conditions in oak habitats. Savannas and open-canopy woodlands are thought to have been much more common prior to European settlement in the region.

*It is estimated that more than 500,000 acres of savanna covered the region in the early 1850's.*

Annual burning by American Indians was reported to have left most of the valley floor touched only by light fire, while scattered areas burned more intensely. Mature trees could survive most ground fires, but seedlings and saplings were usually killed. The annual burning maintained vast areas in the region as oak savannas (See pre-settlement vegetation map, p. 4). It is estimated that more than 500,000 acres of savanna covered the region in the early 1850's. Since then, there has been a dramatic loss of this habitat type to conifer encroachment and land conversion. Today, less than 1% of the pre-settlement acreage remains.



The scattered oaks that can be seen across today's agricultural landscapes are a legacy of pre-settlement oak savannas. Native grasses and wildflowers flourished on savannas, as did elk, white-tailed deer and other animals that are now rare on farmlands. Just a few oaks per acre can attract wildlife that would otherwise be absent from intensively managed agricultural fields.

Like the native prairies that once extended across the region, savanna plant communities were dominated by bunchgrasses such as Roemer's fescue, red fescue, and California oatgrass. Savannas are really only distinguished from prairies by the presence of widely-spaced trees. Oregon white oak, ponderosa pine, and Douglas-fir were some of the most common trees that occurred on native savannas.

Woodlands subjected to frequent burning were characterized by groups of oaks, as well as openings with only widely spaced trees. The woodland understory was generally composed of ferns, grasses, and herbaceous plants that could re-grow quickly after a fire. In most areas, shrubs were distributed in small, scattered patches where fires were less frequent or deliberately left unburned by the American Indians. Most coarse, woody debris was in the form of large diameter snags and dead branches on living trees; all but the largest pieces of wood on the ground probably burned during the frequent fires. Pre-settlement landscape patterns were often complex, especially in the foothills above the major valleys. Here, the rolling terrain caused uneven patterns of burning that left a mosaic of open woodlands, prairies, ponderosa pine forests, and densely vegetated riparian areas.

Pre-settlement oak woodlands were characterized by relatively open canopies dominated by trees with full, mushroom-shaped crowns.



Pre-settlement oak woodlands were characterized by relatively open canopies dominated by trees with full, mushroom-shaped crowns.

Since the cessation of American Indian burning, Douglas-fir, grand fir, and bigleaf maple have encroached upon stands once dominated by Oregon white oak. These tree species grow much faster and tolerate more shade than oak.

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Once other trees become established, Oregon white oak can no longer successfully re-seed in their shade. It is only a matter of a few decades before even the mature oaks begin to lose their **crown** spread and die, due to competition for sunlight.

*The loss of crown volume reduces the capacity of the tree to produce acorns*

Most valley woodlands have already transitioned into crowded, mixed-species stands, sometimes reaching densities of more than 1000 trees per acre. Under these conditions, mature oaks begin to lose the lower portion of their **crowns**, taking on a funnel-shaped appearance. The loss of **crown** volume reduces the capacity of the tree to produce acorns and the availability of this important resource to wildlife is diminished. As encroachment progresses, Douglas-fir eventually overtop the oaks. Bigleaf maple or grand fir often forms a mid-story canopy layer that favors seedlings of shade-tolerant species, while excluding oak. The multi-layered canopy and other structural characteristics of these stands more closely resembles forests of the Coast Range or Cascades than oak woodlands and savannas that extended across the valleys two hundred years ago.



In the absence of annual burning, woodlands and savannas once dominated by oaks eventually transition to conifer forest. Oaks lose their lower branches and their crowns appear vase-shaped. Acorn productivity decreases and oaks fail to reproduce.



## SETTING GOALS

Landowners are motivated to undertake oak restoration and management projects for a variety of reasons. Wildlife habitat improvement, a desire to use native plant species in their home landscaping design, and reducing forest fire hazards are just a few of the reasons. This section of the Landowner's Guide is intended to assist you in formulating goals and management objectives—the first step to planning a restoration project.

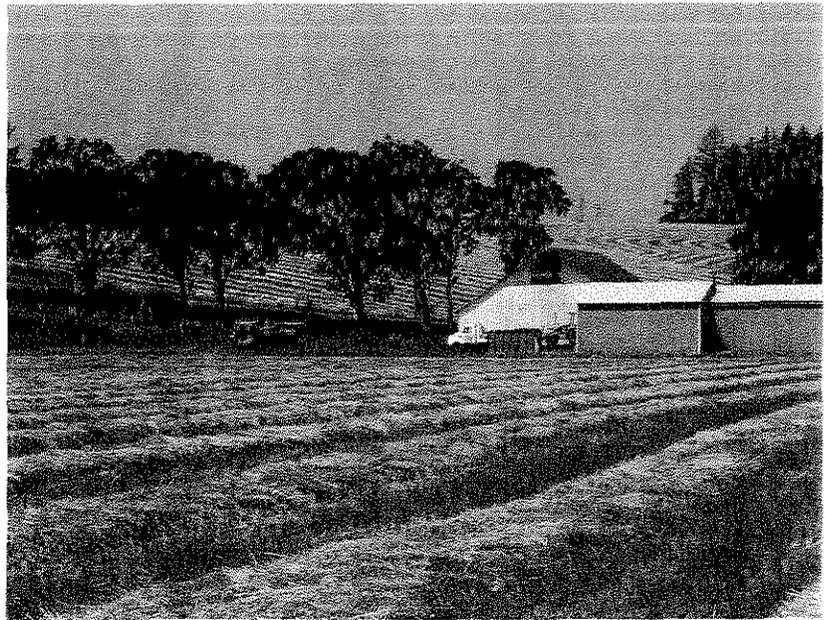
All restoration tasks should be guided by the desired future condition you foresee for your land. Considering all of the short- and long-term land management objectives, will help you focus on high priority actions. The following list provides examples of some typical land management goals for three different landscape settings.

### *Small Woodlands*

- Create or enhance habitat for fish and wildlife.
- Maintain native woodland and meadow plant communities.
- Sustain a periodic income from timber sales.
- Improve recreation opportunities.
- Reduce wildfire hazard.

### *Farms*

- Sustain a long-term firewood supply.
- Provide shade for livestock in pastures.
- Protect streams from sources of sediment and manure runoff.
- Preserve legacy trees passed from one generation to the next.
- Improve oak savanna-type habitats for wildlife and native plants.



Almost every farm has a place for at least a few oaks.

### *Homes*

- Increase backyard shade.
- Improve wildlife viewing opportunities.
- Enhance landscape esthetics.
- Improve defensibility of the home and property against wildfire.
- Increase real estate value.

Of course, many of these goals would apply equally well in other settings. In many cases, Oregon white oak may be the tree species best suited to your particular set of goals and landscape conditions.

## Goals vs. Management Objectives

Restoration goals can be broadly defined — “improve growth of existing oaks” or “to enhance habitat for savanna bird species” are two examples. However, each goal should be linked to one or more specific management objectives that guide which on-the-ground actions will be necessary to achieve the goal. Objectives should be measurable or clearly observable so that you can monitor progress toward the goal. Here are two hypothetical examples:

- **Goal: Improve oak growth in the lower management unit**
  - **Objective 1:** Reduce overtopping by conifers  
*Task:* Remove all conifers in the unit during Year 1.
  - **Objective 2:** Adjust oak spacing to 40 trees/acre during Year 2.  
*Task:* Perform thinning — retain only best formed trees.
  - **Objective 3:** Maintain desired tree spacing  
*Task:* Thin the unit at 10 year intervals — remove conifers; thin oaks as needed.



Careful restoration planning will ensure that you achieve desired future conditions on your site.

*Dave Peter, USDA Forest Service*

- **Goal: Enhance habitats for savanna bird species in the north pasture**
  - **Objective 1:** Improve composition and structure of the **plant community**  
*Task:* Plant native grasses and herbs during Year 1 (100 western buttercups, 100 camas, 100 white yarrow, 500 plugs of blue wildrye, 500 plugs tufted hairgrass).
  - **Objective 2:** Protect existing oaks  
*Task:* End all ground disturbing activities within root zone of oaks; manage invasive weeds under oaks using spot herbicide spraying.

These two simple examples are meant to illustrate how goals are linked to several (by no means all possible!) clearly defined objectives and tasks. If your objectives are modest — such as just a few new oaks for your front yard, then the entire process of planning and implementation can usually be accomplished yourself. However, owners of woodlands and farms contemplating a major project may benefit by consulting with a natural resource professional early in the planning process. This is particularly true if you must balance multiple or complex objectives, such as managing oaks for wildlife habitat and cattle grazing on the same ground.

There are two other good reasons to seek assistance. First, resource professionals can help landowners navigate through state regulations



Camas  
(*Camassia quamash*)

established to protect environmental quality and reduce forest fire risk. Some rules governing forestry practices apply to small, private woodlands just as they do to large timber operations. Second, natural resource agency staff, such as the NRCS, local soil and water conservation districts, and state natural resources departments, can help you determine the eligibility of your management plan for one of the many federal and state habitat conservation programs. See *Resources for Landowners* for a list of agencies and conservation programs that support woodland and savanna restoration projects.



Farewell-to-Spring (*Clarkia amoena*), form colorful drifts in this native meadow restoration site east of Salem, Oregon.  
*Lynda Boyer, Heritage Seedlings*

California brome, (*Bromus carinatus*), a native grass associated with prairie and Oregon white oak. Increasing native species such as this and *Clarkia* (above) is often one of several goals a landowner may have for their land.  
*Lynda Boyer, Heritage Seedlings*



## *Landowner Stories: Raindance Ranch, Benton County, Oregon*

When Warren Halsey, who purchases and manages timber properties, first saw the aerial photo of the 270-acre farm along Muddy Creek, it was the large Douglas-firs that caught his eye. The standing trees made the farm a good value for his investment partnership. Warren and his wife Laurie came up from California to take a closer look at the property. The Halseys were so taken by the richness of the plant communities and wildlife they observed, both realized that it wasn't a timber investment they had found, it was a home.

For the last 10 years the Halseys have been transforming the old farm they call Raindance Ranch into a landscape mosaic composed of wetlands, oak savanna, managed pastures, and conifer forest. The first project, funded in part by the NRCS Wetland Reserve Program, was the construction of four large ponds along the creek to create habitat for waterfowl and winter shorebirds. The ponds are now used by dozens of resident and migratory bird species, red-legged frogs, western pond turtles, raccoons, black-tailed deer and Roosevelt elk. But that was just the beginning. The Halseys, guided by USFWS biologist Steve Smith, next turned their attention to the wetlands, prairies, and a riparian corridor. The wetland and prairie restoration remains a work in progress, but wildlife is already responding to improving habitat conditions. In 2003, they began a major oak habitat restoration project that includes most of the upland areas of the ranch. The Douglas-fir stands concealed dense patches of small diameter oaks, and huge, decadent trees having the characteristic open-grown form. The large oaks are a legacy from the days when Kalapuya families burned the prairies and most of Raindance Ranch was an oak savanna.



A view of the Raindance Ranch just after an oak thinning. Most of the conifers will be removed during a follow-up treatment.

The first phase of the woodland restoration involved mechanical brush removal (mostly non-native blackberry species) and a pre-commercial thinning to release the suppressed oaks. Approximately 100 of the healthiest oaks per acre were retained. This tree density is greater than the desired future condition, but some of the remaining trees will be lost to windthrow and during the commercial harvest of Douglas-fir. The brush removal and thinning resulted in a large amount of slash in the woodland. A specialized chipper towed behind a tractor reduced the size of the material. A broadcast burn will be conducted this year to reduce the volume of the wood chips. Other areas of the ranch will be restored to an oak savanna community. The Halseys are fortunate that healthy, solitary Oregon white oaks still remained in the pastures. In one field, a tractor-pulled applicator, designed to wipe herbicide across only the tallest vegetation, will be used to release native grasses and herbs from a non-native fescue dominating the plant community. Another field will be completely regenerated using broadcast herbicide spray, followed by a planting of native prairie species. The Halseys know they cannot recreate the same savanna conditions that the pioneers found when they first arrived in Oregon, but they do want to do their part in improving this valuable type of habitat so critical to the many plant and animal species in decline in the Willamette Valley.

Warren and Laurie Halsey clearly respect the biological diversity of native plant and wildlife communities. However, Raindance Ranch is a working, agricultural and forestry operation. An organically certified cattle herd grazes under the oaks on managed pastures. Grass seed and other crops are produced on fields among the restored prairies and woodlands. Many of the Douglas-firs will be harvested when log prices go up. The Halseys have found a wonderful balance between commodity production and their stewardship of the native places on the ranch. The Halseys consider Raindance Ranch a work in progress. They look forward to new conservation projects, research, and sharing their restoration experience with other landowners.



## ASSESSING YOUR SITE

All major restoration work should begin with an assessment of physical and biological conditions on the site. There are three major reasons for conducting a site assessment before beginning on-the-ground activities:

- To describe the present condition of natural resources on your land that can contribute to defining and achieving your oak restoration and management goals. The information collected should help you decide whether the restoration site is better suited as an oak savanna, woodland, or other type of plant community.
- To identify management problems that will need to be addressed. Examples include: **suppression** of oaks by other tree species, invasive weeds, or droughty site conditions.
- To collect the information for preparing a management plan required by an agency funding your project.

Soils, vegetation, and wildlife use can vary greatly over different portions of a large, rural property. Therefore, it makes sense to sub-divide your property into relatively homogeneous units (based on vegetation or land use) for the purpose of the assessment and management.

*The scope of your assessment should be driven by the complexity and scale of your project.*

A comprehensive site assessment typically addresses six major topics:

- Soils
- Natural features
- Land use
- **Overstory** tree information
- **Understory** conditions
- Wildlife observations
- Maps and aerial photographs

A description of each of these topics is provided below. Your assessment may not need to address each in detail, or may not need to include some topics at all. The scope of your assessment should be driven by the complexity and scale of your project. Many landowners will choose to have an assessment conducted by a consulting forester or restoration specialist. Assistance is available if you are interested in performing all or parts of the assessment yourself. Most university extension offices and small woodland owners associations offer workshops, short courses, and written guides for conducting basic natural resource assessments. See *Resources for Landowners* at the end of this Guide for finding further information sources about assessments.

### Soils Description

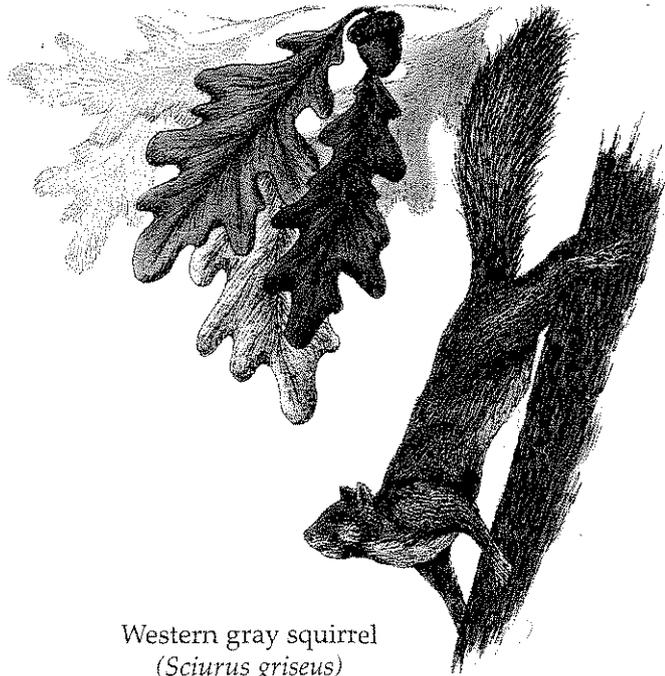
The types of soil that occur on your property are one of the principal factors in determining the composition and productivity of the plant community. A description and assessment of soils can help you (and natural resource professionals) assess whether Oregon white

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oak is suited to your site. It may also reveal potential management problems such as soils that are prone to erosion or compaction. Collecting soils information for your restoration project is largely a research and mapping effort, rather than an on-the-ground activity. Soils information can be found in soil survey reports prepared for your county and published by the NRCS. These reports include maps and useful information about the physical and biological characteristics of different soil types. Soil survey reports are available on the internet, from NRCS offices and at many local libraries.

### Natural Features

Your assessment report should identify important natural features in the vicinity of the restoration site such as streams, riparian areas, wetlands, cliffs, and caves. This information can be used to identify restoration opportunities for *unique plants, fish, and wildlife on your property*. Much of this information can be presented in your assessment report by including a copy of the portion of a USGS 1:24,000 scale topographic map that covers your property.



Western gray squirrel  
(*Sciurus griseus*)

### Overstory Trees

Trees are the principle characteristic that defines woodlands and savannas. Not surprisingly, much of your assessment will focus on collecting information about oaks and other trees. There are three major reasons for assessing the species composition, size, and health of the existing trees before beginning on-the-ground restoration activities.

*Tree data collected before restoration work begins can establish baseline conditions to which future surveys can be compared*

First, the information is essential in determining the types of management activities that will be necessary to achieve your restoration goals. Second, a tree survey can determine the volume and commercial value of standing timber on your restoration site. This information is useful if you are planning to pay for your project by selling the trees that are removed during a tree thinning. Finally, the tree data collected before restoration work begins can establish baseline conditions to which future surveys can be compared. Appendix I provides an introduction to data collection for those landowners wishing to perform a tree survey.

## Understory Conditions

An assessment should also address the following three major features of the understory layer:

### **Oak Regeneration**

Estimating the abundance of **natural regeneration** on your restoration site is useful for determining whether it will be necessary to plant additional acorns or seedlings. Regeneration surveys are typically conducted by counting seedlings (diameter less than 2 in) and saplings (diameter between 2-4 in) on 1/100-ac plots (circular plot =11.78 ft radius; square plot =20.9 ft per side) located systematically throughout the management unit. Multiply plot counts by 100 to convert to a per acre basis. See Appendix I for further information about establishing data collection plots.

### **Understory Plant Community Composition**

This can be a short narrative that identifies species and their relative abundance ("most common", "less common", "rare") of shrubs, ferns, herbaceous plants, and grasses. You should pay particular attention to rare or desirable species of plants that you wish to protect and manage. Also note invasive weeds that are becoming a problem on your site.

### **Snags and Logs**

Dead trees and fallen logs are a crucial habitat element for many wildlife species. A comprehensive stand assessment should provide a qualitative description of snag and log abundance on the restoration site. A systematic survey is even better. Snags can be tallied on the same measurement plots that were established for live tree measurements. Log abundance can be estimated by measuring the total length of logs in different diameter classes on 1/100-ac regeneration plots.

### **Stand Tables**

Stand tables can provide a wealth of information about the composition and structure of a woodland. Stand tables are commonly constructed by summing tree counts taken from all the plots established in a stand, then multiplying the value by the appropriate factor to convert to a per acre basis.

The example below represents a woodland currently dominated by Oregon white oak. However, the presence of faster-growing species in the smaller size classes suggests the oaks will be overtopped in a few decades unless the landowner intervenes.

DBH (inches)	Douglas-fir	Grand Fir	Oregon Ash	Bigleaf Maple	Oregon White Oak
4	75	27	12	18	1.6
6	118	15	0.9	16	0
8	90	0.2	3	24	1
10	47	0	0	0	0.4
12	58	0	1.4	6	0
14	2	0.1	0	3	5
16	3	0	0	0.7	3
18	0.6	0	0	0	6
20	0	0	0	0	16
22	0	0	0	0	2
24	0.2	0	0	0	0
26	0	0	0	0	

Values are trees per acre (TPA)  
DBH: Diameter at breast height

## Wildlife Observations

It's surprising how few site assessments include wildlife surveys or even informal observations, even though providing benefits to wildlife is one of the primary motivations for landowners to undertake oak restoration projects. Perhaps it's because most landowners feel they don't have the skills to identify the amphibians, reptiles, birds, and mammals that share their lands. We encourage you to pick up some wildlife field guides and begin to make a list of species that you are able to identify. Your list can be made more informative if you record the date of observation and general location on your land.

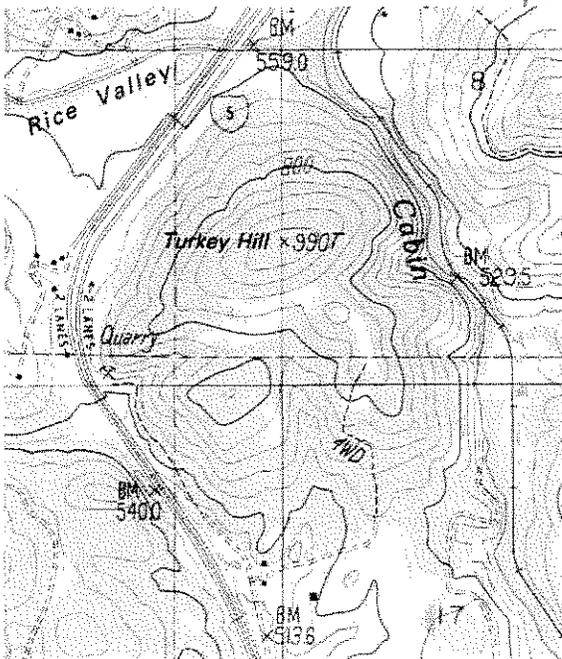


Borage is a common wildflower in open woodlands and savannas.

## Maps and Aerial Photos

Maps and aerial photographs are important for understanding the positions of property boundaries, access roads, and natural features on the landscape. Such information is crucial for developing a restoration strategy.

*Besides maps, soil survey reports include useful information about the capability of your land to support different tree species and crops*



USGS 1:24:000 scale topographic maps are very useful for describing the positions of natural and man-made features around your property.

Aerial photos can be purchased as prints or as digital images from the USGS, NRCS, or private vendors. Black and white photos are suitable for most planning purposes. Tax lot maps are useful for showing your property boundaries and local road access. Landowners can acquire tax lot maps for their property from their county assessor. Soil series maps are available in NRCS soil survey reports prepared for each county. Besides maps, soil survey reports include useful information about the capability of your land to support different tree species and crops. Soil survey reports are available from NRCS offices, many local libraries, and at the NRCS website (See *Resources for Landowners*).

Landowners may also want to consider having resource maps and photos prepared by a natural resource consultant such as a professional forester. Depending upon the size of the area and map complexity, the cost of these maps can range

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between \$400-\$1500. Most federal and state habitat conservation programs will cover the cost of preparing natural resource maps when your property is enrolled in one of their programs.



Massive old-growth oak on Jefferson Farm, Willamette Valley. An assessment or inventory could include individual trees and their locations if they are important because of their relative rarity or value.

*Lynda Boyer, Heritage Seedlings*



## RESTORATION PLANNING

Now that you've developed a set of management goals and assessed current conditions on your site, you are ready to start planning on-the-ground actions to achieve the desired future condition on your site. The following sections describe major oak management issues on private woodlands, farms, and around homes. We go on to further describe how to develop planning strategies for wildlife habitats and conclude with a section on writing a management plan.

### Planning for Small Woodlands

The small, private woodlands of western Oregon and Washington offer some of the best oak conservation opportunities in the region. However, managing woodlands for large, healthy oaks is not without its challenges. For example, oaks can attain such high densities in some woodlands that competition among trees may cause the entire stand to stagnate and become unable to regenerate itself. In contrast, some large areas of the Pacific Northwest (such as the Puget lowlands of Washington) have only small, remnant patches of oak habitat. Here, the challenge is to establish new woodlands and savannas. Of course, conifer encroachment in once pure stands of oak is a pervasive management problem across the entire geographic range of Oregon white oak.

*"In the absence of fire in an oak savanna ecosystem, cutting oak trees is not a bad thing, it is a necessity."*

*Jock Beall, Willamette Valley National Wildlife Refuge Biologist*

### Thinning Stands for Oak Survival and Growth

Perhaps the most widespread threat to Oregon white oak habitat is the continuing replacement of oaks by other tree species. In the absence of fire or active management, tree densities will continue to increase on oak savannas until they become oak or mixed-species woodlands. In just a few decades, these woodlands will almost always become dominated by faster growing conifers and other more shade-tolerant trees until oaks are completely eliminated from the stand. Such is the situation currently developing in valleys and foothills across the Pacific Northwest.



A low-impact tractor removing small trees during a savanna restoration project on the Baskett Slough National Wildlife Refuge.

*Chris Seal, USFWS.*

Thinning is a practice in which some trees are removed to increase the growth of the trees that are retained. This effect is achieved by reducing competition among trees for limited amounts of water, nutrients, and sunlight. The remaining trees utilize these additional

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resources by increasing their rate of photosynthesis and producing new wood and other tissues. A "release" thinning refers to a treatment designed to favor one tree species by removing less desirable species dominating the site, such as removing conifers to ensure the survival and growth of oaks. Thinning permits you to manage the process of tree competition and dominance. Some advantages of thinning include:

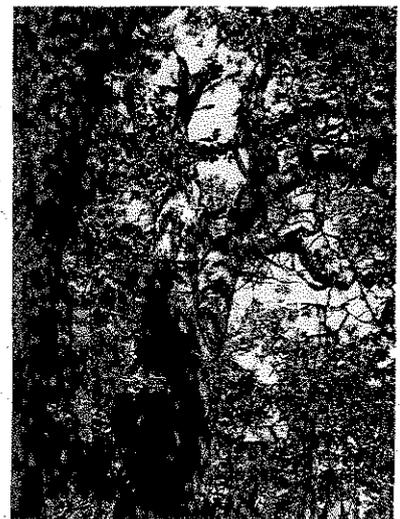
- Provides an opportunity for landowners to harvest and sell trees.
- Can be used to release oaks from conifers that will otherwise dominate the site.
- Promotes faster growth of selected trees than is possible under natural processes of tree competition and mortality.
- Allows landowners to select for certain tree species and shape woodland structure to best meet their management plans.

### ***Selling Your Trees***

As noted above, thinning your woodland also creates an opportunity to sell the harvested trees and pay for some or all of the costs associated with managing your oaks. Selling small diameter logs as cordwood can be profitable if you do most of the work yourself. But remember—you still may need to pay timber harvest taxes on your small operation. Large, good quality logs from Douglas-fir trees can be worth more than \$600 per 1000 board feet (1 board foot = 12" X 12" X 1") in many current markets. Red alder, bigleaf maple, and grand fir timber may have lesser value. Trees as small as 5" **DBH** may even be marketable in some locations.

Oregon white oak is among the best species in the world for the manufacture of wine barrels. The wood also has very good qualities for furniture. Yet, no strong market has developed for Oregon white oak. The most significant problem is that the supply of oak logs from private lands has been so inconsistent, that mills can't afford to develop the special facilities for processing oak lumber. Nevertheless, there are a few small hardwood mills in the region that will purchase Oregon white oak logs. Contact your local state forestry or natural resources agency for the names of these specialty sawmills.

Just how profitable a timber sale on your land can be depends on many factors: the species, size, and quality of the trees, difficulty of logging, distance to mills, and taxes are just a few. Calculating the potential value of the trees you are intending to harvest during a thinning operation requires a set of special skills and knowledge. Agencies such as the Oregon Department of Forestry, Washington Department of Natural Resources, and university extension offices in both states offer technical assistance in the form of workshops, publications, and guidance by staff to landowners willing to try managing their own timber sale. Since timber harvests in both states are regulated by forest practices laws, landowners should check with state forestry agencies before beginning, in any case. We recommend that landowners with little experience in woodland management discuss their plans with a professional consulting



Snags are not as abundant in oak woodlands as they are in conifer forests. However, they provide an important habitat element for wildlife associated with oaks.

forester. Consulting foresters are very familiar with local transportation options and mill prices and may be able to bring your logs to market more profitably than you are able to do yourself.

### **Snags and Logs**

Trees continue to fulfill important ecological functions even after they die. Dead wood is important in soil development, provides nutrients to streams, and is essential for maintaining fungi and other microorganisms that are the foundation for woodland food webs. Snags, stumps, and large-diameter logs are reportedly used by 93 forest or woodland species of wildlife and 47 species associated with savannas.

### *Landowners can improve conditions for wildlife by maintaining snags and downed logs on their property*

Oregon white oak/Douglas-fir forests typically average more than 4 snags (diameter larger than 10 inches DBH) per acre. This habitat type averages approximately 700 ft<sup>3</sup>/ac of logs on the ground—equivalent to 122 logs per ac having a length of 8' and diameter of 16"). While this may represent relatively high levels, due to the Douglas-fir component, landowners can improve conditions for wildlife by maintaining some level of snags and downed logs on their property. "Hard" snags, formed by recently dead trees, and "soft", decayed snags, are utilized by different species for different purposes. A range of hard and soft snags should be retained. Tall, large-diameter snags (larger than 20 inches DBH) are particularly valuable because of their rarity. Large snags and logs scattered widely also do not create as serious a fire hazard as a continuous ground cover of fine woody debris.

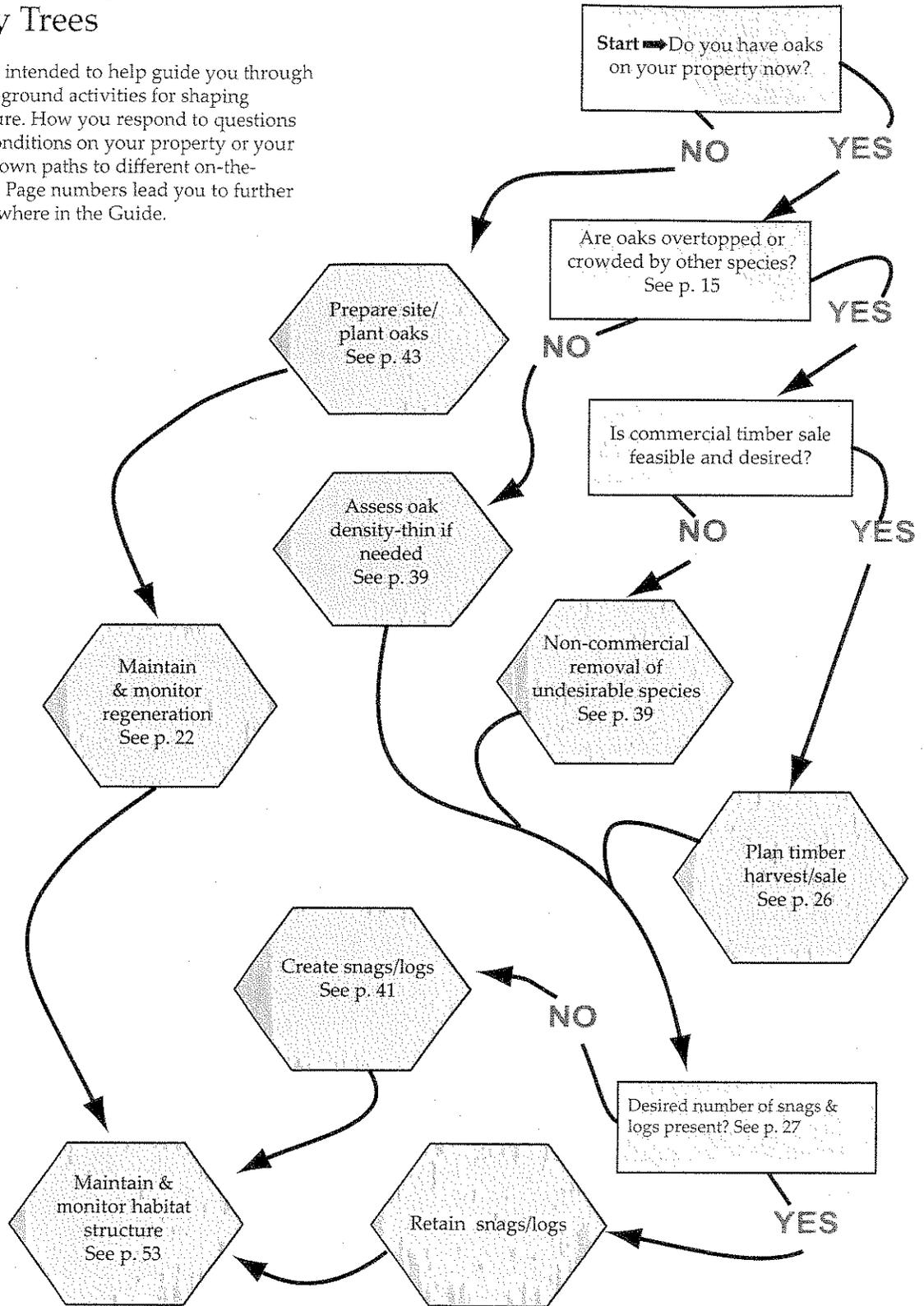
### **Minimum recommended diameters (inches DBH) and heights (feet) for snags needed by 12 wildlife species common in Oregon white oak habitats.**

Species	Minimum Diameter (inches DBH)	Minimum Height (feet)
Pileated woodpecker	25	40
Lewis woodpecker	17	30
Acorn woodpecker	17	30
Western screech owl	17	30
American kestrel	17	20
Western bluebird	15	10
White-breasted nuthatch	17	20
Black-capped chickadee	9	10
Little brown myotis	17	10
Western gray squirrel	17	20
Northern flying squirrel	17	20
Bobcat	29	10

Source: Brown, E.R. 1985. Management of wildlife and fish habitats in forests of western Oregon and Washington. U.S. Forest Service, Pacific Northwest Region Publication R6-F&WL-192-1985.

# Decision-Making Guide: Overstory Trees

This flowchart is intended to help guide you through planning on-the-ground activities for shaping overstory structure. How you respond to questions about existing conditions on your property or your objectives lead down paths to different on-the-ground actions. Page numbers lead you to further information elsewhere in the Guide.



## Making Decisions

Restoring a woodland or savanna can seem an intimidating prospect for landowners not familiar with natural resource management. It's not often clear what path is most likely to lead you to achieving your goals, given the conditions on your land. To assist you in the planning process, an overstory decision-making guide is provided on the previous page. This diagram is designed to identify which tasks you should consider including in your management plan given the existing conditions on your property. An accompanying guide for understory management is provided on p. 31.

## Planning for Oaks on Farms

Agricultural producers can make an important contribution to oak conservation, while preserving these legacy trees for future generations of their own family. One or two oaks per acre in a pasture or vineyard won't greatly interfere with your management practices, but will provide an important habitat element for wildlife on your land.



*A small patch of woodland creates a refuge for wildlife and improves their ability to migrate across agricultural landscapes.*

## Crop management practices

Tilling and other soil-disturbing activities near trees can sever or injure their roots. This reduces the capability of the tree to uptake water and nutrients. Root injuries also create pathways for insect pests and soil-borne diseases to enter the tree. Farmers can protect oaks by leaving soil undisturbed to the **drip line** of the tree crown. Tractor mowing underneath oaks can cause soil compaction in the **root zone**. Although it is certainly more work, manual control of weeds and brush under valuable legacy oaks is much safer for the tree.

## Oaks and livestock

Oak seedlings and saplings, if desired for future habitat, that are growing in areas accessible to livestock will need to be protected in sturdy cages to prevent them from being eaten or trampled. Mature trees can be injured by soil compaction or root exposure caused by animals aggregating under trees. Soil compaction can be particularly severe during wet weather and on fine-textured soils such as clay. Landowners should avoid using oak woodlands as overwintering areas for animals. Livestock can utilize tree shade without damaging oaks if watering facilities, feeding areas, salt block locations, and trees are widely spaced, encouraging animals to use the entire pasture unit. Landowners should monitor the health of oaks and soil conditions on pastures and take the necessary steps to protect the trees when problems develop.

## Plant additional oaks

Plant acorns and seedlings in windbreaks, pastures, riparian areas, hedgerows, and odd areas to serve as replacements when existing trees die or to increase the number of oaks on your farm. Remember to install strong tree shelters to protect oaks in areas used by livestock.



*Delphinium leucophaeum*  
**Pale Larkspur**

### **Restore Savanna Understory Plants**

Native prairies and savannas are among the most endangered **plant communities** in the Puget lowlands of Washington and interior valleys of Oregon. Agricultural practices, urbanization, altered wildfire patterns, and non-native invasive plant species are a few of the factors contributing to the decline of these habitat types. Landowners who have a remnant of native grassland that has never been plowed truly possess a biological jewel. Restoring the full range of understory plant diversity associated with Oregon white oak savannas and native prairies is among the highest conservation priorities in the Pacific Northwest. Farmers are encouraged to participate in this effort. Not surprisingly, these projects are considerably more demanding than managing only trees. Not only does the number of plant species increase the complexity of the restoration, but maintaining these native communities requires management activities such as prescribed burning or manual weed control at frequent intervals to simulate natural disturbances. The decision-making guide on p. 31 identifies the major tasks needed to restore understory plant communities on oak savannas and open woodlands. See the sections *Resources for Landowners* and *Suggested Reading* in this Guide for further technical information on restoring savanna and prairie plant communities, as well as funding opportunities to support these projects on private lands. Landowners willing to commit to such an endeavor will be rewarded with an annual display of native flowers, butterflies and wildlife.

### **Enroll in Conservation Programs**

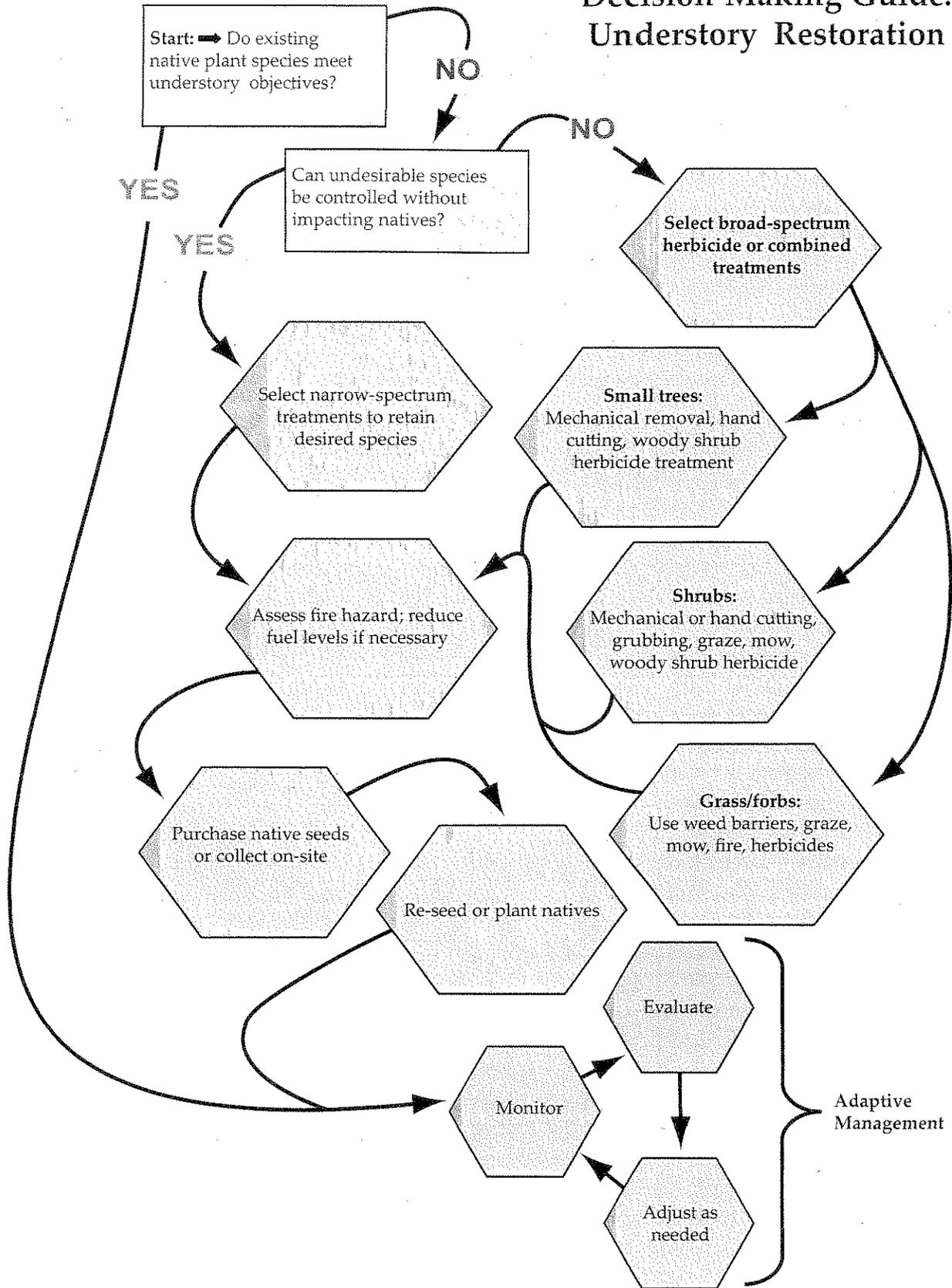
Conserving oak habitats has become a high priority issue for the NRCS, Farm Service Agency (FSA), US Fish and Wildlife Service, and soil and water conservation districts. Lynda Boyer, a restoration botanist working in Marion County, OR says the staffs at these agencies "bent over backwards!" to help her develop grant proposals and management plans for her projects. Contact your local FSA and NRCS offices to find out more about the Conservation Reserve Program (CRP) and Wildlife Habitat Incentive Program (WHIP). ODFW and WDFW administer Landowner Incentive Programs (LIP) to offer support to habitat restoration on private lands. Moving a portion of your farm into one of these conservation program will allow you to accomplish restoration goals (for example, the restoration of native grasses and wildflowers on an oak savanna) not possible on production lands.

Balsamroot (*Balsamorhiza deltoidea*) a taprooted perennial in the aster family, is a savanna understory plant often associated with Oregon white oak. It is a species often targeted for increase in restoration work on dry sites.

*Lynda Boyer, Heritage Seedlings*



# Decision-Making Guide: Understory Restoration



## Home Landscaping with Oaks

Homeowners living in the city or in rural residential areas can contribute to the conservation of Oregon white oaks by preserving existing trees on their property and by choosing to grow additional ones. Oaks may also be one of the safest shade trees homeowners can plant near forest and shrublands prone to wildland fire. Ensuring healthy trees and a fire resistant landscape depends upon an awareness of the site requirements of Oregon white oak and thoughtful planning.

### **Ensure Adequate Space**

When choosing sites to plant oaks, bear in mind the size of the mature tree that will eventually occupy the site. An Oregon white oak can grow to the height of a five-story building and its crown can spread more than 20 feet from the stem. The **root zone** can laterally extend even further. Clearly, oaks are not the best choice for small city lots. Before planting, make sure your trees have plenty of space above ground and below.

*The root zone of a young oak may extend laterally beyond the drip line by as much as twice the radius of the tree crown*

### **Protecting the Root Zone**

Homeowners should be mindful that most of an Oregon white oak consists of roots hidden underground. The root zone of a young oak may extend laterally beyond the drip line by as much as twice the radius of the tree crown. Most of the root system is relatively shallow, making it vulnerable to ground-disturbing activities. Sapling-size oaks are tolerant of changes in irrigation patterns, but mature oaks may be damaged by over-watering. Homeowners should consider how the following activities affect the health of oaks.

**Soil Excavation**—Digging building foundations or underground utility

lines near trees can sever roots, which reduces the tree's capacity to uptake water and nutrients. Root injuries are also common infection sites for tree diseases and insect pests.

**Soil Compaction**—The microscopic spaces between soil particles are crucial to gas exchange that occurs between the tree and the underground environment. Heavy equipment moving near trees can compress the soil, decreasing its permeability and inhibiting gas exchange.



This oak has plenty of room to grow in a suburban front yard.

**Paving**—Nonporous surfaces such as concrete and asphalt can prevent rainwater from infiltrating down to the root zone, effectively creating a permanent drought on the site. Use porous materials such as bark, wood decking, gravel, or unjointed paving stones if a driveway or sidewalk is unavoidable over the root zone of a tree.

**Irrigation**—Moderate irrigation is beneficial to newly planted acorns and seedlings. However, established oaks are adapted to summer drought and do not require watering. In fact, irrigation may lead to root rot or cause flowering late in the summer, thereby precluding acorn production. Homeowners should avoid watering lawns underneath oaks to maintain tree health. Instead, they should consider landscaping near oaks with Pacific Northwest native grasses, perennial herbs, and shrubs. Native woodland or prairie plants can be used to create a natural landscape, and many species do not need summer irrigation once established.

### ***Home Protection in the Wildland-Urban Interface***

Most of us have watched news stories from California, central Oregon, and Montana showing residential areas destroyed or threatened by wildland fires. Yet, most homeowners living in the **wildland-urban interface** usually do not recognize fire hazards in their own neighborhoods. In spite of rigorous, on-going fire prevention efforts on public and private industrial forests, hundreds of wildland fires will occur every year in the Pacific Northwest. Families living near forests or shrublands should carefully assess the vulnerability of their own homes to fire and develop a fire safety plan.

*...the same characteristics that allowed Oregon white oaks to persist on fire-prone savannas make this species one of the safest choices for a shade tree*

The amount of live and dead vegetation surrounding a home is perhaps the single most critical factor in determining the outcome of a wildland fire on your property. Landscaping design and vegetation management must play an important role in your overall fire safety plan. Since homeowners can do little to control the probability of a fire on adjoining properties, the foremost principle to residential fire protection in the wildland-urban interface is to create a “defensible” space around your home. In other words, give firefighters the best possible chance of protecting your home in the face of approaching flames by taking preventive actions now. Within the defensible space, live and dead vegetation should be managed so that the likelihood of fire reaching your home is minimized. Beyond the defensible space, your planning should focus on ensuring access to your property for large emergency vehicles.

### **Do you need to worry about sudden oak death?**

The pathogen, *Phytophthora ramorum*, is responsible for the recent outbreak of Sudden Oak Death (SOD). The disease causes leaf disfigurement, twig dieback, and eventually causes the death of the tree. Although the pathogen originated in Europe, it now occurs in California and the Pacific Northwest.

There are 23 known host plants in 12 plant families that SOD has infected in natural settings: black oak, tanoak, coast live oak, Douglas-fir, big leaf maple, Pacific madrone, and poison oak, to name just a few. So far, natural populations of Oregon white oak have never been found to be infected with SOD. However, the species has been shown to be vulnerable to the disease under laboratory conditions.

At this time, the extent of the outbreak and list of potential host species is being revised on a month-by-month basis.

Go to [www.suddenoakdeath.org](http://www.suddenoakdeath.org) for up-to-date information on SOD.

The design and size of the defensible space around your home depends on factors such as the type of roofing and siding materials on your house, the slope of the site, and the heights of trees and shrubs. On a flat, open site, a defensible space should extend at least 70 ft from the home and other buildings. However, over 200 ft may be needed on a steep site or in a dense forest setting. Within this space, no vegetation should exist within 3 ft of flammable siding. It is recommended that trees near the home be removed, or at least pruned to 10 ft above ground.

Groups of shrubs and trees retained within the defensible space should have gaps between them to slow the advance of ground fires. Planting shrubs directly under trees may create a "fuel ladder," allowing a ground fire to climb into tree crowns. This is the most dangerous type of fire situation near a home. Fortunately, the same characteristics that allowed Oregon white oaks to persist on fire-prone savannas make this species one of the safest choices for a shade tree. Oaks contain less resin, a flammable substance, than do conifers, they have a corky bark that insulates the stem from fire damage, and an open crown structure less likely to carry a crown fire. Homeowners have numerous resources available to help them develop a fire protection plan designed for their property. For more information, contact your local fire department, state department of forestry or natural resources, or the websites listed later in this Guide (see *Resources for Landowners*).

*Wolves and grizzly bears hunted large herbivores among the oaks, and California condors scavenged the carcasses of their victims*

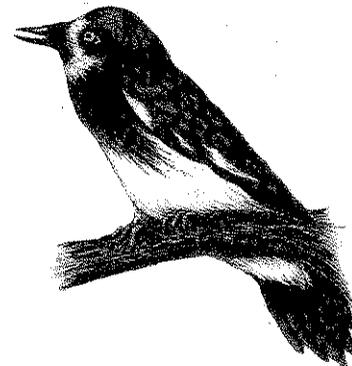
### **Enhancing Wildlife Habitats**

Wildlife thrived in the pre-settlement savannas and oak woodlands of the Pacific Northwest. Columbia white-tailed deer and Roosevelt elk once roamed widely across the lowlands. Wolves and grizzly bears hunted these large herbivores among the oaks, and California condors scavenged the carcasses of their victims. Although

#### **The Acorn Woodpecker**

Perhaps few other wildlife species are so closely associated with oaks as the acorn woodpecker. Acorn woodpeckers have an unusual, communal, social structure for an avian species. Acorn woodpecker groups typically consist of 1-7 male breeders that compete for 1-3 egg-laying females. Groups may also contain several adult, non-breeding helpers that are usually related to the breeding adults. Females within the same group all lay their eggs within the same tree cavity.

The species differs from most other woodpeckers in the Pacific Northwest in that they pursue and capture flying insects rather than excavating them from dead wood. The preference for airborne insects leads to seasonal food shortages for the acorn woodpecker given the scarcity of this resource during winter. Instead of migrating south, the species has adapted to the seasonal decrease in insect abundance by switching to a more plentiful source of food—acorns. Each woodpecker may collect thousands of acorns during a good year. Each acorn is stored in an individually drilled hole in a tree (or cluster of trees) designated by the group as the communal "granary". A single tree may contain as many as 50,000 holes. The acorns are shared among all members of the group through the winter. This strategy of sharing stored resources permits the woodpecker group to remain intact though the winter.



the large carnivores are long gone from western Oregon and Washington, much of the wildlife diversity associated with oak woodlands and savannas remains today. Considering the impact that cities, agriculture, and roads have made on the landscape, it's remarkable that only six of the approximately 200 vertebrate species that use oak habitats in the region are listed as endangered, threatened, or are candidates for such listing by the US Fish and Wildlife Service. Nevertheless, there is evidence that habitat loss or fragmentation poses an increasingly serious threat to perhaps two dozen more species in the Puget lowlands and valleys of western Oregon. Among the most imperiled species are the western rattlesnake, western meadowlark, vesper sparrow, streaked horned lark, and Botta's pocket gopher. What steps can landowners take to enhance conditions for wildlife on their property? Here are some points to remember:

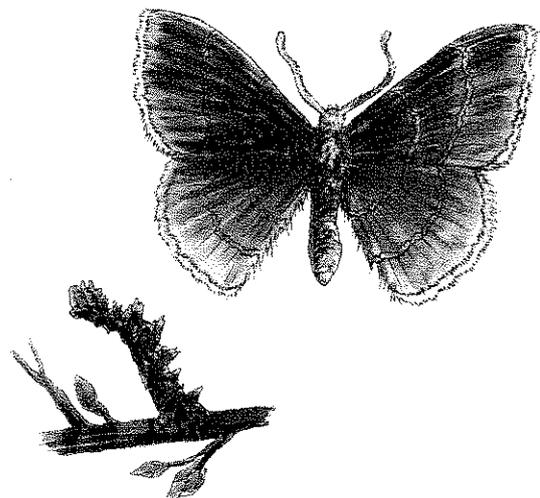
### **Small Woodland Owners**

- Protect existing oaks from encroachment by other tree species. Dense, mixed species stands are relatively common—pure oak woodlands are a rare habitat type.
- On large properties, manage for a variety of patch sizes and types. Some wildlife species prefer large, closed-canopy stands of oaks, other species prefer stands with canopy gaps, and still others tend to use edges between woodlands and open areas.
- Ensure adequate spacing among oaks to maintain tree growth and health. Thin oaks before tree canopies begin to overlap.
- Maintain or create large diameter snags and logs for wildlife.

### **Farmlands**

A mosaic of pastures and woodlots do somewhat resemble the historic landscape to the human eye. But to wildlife of the savannas and prairies, there are very important differences. When planning restoration activities on farmlands, consider the following conditions and how you can reduce their impact to enhance wildlife habitat.

- **Habitat Structure**—native prairies and savannas were characterized by very subtle habitat variations such as patches of ferns, forbs and bare areas interspersed among grasses, as well as vegetation gradients from hilltops to wetlands. Most of this variation is absent from modern grass seed fields, orchards, and row crops.
- **Developments and Roads**—Some wildlife species are very sensitive to the presence of humans. The increased human population in the Willamette Valley and Puget Trough now excludes elk and large carnivores from these regions. Freeways and major highways can present major barriers to migration and dispersal by terrestrial wildlife.
- **Pesticides**—Caterpillars, grasshoppers, and beetles are the most important foods for many wildlife species. Widespread use of pesticides on agricultural lands has greatly reduced the abundance of these insects. Food shortages



*Nemoria Darwiniata* is a common native moth associated with white oaks. Larvae of this species belong to the group of caterpillars known as "inchworms" (Family: *Geometridae*.)

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limit animal growth and reproductive capacity.

- “**Ecological Traps**” — These are areas that have suitable habitat structure for some wildlife species. However, animals that use these areas have lower survival or reproductive rates. For example, the edge of a hay field may attract a western meadowlark to nest in May, but the fledglings are lost when the field is mowed in June. Snakes that are attracted to roadsides to bask in the sun, and then run over by a car, is another example of an ecological trap.

## **Writing a Management Plan**

The next step to undertaking a major restoration project is to prepare a management plan, also known as a stewardship plan. Whether you choose to seek funding assistance with your project or pursue it independently, a management plan is a useful step. This written document defines your goals, describes existing conditions of the natural resources and improvements, and identifies management actions you intend to take. The length and detail of the management plan depends upon the scale of the restoration project. Most federal and state agencies require the following major elements of a plan when you apply for assistance:

- Property description
- Restoration and management goals
- Narrative descriptions of management units
- Maps of management units, natural resources, and major land improvements
- Work plan

The following sections are meant to be a general guide to preparing your oak management or stewardship plan. The federal, state, or private conservation program that you perhaps decide to work with may have slightly different requirements.

### ***The Property Description***

The property description section of your management plan should include the following information:

- **Ownership:** The name and address of the current landowner on whose property restoration and management actions will occur.
- **Location:** County, distance and direction from nearest town. Directions for accessing the property from public roads.
- **Legal Description & Tax Status:** A legal description of the property as described on the deed and its property tax status.

### ***Goals and Management Objectives***

The plan should summarize your primary restoration goals and management objectives. See *Setting Goals* for guidance.

### ***Management Unit Narrative***

Your plan should include the following information for each of the different management units on the property:

- **Identifier:** Name or identification number for the unit.

- Soils: See *Assessing Your Site* for an introduction to soil assessment.
- Cover type: The type of existing natural vegetation (for example, "Douglas-fir/Oregon white oak") or predominant land use (for example, "filbert orchard"). State and federal agencies use slightly different cover type classification systems. We recommend you contact a representative from the natural resource agency you are working with to find out the cover type classes appropriate for your property.
- Other Descriptors: Acreage, plant species composition, **stocking**, size class of trees, and **site quality** index value.
- History: A summary of the land use history in the unit.
- Management Objective: Identify the restoration or management objectives for this unit and the on-the-ground actions that are planned to attain these objectives.

### **Maps and Aerial Photos**

See p. 23 in *Assessing Your Site* for a description of maps and photos that are useful for natural resource planning.

### **Work Plan**

The final section of the management plan is the work plan, an outline of on-the-ground restoration and management activities you plan over the next five- to ten-year period. Using information gained in the site assessment and comparing the conditions you presently have with the goals that you have established for your property, you can develop a set of actions that will lead to your goal. To help determine effective activities, use the decision-making guides (p. 28 and p. 31) in this chapter. This work plan should provide a brief description of each activity and when it will be performed. This section should also indicate the relative priority of task, so that reviewers can anticipate how you may adjust the plan in case of unforeseen circumstances (for example, a budget shortfall). A table or list that summarizes activities by management unit is a useful addition to the plan.



Scotch broom can be controlled by grubbing, as in this photo. However, repeated treatments may be necessary due to seed that remains on the site. In preparing a work plan, described above, repeated treatments should be listed until objectives are expected to be met.

*Hugh Snook, BLM*

## *Landowner Stories: Karen Thelen*

Karen Thelen has been growing Christmas trees on her 17-acre farm in Cowlitz County, Washington since the early 1980's. Her Christmas tree farm had transitioned to an almost entirely organic operation when she ended choose-and-cut sales a couple of years ago. Many of Karen's fast-growing Douglas-firs were getting too tall for the Christmas tree market, so she decided to manage most of her farm as a woodlot.

*Karen's restoration project illustrates how much a landowner can accomplish in just a few years.*

Karen became interested in oak conservation when Rachel Maggi, a NRCS representative, explained to her that much of Cowlitz County was covered in Oregon white oak woodlands and savanna when the first settlers arrived. Karen was aware of the oaks on her farm, but hadn't thought too much about them until then. That changed when she realized that these old trees were a legacy of an important habitat type fast disappearing in Washington. Karen and Rachel soon began planning a savanna restoration project on a portion of the farm. Karen hired Mark Smith of Woodland Harvest & Landscaping to do the on-the-ground work. Mark used a small tractor with saw and grapple attachments. The machine makes it possible to cut and handle trees much faster than can be accomplished by manual felling and conventional tractor skidding. The tractor can also be used in small settings in which larger equipment would cause incidental damage to trees. This year, Karen is looking for sources of acorns and seedlings so that she can plant additional oaks. Karen's restoration project illustrates how much a private landowner can accomplish in just a few years. She is well on the way to restoring several acres of open woodland and oak savanna in an area where such habitat has become rare.



A view of Karen Thelen's savanna restoration area.  
*Rachel Maggi, NRCS.*

Much of the restoration work already accomplished on Karen's farm was funded through the NRCS Wildlife Habitat Incentive Program (WHIP). The long process of enrolling in the program, receiving approval for management activities, and getting paid seemed "as slow as molasses," Karen reports. In spite of the frustration, Karen is grateful for the encouragement and technical assistance provided by Rachel Maggi and local NRCS staff. There is a tremendous amount of money available to support restoration projects on private lands. Karen encourages other landowners to contact the agencies to see if there is a conservation program that will work for them. But it's important to remember that securing funding, like most other aspects of ecological restoration, demands patience and a long-range perspective.



## WORKING ON THE GROUND

This section provides an overview of common on-the-ground tasks for restoring oak habitats. Landowners can tackle much of the fieldwork necessary for managing small oak woodlands or savannas. However, some tasks such as tree felling and broadcast burning can be extremely dangerous, and are better left to professionals. Other activities require a greater level of knowledge and skill than can be addressed in this Guide. Landowners are encouraged to seek out educational materials and training opportunities from university extension services, state resource management agencies, and small woodland associations. See the section on *Resources for Landowners* for further information. If you already have oaks on your property, begin by reading *Shaping the Overstory* below. You may want to skip to *Establishing Oaks* (p. 43) if your restoration project will start with a tree planting.

### Shaping the Overstory

As you walk through your stand, observe the species of trees, the health of the oaks, and stand density. These factors will guide which trees to cut and which to retain.

#### Remove Conifers First

Douglas-fir, grand fir, ponderosa pine, bigleaf maple, Pacific madrone, and bitter cherry are just a few of the many species that can occur in the same stands as Oregon white oak. These other trees can achieve faster height growth and have greater shade tolerance than Oregon white oak, and eventually will dominate the site. Most conifers and bigleaf maples must be removed if Oregon white oak is to survive in the stand. Under natural disturbance regimes, Oregon white oak tends to exist in woodlands and on savannas with few other tree species. Management plans can allow exceptions for individual trees retained



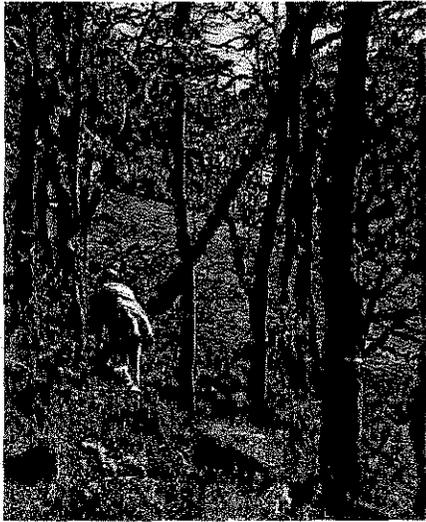
A remnant oak tree being lost to conifer succession. Large Douglas-fir are overtopping it, and young conifer have established under it and will easily grow up through its crown, shading it and eventually killing it.

*Hugh Snook, BLM*

to create special wildlife habitats (for example, tall conifers for raptor nesting). However, these trees will be continuously regenerating and require periodic thinning. You may choose to manage a mixed species stand, especially if you wish to keep providing income from harvests, but a generous amount of space must be allocated to allow oak to grow.

#### Give Oaks Space to Grow

Once the less desirable species have been removed, you may find that the density of oaks is too great to promote the growth of large, full-crowned trees. Vigorous oaks are characterized by full, mushroom-shaped crowns, steady growth of height and stem



This stand is being thinned to improve the growth of oaks that will be retained.  
Hugh Snook, BLM

diameter, and have few dead branches. Mature trees should also produce an abundant crop of acorns at least every three or four years. Trees should be free of major cracks or splits in the stem that threaten the structural integrity of the tree. These are the best candidate trees for retention and continued management. Lack of height growth, a narrow "vase-shaped" crown, loose bark, or numerous shelf fungi along the stem are signs that a tree is in poor condition. Oaks that have deteriorated slowly over decades may have lost the capacity to respond with new growth, even if neighboring trees are thinned. Removing these trees will create more growing space for healthier oaks. Even these "take" trees can provide useful functions. Cutting the tree low to the ground (less than 8 inches) may initiate sprouting from the root crown and provide a recruit for the next generation of trees in the stand. Cutting the tree high off the ground (greater than 10 feet) will create a valuable snag for wildlife.

*Early thinning is essential if oaks are to develop full crowns and attain the fastest possible growth*

Young oaks that grow under crowded conditions develop small, lopsided crowns that may never achieve their potential, even with a later thinning. Most woodland sites can support only 20 oaks per acre when the oaks have crowns greater than 40 feet in diameter. Overlapping tree crowns is a sign of severe crowding. Select the best formed trees for retention and remove the rest. Early thinning is essential if oaks are to develop full crowns and attain the fastest possible growth. Early thinning is less expensive and results in less slash than delaying treatment. Periodic thinning will be necessary throughout the life of an oak stand to reduce tree density as trees increase in size. Three critical points to remember in managing oak woodland density are—thin EARLY, thin WIDE, and thin OFTEN!



These oaks were thinned to allow development of full crowns favored by wildlife, near Salem, Oregon.  
Lynda Boyer, Heritage Seedlings

**Marking the Stand**

Even if you have a clear understanding of a thinning strategy best suited to your management objectives, the task of selecting individual trees for removal or retention can become confusing when faced with the complexity of woodland structure and composition in the field. You can make the job easier by preparing a marking guide that specifies criteria for "take" and "leave" trees. The marking guide should identify the number of oaks per acre that will be retained, the range of their diameters, and desired spacing. The guide should note any other leave trees besides oaks, and identify out-of-bound areas for the thinning operation. Take the guide with you when you are ready to mark trees. Forestry suppliers and some hardware stores

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carry spray paints especially formulated for tree marking. The color really is not important, but purchase some black paint to paint over the color markings, in case you change your mind about a particular tree. You can mark either the take trees or leave trees; choose the method that will require the fewest number of trees to be painted.

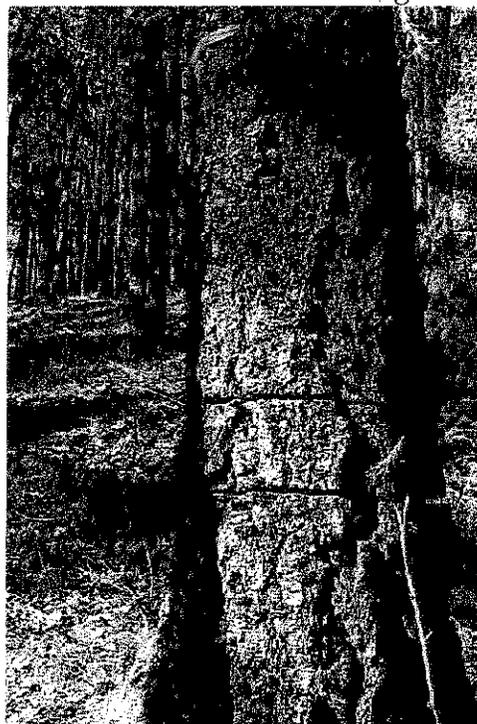
### **Felling and Bucking**

The process of cutting a tree stem with a chainsaw and directing its fall is referred to as felling. It can be an extremely dangerous operation when attempted without proper training. Felling hazards include: chainsaw kickback, branches falling out of the tree (called "widow-makers"), and tree stems that split with explosive speed while being cut. Poorly directed felling can also result in damage to other trees in the stand causing a loss to their value and increasing their susceptibility to disease and pests. Bucking is the process of cutting the fallen tree into logs of specific lengths for different wood products such as saw timber, pulpwood, or cordwood. Bucking involves most of the same hazards as felling. Done carelessly, bucking can lead to logs cut to the wrong length for their intended market and wasted wood. Landowners should receive training in chainsaw safety, felling, and bucking before attempting logging operations themselves.

### **Protect Natural Regeneration**

The accumulation of acorns, oak seedlings, and stump sprouts in an existing stand are referred to as **natural regeneration**. These young oaks are a valuable resource on your site. They provide a great opportunity to expand your existing stand or to manage as replacements for your mature trees when they die. Remember--even if seedlings have established themselves naturally, they will grow to maturity much faster if you protect them with tree shelters and weed barriers (See p. 51).

Oregon white oaks sprout vigorously from cut stumps, roots, and dying trees. Sprouts can utilize the existing root system developed by the previous tree and allocate more growth to the above-ground portions of the tree. Therefore, oaks that develop from sprouts usually achieve greater height during the first several years of development compared to trees started from acorns or seedlings. Sprouts that originate low to the ground (less than 8 inches) develop into better stems than sprouts higher on the stump. Eventually, some sprouts will clearly begin to outgrow others. Remove the slowest growing sprouts and retain the largest ones. This will ensure that all of the nutrients and water required for growth are allocated to the best candidate for the new tree stem.



This large Douglas-fir has been girdled with a chainsaw to provide a snag for wildlife.  
*Hugh Snook, BLM*

### **Creating Snags**

Creating snags from live trees is becoming an increasingly common restoration practice in forests and woodlands lacking dead trees from natural mortality. Snags can be created from a live tree by girdling—cutting through the cambium and sapwood layers around the circumference of a tree stem to interrupt the flow of water and nutrients between the below- and above-ground portions of the tree. Alternatively, most of the tree crown can be cut off above the lower tree bole (a job for a professional logger or arborist only!). Leaving one or two large, living branches on conifers will cause the bole to die slowly, leaving a longer-lasting snag.

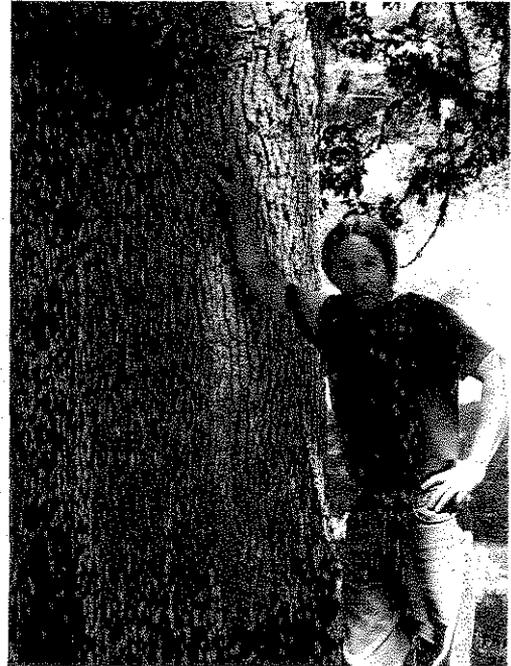
## *Landowner Stories: Barry Schreiber*

Barry Schreiber is a wildlife biologist with a passion for Oregon white oaks. Several dozen mature oaks stand near the home he shares with his wife Melissa and his son Harrison near Philomath, Oregon. From a corner of his property, Barry points out four or five giant legacy trees within a 1000-foot radius of where we stand. He also notes two more nearby large-diameter oak stumps that are not apparent in the tall grass. These few living oaks and stumps represent the only trees that were standing in his neighborhood two hundred years ago—perhaps no more than eight trees per acre. The hundreds of other small oaks and conifers have only grown up since the cessation of burning by American Indians. What was once an open savanna has now become dense woodland.

*Barry's primary objective is to grow tall, large diameter oaks—because "from a wildlife perspective, large trees are where its at!"*

Barry has been actively managing his small woodland for almost ten years. His primary objective is to grow tall, large diameter oaks—because as Barry says, "from a wildlife perspective, large trees are where its at!". Big oaks can supply the deep cavities that are so important to squirrels, bats, and other wildlife species. He also has noticed that large, older trees seem to support a greater abundance of mistletoe. The fruits of the semi-parasitic plant are a favorite food of western bluebirds and cedar waxwings.

Barry does all the on-the-ground work himself. His early efforts focused on cutting down conifers that would readily overtop his oaks. But in the last few years, Barry has been thinning out the dense clusters of oaks one tree at a time. At first, it was difficult for him to put a chainsaw against the stem of one these beautiful trees. It's easier now that he's seen how fast the remaining oaks respond when tree competition is reduced. Barry says that most of his 40-year old oaks can increase their crown diameter by at least 10 feet in three years when neighboring trees are removed. On his property, Barry estimates that he could remove about 70% of the oaks without any long-term loss of canopy cover or shade. The oaks that remain are able to grow in height and diameter much faster than if left in tight clumps. Barry selects the trees he wants to retain based on their health and form. He keeps the straight trees that are likely to be more resistant to wind and snow damage than trees with forked stems or lop-sided branch structure. He strongly recommends creating snags on lands where they aren't naturally abundant. Barry has noticed that snags seem to stand much longer when one or two living branches are retained on the tree.



Barry Schreiber and one his favorite oaks.

Barry's professional work with other small woodland owners and timber companies causes him to be fairly optimistic about the future of oak conservation in the region. A growing number of landowners he works with seem willing to undertake the effort to restore a few acres of savanna or woodland.

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## Establishing Oaks

The remainder of the chapter describes methods for planting and protecting oaks on your land.

### *Preparing for Planting*

As stated earlier, Oregon white oak will achieve the fastest height growth on open sites where there is little competition from other trees and shrubs. The purpose of site preparation is to improve the physical and ecological conditions on the site so that the young oak seedlings and sprouts can develop as quickly as possible. Site preparation activities are designed to decrease the volume of logging slash, reduce competition from undesirable plant species, and in some cases, reduce habitat suitability for wildlife that damage oak seedlings. The plan for your property may require all or only some of these tasks.

Understory shrubs and turf-forming grasses thrive in open woodlands and on agricultural lands in the absence of fire. The rapid growth of shrubs and grasses make them a serious threat to the survival of young oaks. Above ground, shrubs can overtop oak seedlings and limit the availability of sunlight to the trees. Below ground, shrubs and grass compete against oaks for water and soil nutrients. Controlling competing vegetation is an essential step to ensure the fastest possible growth of oak seedlings and saplings. It is important to recognize that native shrubs are an important component of natural forests and woodlands. Species such as snowberry, Oregon grape, western serviceberry, and California hazel provide food, hiding cover, and nesting sites for wildlife and increase biodiversity on the site. Landowners can accommodate both oaks and shrubs by managing their spacing. Patches of shrubs can be allowed to develop in areas between oaks, but their growth underneath oaks should be controlled to avoid competition.

### *Some Common Invasive Weeds*

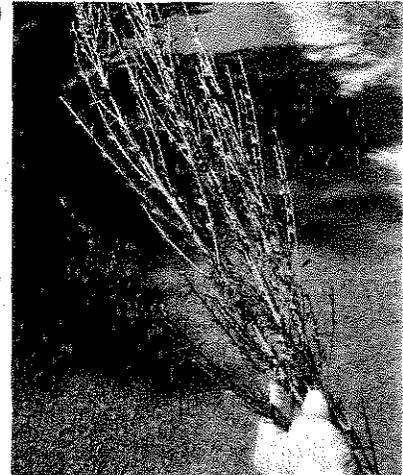
Many botanists in the Pacific Northwest consider non-native, invasive weeds the most serious threat to native plant communities. Several dozen species of invasive weeds are becoming more common in Oregon white oak woodlands and savannas. Below are brief introductions to three of the most troublesome weeds found in oak habitats.

**Himalayan Blackberry:** Leaves are arranged in sets of five or three leaflets. Canes have large, hooked prickles. Some plants may remain green throughout the year. Himalayan blackberry reproduces from seeds, root sprouts, and stem fragments. The species is native to western Europe, not the Himalayan mountains. Himalayan blackberry became naturalized on the West Coast of North America around 1945. Once established, dense thickets of Himalayan blackberry can exclude native grasses, wildflowers, and tree seedlings. Control is difficult, but can be accomplished with successive applications of herbicides or by removing above- and below-ground portions of the plant.



Himalayan Blackberry

**Scotch Broom:** Also known as Scots broom, may grow up to 10 ft. in height. Young stems are green with inconspicuous leaves. Flowers are yellow. Most reproduction occurs by seeds. Scotch broom was naturalized on the West Coast in the early 1900's. Unfortunately, broom is used for landscaping purposes. The Oregon Department of Forestry estimates that Scotch broom costs the state more than \$40,000,000 annually, mostly due to reduced tree production in Douglas-fir plantations. The species can be controlled with herbicide treatments or by hand and mechanical cutting. Sites often need to be treated for many years because of the abundance and longevity of underground seeds.



Scotch Broom



False-Brome

**False-Brome:** An invasive, perennial grass that thrives under a wide range of ecological conditions, including the shade of a closed canopy forest. Reproduction seems entirely by seed. False-brome is most widespread in the woodlands of Lane, Benton, and Polk Counties of Oregon. Founder populations have been detected at many other locations in the Pacific Northwest. Populations of false-brome can invade unoccupied areas very quickly, excluding native grasses, forbs, and ferns.

Visit the following websites for further details about these three species and other invasive weeds:

The Nature Conservancy:

<http://www.tncweeds.ucdavis.edu>

US Department of Interior:

<http://www.invasivespecies.gov/>

### **Types of Control**

Most landowners establishing a new stand of oaks first have to contend with the live vegetation already on the site. Three approaches to removing unwanted saplings, brush, and grass are described below.

### **Manual and Mechanical Methods**

For small areas, manual shrub control methods such as uprooting plants and hand cutting may be the most suitable treatment. Some shrub species, such as poison oak and Himalayan blackberry, can re-sprout from roots, underground stems, or cut stumps. Removing as much of the below-ground system as possible will be most effective at limiting re-growth. For species with strong, upright stems, such as Scotch broom, a mechanical lever device known as a "weed wrench" can be used to uproot the plant. Hand tools such as a pulaski or mattock are particularly useful for cutting and excavating roots. It is important to remember that the removal of existing shrubs accompanied by soil disturbance will cause dormant weed seeds to germinate. Therefore, you should expect that subsequent treatments will be necessary.



Himalyan blackberry and other shrubs in the process of mechanical removal. The area in the foreground has been treated.

*Lynda Boyer, Heritage Seedlings*

available for manual brush control. For light brush, hedge shears or a power trimmer with a blade head may be adequate. For heavier brush, the landowner may want to consider a brush hook, bow saw, or even a chainsaw for thick stem species such as California hazel and Scotch broom. The selection of the best implement for the job will depend upon the height and form of the shrubs, the size of the treatment area, and the difficulty of the terrain.

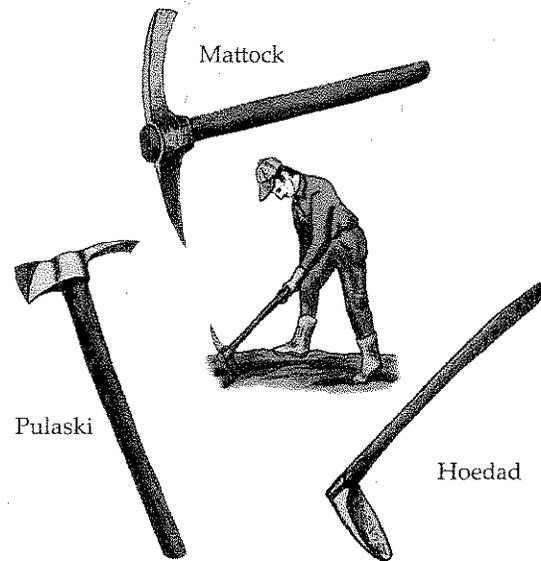
### Herbicides

Chemical herbicides are very effective for controlling brush and weeds and should be considered as one component of a flexible, integrated vegetation management plan.

One important advantage of herbicides is that they can be applied with much less soil disturbance than mechanical control methods, and therefore do not stimulate germination of new weeds from the seedbed. Some herbicides are very selective as to which classes of plants they will affect. For example, the generic herbicide compound sethoxydim (e.g., Vantage®) will kill grasses, but not affect woody plants. Equipment can also result in selective targeting. A "weed wiper" only applies herbicide to the tallest species, such as brush, leaving grasses untreated. Other herbicides such as glyphosate (e.g., RoundUp®) suppress almost all plant species. Using chemical treatments near streams and wetlands demands particular attention as to which herbicide is selected; most chemicals are not labeled for use near water.

A successful control program not only depends on selecting the correct herbicide formula for target species on your property, but also on the timing and method of application. Many forestry herbicides are designed to be most effective at specific phases in a plant's growth cycle. For example, invasive Himalayan blackberry is often controlled with a foliar spray

An alternative to digging out the roots completely is to simply sever the stem from the underground plant system. This approach causes less soil disturbance and usually does not require as much initial time and labor. As noted previously, many shrubs are able to sprout from stumps or roots. However, sprouting can be minimized by treating the freshly cut stump with an herbicide. A wide variety of manual and power cutting tools are



Hand tools commonly used in forestry and restoration work

applied in early fall, when most of the water and energy reserves in the above-ground parts of the plant are being drawn underground. The herbicide is also transported downward, ensuring its maximum distribution throughout roots and underground stems. Selecting the best method of application is also critical to success. Some herbicides used to control brush are toxic to oaks, but may be used safely if care is taken to prevent contact with desirable plants. The most common methods of herbicide application used in restoration and general forestry work are:

- **Spot Spray**-- Spot spraying is a foliar application method in which small areas or individual plants are targeted. Good quality backpack sprayers allow the applicator to finely calibrate the spray pattern, making it possible to treat areas in close proximity to oaks and other non-target species without injuring them.
- **Broadcast Spray**-- Reserved for large-scale applications in which the objective is to eliminate all existing vegetation on the site prior to tree planting. Boom sprayers towed behind a tractor are a common means to treat large areas.
- **Injected or Filled Treatment**-- This approach utilizes a hatchet-like injector that automatically squirts a measured amount of herbicide into the cut as the stem is struck. The treatment is typically used on large-stemmed shrubs and undesirable tree species.
- **Cut Surface Treatment**-- Also called "stump treatment." An herbicide is applied to the freshly cut surface of a stump after the above-ground portions are removed to prevent the plant from re-sprouting.
- **Basal Treatment**-- A concentrated formula containing herbicide and oil is wiped on the lower stem of a woody plant. The formula is able to penetrate through the bark to the vascular system and is transported throughout the plant.

The information presented above is meant only as an introduction to herbicide control methods. Always follow the appropriate uses, application methods, and rates specified on the label of the herbicide. We recommend that landowners review educational materials on herbicide treatments available from local extension service staff, or consult with a restoration specialist before implementing your control program.

### Prescribed Fire

Prior to European settlement, oaks were only able to persist in the valleys and foothills of the Pacific Northwest because of American Indian burning practices and natural wildfire. Almost all of the site preparation treatments considered above are designed to mimic the effect of fire on competing vegetation in an oak woodland or savanna. Prescribed fire, which is used for a specific management objective under a narrowly defined set of environmental conditions to minimize wildfire risk, remains a useful technique for removing brush and reducing the volume of logging slash. There are two general approaches to preparing a site with prescribed fire. The first



Prescribed burning is an important tool for managing understory vegetation on savannas.  
*Dave Peter, USFS*

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is broadcast burning--setting fire to grass and brush on the site. In small woodland and savanna settings, hand-carried drip torches are typically used to apply fire widely across the site preparation area. However, the consequences of an out-of-control fire can be so severe that private landowners *should not* consider the use of broadcast burning without professional supervision and a trained forestry crew at the site. The second approach is to cut the brush and move it away from trees and ground fuels where it can be piled and burned safely. The use of fire for restoration and forestry purposes is regulated by local fire ordinances and under state forest practice rules. Landowners should consult their local extension forester or staff at state agencies that regulate private forestry before implementing a prescribed burn.

### **Managing Slash**

The site preparation activities described above typically result in slash—accumulations of dead wood left after small trees are cut. The amount and distribution of slash on a site has important effects on wildfire risk, tree planting conditions, and wildlife habitat. A continuous layer of slash, particularly dead shrubs and fine branches, can be a wildfire hazard, increasing the spread and intensity of a fire should one occur. Large amounts of decaying wood can also alter soil conditions, causing changes in the understory plant community. Too much slash can also reduce the availability of tree planting sites and shade out oak seedlings. However, on hot, dry sites the additional shade may actually benefit seedlings by reducing their transpiration rate and allowing them to conserve water. Under some circumstances, slash may inhibit the movement of deer throughout the site and reduce their browsing of planted seedlings. Downed logs are an important habitat element for many species of amphibians, reptiles, and small mammals. Large-diameter logs and snags tend to be rare on most sites and can usually be retained without greatly reducing the number of tree planting sites.

There are five commonly used methods to utilize or reduce slash:

1. **Firewood**—Much of the larger material can be used to supply firewood for your home or sold to others.
2. **Mulch**—Using a mechanical chipper, slash can be reduced into a mulch that can be used to protect oak seedlings or for home landscaping.
3. **Lop and Scatter**—As the name implies, branches are lopped off trees, their stems are cut into short pieces, and the material is spread out to increase contact between the dead wood and soil. This will speed decomposition of the slash.
4. **Piled**—Slash can be piled and left to decay if the accumulation is not too deep. Widely spaced piles and large diameter logs left for wildlife do not present as great a fire hazard as a layer of dead vegetation spread evenly through the stand. Slash piles provide habitat to a variety of birds such as song sparrows, spotted towhees, and winter wrens.
5. **Pile and Burn**—The material can be gathered into piles located in open areas and burned. Slash should be piled soon after it is cut, then covered (plastic sheets are commonly used) to protect it from rain. Slash piles typically are burned in western Oregon and Washington at the beginning of fall rains. At this time, the piles will be relatively dry while the surrounding vegetation will be damp, minimizing the

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chance that the fire will spread beyond the pile. It is strongly recommended that private landowners consult their local fire department or a consulting forester when contemplating any use of fire for site preparation. Several other crucial points to remember before burning brush piles:

- Check with your local fire department and state forestry agency for regulations that affect when and where you can conduct open burning. State and local governments usually prohibit such fires during the summer.
- Ensure that there is an effective firebreak between burn piles and other fuels that could transport fire away from the safe burning area.
- Have fire tools ready on site and an adequate supply of water to completely extinguish the fire.
- Do not leave brush piles burning unattended.
- It is illegal to burn the plastic cover sheets with the slash pile.

### **Seedling Spacing**

While an acre of land may only support 20 to 40 fully mature oaks, perhaps one tree in 500 will survive to this stage (and it will take decades). It's probably best to plant some extra acorns or seedlings—you can always thin the stand if it becomes overly dense. Spacing and distribution of seedlings will be based on the objectives you've defined in your management plan, but a couple of strategies may be applied. One strategy for spacing the planting sites is to distribute them relatively uniformly across the area to be reforested. For example, if you have an area of 2 acres and have gathered 400 acorns for planting, the approximate spacing would be 15 feet between planting holes (one acre = 43,560 ft<sup>2</sup>; 200 acorns per acre = 43,560/200 = 218 ft<sup>2</sup> per planting site; take the square root of 218 for a spacing of 14.8 feet). An alternative spacing strategy would be to allocate most of your acorns to the best planting sites (full sun, deep soil, not excessively droughty) and plant two or three acorn per hole.

### **Direct Seeding**

The direct seeding of acorns is appealing for its simplicity and low cost. Ripe acorns can be collected from early September to November from the ground or by tapping clusters in the tree with a long pole and catching the falling seeds with a tarp. A visual inspection should be made of each acorn, small acorns, and those with cracks or holes be discarded. Acorns that have been damaged by insects or fungus may not show any external injuries but will tend to float when put in water; healthy acorns will sink.

*Direct seeding of Oregon white oak acorns should be done in the fall soon after the start of the rainy season when the upper layer of soil has been moistened*

Acorns from Oregon white oak, like other white oaks, lose their viability quickly after falling from the tree. In addition, the germination rate is greatly reduced with drying. These facts, coupled with the capability of birds and rodents to collect acorns for themselves means that timely collection and storage of planting material is essential. Prepare the acorn for storage by removing its cap. Acorns can be kept in plastic bag with a

few holes to allow for gas exchange. They can be stored in a refrigerator at a temperature between 33-41° F. It may be beneficial to rehydrate acorns by soaking them in water for 48 hours prior to planting.

Direct seeding of Oregon white oak acorns should be done in the fall soon after the start of the rainy season when the upper layer of soil has been moistened. Several specialty tools are available, such as the Boatwright acorn planter (see list of suppliers in *Resources for Landowners*). Depending on soil texture, a long-handled wood stick or steel rod pushed into the ground may work as well. Plant acorns ½ to 2 inches deep if irrigation will be available for the first two summers. Plant deeper (2 to 4 in) if predation by wildlife is expected to be a problem or irrigation will not be used. Wildlife can also be prevented from digging up acorns by placing a square of hardware cloth over the planting site and securing it the ground with landscape staples. These can be replaced by wire cages once the germinant appears above ground.

*To ensure good survival and growth, seedlings should be planted in an opening large enough to permit sunlight to reach the ground*

Oak seedlings and saplings grow very slowly in the shade of an existing tree canopy. To ensure good survival and growth, seedlings should be planted in an opening large enough to permit sunlight to reach the ground. On a level site, a circular opening with a radius of 85 ft (approximately 0.5 ac) will allow approximately one-third of full sunlight to penetrate the canopy. This is adequate for the development of young oaks. North and east-facing slopes require larger openings; openings on south or west-facing slopes can be smaller.

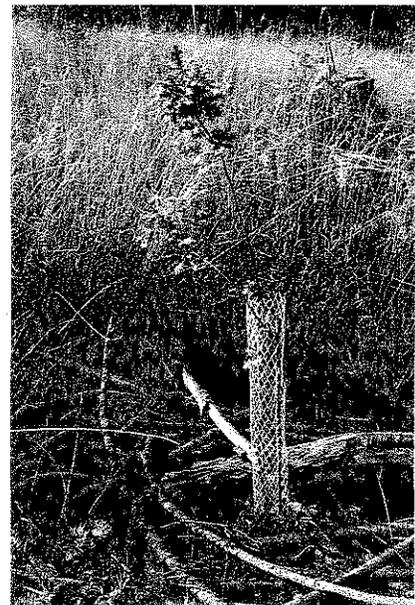
### **Container Seedlings**

Because of the increasing popularity of Oregon white oaks, containerized seedlings are becoming more widely available from local nurseries (see *Resources for Landowners*) There are three primary advantages of seedlings: (1) There is no uncertainty whether an acorn will germinate; (2) Seedlings may have attained up to a year of growth under



An oak seedling well protected with a wire enclosure to prevent deer from browsing.  
Warren Devine, USDA Forest Service

Three year old oak seedling protected with net tubing. A large piece of weed barrier cloth is anchored in place with wood.  
Hugh Snook, BLM



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optimal nursery conditions, and will have a good head start when planted at the site; and (3) Wildlife predation and insect damage are less likely with seedlings compared to acorns. Oregon white oak seedlings produce a fast-growing taproot that will coil if kept in nursery containers for much more than a year (coiled roots should be straightened or cut shorter at the time of planting.) Oaks should be grown in a tall, narrow pot designed for species with deep taproots (e.g. 2 gallon Treepot®). Seedlings also are occasionally available as bare rootstock.

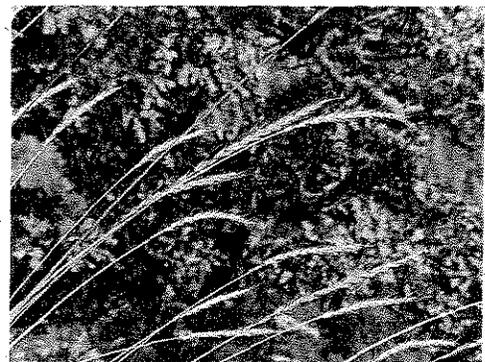
Seedlings should be planted in the fall. This allows as much time as possible for root development before drought conditions the following summer. A clamshell-type posthole digger works well if only a small number of seedlings are to be planted. A specialized tool called a hoedad can also be used to dig planting holes. You may want to consider powered augers (one-person, two-person or tractor mounted) for large projects. If the soil is rocky, discard stones removed from planting holes and replace with some extra fine-textured soil. The hole should be back-filled so that the root crown is level with the ground. Care should be taken so that the taproot is directed straight down, and that all voids in the soil are filled by firmly tamping soil with the foot. Jamming the root so deeply into the hole that the end turns upward (called "J-rooting") greatly decreases the seedling's chance of survival.

### **Care and Protection of Seedlings**

Wind, extreme temperatures, and wildlife damage can affect the survival and growth of young oaks. After planting, a variety of protection measures can help seedling survival and rapid development.

### **Controlling Grass**

Dense grass and weeds can severely limit the growth and survival of oak seedlings by competing for water and creating hiding cover for herbivores such as gray-tailed voles. The purpose of mulch and weed barriers is to conserve water around the seedling by slowing evaporation and creating a barrier to competing plants. Weed barrier cloth is widely available in rolls at gardening stores and landscape suppliers. Cut the cloth into 36-in or 48-in squares, with a slit in the center to fit around the seedling. The cloth can be anchored to the ground with landscape staples, a piece of heavy gauge wire bent into a U-shape, or rocks found on site. Wood chips also can be used as attractive mulch in yards and park settings. However, their weight and the extra time it takes to apply them around the seedling often make them impractical in large restoration areas. Wood chips also absorb some precipitation, decreasing water availability for seedlings. So, some supplemental watering may be necessary. Carefully used herbicides can be an option to stop water competition from moss.



Seedheads of blue wildrye (*Elymus glaucus*), a grass commonly associated with oak savanna. Grasses compete for moisture with tree seedlings and efforts to control grass immediately around seedlings will increase their growth.  
Lynda Boyer, Heritage Seedlings

## Irrigation

Oregon white oak seedlings are tolerant of typical summer drought conditions in the Pacific Northwest. Nevertheless, seedlings will have greater survival and faster growth if supplemental water can be provided monthly, during dry periods, for the first two summers. The feasibility of irrigation depends upon the number of seedlings, availability of water, difficulty of terrain, and the amount of time the landowner can devote to the task. The ground should be thoroughly soaked around seedlings (3-5 gallons per plant) to encourage deep rooting.

## Tree shelters

Tree shelters serve three purposes. They provide structural support that keeps the tree upright in windy conditions or when hit by small branches falling from the woodland canopy. Shelters protect seedlings from wildlife browsing. Deer, elk, and even mice and voles can cause severe mortality among newly planted oak seedlings. Finally, shelters also create a "mini-greenhouse" and increase air moisture and temperature around the seedling, slightly elevate carbon dioxide levels, and improve rates of photosynthesis. Tree shelters can be purchased in two basic forms: a double-walled cylinder, or plastic sheets that are rolled into a tube on-site. Double-walled shelters are more expensive but are sturdier, more easily installed, and can be pressed slightly into the ground to create a tighter seal at the soil (particularly important if voles are a problem). Inexpensive, home-made deer exclosures can be made from hardware cloth or chicken wire fencing rolled into a tube. Whatever type of shelter you use, make sure it is firmly anchored with one or two stakes constructed of fiberglass, wood, iron rebar or similar material sunk at least 6" into the ground. Bamboo may be used but often weakens after one season and may not withstand high winds.



Tree shelters and weed-barriers improve seedling survival and increase their growth rate.

*Warren Devine, USDA Forest Service.*

## Controlling Wildlife Damage

Numerous wildlife species feed upon planted acorns and oak seedlings. Douglas squirrels, western gray squirrels, and chipmunks will dig up and carry away acorns. Various species of voles will eat buds and the cambium layer of seedlings. Deer will browse on foliage, twigs and buds. It's neither practical nor desirable to eliminate all herbivores from the area. The success of your project will depend upon protecting most acorns and young oaks from wildlife damage. Landowners can increase the odds in their favor by adopting a threefold strategy. First, assume that many acorns and seedlings will be lost to animals and plant more than needed to meet your reforestation goals. Second, reduce the habitat suitability of your site for wildlife that damage oak seedlings. Decreasing the density of shrubs near planting sites will reduce food availability for herbivores, causing them to move elsewhere.

Removing most shrubs will also eliminate their hiding cover and expose them to natural predators. Finally, install tree shelters around seedlings to prevent voles from damaging stems and buds. Another option that will prevent deer browse is spraying of repellants. These require 2-3 applications per season, but eliminate the need to maintain shelters. These actions will usually limit wildlife problems without the need for more drastic eradication programs.

### ***W.L. Finley National Wildlife Refuge Oak Habitat Restoration***

The National Wildlife Refuges administered by the U.S. Fish & Wildlife Service are among the largest publicly-owned habitat conservation areas within the Willamette Valley and Puget Lowlands. The W.L. Finley National Wildlife Refuge in Benton County, Oregon began an oak habitat restoration in 2003. The two photos below show the restoration in-progress.

The photo on the right was taken after a preparation mowing by refuge staff. Grass and light brush was treated using a John Deere 6400 tractor and 15' batwing mower. Small trees and heavy brush were cut with a Bobcat T-200 loader running a 5' brush hog mower.



Larger woody vegetation was then removed by a contractor using an excavator equipped with a slash-busting head. Follow up treatment has included herbicide application to control invasive blackberry and hardwood re-sprouting.



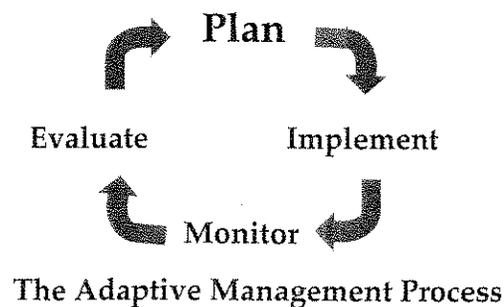
## MONITORING AND ADAPTIVE MANAGEMENT

Restoring and managing an oak woodland or savanna is a commitment likely to span across generations. Documenting your management actions and monitoring their effects on trees, other vegetation, and wildlife is crucial to achieving your long-term goals. The management plan is the first step toward describing your vision of the future for your property. However, landowners must recognize that native plant communities are complex and dynamic ecosystems that do not always develop according to our predictions. Furthermore, the ecology and silvicultural aspects of Oregon white oak are not as well understood as Douglas-fir and other commercially valuable species. Monitoring the growth and health of your oaks is an essential step to understanding which management actions work and which do not.



Blossoms of elegant tarweed (*Madia elegans*), are the showiest in the genus, and are commonly associated with oak savanna. Seeds from the tarweed were an important food for the Kalapuya and other Tribes. The relative abundance of vegetation species can be monitored simply through the use of photography if it is repeated consistently.  
*Lynda Boyer, Heritage Seedlings*

Adaptive management refers to a continuing process of natural resource planning, management actions, monitoring, evaluation, and adjustments in order to better achieve management goals. The concept reflects the need to actively manage resources such as oaks, in spite of the uncertainty as to how to achieve all objectives.

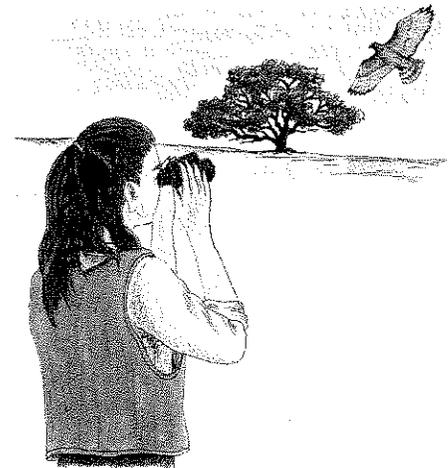


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Through adaptive management, uncertainty is gradually resolved as on-the-ground actions are implemented, their effects on habitats and wildlife are monitored and assessed, and work plans are adjusted accordingly. Monitoring activities should be designed to measure progress toward your restoration goals. If a goal is important enough for you to invest your time, land, and money, then it seems prudent to take steps to assess whether your management actions are leading toward the desired future condition for your property.

A monitoring program is most sensitive to detecting changes in trees or stand conditions if repeated observations and measurements are taken at the same location. Plots established for the initial site assessment (see Appendix I) can serve as locations for remeasurements if you established a permanent marker at the plot center. A few representative trees in each plot can be identified with numbered tags for the purpose of repeated height and diameter measurements. Repeating all of the observations and measurements you took during your initial assessment at a five-year interval will provide the basis for an excellent monitoring and adaptive management program. You may also consider participating in the US Forest Service Pacific Northwest Research Station's acorn survey ([http://www.fs.fed.us/pnw/olympia/silv/oak-studies/acorn\\_survey/index.shtml](http://www.fs.fed.us/pnw/olympia/silv/oak-studies/acorn_survey/index.shtml)).

Photographs taken every five years are perhaps one of the easiest ways to record vegetation changes over time. Each photo in the series should be taken from exactly the same point (establish a permanent marker!) and precisely framed to encompass the same area of the stand. Including a vertical, brightly-painted pole of a known length within the frame allows viewers to estimate heights of ground vegetation layers. Make sure that you take each photo at the same time each year so that the series shows long-term vegetation trends, not seasonal changes in foliage. Keep good notes about your photo sessions.



Monitoring wildlife populations on restoration sites is rarely implemented, but is really the only valid method to evaluate whether habitat management actions actually increase the probability that target wildlife species use the site or achieve greater abundance. We encourage you to make some effort to monitor wildlife as part of your oak management plan. Birds are relatively easy to observe (compared to most other species) and can be reasonably good indicators of changing conditions in a woodland or savanna. Even if you can't identify every warbler and sparrow by song, making lists of birds that you do recognize will yield useful information. Wildlife observations repeatedly made at the same location (such as a permanent measurement plot) and same time of year will be very informative.



## RESOURCES FOR LANDOWNERS

The following table is provided as a guide to useful on-line resources for small landowners managing or restoring Oregon white oak habitats.

	Name	Contact information	Notes
Native Plant Suppliers	PlantNative.com	<a href="http://www.plantnative.com/index.htm">http://www.plantnative.com/index.htm</a>	National directory of native plant sources and information
	D.L. Phipps State Forest Nursery (Oregon Dept. of Forestry)	<a href="http://www.odf.state.or.us/AREAS/southern/nursery/">http://www.odf.state.or.us/AREAS/southern/nursery/</a>	Source of Oregon native tree seedlings
	Pacific Northwest Native Plant Sources	<a href="http://www.tardigrade.org/natives/nurseries.html">http://www.tardigrade.org/natives/nurseries.html</a>	
	Washington Native Plant Society	<a href="http://www.wnps.org/nurserylist.html">http://www.wnps.org/nurserylist.html</a>	List of suppliers in Washington
	Native Seed Network	<a href="http://www.nativeseednetwork.org/home/index.php">http://www.nativeseednetwork.org/home/index.php</a>	List of native plant suppliers
Wildland Fire Safety	Firewise	<a href="http://www.firewise.org/">http://www.firewise.org/</a>	
	Washington Dept. of Natural Resources	<a href="http://www.dnr.wa.gov/htdocs/rp/prevent.htm">http://www.dnr.wa.gov/htdocs/rp/prevent.htm</a>	
	Oregon Dept. of Forestry	<a href="http://www.odf.state.or.us/DIVISIONS/protection/fire_protection/">http://www.odf.state.or.us/DIVISIONS/protection/fire_protection/</a>	
	British Columbia Ministry of Forests	<a href="http://www.for.gov.bc.ca/protect/">http://www.for.gov.bc.ca/protect/</a>	
Forestry Equipment & Supplies	Forestry Suppliers Inc.	<a href="http://www.forestry-suppliers.com/">http://www.forestry-suppliers.com/</a>	
	Ben Meadows Inc.	<a href="http://www.benmeadows.com/">http://www.benmeadows.com/</a>	
Farm & Woodland Technical Assistance	Natural Resource Conservation Service & Farm Service Agency	See <a href="http://www.nrcs.usda.gov">http://www.nrcs.usda.gov</a> for local offices	Technical assistance for habitat management
	National Association of Conservation Districts	See <a href="http://www.nacdnet.org/resources/cdsonweb.html">http://www.nacdnet.org/resources/cdsonweb.html</a>	for local district offices
	PrivateForest.org	<a href="http://www.privateforest.org/">http://www.privateforest.org/</a>	Website containing links to many information sources
	Oregon State University Forestry Extension Program	<a href="http://www.cof.orst.edu/cof/extended/extserv/pubs.php">http://www.cof.orst.edu/cof/extended/extserv/pubs.php</a>	
	Oregon Dept. of Forestry stewardship foresters	<a href="http://www.odf.state.or.us/DIVISIONS/management/forestry_assistance/assist/">http://www.odf.state.or.us/DIVISIONS/management/forestry_assistance/assist/</a>	Provide technical assistance for developing woodland stewardship programs
	Washington Forest Stewardship Program	<a href="http://www.dnr.wa.gov/htdocs/rp/steward.htm">http://www.dnr.wa.gov/htdocs/rp/steward.htm</a>	List of technical assistance and funding programs

Category	Name	Contact information	Notes
Farm & Woodland Technical Assistance	Washington State University Dept. Natural Resources Forestry Extension	<a href="http://ext.nrs.wsu.edu/forestryext/index.htm">http://ext.nrs.wsu.edu/forestryext/index.htm</a>	
Habitat Conservation & Restoration Grant & Cost-share Opportunities	Natural Resource Conservation Service & Farm Service Agency	See <a href="http://www.nrcs.usda.gov">http://www.nrcs.usda.gov</a> for local offices	Several loan, cost-share and easement programs for agricultural lands: CRP, WHIP, EQUIP
	Oregon Watershed Enhancement Funding Directory	<a href="http://www.oweb.state.or.us/directory/fundingintro.html">http://www.oweb.state.or.us/directory/fundingintro.html</a>	
	Oregon Dept. of Forestry list of funding sources	<a href="http://www.odf.state.or.us/divisions/management/forestry_assistance/">http://www.odf.state.or.us/divisions/management/forestry_assistance/</a>	State and federal programs listed
	Oregon Forest Resource Trust Program	<a href="http://www.odf.state.or.us/divisions/management/forestry_assistance/trust/">http://www.odf.state.or.us/divisions/management/forestry_assistance/trust/</a>	
	Washington Forest Stewardship Program	<a href="http://www.dnr.wa.gov/htdocs/rp/steward.htm">http://www.dnr.wa.gov/htdocs/rp/steward.htm</a>	List of technical assistance and funding programs
	Washington Dept. of Fish & Wildlife	<a href="http://wdfw.wa.gov/lands/lip/">http://wdfw.wa.gov/lands/lip/</a>	Landowner incentive program
Plant Community Restoration	Washington Native Plant Society	<a href="http://www.wnps.org/">http://www.wnps.org/</a>	
	Native Plant Society of Oregon	<a href="http://www.npsoregon.org/">http://www.npsoregon.org/</a>	
Oregon White Oak Biology and Ecology	Forest Service, Oregon white oak bibliography	<a href="http://www.fs.fed.us/pnw/olympia/silv/oak-studies/oak-bibliography">http://www.fs.fed.us/pnw/olympia/silv/oak-studies/oak-bibliography</a>	A comprehensive bibliography of oak research and management papers
	Oregon Oak Communities Working Group	<a href="http://www.oregonoaks.org">http://www.oregonoaks.org</a>	Meetings, field trips, restoration info, this document ( <i>Landowner's Guide to Oak Restoration</i> ) online
	Garry Oak Ecosystem Recovery Team	<a href="http://www.goert.ca/">http://www.goert.ca/</a>	
	Oak Plant Associations Washington	<a href="http://www.dnr.wa.gov/nhp/refdesk/communities">http://www.dnr.wa.gov/nhp/refdesk/communities</a>	



## CONCLUSION

We hope that readers of this Guide will be inspired to consider undertaking some effort toward conserving Oregon white oaks by the stories we collected from landowners already engaged in restoration projects. We encourage you to do further research into Oregon white oak management practices. There is plenty of information available from the sources we've identified in the Guide. But perhaps there's no better way to learn about natural diversity surrounding oaks than to go for a slow walk through a woodland or savanna to observe the wildlife and plant communities for yourself.



Stately oaks grace a pasture on a farm near Dallas, Oregon.  
*Hugh Snook, BLM*



## SUGGESTED READING

Campbell, B.H. 2003. "Restoring Rare Native Habitats in the Willamette Valley." *A Landowner's Guide for Restoring Oak Woodlands, Wetlands, Prairies, and Bottomland Hardwood and Riparian Forests*. Defenders of Wildlife. Portland, OR.

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## ABOUT THE AUTHORS AND ILLUSTRATOR

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*Raven OKeefe* has been a professional illustrator and fine artist for over 20 years. She has done extensive interpretive illustration for the U.S. Forest Service, Bureau of Land Management, and other organizations and individuals of whose work she approves. Examples of her illustrations and fine art can be seen at <http://www.raven-graffix.com>.

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## APPENDIX I: COLLECTING TREE DATA FOR YOUR SITE ASSESSMENT

The purpose of this appendix is to provide landowners an introduction to collecting information about the existing trees on your site—an essential step to oak woodland and savanna management. Tree data typically is collected at two different scales: individual tree measurements and stand-level descriptors.

### ***Individual Tree Measurements***

- **Tree Height:** Perhaps the most straightforward technique for estimating tree height is with a “tree measuring stick” (called a Biltmore stick) available at a forestry suppliers (approximate cost = \$10-15). To determine the height of a tree, the surveyor paces off a standard distance from the base of the tree stem, faces the tree while holding the stick vertically at a given distance from the eye (usually 25 inches), aligns a scale on the stick with the tree stem, and records the measurement on the scale across from the top of the tree crown. Management plans should include average tree heights in each management unit for major tree species.
- **Tree Diameter:** The diameter of a stem is easy to measure, and is measured at a standard height (4.5 feet) from the ground. The measurement is usually referred to as diameter breast height or DBH. The measurement can be made by placing a tree measuring stick horizontally against the tree stem at breast height and recording the measurement from a diameter scale imprinted on the stick for this purpose. Special tape measures, usually called “D-tapes”, are available at forestry suppliers for measuring tree diameters. Snags are measured using the same techniques.
- **Height, Diameter and Crown Growth:** As a tree grows, we can see it change in 3 dimensions – in height, diameter of the stem, and diameter of the crown. Changes in height are easy to see and to measure when trees are small and are the simplest way to measure the progress of a planting project. Trees grow fairly rapidly in height when they are young, but their height growth slows down considerably as the tree ages. Due to both the small amounts of height growth per year in older trees and the greater difficulty in measuring heights of tall trees, height growth becomes more difficult to measure accurately as the trees get older. Height growth is a good measure of the effectiveness of treatments during seedling establishment, but it becomes less sensitive to treatments as the trees get older. Diameter of the stem (measured at ground line for seedlings and at 4.5 feet or other standard distance above the ground) is generally a good measure of how the tree is responding to its growing conditions. However old trees, especially on droughty sites or in crowded stands, will grow very slowly in diameter growth. If the growth rates are very small, it is especially important that the diameter be measured at the same point on the stem each time and that the tape be kept level during the measurement. Diameter growth is a good index of the vigor of the tree as it is based on the photosynthesis of the leaves that are above the point where the measurement is taken. Crown diameter, or the width of the tree crown (often measured twice – with the two measurements at right angles) is an indication of the past crowding of the tree. Crown width will be stable or increase if light gets down to the branches

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in the middle and lower parts of the crown, but will decrease over time if the trees are crowded. Crown width will not change rapidly in older trees, but even older trees will have branches grow in length and thus, their crown dimensions can increase.

### **Stand Descriptors**

Stand descriptors provide useful information about the composition and structure of woodland and savanna.

- **Stand Composition:** This is simply a list of tree species for each woodland and savanna in a management unit. If there are no trees at present, the stand or unit can be noted as “non-forest.” Briefly describe the landcover type.
- **Crown Classes:** Shade-tolerant trees, such as big-leaf maple can grow quite well under a woodland canopy, while an Oregon white oak in the same position will lose vigor and eventually die. Therefore, understanding the relative heights of trees within a woodland canopy provides insight to future conditions at the site in the absence of active management. Crown class is a classification of individual trees based on their relative positions in the canopy. Four classes are defined as follows: *Dominant* trees have large, fully developed crowns that extend above most other trees in the canopy. Oregon white oaks that are in dominant positions will have crowns as wide as they are tall. *Co-dominant* trees have smaller crowns than dominant trees and compose the main level of the canopy. *Intermediate* trees have narrow crowns that only reach into the lowermost level of the main canopy. Oak trees that are in intermediate positions take on a “vase-shaped” appearance as lower branches begin to die. The crowns of *suppressed* trees do not extend into the canopy and are often lop-sided with many dead and dying branches. The canopy of a mixed conifer/hardwood forest may have all four of these layers, but healthy stands of Oregon white oak tend to be composed only of dominant and co-dominant trees. Crown closure doesn’t really apply to savannas, because this habitat type has no contiguous canopy.
- **Stand Density:** Stand density, often expressed as the number of trees per acre, is one of the most informative stand measurements. Stand density can be measured by counting the number of trees by species and diameter class on fixed plots and using a formula to convert to a per acre basis (although there are alternative techniques). Such data can then be summarized into a stand table—something like a box score that allows a consulting forester or other natural resource professional to quickly evaluate stand composition and structure.

### **Establishing Measurement Plots**

A casual walk through your prospective restoration site is fine for conducting an initial survey of existing conditions. However, an accurate stand assessment requires a more systematic approach to collecting tree data. Making your observations and measurements on systematically located plots offers several advantages:

- Systematic methods minimize surveyor biases (for example, avoidance of dense brush) that could affect observations and measurements.
- Data collected by different surveyors are comparable, as long as each surveyor made their observations or measurements according to the same protocol.
- Data collected on plots selected systematically (or randomly) not only allows the

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surveyor to characterize conditions within the plots, but also permits a reasonable representation of areas outside the plots.

- Permanently marked plots can be re-measured over successive years to monitor tree growth and changes in vegetation structure.

One of the most common woodland survey techniques is to make tree and snag measurements on a number of 1/10-acre plots (circular plot radius =37.2 ft; square plots =66 ft each side) and extrapolate the sample results to a per-acre basis for the entire stand. It helps to start with an aerial photograph on which the management unit boundaries have been drawn. If tree species and density varies significantly across the management unit, sub-divide the unit into homogenous stands, and calculate average measurements for each stand separately. Survey accuracy generally increases with greater survey intensity. Survey intensity is determined by calculating the percentage of the total management unit or stand that is included within measurement plots. For example, using a 14-acre woodland:

The calculation for a **5% survey** is:

14 acres x 0.05 ÷ 0.1-acre plot = 7 plots

The calculation for a **10% survey** is:

14 acres x 0.10 ÷ 0.1-acre plot = 14 plots

If the boundaries of the management unit are fairly regular, spacing the centers of 1/10 ac plots 295 ft apart in a grid pattern approximately equals a 5% survey; approximately 210 ft apart equals a 10% survey.

## APPENDIX II: LIST OF SCIENTIFIC NAMES

	Common Name	Scientific Name
Plants	bigleaf maple	<i>Acer macrophyllum</i>
	bitter cherry	<i>Prunus emarginata</i>
	blue oak	<i>Quercus douglasii</i>
	blue wildrye	<i>Elymus glaucus</i>
	Brewer's oak	<i>Quercus garryanna</i> var. <i>breweri</i>
	California black oak	<i>Quercus kelloggii</i>
	California hazel	<i>Corylus cornuta</i>
	California oatgrass	<i>Danthonia californica</i>
	camas	<i>Camassia quamish</i>
	Canyon live oak	<i>Quercus chrysolepis</i>
	black hawthorn	<i>Crataegus douglasii</i>
	Douglas-fir	<i>Pseudotsuga menziesii</i>
	false brome	<i>Brachypodium sylvaticum</i>
	grand fir	<i>Abies grandis</i>
	Himalayan blackberry	<i>Rubus discolor</i>
	huckleberry	<i>Vaccinium</i> spp.
	huckleberry oak	<i>Quercus vaccinifolia</i>
	interior live oak	<i>Quercus wislizeni</i>
	mistletoe	<i>Phoradendron flavescens</i>
	oceanspray	<i>Holodiscus discolor</i>
	Oregon ash	<i>Fraxinus latifolia</i>
	Oregon grape	<i>Berberis</i> spp.
	Oregon white oak	<i>Quercus garryanna</i>
	Pacific madrone	<i>Arbutus menziesii</i>
	poison oak	<i>Rhus diversiloba</i>
	ponderosa pine	<i>Pinus ponderosa</i>
	prairie violet	<i>Viola nuttallii</i>
	red alder	<i>Alnus rubra</i>
	red fescue	<i>Festuca rubra</i>
	Roemer's fescue	<i>Festuca roemeri</i>
	Sadler's oak	<i>Quercus sadleriana</i>
	salmonberry	<i>Rubus spectabilis</i>
	Scotch broom	<i>Cytisus scoparius</i>
	snowberry	<i>Symphoricarpos</i> spp.
	sword fern	<i>Polystichum munitum</i>
	tarweed	<i>Madia</i> spp.
tufted hairgrass	<i>Deschampsia cespitosa</i>	
western buttercup	<i>Ranunculus occidentalis</i>	
western serviceberry	<i>Amelanchier alnifolia</i>	
woodland star	<i>Lithophragma glabra</i>	
yarrow	<i>Achillea</i> spp.	

	<b>Common Name</b>	<b>Scientific Name</b>
<b>Animals</b>	acorn woodpecker	<i>Melanerpes formicivorus</i>
	American kestrel	<i>Falco sparverius</i>
	black-capped chickadee	<i>Parus atricapillus</i>
	black-tailed deer	<i>Odocoileus hemionus columbianus</i>
	bobcat	<i>Lynx rufus</i>
	Botta's pocket gopher	<i>Thomomys bottae</i>
	brush rabbit	<i>Sylvilagus bachmani</i>
	California condor	<i>Gymnogyps californianus</i>
	cedar waxwing	<i>Bombycilla cedrorum</i>
	coyote	<i>Canis latrans</i>
	downy woodpecker	<i>Picoides pubescens</i>
	ensatina	<i>Ensatina eschscholtzii</i>
	gopher snake	<i>Pituophis melanoleucus</i>
	gray wolf	<i>Canis lupus</i>
	great horned owl	<i>Bulbo virginianus</i>
	grizzly bear	<i>Ursus chelan</i>
	Lewis' woodpecker	<i>Melanerpes lewis</i>
	little brown myotis	<i>Myotis lucifugus</i>
	long-eared myotis	<i>Myotis evotis</i>
	long-toed salamander	<i>Ambystoma macrodactylum</i>
	gray-tailed vole	<i>Microtus canicaudus</i>
	Merriam's wild turkey	<i>Meleagris gallopavo</i>
	northern flying squirrel	<i>Glaucomys sabrinus</i>
	northern pygmy-owl	<i>Glaucidium gnoma</i>
	Pacific tree frog	<i>Pseudacris regilla</i>
	pileated woodpecker	<i>Dryocopus pileatus</i>
	red-legged frog	<i>Rana aurora</i>
	red-tailed hawk	<i>Buteo jamaicensis</i>
	ringneck snake	<i>Diadophis punctatus</i>
	Roosevelt elk	<i>Cervus elaphus</i>
	rubber boa	<i>Charina bottae</i>
	savanna sparrow	<i>Passerculus sandwichensis</i>
	sharptail snake	<i>Contia tenuis</i>
	vagrant shrew	<i>Sorex vagrans</i>
western bluebird	<i>Sialia mexicana</i>	
western fence lizard	<i>Sceloporus occidentalis</i>	

---

	<b>Common Name</b>	<b>Scientific Name</b>
<b>Animals</b>	western gray squirrel	<i>Sciurus griseus</i>
	western meadowlark	<i>Sturnella neglecta</i>
	western rattlesnake	<i>Crotalus viridis</i>
	western screech owl	<i>Otus kennicottii</i>
	western skink	<i>Eumeces skiltonianus</i>
	western wood-pewee	<i>Contopus sordidulus</i>
	white-breasted nuthatch	<i>Sitta carolinensis</i>

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(Adobe Acrobat .pdf format) at (<http://www.oregonoaks.org>.)



*Discover Oregon white oak and how you can help conserve it.*

Oregon white oak savannas and woodlands are a very important piece of the ecological fabric of the Pacific Northwest. Unfortunately, these habitats and the wildlife that depend on them have diminished greatly from the past.

The vast majority of the remaining Oregon white oak habitat is found on private land: farms, ranches, woodlots, forestlands, and even residential lots. Owners of land with oak habitat possess the opportunity to conserve this dwindling habitat for their own satisfaction and enjoyment and as a legacy for future generations.

The primary purpose of this book is to encourage landowners to conserve, manage, and even establish Oregon white oak habitat. Readers will discover interesting facts about the ecology, uses and benefits of this remarkable tree. Other sections of the book describe the process of goal setting, assessment and planning involved in a successful habitat management project. On-the-ground management techniques are described, and landowners share stories of their own restoration projects.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 1: CITIZEN INVOLVEMENT

### OAR 660-015-0000(1)

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

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies, and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

**1. Citizen Involvement -- To provide for widespread citizen involvement.**

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for

citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

**2. Communication -- To assure effective two-way communication with citizens.**

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

**3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

**4. Technical Information -- To assure that technical information is available in an understandable form.**

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

**5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.**

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy

decisions shall be available in the form of a written record.

**6. Financial Support -- To insure funding for the citizen involvement program.**

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

**A. CITIZEN INVOLVEMENT**

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

**B. COMMUNICATION**

Newsletters, mailings, posters, mail-back questionnaires, and other

available media should be used in the citizen involvement program.

### **C. CITIZEN INFLUENCE**

**1. Data Collection** - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

**2. Plan Preparation** - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

**3. Adoption Process** - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

**4. Implementation** - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

**5. Evaluation** - The general public, through the local citizen

involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

**6. Revision** - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

### **D. TECHNICAL INFORMATION**

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

### **E. FEEDBACK MECHANISM**

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

### **F. FINANCIAL SUPPORT**

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 2: LAND USE PLANNING

### OAR 660-015-0000(2)

#### **PART I -- PLANNING**

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

City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after

public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

**Affected Governmental Units** -- are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.

**Comprehensive Plan** -- as defined in ORS 197.015(5).

**Coordinated** -- as defined in ORS 197.015(5). Note: It is included in the definition of comprehensive plan.

**Implementation Measures** -- are the means used to carry out the plan. These are of two general types: (1) management implementation measures such as ordinances, regulations or project plans, and (2) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services.

**Plans** -- as used here encompass all plans which guide land-use decisions, including both comprehensive and single-purpose plans of cities, counties, state and federal agencies and special districts.

## PART II -- EXCEPTIONS

A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(1) Reasons justify why the state policy embodied in the applicable goals should not apply;

(2) Areas which do not require a new exception cannot reasonably accommodate the use;

(3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

**Compatible**, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

standards for an exception have or have not been met.

Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

Upon review of a decision approving or denying an exception:

(a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and

(c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

**Exception** means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards for an exception.

## PART III -- USE OF GUIDELINES

Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

goals. All land-use plans shall state how the guidelines or alternative means utilized achieve the goals.

**Guidelines** -- are suggested directions that would aid local governments in activating the mandated goals. They are intended to be instructive, directional and positive, not limiting local government to a single course of action when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (Guidelines or the alternative means selected by governmental bodies will be part of the Land Conservation and Development Commission's process of evaluating plans for compliance with goals.)

## **GUIDELINES**

### **A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES**

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for interrelating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units.

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be

consulted, and availability of the necessary information.

Sufficient time should be allotted for:

- (1) collection of the necessary factual information
- (2) gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (3) incorporation of citizen needs and desires and development of broad citizen support
- (4) identification and resolution of possible conflicts with plans of affected governmental units.

### **B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE**

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

### **C. PLAN CONTENT**

#### **1. Factual Basis for the Plan**

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- (a) Natural resources, their capabilities and limitations
- (b) Man-made structures and utilities, their location and condition
- (c) Population and economic characteristics of the area
- (d) Roles and responsibilities of governmental units.

## **2. Elements of the Plan**

The following elements should be included in the plan:

- (a) Applicable statewide planning goals
- (b) Any critical geographic area designated by the Legislature
- (c) Elements that address any special needs or desires of the people in the area
- (d) Time periods of the plan, reflecting the anticipated situation at appropriate future intervals.

All of the elements should fit together and relate to one another to form a consistent whole at all times.

## **D. FILING OF PLANS**

City and county plans should be filed, but not recorded, in the Office of the County Recorder. Copies of all plans should be available to the public and to affected governmental units.

## **E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES**

The citizens in the area and any affected governmental unit should be given an opportunity to review and

comment prior to any changes in the plan and implementation ordinances. There should be at least 30 days notice of the public hearing on the proposed change.

### **1. Major Revisions**

Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the plan. Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the plan up to date; however, major revisions should not be made more frequently than every two years, if at all possible.

### **2. Minor Changes**

Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

## **F. IMPLEMENTATION MEASURES**

The following types of measure should be considered for carrying out plans:

### **1. Management Implementation Measures**

(a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.

(b) Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.

(c) Capital improvement budgets which set out the projects to be constructed during the budget period.

(d) State and federal regulations affecting land use.

(e) Annexations, consolidations, mergers and other reorganization measures.

### **2. Site and Area Specific Implementation Measures**

(a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.

(b) The construction of public facilities (schools, roads, water lines, etc.).

(c) The provision of land-related public services such as fire and police.

(d) The awarding of state and federal grants to local governments to provide these facilities and services.

(e) Leasing of public lands.

## **G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS**

Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

**WATERS OF THE UNITED STATES/  
WATERS OF THE STATE (WOUS/WOS), INCLUDING  
WETLANDS, AND/OR SENSITIVE AREAS  
DELINEATION REPORT  
for  
Witham Oaks**



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This document has been generated for Matrix Development Corporation for tax parcels 11S5W33-01100, 1000, 1101 and 11S5W28-02300 by Development Services Review, LLC. Use of all and/or part of this document without the expressed written consent of both the author and the owner is not authorized.

## SUMMARY SHEET

At the request of the Matrix Development Corporation, Development Services Review, LLC conducted a Determination and Delineation of potentially jurisdictional Waters of the United States/Waters of the State (WOUS/WOS), including wetlands, and Water Quality Sensitive Areas within an approximately 86 acre proposed development site in Benton County, Oregon.

On-site delineation of potentially jurisdictional WOUS/WOS, including wetlands, and Water Quality Sensitive Areas were conducted in accordance with the requirements and methodologies presented in the *Corps of Engineers Wetlands Delineation Manual*; the Oregon Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determination for the Purpose of Regulating Fill and Removal within Waters of the State; and the City of Corvallis Land Development Code.

Delineated on-site WOUS/WOS, including wetlands, within the site include:

Resource Name	Type of WOUS/WOS
Drainage Channel	Intermittent Stream (+/-2800 linear feet)
Wetland	Wetland (765785 sqft / 17.58 acres)

## 1.0 INTRODUCTION

Development Services Review, LLC (Company), under contract with and authorization by Matrix Development Corporation, evaluated available background information and collected on-site data for the purposes of determining the presence of potentially jurisdictional Waters of the United States/Waters of the State (WOUS/WOS), including wetlands, within a proposed 93.68 acre residential development site in the City of Corvallis, Oregon. The site is accessed by and located North of N.W. Harrison Blvd, West of the intersection of N.W. Harrison Blvd. and N.W Merrie Drive (Figure 1). All Figures are presented in APPENDIX A of this report.

The purpose of this report is to provide site specific natural resources information intended to comply with the reporting requirements of the US Army Corps of Engineers (USACE) and the Oregon Department of State Lands (ODSL).

Areas that met the criteria for determination as a potentially jurisdictional resources were delineated in the field in accordance with the methodologies presented in the *Corps of Engineers Wetlands Delineation Manual* ("1987 Manual", Environmental Laboratory, 1987); the Oregon Administrative Rules for *Wetland Delineation Report Requirements and for Jurisdictional Determination for the Purpose of Regulating Fill and Removal within Waters of the State* (OAR 141-90-0035).

Additional information pertaining to the definitions, jurisdiction, regulation and documentation of RESOURCES by the USACE, DSL is included in APPENDIX B.

## **2.0 SITE LOCATION, DESCRIPTION, AND OBSERVATIONS**

The irregular shaped site is located on the North side of N.W Harrison Blvd, West of the intersection of N.W. Harrison Blvd. and N.W. Merrie Drive (Figure 1). The site is composed of four (4) tax lots, legally defined as tax parcels 11533-01100, 1000, 1101 and 1128-02300 located within the local land use jurisdiction of Benton County, Oregon (Township 2 South, Range 1 West, Section 16, Willamette Meridian).

The 93.68 acre site is situated in the Oak Creek watershed sub-basin of the Willamette River watershed (Figure 2). The site contains a drainage feature near the eastern center of the property that is running north and south. The site does not currently contain any building structures and has historically been used as orchard/cropland.

Topography within the site slopes from the north to south with a change in elevation ranging from a high of 480 feet elevation (National Geodetic Vertical Datum [NGVD]) in the northwest to a low of 280 feet elevation in the southeast (Figure 6). In general, the sites highest elevation is at in the northwest corner and it slopes downward toward the center of the site. The site begins to level off approximately 1000 feet north of N.W Harrison Blvd.

The site resources consist of wetland areas and a small intermittent drainage channel. The main portion of the wetland exists in the lower half of the site, with a finger running to the north end of the site, paralleling the drainage channel. Sometime in 1998-99, the City of Corvallis installed a gravity sanitary sewer system adjacent to the drainage channel, and through a portion of the wetland area. In 2000, the City submitted for and subsequently received a permit<sup>1</sup> to install a raised, paved public bike/pedestrian path in the area of the disturbance caused by the sanitary sewer installation.

It appears that the installation of both the sewer and pathway have effectively severed the wetland area into two distinct resource areas. It is also noted that the drainage way has become deeply incised in some areas adjacent to the path. A comparison between the 1996 boundary (concurrent) and the 2005 boundary (proposed) shows the southerly wetland areas shrinking, almost uniformly. We suspect that the gravity sewer pipe and trench are removing hydrology from the wetland, and in conversations with the City, discovered that no trench dams or plugs were used during the pipe installation. Additionally, with the pathway construction, the drainage feature appears to be well defined, and channelized through the wetland area. We propose that the storm flow carried in the drainage way has less chance of overtopping its bank and entering the adjacent wetland.

---

<sup>1</sup> ODSL # 21911-RF, USACE # 2000-025

### **3.0 REVIEWED BACKGROUND DATA AND RESULTS**

Prior to conducting an on-site review and evaluation of the site, readily available background mapping and relevant published data were reviewed and evaluated. This activity was conducted primarily for the purposes of identifying areas that may exhibit characteristics typically associated with potentially jurisdictional resources.

The Company reviewed the following information prior to conducting and finalizing the site assessment and evaluation:

- ◆ U.S. Geological Survey (USGS) 1:24,000 Topographic Map: Corvallis, Oregon 7.5 Minute Quadrangle (USGS, 1969, revised 1994).
- ◆ Soil Survey of Benton County, Oregon. (Landridge, 1987).
- ◆ Benton County, Oregon Comprehensive Hydric Soils List. (Natural Resource Conservation Service [NRCS], 2000).
- ◆ National Wetland Inventory (NWI): Corvallis, Oregon Quadrangle (U.S. Fish and Wildlife Service [USFWS], 1994).
- ◆ City of Corvallis Local Wetland Inventory (2004).
- ◆ Recent and long term average local precipitation trends.
- ◆ 1996 Wetland Delineation (J. Lorenz)
- ◆ Historical aerial photography of the site and vicinity.

The following summarizes the results of our background and historical data review.

#### **3.1 USGS Topographic Mapping**

The USGS mapping indicates that topography within the site slopes from northwest to southeast with a change in elevation ranging from a high of 480 feet elevation (National Geodetic Vertical Datum [NGVD]) in the northwest to a low of 280 feet elevation in the southeast (Figure 2).

The USGS mapping does not indicate any hydrological resources on, or contributing to the site.

#### **3.2 Soil Survey Mapping**

The Natural Resources Conservation Service (NRCS); formerly known as the Soil Conservation Service [SCS]) has mapped the Soil Series occurring within the site. Table 1 identifies the Soil Series name, hydric soil designation, and estimated percent coverage for mapped soils within the site.

**Table 1. Soil Survey and Hydric Soils Summary**

NRCS Series	Symbol	Hydric		Approximate Coverage
		Yes	No	
Willakenzie Loam	163		X	15
Willakenzie-Wellsdale Complex	167		X	20
Wellsdale-Willakenzie Dupee Complex	161		X	2
Pengra Silt Loam	130		X	40
Wellsdale-Willakenzie Complex	160		X	5
Holcomb Silt Loam	85		X	8
Woodburn Silt Loam	177		X	5
Amity Silt Loam	8		X	5

The Benton County Soil Survey indicates no contributing hydrological resources to the SITE.

### **3.3 National Wetland Inventory Mapping**

The NWI mapping of the site identifies the presence of potential resources in the eastern portion of the site. The Cowardin classification of the identified potential resource is PSSC (Palustrine Scrub-Shrub Seasonally Flooded) (See Figure 4.)

The NWI mapping for this area was prepared in 1994. NWI mapping is generated primarily on the basis of black and white or color infrared aerial photography at a scale of 1:58,000 with selected "ground truthing" only conducted to confirm interpretations.

### **3.4 City of Corvallis Local Wetland Inventory (LWI)**

The SITE has been inventoried for the presence of Significant Natural resources (Water Area and Wetlands) by a study conducted in 2004 (WC-Oak-W-13), by Pacific Habitat Services (Figure 5). The LWI process used the 1996 wetland delineation for its assessment (listed as WD#99-556), and found the wetland complex to be locally significant, based on diverse habitat (more than 1 type). The LWI data also indicates warm water fish present in the drainage way, although we can find no data to indicate fish species, location of sighting, or other corroborating evidence. At this writing, ODSL has not approved this study.

### **3.5 Recent Local Precipitation Trends**

The Company evaluated the long term average, and recent measured precipitation trends in the vicinity of the SITE prior to and during collection of site data. The table below provides a comparison showing long term average

precipitation compared to actual measured precipitation received two weeks prior to conducting the fieldwork.

The data shows that measured precipitation in the vicinity of the site is above normal for the two weeks prior to collecting the May 2005 data, and close to normal for the June 2005 data.

Date	14 day Average	14 day Actual	Departure from normal
5/23/05	0.84"	3.53"	+2.69"
6/3/05	0.7"	0.44"	-0.26"
6/30/05	0.57"	0.50"	-0.07"

\*Data from <http://www.ocs.orst.edu> (for the Corvallis Rain gauge)

### **3.6 1996 Wetland Delineation (ODSL #96-0240)**

During March and April 1996, Jay Lorenz conducted a wetland delineation on the site. As a result of his investigation, he established a wetland area of 22.98 acres that subsequently received concurrence from the ODSL. Several items of interest are found in his report, and some vary widely from our study. One item of interest is the differences in the soil survey mapping. Dr. Lorenz used the 1975 SCS mapping for the site, we used the 2002 online, NRCS mapping. Per the NRCS, the 2002 mapping is current and reflects changes verified by more detailed study efforts. While the 1975 mapping showed some mapped hydric soils, the current mapping does not. The 1996 study was done in a period of excessive rainfall, while our study was done in a dryer than normal water year. Dr. Lorenz refers to a narrow strip of *Fraxinus latifolia* along the drainage feature that has now expanded, mainly in the south-central area, adjacent to the path. While Dr. Lorenz found a plugged culvert for the drainage way under the existing farm road, this item apparently has been removed, probably by one of the two aforementioned projects. More significantly, Dr. Lorenz discusses the intrusion of Hawthorne and Himalayan Blackberry into the pasture area. We found that to be true, and the amount of encroachment continuing on the site accounts for a major portion of the differences in the delineated lines. We have concluded that based on the rainfall differences between the two studies, and the establishment of dryer plant species over the last 9 years, as well as the two City project impacts, the current study shows the changes that have occurred on the site to date.

### **4.1 Historical Aerial Photography**

The Company evaluated historic aerial photography for the SITE and surrounding areas, beginning with 1944 and continuing through 2004. The following table discusses our findings and observations.

Year	Comments
1944	The apple orchard is visible, linear, north-south plowing is evident on western edge of wetland area, road to homestead is visible, lower wetland area is mostly being farmed, drainageway is visible.
1950	Apple orchard is more distinct, main wetland area is entirely cropped. Ditching is seen on the eastern perimeter of Study Area 2, probably to intercept surface water from the upper slopes.
1961	Study Areas 2 & 3 are plowed and cropped. Drainageway has more vegetation
1973	Homestead appears to be abandoned. Study Area 2 & 3 appear to be fallow.
1983	Infrared of site, site appears to be fallow, drainageway shows more overstory.
1991	Infrared of site, stock pile of dirt shows up in Study Area 2
2005	The most recent aerial photo's of the site.

## **4.0 SITE DATA COLLECTION METHODS, EVALUATION AND RESULTS**

SITE data collection activities, evaluation and results presented in Section 4.0 are provided for DSL and/or USACE review and verification.

### **4.1 Site Data Collection Methods**

Resources were delineated in the field by the Company, assisted by S. Alison Rhea, PWS and Patrick Hendrix, in accordance with the methodologies presented in the USACE 1987 Manual and OAR 141-90-0035.

The 1987 Manual does not require the establishment of formal data plots and field data collection in areas where distinct topographic breaks, dominance by hydrophytic plant communities and observable wetland hydrology are present (Refer to Section D, Part 62 Step 3 and Section D, Part 65, Step 12; 1987 Manual); however OAR 141-90-0035 requires establishment of "paired-plots" in all situations; therefore the following is presented.

The Company uses a modified version of the routine on-site determination method as outlined in the 1987 Manual, to determine the presence, extent, and boundary of potentially jurisdictional resources. The modified version of the routine on-site method used includes observations of the three required wetland parameters, including soil, vegetation, and hydrologic conditions within the site. Data was collected from representative sampling locations to justify the location of flagged boundaries. This modified version is sometimes referred to as the "paired plot" method, where formal data plots are established with one inside the delineated resource and one plot occurring outside the delineated boundary in non-jurisdictional areas. On occasion, two or more plots outside the resource areas are paired with one wetland plot, particularly when the resource area is defined by topography, or there is no apparent change in the wetlands observable criteria.

Site photography is presented in APPENDIX C; data sheets reflecting the formal, established, data plot information is presented in APPENDIX D.

### **4.2 Site Data Evaluation and Results**

Randy Cunningham of Development Services Review, LLC, S. Alison Rhea, Professional Wetland Scientist (PWS) of RHEA ENVIRONMENTAL CONSULTING, LLC and Patrick Hendrix conducted initial fieldwork and data collection efforts on May 23, 2005, with a subsequent follow up field visits on June 3 and 30, 2005.

During February 2005, initial flagging was set, based on vegetation communities through all three study areas. Once the flags were surveyed in, mapping was generated to compare the newly flagged line with the 1996 boundary. After reviewing the map for areas with substantial differences, the site was broken

into the three study areas and these areas were targeted for further investigation. In study area 2, three lines were established to modify the initial flagging, and reference data locations. These are referred to as the "A" line, in the southeast corner of the site, the "B" line that continues north to the intersection of the paved pathway, and the "C" line that follows a portion of the eastern side of the path. In study area 3, two lines were established for the modification, the "D" line along the southwestern edge of the site, and the "E" line that traverses across the top of the westerly wetland area. The original flags were left in place for study area 1 as there is not much difference in the new line and the 1996 line.

### **Study Area 1**

This area resides along the northern finger of the 1996 delineation and parallels the pathway. The main feature in this area is the drainageway that flows from north to south through the site, and follows the western side of the pathway until it reaches the lower end of this study area and crosses to the east side through two small culverts. One data plot (DP W65B) was taken in this study area, on the east side of the path on the upland side of flag 65. This is one of two areas that are substantially different from the 1996 line, with the other being encompassed by flags 53 through 58. That area (flags 53-58) appears to have been modified by the pathway/sewer line construction project(s) and is defined by upland vegetation and topography.

### **Study Area 2**

This area, comprising the A, B, and C line modifications, as well as the original line flagged in February 2005, includes two pair of plots at representative locations. The first set is at flag A27, referred to as Data Plots 1 and 2; the second set is at flag B3, referred to as Data Plots 3 and 4. The area of flags A1 through A13 is defined by a slight rise in topography and definite changes in vegetation. The area of A14 and A15 has been modified by the construction of a gravel road on the adjacent property. The rest of the A line is accounted for by DP's 1 and 2.

The B line (B1 through B7) is set along a slope and below a definite line of upland vegetation.

The C line, adjacent to the east side of the pathway, and bounded by the main drainageway channel, is defined by topography and vegetation. The drainageway reach is clearly incised, in places as much as 2' and may be contributing to a reduction in hydrology in this area. The pathway in this area is raised by as 4', and is blocking surface water flow that historically followed the original gravel road into this area. The drainage feature, now flowing on the east side of the pathway, passes through two culverts and re-enters the west side (study area 3) at the end of the C line.

### Study Area 3

This area contains the most significant departure from the 1996 delineation, occurring predominately along the northern (upslope) side of the wetland. One data plot was taken along the western boundary (DP 9B) and is an upland plot to reference the slightly adjusted D line (vs. the 1996 line). A pair of plots, D11A and D11B, was established at the point that the D line (running north and south) intersects the E line, running basically east and west. Along the E line, one wetland plot was taken and five upland plots were referenced to it in order to account for the undulations of the line. This area was initially defined primarily by differences in vegetation, presence or absence of ant mounds (assumed to be silky ants), and topography. It appears, when comparing the two delineations that the dryer vegetation is continuing to establishing itself further down the slope as pockets of upland species are developing further into the wetland area.

### Hydrology

It appears that the gravity sewer trenching along the drainageway and the incised channel may be contributing to removing hydrology from the site. We did discover that the installation of the sewer line did not include plugs to restrict subsurface flow from following the trench, sewer line and bedding material. The drainageway contributes the majority of the hydrology to study areas 1 and 2, and the lower southeast portion of study area 3. Additional hydrology is added by the upslope area above study area 3 and the eastern side of study area 2 in the form of surface water, and early spring ground water.

### Vegetation

Vegetation on the site, particularly on the upland fringe areas is being dominated and invaded by Scotch Broom (*Cytisus scoparius* / NOL), Common Hawthorne (*Crataegus monogyna* / FACU), Himalayan Blackberry (*Rubus discolor* / FACU), Oxeye Daisy (*Chrysanthemum leucanthemum* / NOL) and in places, apple trees (*Malus sp.* / FACU). Vegetation in the wetter areas includes Meadow Foxtail (*Alopecurus pratensis* / FACW), Douglas Hawthorne (*Crataegus douglasii* / FAC), Rush's (*Juncus sp.* / FAC-FACW), Douglas Spiraea (*Spiraea douglasii* / FACW), and Oregon Ash (*Fraxinus latifolia* / FACW).

### Soils

Soils within the site were found to be silt loams, generally with a 10YR 3/2 matrix. At formal data plot locations, soils were evaluated using a relatively undisturbed soil profile section removed from the excavated soil pits. Observation and documentation of soil moist Munsell color, review of the presence/absence of redoximorphic features, soil manual texture determination, and observations of smell and/or other characteristics were documented.

## **SUMMARY**

The similarity between the Dr Lorenz's 1996 delineation and our 2005 delineation lead us to assume that the wetland boundary has not changed in most areas, and differences in the two lines could be as much mapping (survey) differences and current digitizing of the 1996 line, as to any real changes to the site. The changes that have occurred including, the route of the sanitary sewer, the pathway construction, and changes to Harrison Blvd., seem to have contributed to potentially reducing hydrology on the site, or removing the hydrology faster than before these changes occurred.

The largest change occurred in Study Area 3, along the north edge of the wetland. This area is very brushy and the initial line established was moved significantly in our delineation once formal data plots were established. After the line was established, it was noted that active ant mounds (observed) in the area reside primarily inside the wetland area, and older, disintegrating mounds occur in the uplands. This upper transition area is presumed to be moving south, potentially due to hydrological changes associated with the lowering of the roadside ditches in Harrison Blvd.

In summation, the 1996 delineated wetland was sized at 22.98 acres while our 2005 delineation totals 17.58 acres. A conservative estimate of 0.66 acre of wetland reduction is attributed to the pathway and another 1 acre for the sanitary sewer projects. Further incursion by the upland plant communities and potential de-watering by the incised drainage channel has accounted for the rest of the difference.

The potentially jurisdictional waters of the State and United States include the drainage channel that bi-sects the site, and the wetland area delineated by this study. The ODSL and USACE make the final determination of their respective jurisdictional limits.

## 5.0 LIMITATIONS

As required by the Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determination for the Purpose of Regulating Fill and Removal within Waters of the State the following statement is made:

***"This report documents the investigation, best professional judgment and conclusions of the investigator. It should be considered a Preliminary Jurisdictional Determination and used at your risk until it has been reviewed and approved in writing by the Oregon Division of State Lands in accordance with OAR 141-090-0005 through 141-090-0055."***

As required by the USACE Regulatory Guidance Letter (RGL) Number 02-1, dated March 2002, *"This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work."*

It should be recognized that the delineation of *RESOURCE* boundaries, are inexact sciences; wetland and other natural resources professionals may disagree on the precise location of *RESOURCE* boundaries, or the functional value of an adjacent Vegetated Corridor. The final verification of all jurisdictional boundaries is the responsibility of the resource agencies that regulate activities in and around *RESOURCES* (DSL, USACE, and/or City of Corvallis). Accordingly the delineation performed for this study, as well as the conclusions drawn in this report, should be reviewed by the appropriate regulatory agencies prior to any detailed site planning or construction activities. Further, *RESOURCES* are by definition transition areas; with some boundaries changing with time. Therefore it is recommended that this report be verified with the appropriate regulatory agencies as soon as practical.

Within the limitations of schedule, budget, and scope-of-work, we warrant that this study was conducted in accordance with generally accepted environmental science practices, including the technical guidelines and criteria in effect at the time this study was performed, as outlined in the Methods section. The results and conclusions of this report represent the authors' best professional judgment, based upon information provided by the project proponent in addition to that obtained during the course of this study. No other warranty, expressed or implied, is made by Development Services Review, LLC.

# THE LIFE *aquatic* IN FLOODED FIELDS

BY PEG HERRING

**H**heavy rains in winter can inundate grass fields in the Willamette Valley with surprising aquatic life. Ongoing research by Oregon State University and the U.S. Department of Agriculture has found that flooded grass fields offer winter refuge to many kinds of fish, amphibians, and other wildlife associated more commonly with streams than with fields.

Surveying flooded grass fields through several winters, the scientific team has identified 11 native fish species, including redbreast shiners, sticklebacks, speckled dace, and an occasional trout or Chinook salmon.

"The fish find food and shelter in these flooded backwaters, then they move back into the streams as winter floods recede," said Guillermo Giannico, a fisheries ecologist with Oregon's Agricultural Experiment Station and one of the researchers on the project.

"Flooded ditches, drainage channels, and remnant wetlands mark the valley's memory of its old floodplain before the river was channeled into a single mainstem generations ago," Giannico said.

OSU fisheries ecologist Guillermo Giannico (right) and student Randy Colvin examine the fish and amphibians that take refuge in the flooded channels of grass-seed fields in the Willamette Valley.

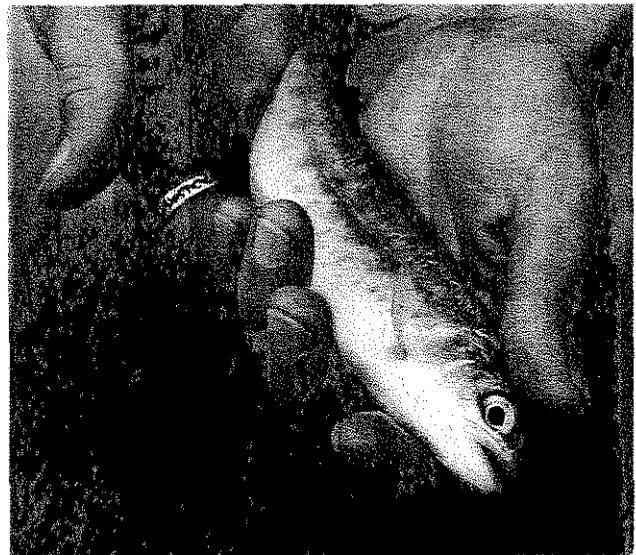
Mark Mellbye, an OSU Extension Service agronomist, works with farmers as part of the project, assessing the effects of conservation practices such as planting wildlife buffers and maintaining vegetation in drainages and field borders. Many of these practices preserve water quality, and Mellbye has found relatively low concentrations of nutrients and suspended sediments in the field drainages. He credits local grass seed producers for their efforts at conservation and for opening their farms to this research. More than 25 farmers have given access to their fields to determine amounts of nutrients and sediment in their drainages and to pinpoint when and where fish are found.

Giannico and Mellbye have teamed up with USDA researchers, including Kathryn Boyer of the Natural Resources Conservation Service, to determine which species use the seasonal drainages and how grass seed farmers can provide good habitat for wild-

life and still produce income from their fields.

In addition, the researchers are examining what these fish are eating.

"When we began our research, we thought it would be the terrestrial invertebrates that help decompose straw in the seed fields that would be washed into the drainages and eaten by the fish," said Jeff Steiner, a USDA agronomist with the Agricultural Research Service. "As it turns out, the fish are mostly feeding on aquatic invertebrates from the slow-moving drainages near fields." **IME**



Fish such as this young cutthroat trout seek food and shelter in flooded fields, then move back into streams as flood waters recede.

May 29, 2007

The issue of inadequate space in the Corvallis School System is not most. Enclosed is new information from the current budget.

Mark Knapp

Mark Knapp

**RECEIVED**

MAY 29 2007

**Community Development  
Planning Division**

**CORVALLIS SCHOOL DISTRICT 509J  
ENROLLMENT STATISTICS**

	ACTUAL									
	2003-2004		2004-2005		2005-2006		2006-2007		2007-2008	
	(9-30-03)		(9-30-04)		(9-30-05)		(9-29-06)		Projected	
<b><u>ELEMENTARY</u></b>	K	1-5								
Adams	62	378	68	379	73	387	62	403	65	410
Franklin	26	144	27	147	25	150	24	147	24	148
Garfield	88	342	79	352	60	312	62	334	60	336
Hoover	52	334	55	329	52	356	52	361	51	345
Inavale	19	105	17	94	23	102	Closed		Closed	
Jefferson	38	271	46	256	45	273	55	269	49	259
Lincoln	49	232	53	221	54	233	72	295	75	330
Mt. View	54	367	48	331	64	320	62	358	60	359
Wilson	48	247	56	256	39	248	57	244	61	261
	436	2,420	449	2,365	435	2,381	446	2,411	445	2,448
<b><u>MIDDLE SCHOOL</u></b>		6-8		6-8		6-8		6-8		6-8
Cheldelin		752		640		576		598		586
Franklin		194		188		192		179		192
Inavale		85		59		54		----		----
Lincoln								34		41
Linus Pauling		----		660		696		693		678
Westland		565		----		----		----		----
		1,596		1,547		1,518		1,504		1,497
<b><u>SENIOR HIGH</u></b>		9-12		9-12		9-12		9-12		9-12
Corvallis High		1,375		1,379		1,366		1,360		1,337
Crescent Valley		1,106		1,102		1,042		1,039		1,024
		2,481		2,481		2,408		2,399		2,361
<b><u>SUMMARY</u></b>										
Kindergarten		436		449		435		446		445
Elementary		2,420		2,365		2,381		2,411		2,448
Middle School		1,596		1,547		1,518		1,504		1,497
High School		2,481		2,481		2,408		2,399		2,361
<b>TOTAL</b>		6,933		6,842		6,742		6,760		6,751
ADM <sub>r</sub>		6,624.8		6,611.6		6,516.4		6,537.0		6,528.5
ADM <sub>w</sub>		7,836.5		7,789.0		7,676.7		7,620.0		7,572.3
Extended ADM <sub>w</sub>		8,055.6		7,836.5		7,789.0		7,676.7		7,620.0

The District closely monitors enrollment trends in order to make our projections as accurate as possible. Enrollment has a very direct effect on revenues under the state formula and the district's budget.

Highlights of the report:

- \* Overall enrollment decline is expected to continue at the middle and high school levels.
- \* There were 40 fewer births in Benton County in 2002 than 2001. Children born in 2002 will enter kindergarten in 2007 or in 2008.
- \* The number of home schooling students in Corvallis has ranged from 226 to 240 since 2001.
- \* Private school enrollment as a percentage of 509J enrollment has ranged from 10.2% to 10.9% since 2003-04.
- \* ADM<sub>r</sub> is the Average Daily Membership for enrolled students, with kindergartners counting as 1/2. ADM<sub>w</sub> is Average Daily Membership weighted with such factors as English-as-a-Second Language and IEP students. Extended ADM<sub>w</sub> is the greater of the prior year's ADM<sub>w</sub> or the current year's ADM<sub>w</sub>.

**School Capacity/Utilization Estimates**

**Formula:** # of classrooms X # students X % (Specialized Instruction/Prep Periods)

**Planning Assumptions:**

K-5 Planning Class Size

25 Students

6-8 Planning Class Size

28 Students

% (Specialized Instruction/Prep Periods)

85%

Calculations:

<u>Elementary K-5</u>	<b>Classrooms</b>	<b>Modulars</b>	<b>Planning Capacity</b>	<b>Proj 9-2007 Enrollment</b>	<b>Utilization</b>
Adams	20	2	475	475	100.0%
Garfield	17	3	425	396	93.2%
Hoover	14	5	404	396	98.1%
Jefferson	13	2	319	308	96.6%
Lincoln	becomes a K-8				
Mt. View	17	3	425	419	98.6%
Wilson	<u>20</u>	<u>0</u>	<u>425</u>	<u>322</u>	<u>75.8%</u>
Total Elementary	101	15	2,465	2,316	94.0%
<u>K-8 School Capacity</u>					
Franklin Grades K-5	11	0	234	172	
Franklin Grades 6-8	<u>6</u>	<u>0</u>	<u>143</u>	<u>192</u>	
Franklin Total	17	0	377	364	96.7%
Lincoln Grades K-5	17	2	404	405	
Lincoln Grades 6-8	<u>0</u>	<u>0</u>	<u>0</u>	<u>41</u>	
Lincoln Total	17	2	404	446	110.5%
Total K-8 Schools	34	2	780	810	<b>103.8%</b>
<u>Middle School</u>					
Cheldelin	34	0	809	586	72.4%
Linus Pauling	<u>34</u>	<u>0</u>	<u>809</u>	<u>678</u>	83.8%
Total Middle Schools	68	0	1,618	1,264	<b>78%</b>
<u>High School</u>					
CHS	72	0	1714	1337	78.0%
CVHS	<u>65</u>	<u>0</u>	<u>1547</u>	<u>1024</u>	66.2%
Total High Schools	137	0	3,261	2,361	<b>72%</b>
Overall Capacity	340	17	8,124	6,751	<b>83%</b>

\*Modulars added to Adams to address current overcrowding. No new transfer students (except siblings of current students) are accepted at Adams. We expect that the school enrollment will decline over the next few years.

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## Witham Oaks

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- *To:* [ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:ward5@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx)
- *Subject:* Witham Oaks
- *From:* [chixcase@xxxxxxxxxxx](mailto:chixcase@xxxxxxxxxxx)
- *Date:* Sat, 26 May 2007 18:53:47 +0000

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Dear Mr. Beilstein,

I am a resident of ward 5 who is against the development of Witham Oaks. I believe this area is vital to the physical and mental health of Corvallis. Though not able to attend the meeting last week, some friends said you were one of the few councilors paying attention to the testimony regarding this issue and you have voted against it. Thank You! Am I allowed to write to any other councilors or is it best to just write a letter to whole council before the deadline next Tues (which is when you might read this due to holiday!)

Barbara Case

[www.freerangechix.net](http://www.freerangechix.net)

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## Adams, Eric

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**From:** Hartzell Karl [karierun@yahoo.com]  
**Sent:** Tuesday, May 29, 2007 4:31 PM  
**To:** Adams, Eric  
**Subject:** Some last minute reservations on Witham Oaks

Hello, Eric:

I was one of many who testified in opposition to the Witham Oaks development, both before the planning commission and the city council at the recent appeal hearing.

I would like to add another misgiving, at this point unprovable, but worthy of airing nonetheless. Based upon personal observation of the wetland drainage system and not seeing any impediments to fish passage therein, I feel certain that fish passage is possible from Oak Creek, along the OSU diary farm ditch, thru the 18" culvert under Harrison Blvd., and into the creek/ditch which empties the wetland. Of course at this time of year (and given the lack of substantial spring rain), the flow in that creek has slowed to a trickle and any connected ponds which may have held fish have mostly dried up. So proof of fish which have migrated along a viable water course into the wetland creek or ponds is gone.

I understand ODFW personnel have looked for fish in the Witham Oaks wetland watered areas and did not find any. I wonder during which month they investigated.

I say another winter/early spring fish monitoring visit is mandated before this wetland and its connected water network are pronounced "non fish bearing".

Sincerely, Karl Hartzell

750 SW C Ave. #15  
Corvallis 97333-4333

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Be a better Heartthrob. Get better relationship answers from someone who knows. Yahoo! Answers - Check it out.

<http://answers.yahoo.com/dir/?link=list&sid=396545433>

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## Witham Oaks

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- *To:* <ward5@xx>
- *Subject:* Witham Oaks
- *From:* "Ken Haines" <hainesk@xxxxxxxxxxxxxxxxxxxx>
- *Date:* Tue, 29 May 2007 07:02:35 -0700
- *Organization:* The Color Wheel Company
- *Thread-index:* Aceh+gIJZWchgp5DSbSYCX0NhFP4bA==

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May 29, 2007

Mike -

As my City Council representative, I strongly urge you to oppose the development of the Witham Oaks addition. I oppose the development of this property under all conditions. I strongly oppose the addition as recommended by the contractors.

I use Harrison Blvd. to drive to my place of business and I use the adjacent bike paths. I think this development is inappropriate for Corvallis.

Please contact me if you require any additional information.

Ken Haines  
504 NW 15th St.  
Corvallis,  
OR 987330

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- **Prev by Date:** [Rep. Gelser's E-Newsletter #9, 5/29/07- State Troopers, Oregon's Environment, and HP Early Retirement](#)
- **Next by Date:** [Bike Map for June 1st meeting](#)
- **Previous by thread:** [Witham Oaks](#)
- **Next by thread:** [Legislative Alert: SB 560- workers compensation unfunded mandate](#)

- Index(es):
  - Date
  - Thread

**Adams, Eric**

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**From:** Paul Hext [hext@colorwheelco.com]  
**Sent:** Tuesday, May 29, 2007 4:25 PM  
**To:** Adams, Eric  
**Subject:** Witham Oaks

As a resident of Corvallis for more than 30 years, I am vehemently opposed to this development, both because of the destruction of valuable open space as well as the increase in traffic on an already congested road.

Thanks for the opportunity to express my opinion, and please vote with your conscience.

Paul Hext  
1018 NW 29th Street  
Corvallis

Ken Haines  
504 NW 15<sup>th</sup> St.  
Corvallis, OR 97330

**RECEIVED**

May 29, 2007

Corvallis Planning Commission  
501 SW Madison Ave.  
Corvallis, OR 97333

MAY 29 2007

Community Development  
Planning Division

RE: Witham Oaks

As a homeowner and resident for the last 30 years, I have voted against the use of the land in question for housing repeatedly. Against all the votes that have defeated this effort, I am sad to hear that once again this has become a question.

I am totally opposed to the development of this property for anything but open space and public use.

In addition, if it were to be developed, I would think that low density housing, with additional park and open space would be more in keeping with why we live in Corvallis and why we prefer to keep Corvallis smaller and more livable.

It seems to me that 200 plus houses in that area is totally beyond the needs of the area.

In addition, Where are the schools to be located?, who is to pay for them?, who will be paying for the inconvenience and horrible traffic that will result on Harrison Blvd.? I travel that route every day on the way to work and I do not want to contend with the traffic or the eyesore that has been proposed.

In my opinion, the only entity that benefits in any way from this development is the developers and contractors. I urge you to deny this proposal and deny the use of this property as we have voted in the past.

I hope you will consider the livability and beauty of the area and not create another ugly urban blight like that which was done in Grand Oaks and in many other parts of our country.

Thank you....

Ken Haines  
504 NW 15<sup>th</sup> St.  
Corvallis,  
OR 97330

541-757-8972

**Adams, Eric**

---

**From:** Colleen Dyrud [dyrudc@gmail.com]  
**Sent:** Tuesday, May 29, 2007 4:10 PM  
**To:** Adams, Eric  
**Subject:** Witham Hill

Dear Mr. Adams:

I am in the process of returning home to Corvallis after an 11-year stint in Portland. I have recently learned that the Corvallis Planning Commission has voted to approve a subdivision on Witham Hill and that the Corvallis City Council will soon be deciding whether to overrule that decision.

I am dismayed that Corvallis is contemplating destroying 40 acres of an all-too-rare oak savanna ecosystem in order to build 221 houses. I understand there have been issues raised concerning additional wetland loss and soil hydrology issues that could have financial impacts for the city. I also hope the City Council will consider how critically important it is to maintain active green space within our communities -- both for the vibrancy of the plants and animals living in these ecosystems, and for us humans, as well. Destroying the Witham Hill ecosystem will negatively impact all of us for many, many years. It cannot be replaced.

I have no answers or solutions to offer. I know we've managed to get ourselves into a very complex situation that seems to pit people against the environment. But I also know an important part of what we recognize as our Corvallis home already resides in Witham Hill. It isn't a housing development.

Thank you for your attention and for the time and energy you dedicate to our city.

Colleen Dyrud  
PO Box 263  
Corvallis OR 97333

1150 NW 35th Street  
Corvallis, Oregon 97330  
May 27, 2006

RECEIVED

MAY 29 2007

Community Development  
Planning Division

Corvallis City Council  
City Hall  
Corvallis, Oregon

*Dear Members of the City Council,*

Thank you for all the good work you do for our town. Corvallis is a wonderful place to live

I'm writing in regard to the proposed Witham Oaks development. Although it is good to provide housing for people who want to live here, this specific proposed development does not seem like the best way to take care of that need.

The number of homes on that piece of property will create a sense of congestion on our roads. I live near the new traffic signals on Harrison and 35/36th Street. They did a great job of cutting down the time it took to get across Harrison Blvd. However, if there are many, many more cars going through that intersection, it will cause tie-ups and slow-downs again.

It seems to me that a plan to build fewer houses on that property would be an improvement to the current plan. I hope you can work out a good compromise that will insure safe, uncongested roads and a reasonable amount of development in that area.

*Sincerely yours,*



Roberta Sperling

THE CHURCH OF  
JESUS CHRIST  
OF LATTER-DAY SAINTS

RECEIVED

MAY 29 2007

May 29, 2007

Community Development  
Planning Division

Corvallis City Council  
501 SW Madison Avenue  
Corvallis, OR 97333

**RE: Witham Oaks Planned Development (PLD06-00012/SUB06-00005);  
Response to May 21 Memo from Public Works**

Dear Members of the Corvallis City Council:

Thank you for keeping the record open on the Witham Oaks Planned Development. Due to time constraints we were unable to testify at the May 21 hearing. We take this opportunity to respond to the May 21 memo from Keith Turner of the Public Works Department, which assessed the safety of locating Circle Blvd within the required 150 feet<sup>1</sup> from our driveway. We recognize that variances require a degree of subjective judgment, but we still feel the Planning Commission findings and this memo do not provide the clear and objective standards<sup>2</sup> required by LDC.

Contrary to previous accounts from the Public Works Department, the memo states there is no set method for measuring the distance between accesses; it may be from centerlines, travel edges or rights-of-way.<sup>3</sup> Accordingly, Circle is anywhere from 55-107 feet to our driveway, depending on who is asked.<sup>4</sup> This leaves 52 feet unaccounted for in the evaluation of a 150-foot safety standard.

Further inconsistency is in the comparison of Beit Am's driveway<sup>5</sup> with our driveway. Beit Am's one-way gravel driveway that accesses a vacant lot will be unsafe because "eastbound vehicles on Harrison turning left into the Beit Am site could block [Circle] traffic,"<sup>6</sup> but our driveway only 30 feet away, that daily accesses a developed site with over 200 parking spaces, is not a safety threat.

In addressing vehicular speed and turn movement conflict points the memo makes the following two findings:

1. *This risk [of vehicles slowing or stopping to make turns off Harrison] is inherent to the speed limit and any access point. The intersection of Circle and Harrison is proposed with an east-bound left turn lane from Harrison to Circle which helps address this*

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<sup>1</sup> LDC 4.1.40

<sup>2</sup> LDC 2.5.10

<sup>3</sup> Public Works May 21, 2007 memo, p. 1

<sup>4</sup> Driveway to Circle right-of-way = 55 feet; driveway to Circle edge = 75 feet; driveway centerline to Circle centerline = 107 feet

<sup>5</sup> The Beit Am driveway is immediately east of the Circle-Harrison intersection and is 30 west of the LDS driveway

<sup>6</sup> PW 5/21 memo, p. 2

concern. Any slowing effect on traffic speed due to turning movements will not adversely affect the vehicular capacity of Harrison.<sup>7</sup>

2. *The concern [with turn movement conflict point] is that vehicles entering a street may not be able to see and avoid each other. This concern is most applicable to closely spaced accesses on opposite sides of a street, especially when a common center turn lane is present. In this situation, Circle and the LDS driveways would be on the same side of Harrison. No center turn lane between the two is present or contemplated. A possible conflict exists between right turns out of the westerly LDS driveway and left turns from Circle onto Harrison. However, NW Harrison Boulevard is flat and straight through the subject area yielding good visibility between these access points. Vehicles turning out of the LDS church will be moving relatively slowly at first. Another mitigating factor is that peak church traffic generally does not coincide with peak system traffic. Given these site specific considerations, the proposed spacing will not adversely affect the safety or capacity of Harrison.*<sup>8</sup>

The above conditions provide no distinction between the LDS driveway and the Beit Am driveway. Beit Am is also on the same side of Harrison as Circle, Harrison is also flat and straight by Beit Am, vehicles exiting Beit Am will also be moving slow at first, and peak traffic to Beit Am (when developed) will not coincide with peak system traffic. Despite the same site-specific conditions, staff found a clear distinction that one must be removed and the other will be safe.

As we have said from the beginning, we feel our driveway and Circle Blvd will not operate safely unless the proposed Circle intersection is moved 75 feet to the west (meeting LDC requirements). We fear the real reason for the inattention to our driveway is because we have two of them, and one is expendable in the City's eyes:

*Staff feels that separation [between Circle and the west LDS driveway] is sufficient enough given ... the fact that they do have a second access to their parking area. The preservation of [0.3 acres<sup>9</sup> of] wetlands seems to outweigh a concern that there will be an issue with the driveway.<sup>10</sup>*

We believe conforming to LDC is the easiest solution, not dismissing existing uses. We resubmit that the ideal location for Circle Blvd is 150 feet from our driveway. It impacts 2.3 wetland acres, the fewest of any option that conforms to LDC.<sup>11</sup> A comparison of options follows below:

<b>Circle Blvd Extension</b>	<b>Wetland acres</b>	<b>Variance</b>
Existing ROW (dedicated by City for Circle extension)	3.6	NO
150 feet from LDS driveway (proposed by appellant)	2.3	NO
75 feet from LDS driveway (proposed by applicant)	2.0	YES

<sup>7</sup> PW 5/21 memo, p. 2

<sup>8</sup> PW 5/21 memo, p. 2

<sup>9</sup> According to Planning Staff, moving Circle Blvd 75 feet to the west would impact 0.3 acres of wetlands

<sup>10</sup> April 18, 2007 Planning Commission minutes, p. 7

<sup>11</sup> Source: City Staff

We again ask the Council to approve the Circle-Harrison intersection 150 feet from our driveway,<sup>12</sup> an optimum solution—based on clear and objective standards—that impacts the fewest wetlands without varying from LDC. We believe this to be the best balance between protecting wetlands and existing uses.

Thank you again for your consideration.

Regards,



Paul Davis  
Corvallis Oregon Stake Physical Facilities Representative  
The Church of Jesus Christ of Latter-day Saints  
3705 NW Sylvan Dr  
Corvallis, OR 97330  
[paul.davis@ch2m.com](mailto:paul.davis@ch2m.com)  
541-768-3584

Cc: Eric Adams, Associate Planner  
Terry Valiant, Pahlisch Homes  
Keith Turner, Development Engineering Supervisor

---

<sup>12</sup> As measured from travel edges

**Adams, Eric**


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**From:** sherrijohnson717@comcast.net  
**Sent:** Tuesday, May 29, 2007 12:40 PM  
**To:** Adams, Eric  
**Cc:** sherrijohnson717@comcast.net  
**Subject:** public comment against Wltham Oak development

Eric - I had previously sent a letter and have added some points and especially Comprehensive Plan Policy numbers. Please add this to the record of public comment.  
 thank you

May 25, 2007

Dear Corvallis City Council members,

The proposed development is not appropriate for the Witham Oaks site or for Corvallis.

This proposed development will have substantial impacts on environmental resources in the area. It is in violation of numerous Comprehensive Plan Policies (see below for specifics). The developer has modified their proposal already and because it still does not address Policies, it should be denied rather than continue to be amended.

Although this site is currently zoned residential, if any development occurs there, it will need to be carefully designed around site specific conditions in order to not be a drain on city resources in the future.

I encourage the City to not approve this development plan for Witham Oaks area.

The following items are of special concern:

- This site has lots of water flowing over and through it. The proposed plan will not adequately route water, especially during the winter. The year round flowing stream in the upper part of the area is designated as a ditch in the development plans. Currently the stream enters the wetlands in the lower area, where water is naturally filtered and stored and dispersed. What will occur during storms following the increased amount of impervious area associated with 221 houses and streets and driveways? The few constructed swales shown on the development plan will not be sufficient (4.10.7).
- The area of the wetland will be reduced in the plan and houses will be built on marginal sites on the edges of the existing wetland, suggesting that the developer is not taking into account existing site conditions. If lots of fill is added to the sites it may violate 4.10.8.
- On previous air photos, a small stream existed which has been modified recently by the asphalt path and sewage lines. This existing drainageway will be further modified into a ditch that does not have an identified outlet. This violates 4.10.8 which states that developer shall return drainageways to natural state to extent practicable.
- These small streams, while not bearing fish, still have important functions on the landscape including nutrient filtering and managing non-point sources of pollution (7.5.3).
- Over 40 acres of new impervious surfaces will likely not be managed by a few constructed swales. The developer says they have hydrologic models but we have not seen them and there is no existing discharge or runoff data to verify that these models are correct for the current landscape,

5/29/2007

much less after development.

- Large amount of impervious surfaces will not encourage ground water recharge on site (4.12.9).
- The style of the development does not encourage foot or bicycle transportation and community interaction (9.2.4). The roads are steep and bike paths are not shown. Large garages to the front of houses have been shown to discourage neighborhood interactions. There are no central open areas or playgrounds. (The wetlands are too wet for people to use that area). (
- Rainfall could be captured from roofs and used in grey water systems (as is being encouraged for new buildings in Portland), rather than routed to overloaded storm runoff systems. Driveways could be constructed with pervious materials.
- No mention of energy efficiency standards for the houses. They do not appear to be designed or laid out to incorporate future solar power systems. Solar shading is shown, but does not include consideration of any vegetation. Windows are not strategically placed to make use of natural lighting and minimize heat loss. With the increasing expenses of fuels and newer information about human impacts to climate and carbon loading, Corvallis as a community should be requiring energy efficiency in its new buildings and developments.

I am concerned about multiple aspects of this proposed development and especially about the costs to the city to handle increased storm runoff, traffic and services to this marginal building site.

Sincerely,

Sherri Johnson, Ph.D.  
717 NW 33<sup>rd</sup>  
Corvallis, OR 97330

**Adams, Eric**

---

**From:** Larry Stover [Larry@stoverneyhart.com]  
**Sent:** Tuesday, May 29, 2007 12:59 PM  
**To:** Adams, Eric; Mayor; Ward 1  
**Subject:** Witham Oaks

Dear Mayor and City Council Members,

I am writing to support the Witham Oaks development. I believe the biggest problem Corvallis faces is a lack of housing and this project would help alleviate that problem. The area has been planned for housing for many years and the voters annexed the property expecting it to be developed for housing. I believe you are being inundated with testimony and letters mostly from neighbors who have enjoyed a free ride at the property owner's expense. Please know there are a lot of us in favor of the development but much less emotional and vocal. I make just a couple of the arguments in favor:

The opposition cites traffic congestion. The worst traffic congestion we have is Highways 20 and 34 in morning and evening full of commuters who cannot find housing in Corvallis. Ever try to cross the Van Buren bridge in the late afternoon?

Harding School is closed due to a lack of kids in the neighborhood. Some of the same folks were upset by that but cannot connect the dots that no-growth policies led to that closure.

Please vote to approve the development.

Larry Stover  
Resident of Ward 1  
2557 SW 45th Street

## Adams, Eric

---

**From:** Webmaster  
**Sent:** Tuesday, May 29, 2007 11:33 AM  
**To:** Adams, Eric  
**Cc:** Holzworth, Carla  
**Subject:** FW: <web>Witham Oaks

**Importance:** Low

FYI

-----Original Message-----

**From:** Sandy Riverman [mailto:ewilson@proaxis.com]  
**Sent:** Monday, May 28, 2007 9:43 PM  
**To:** Webmaster  
**Subject:** <web>Witham Oaks  
**Importance:** Low

This is an enquiry e-mail via %s from: Sandy Riverman (ewilson@proaxis.com)

Please add my name to the long list of individuals who are adamantly opposed to this 221 home development. The lack of infrastructure, in terms of roads, schools, services, etc. is only one obvious reason this is a bad idea. The important fact is that the people of Corvallis have spoken out again and again...we don't want this development. We live in Ward 5, so we are not neighbors who are complaining about "not in my backyard." We simply feel that Corvallis is developing new homes at a rate that threatens the small town quality of life I have enjoyed here for the past 36 years, not to mention the destruction of important habitats. Please consider what will be lost if you allow this to move forward.

Respectfully,

Sandy Riverman

May 29, 2007

Dear Mr. Mayor and members of the City Council:

I am a citizen of Corvallis who is concerned about the proposed Witham Oaks housing development.

My husband and I moved to Corvallis last year. We could have moved to Eugene, but after several trips we were discouraged by the amount of traffic and the lack of open space. We have not been disappointed. Corvallis seems to offer just the right blend of community spirit, ecologically aware residents, and plenty of rural areas for recreation.

So I was dismayed when I learned about Witham Oaks. My husband and I frequently use the bike path there, as we live in the vicinity. I have been delighted to see families walking the same path, their children running ahead or lagging behind, with no need for concern over traffic hazards.

We find this area perfect just as it is. Yet it seems that developers are closing in on Corvallis. I was at the public hearing last week, so I know that there are plenty of like-minded people in this town who want to see Corvallis remain, if not development free, then confined to more suitable locations. These developers do not care about ecology or open space. (Their argument that the number of trees on the site will actually increase is specious.) Their only concern is to sell houses and make money! Why should they have their way at the expense of the wishes of Corvallis residents?

Another cause of concern for me is the unforeseen (unmentioned?) impact the Witham Oaks development will have on other parts of town, not just the immediate area. I have not heard any mention of the impact it will have on 53<sup>rd</sup> Street, for example, yet that road will carry many of the development's residents to shopping, etc. How will the city--and the taxpayers--be impacted by the increased traffic (and subsequent improvements to the road) that will occur as a result of 221 new houses? The impact of this development will not be confined to Harrison, Circle, and a few neighborhood streets. It will be far reaching. I only have to walk along the Midge Cramer path and witness the "skyline" of Grand Oaks to know this.

We can't keep housing developments out of Corvallis, but let's at least confine them to more appropriate (and viable) locations.

Thank you,

Mary Wagner  
3769 NW Tyler Pl.  
Corvallis, OR 97330

**RECEIVED**

MAY 29 2007

Community Development  
Planning Division

RECEIVED

MAY 29 2007

Community Development  
Planning Division

To: Corvallis Mayor and City Council  
FROM: Robert Mason 3635 NW Jackson Ave., Corvallis OR 97330  
SUBJECT: Witham Oaks Development Plan Testimony

The Witham Oaks development plan is not ready for approval. It needs to be sent back for further work. The city is missing critical testimony by not allowing informed public participation in the planning process before, not after, the developer has completed detailed development plans. At present, the city is making important decisions without the benefit of alternative data or public analyses of the developer's methods and data.

Better public decisions come from the gathering of relevant facts and opinions from all sources, not from only the chosen few who have a vested interest in the outcome. The requirement of a geotechnical analysis that assesses the impact of development on existing surface and subsurface hydrology and soil types is an example of how the developer is shielded from public scrutiny of an important and complex issue. A spokesman for the developer hinted at the May 21 meeting that data on this topic were at hand but did not reveal their contents.

At best, this practice is inefficient because the city may need to revisit its decision once all the information is in. At worst, the city may not be willing to revisit its bad decision and the public will suffer the consequences.

The May 21 testimony of David Eckert concerning the planting of many non-native trees on the property is an example of testimony that should have been available for Planning Commission hearings. The information surfaced only after an appeal had been filed. The proposed species of trees just happened to be included in the staff report to the council .

The problem, as Mr. Eckert pointed out in his testimony, is that three of the species are hazard trees. This fact should have been flagged, but wasn't, and points to the benefit of public participation in the planning process. The city's urban forester brushed aside the significance of Mr. Eckart's testimony by claiming that this is only a conceptual plan at this time. Wrong. The city's action represents approval of a detailed development

Page 2

plan. Only codes prevail to adjust errors in approved detailed development plans. It is too late for experts outside the domain of the city and the Witham Oaks developer to point out faulty, invalid, or otherwise poorly thought-out planning. The public deserves the benefit of public participation as well as not giving away the advantage of negotiation.

We should not have to rely on luck or happenstance to learn of the city or the developer's poor decisions. City decision makers should know all the facts before they approve a development. I urge the council to approve the appellant's request and to deny the applicant's development plan.

Corvallis City Council:

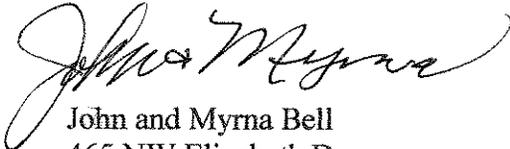
We have just walked the path again, as we have done several times a week since its beginning. We, along with many others, look forward to the beautiful surroundings, and the unobstructed view of the Coast Range to the west.

The path is always in use, so easily available for biking, running, walking, bird watching, and sightseeing.

How fortunate we are to be able to have this ideal natural area in our city, within close proximity, so suitable, so unique, so easy to enjoy.

People now and for generations to come will be grateful to you for preserving this area for everyone.

Sincerely,



John and Myrna Bell  
465 NW Elizabeth Dr,  
Corvallis

**RECEIVED**

MAY 29 2007

**Community Development  
Planning Division**

May 26, '07

An Open Letter  
to the Corvallis City Council,

I hope you all make time to experience the land 'on the drawing board' for 'development', to notice the birds, view Mary's Peak, soak in the solitude and be with yourself, listening.

Imagine how much more lovely it will be if large trees continue to grow in number as they have since the 1973 aerial photo. Could we really cut  $\frac{4}{5}$  of the trees (just existing ones, even) and have (from CPP 4.6.6) a "tree-covered hillside appearance"? Would it smack too much of the sterility of the 'grand Oaks' finished product?

Would CPP 4.9.1 be violated, too, with building and paving that would probably hurt the wetlands as well as result in the loss of "existing significant public vistas." I like seeing seven turkey vultures circle and hearing songbirds sing. Is the sliding-and-patching, approximate 2-year cycle on Dale Street something to ignore or pay close attention to? This is wetland.

It seems way past time to be building neighborhoods that aren't pedestrian friendly. The Corvallis 2020 Vision Statement envisions that we "create convenient and direct routes for cyclists and pedestrians" (p. 11 - "Pedestrian Scale"). Streets with grades too steep for the average citizen to easily bike, with no alleys, and with 221 curb cuts for double garages,

are not in keeping with this vision. We cannot tell our children they are.

Schools are too far away for kids in this proposed development. This is not in compliance with CPP 10.5.1 which says, "The availability of adequate school facilities and services shall be used by the City as a factor to direct urbanization." Sprawl is not what the 2020 Vision Statement was going for in my mind when it spoke of significantly reducing 'the number of daily autotrips and the length of those trips' (p. 10 - "protecting against pollution").

I'm bothered to hear that the developer offered up a solar access study that showed no trees casting shadows.  
NO TREES?

I would support a bond issue which would pay for this land and save it as green space. I also think we must take time to go through the 'details' before accepting this plan if it comes to that. There was so much testimony at the public hearing that opened my eyes and which was compelling, I thought, and needed respectful consideration. I trust, even after all the deception and misunderstanding, we can find a way to embrace the opportunity to guard this most precious land and uphold the values of the people of Corvallis. I'm concerned about exceptions to codes and the loss of public trust. It's not just about a few people

whose pockets will be lined. It is late not to take  
the earth and future generations of species of all sorts  
dead seriously.

Sincerely, Wendi Chambers  
605 NW 17th

**RECEIVED**

**MAY 29 2007**

**Community Development  
Planning Division**

4090 NW Dale Drive  
Corvallis, OR 97330  
May 23, 2007

**RECEIVED**

MAY 29 2007

Community Development  
Planning Division

City Council  
P.O. Box 1083  
Corvallis, OR 97339

Dear Councilors:

I am writing to object to the site plan proposed for the Witham "Oaks" development. It seems a travesty to name it thus, considering the very large number of oak trees that will be removed under the current plan. I think it is an absolute crime to cut a 50-inch diameter oak, which must be at least 200 years old. It is ludicrous for the developers to say that they will plant more trees than they remove.

After voting against this annex seven times, I finally voted in favor, based on the assurances of the developer that they would retain a significant number of oaks in the upper area. What they now propose is an insignificant fringe of trees. Most of the open space in the development is in the wetland area, where they knew they could not build.

I urge you to require a rethinking of this plan and a revision that does more justice to the oak woodland, which is widely recognized as one of the most endangered habitats in the Willamette Valley. If this development goes ahead as proposed, I predict that it will severely reduce the willingness of the citizens of Corvallis to vote in favor of such an annexation in the future, given the fact that many perceive that they were taken advantage of by promises that are not being fulfilled.

I currently live very close to this annexation, but will be moving soon to another location in Corvallis. Even though I probably will not be where I have a view of the project, that does not lessen my concern for the proposed plan.

Thank you for your consideration.

Sincerely,



James D. Hall

RECEIVED

MAY 29 2007

PO Box 1083  
Corvallis, Oregon 97339

2960 NW Tyler Ave Apt 205  
Corvallis, OR 97330

Community Development  
Planning Division

Dear Mayor Tomlinson and Members of City Council,

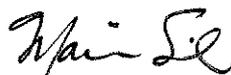
I am writing to express my heartfelt disapproval of the proposed Witham Oaks housing development. What a disappointment that this development is even being considered! It seems absurd to me that cutting down forty acres of urban wildlands is being entertained as a viable option for our community's needs. In my opinion, it would be a mistake to pursue this action.

Environmentally, we would be destroying a vital component of the local ecosystem. Two hundred trees would be cut down, and in their place we would insert untold tons of synthetic materials whose footprint on the earth's fragile health would be tremendous. And that's in the short term! What will be the effect of a cookie-cutter development on the long-term health of Corvallis? More cars, more pavement, more people, more consumption. This is not what our town is about.

I understand the need for development: we need more affordable housing for people of all ages. But this can be accomplished using existing space! Of course, the development company will have to pay more for it, and accept the terms that the city puts in place. Most development companies don't work like this: they want sweetheart deals and carte blanche to do as they please. As far as I'm concerned, that's the opposite of what's supposed to happen in a democracy. Citizens and representatives call the shots, not companies. Matrix Development wants a good deal- but let's not give it to them. If they'd like to develop parts of Corvallis that are already available, then we should consider it. But to cut down a pristine piece of land, just to reap profits? It's short term thinking for all parties involved, and we will regret that decision in the generations to come.

There are intelligent solutions for creating needed housing and expanding business in the Valley while preserving the environment. Matrix Development's proposal is not one of them. **Let's wait until we can find someone who has the best long-term interests of Corvallis in mind.**

Sincerely,



Marisa Silver

Cc: City Council Members

## Adams, Eric

---

**From:** SM Coakley [coakley.sm@hotmail.com]  
**Sent:** Tuesday, May 29, 2007 8:32 AM  
**To:** Adams, Eric  
**Cc:** coakley.sm@hotmail.com  
**Subject:** Additional Testimony Witham Oaks

Monday, May 28, 2007

To: City of Corvallis  
City Council

From: Stella Coakley  
3839 NW Jackson  
Corvallis, OR 97330  
541-753-6215

RE: Further information on Appeal of Witham Oaks approval by Planning Commission

Having attended the hearing on May 21, I again ask that you sustain the appeal brought on this development. It is evident that voters were duped in the promises made by the representatives of the developers and the development now must be held to existing city development code in close detail. The numerous variances remain unjustified.

Holding them to code is the only protection possible for citizens with a one-way annexation vote system. This present example points out the need for a change in our system. I strongly encourage the city to develop policy that will allow annexation reversal if the original plan/promises are found to be not keepable. For example, in addition to the "Trees will be saved", the flyer for the election made reference to an extension of the multi-use path (implied that it would be across the university property). Meetings with the biking community also made that promise. Now, that was certainly a promise that the developer was not wise to make but it did convince some voters to support the annexation. Those involved in these conversations apparently believed that this would happen because it had been promised. Needless to say, such an extension would have created major disruption to university research and permission to the developer was not granted. It is true that Terry Valiant tried to convince the university to grant the easement but appropriately, OSU did not see it the same way.

I was astounded to learn at the hearing that at least some geotechnical assessment has been done but why has this not entered into the conversations with the city? This suggests that information learned is not favorable to the planned development and that every effort is being made to keep this out of the public scrutiny. I strongly urge the city delay approval until after a geotechnical analysis by a truly independent party.

Again, I strongly urge the City Council to reverse the Planning Commission's recommendation until such time as all the conditions laid out by staff have been met and issues raised by the public have been addressed. To me, the water management issue on this property is huge. This includes the ability to deal with 100 year water events. We need to ensure that the area is stable and that the numerous springs on the property can be managed in an appropriate manner.

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[http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT\\_TAGHM\\_migration\\_HM\\_mini\\_2G\\_0507](http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT_TAGHM_migration_HM_mini_2G_0507)

## Adams, Eric

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**From:** kirk nevin [kirksnevin@yahoo.com]  
**Sent:** Tuesday, May 29, 2007 8:50 AM  
**To:** Mayor; Adams, Eric  
**Subject:** genuine democratic discourse re Witham Oaks

Dear Mayor Tomlinson, and the Corvallis City Council members,

Most of you have probably read Al Gore's new book by now, but, just in case you haven't, I'd like to present you with what I think is an appropriate quote for you all to think about (the quote is courtesy of David Brooks' column in the New York Times today, Tuesday, May 29):

"The remedy for what ails our democracy is not simply better education (as important as that is) or civic education (as important as that can be), but the re-establishment of a genuine democratic discourse in which individuals can participate in a meaningful way... a conversation of democracy in which meritorious ideas and opinions from individuals do, in fact, evoke a meaningful response."

Lousy sentence structure, but an important thought.

You folks will soon be deciding whether or not to continue the public dialog about the wisdom of allowing the Witham Oaks development to proceed as currently proposed. I think this decision is exactly what Mr. Gore had in mind when he penned the above sentence.

"the re-establishment of a genuine democratic discourse". This implies that we once had a 'genuine democratic discourse' in this nation, but that we have lost it. Think about that loss in terms of the Witham Oaks development, please. The vast majority of the people of Corvallis do not want this development to proceed. A very few people would benefit from the development (and most of those few are not from Corvallis; they're from Portland). For the majority (remember what 'democracy' means?), the development means a permanent loss of quality of life... more traffic, more degradation of our fragile and threatened environment, generally more chaos in our lives. So, folks, will you serve the 'genuine democratic discourse' by approving this unwanted development?

"...individuals can participate in a meaningful way...". You must be aware of the frustration in the community with the way development decisions are made.

We are allowed to comment... orally, often to an exhausted and bored mayor and council who are functioning long after a reasonable bed time... or in writing, for the public record, a very easy medium to ignore. So have you, in the name of democracy, attempted to evolve a system in which 'individuals can participate in a meaningful way'? I think not.

"...a conversation of democracy...". Think about that. A 'conversation'. That means comments, questions, more comments and questions... with everyone paying respectful attention and honoring the process. 'A conversation of democracy' certainly seems to be lacking in the current development-consideration process.

"... meritorious ideas and opinions... evoke a meaningful response." You will each admit that most of the comments opposing the Witham Oaks development have been 'meritorious ideas' which merit 'a meaningful response'. Example: Shouldn't the Mayor and the Council meet with the individuals who oppose the development at the Witham Oaks site? Shouldn't those persons responsible for this huge decision stand with the opponents, listen to the wind in the oaks scheduled for destruction, watch the vultures circling lazily overhead, watch the citizens of Corvallis enjoying the wild nature of this beautiful place? Is it 'a meaningful response' to nod off during comments at 11:30 p.m. in the sterile environment of a fire house? I think Mr. Gore would question your methods of 'meaningful response' to the Witham Oaks opposition.

All we ask, Mr. Mayor and honored Council, is that you honor the right of the opposition to a fair hearing.

Mr. Gore laments the loss of 'genuine democratic discourse', in which the majority of citizens have an opportunity to persuade office-holders on key quality-of-life issues like Witham Oaks. Please honor us as stakeholders in the future of Corvallis, and deny the

very unpopular Witham Oaks development.

Thank you for your attention to 'meaningful discourse'  
in Corvallis.

Kirk S. Nevin  
2935 NW 13th St.  
Corvallis 97330

**Adams, Eric**

**From:** carol alexander [calex@peak.org]  
**Sent:** Tuesday, May 29, 2007 6:24 AM  
**To:** Adams, Eric  
**Cc:** Ward 7  
**Subject:** In Support of Witham Oaks appeal

RECEIVED

MAY 29 2007

Community Development  
 Planning Division

Good day, Mr. Adams.

I have just returned from an early morning walk with my elderly mother along the bike path that cuts through the proposed Witham Oaks development area. The air was intoxicatingly fragrant with wild rose and that distinctive ambient spicy spring vegetation smell that is particular to the few remaining ephemeral wetlands of the Willamette Valley. We heard black-headed grosbeaks, Swainson's thrushes, house finches, goldfinches, bluebirds, red-winged blackbirds, frogs, a distant raven, the morning breeze high in the oak and beside us in the scrub willow and tall grasses. Mary's Peak and the lesser hills of the coast range visible to the west looked serene and graceful. We encountered a young mother and father with their child in a stroller, an older gentleman walking his very old dog, an elderly couple holding hands. Looking on over us all was the true "owner" of this land, a red-tailed hawk high in the tallest Douglas fir south of the trail. She is usually there, and she or her offspring have used that lookout for as many years as I have been in the Corvallis area. Though I have only recently moved to Elizabeth Pl., just due east of this land, I have been walking here for many years. I have often seen fox and coyote, and of course deer, raccoon, opossum, a gorgeous array of caterpillars and butterflies. It is a remarkably diverse habitat for its proximity to town.

My 90-year-old mother and I recently moved to this part of Corvallis after a long search for a place for her to end her life on "the edge" of town. As with many older folks, maintaining a close relationship with the land and its nonhuman inhabitants is a vital part of those waning years. There are all too few such places remaining in this part of the Willamette Valley. She was very saddened to learn of the proposed development. We have a sense of personal loss, but more importantly this letter is about the loss so many will endure, human and nonhuman alike. We rent a home here, so do not have the physical and emotional investment in the neighborhood as those who have lived here and raised families. Some of my neighbors could describe to you precisely where and when each species of wild flower blooms in the spring, when each songbird is due to return for nesting season to that very area slated for "development".

The value of a natural place is difficult to quantify when assessing the value of "development," I understand, and certainly there needs to be adequate and affordable housing to support the human community. I believe the six areas of concern outlined in the appeal submitted on May 1 indicate very clearly that the Witham Oaks proposal will be neither affordable nor community-building. I respectfully suggest that this and all future housing development proposals be subjected to a stringent review of impacts within the context of rapid climate change to include water draw, increased sewer load, energy consumption, transportation infrastructure, loss of habitat and disruption of potential biological corridors.

I urge you and the Corvallis City Council to accept the appeal and impose restraint on ecologically inappropriate housing development. Thank you for hearing my concerns.

Sincerely,

Carol Alexander  
 3940 NW Elizabeth Pl.  
 Corvallis 97330  
 541.754.7479  
[calex@peak.org](mailto:calex@peak.org)

5/29/2007

RECEIVED

To: Corvallis City Council and Mayor Tomlinson  
Care of Eric Adams, Associate Planner, City of Corvallis

MAY 29 2007

From: Christine French  
4140 NW Dale Dr.  
Corvallis, OR 97330

Community Development  
Planning Division

May 28<sup>th</sup>, 2007

Regarding the Witham Hill development proposals, I am asking you to deny the current detail proposal. What concerns me are the following:

1. Tree Removal.

The removal of 142 identified oak trees (not to mention the other maples, firs and inter-related living environment) and leaving only 47 oaks, is extreme. The developer said in their brochure to the voters that a significant number of oak savannahs would be saved, and gave me the feeling that we would be in good hands with this developer. Their plan is different than that and it looks like it is so that they could squeeze as many homes as possible for more profit...I do not like this tactic.

The citizens of Corvallis (the Green City) and the future home owners deserve more than just another boxed in Cookie Cutter neighborhood. We, you, need to start thinking along new principles...it is not like it was in the past...we must consider what can best happen to each neighborhood of the future. Trees such as the like that have developed in the old Frager property need to still be present in new neighborhoods and for lots of sound reasons. The entire ecosystem of the area is hinged on these large, umbrellaed trees. In addition, they add character, shade, beauty and wildlife habitat for several different species. To remove these trees from the hillside is inconsistent with the comprehensive plan policies. calling for preservation.

2. Water runoff management

After reading all the materials presented so far, It is clear to me that the current water runoff design is questionable at best as far as guaranteeing that the massive amounts of water runoff will not leave the streets and sewer system and enter the wetlands. This seems physically impossible with the current water handling layout. Keep in mind that any water runoff that seeps or spills over into the wetland will slowly poison all living organisms...in time turning the wetland into a miserable, stinking mess (we have all seen this in neighborhoods of other cities throughout our lives and we must not condone this to happen with this development).

It worries me to think of the consequences if this proposal is approved as is. We are determining the future of Corvallis in a critical junction of environmental concern and much care should be taken by all involved in this process to keep the land as natural as possible while allowing the developer to make a profit. Another clear-cut in this prominent a location does not show good judgment to

say the least. It is our duty today to recognize potential environmental issues and we sure have one here.

Far fewer homes will greatly assist in minimizing all the effects I have outlined so far.

### 3. Traffic abatement.

Adding many hundreds more cars to the area on a daily basis in order to assist the connection from one side of town to the other will bring added problems of air pollution, noise, congestion and petroleum residuals to the area. Speeding is a problem with the upper and lower ends of the Woodland Meadow area and will certainly be so if the extension of Circle Blvd. is allowed in a straight line manner. Mention has been non-specific on speed bumps. What kind of speed bumps? Like the ones that are currently on the extension of Circle? These do very little to slow vehicles.

We must install speed bumps like the design in Avery Park. These, along with the curved nature of the road there, planter-boxes like south 99 and the Fair Grounds, actually do slow vehicles well. Please ask for these type of controls to be placed on this extension...allowing a quiet and peaceful road to connect to Harrison (not a thoroughfare for speeders). Wouldn't this be a good thing?

What about alternative energy and the solar orientation factor of the home layout, We have a global energy crisis, don't we?

In conclusion, there are many sound reasons, well documented, to send this plan back to the drawing board with some well pointed guidelines by you, the city planners and council members. With the loss of so many trees and the accompanying ecosystem, including the wetlands, the existing wildlife corridor and habitat will be destroyed. Leaving in the wake Increased traffic, a dying wetland and a neighborhood grossly incompatible with the existing homes. If we must develop the land, then much care must be taken by all involved in this decision process to keep the land as natural as possible and abide by the CCP.

Thank you for your consideration.

Christine French  
752-2322

RECEIVED

May 27, 2007

MAY 29 2007

TO: City of Corvallis Mayor and City Council Members  
FROM: Rebecca Wilson  
1540 NW Woodland Dr.  
Corvallis, OR 97330  
SUBJECT: Witham Oaks Development Plan

Community Development  
Planning Division

Please accept this testimony in opposition to the Planning Commission's decision to approve the Witham Oaks development plan.

As noted by the Corvallis Planning Department, the development proposal fails to meet the performance standard for solar energy in Section 4.6.20 of the Land Development Code:

"Residential subdivisions and planned developments on parcels of more than 1 acre shall be designed so that solar access protection, as defined in Chapter 1.6, is available at ground level to ... a minimum of 80 percent of the buildings with sufficient east/west dimension to allow the long axis of the building to utilize solar energy."

The applicant has not proposed suitable construction methods that would provide adequate alternate efficiencies to compensate for the requested variance to the LDC solar access standards. In addition, the other off-setting benefits proposed, such as protection of open space and natural features, providing affordable housing and a compact urban form do NOT provide sufficient gains in energy efficiency to grant a waiver to the applicable solar access standards. Thus, the following Comprehensive Plan Policies and Land Development Codes have been violated in the Witham Oaks development plan:

### **Comprehensive Plan Policies**

**12.2.3** The City shall require all future subdivisions planned developments and other major developments plus commercial and industrial development be designed to reduce demands for artificial heating cooling and lighting by considering topography microclimates vegetation and site and structure orientation which maximizes southern exposure. The City shall develop incentive programs for those developments that demonstrate sound energy conservation design and or construction such as density incentives or similar programs.

### **Land Development Code Sections**

#### **Section 4.6.20 PERFORMANCE STANDARD**

Residential subdivisions and planned developments on parcels of more than 1 acre shall be designed so that solar access protection as defined in Chapter 16 is available at ground level to the following:

- a. South face of existing residential buildings adjacent to the development;
- b. In residential subdivisions a minimum of 80 percent of lots with sufficient east/west dimension to allow orientation of the long axis of a building to utilize solar energy; and
- c. In planned developments a minimum of 80 percent of the buildings with sufficient east west dimension to allow the long axis of the building to utilize solar energy.

#### **Section 4.6.30 WAIVER OF STANDARD IN SUBDIVISIONS**

A waiver from the requirements of Section 4.6.20 above may be granted by the Planning Commission to the minimum extent necessary to:

- a. Preserve existing vegetation;
- b. Reflect physical land development constraints related to the shape or topography of the site;
- c. Accommodate north facing slopes of 10 percent or more; or
- d. Meet City design requirements for provision of streets drainageways utilities landscaping, and location of buildings consistent with minimum setbacks.

#### **Section 4.6.50 WAIVER OF STANDARD IN PLANNED DEVELOPMENTS**

For residential planned developments a waiver from the requirements of Section 4.6.20 above may be granted by the Planning Commission based on the provisions of Section 4.6.30 above or to the minimum extent necessary to:

- a. Meet a broad range of residential needs by encouraging use of innovative site development techniques and a mix of dwelling types; or
- b. Address future housing needs in the community by encouraging affordable housing as defined in Chapter 1.6 to increase housing choices.

**A waiver may not be granted under this section unless the applicant demonstrates that the loss of solar access for current and future generations has been mitigated by a substantial increase in energy efficiency of the proposed dwellings over Uniform Building Code requirements.**

I do not offer additional findings in response to this aspect of the proposed development plan.

Thank you for your consideration,

Rebecca Wilson

**Adams, Eric**

**RECEIVED**

**From:** MARIT LEGLER [MUNDM2004@msn.com]  
**Sent:** Sunday, May 27, 2007 1:27 PM  
**To:** Ward 7  
**Cc:** Adams, Eric  
**Subject:** Witham Oaks Appeal

MAY 29 2007

Community Development  
Planning Division

Dear Mr. Zimbrick and Members of the City Council,

It is our hope that the City Council will determine that it is in the best interest of the citizens of Corvallis to overrule the Planning Commission's recent approval to develop Witham Oaks.

We chose Corvallis as our home 12 years ago because it was (and still is) considered one of the best small cities in the U.S. One significant reason Corvallis has consistently received such high marks is because of its commitment to preserving green space and to preventing sprawl.

Unfortunately, the recent subdivisions at Willamette Landing and Grand Oaks show an unsettling trend in the opposite direction: green space has been eliminated and neither subdivision is in close proximity to shopping or schools (i.e. residents need to use their cars to get anywhere). A Witham Oaks development would have similar issues.

As residents living on Grant Ave., we are of course also concerned about the increased traffic that the development at Witham Oaks would bring to our neighborhood and how it might affect the overall "feel" of the neighborhood.

It seems that there is currently (as opposed to a few years ago) plenty of real estate for sale in Corvallis. Would it not be wiser to focus on making the existing neighborhoods more attractive and viable?

Sincerely,

Michael Greer & Marit Legler  
3435 NW Grant Ave.  
Corvallis, OR 97330

Ward 7

Tel.: (541) 738-8916

**Adams, Eric**

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**From:** David and Zuzana [chiller@peak.org]  
**Sent:** Sunday, May 27, 2007 1:02 AM  
**To:** Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9  
**Cc:** Adams, Eric  
**Subject:** Witham Oaks

Dear Mayor and City Council Members,

I am writing in support of the "Witham Oaks Development Appeal". When you take your vote on this issue, I hope you will stand behind our city's pledge to protect unique natural features and our goal of sustainable development. As you have already heard from many Corvallis (and other) citizens and knowledgeable scientists, Witham Oak area is a type of ecosystem, which was once abundant in this area but now is almost gone. We have an opportunity to say NO to a development, which would disturb the precious oak savannah in an irreversible way. We cannot keep allowing exceptions for developers regarding protection of our highly valued natural features. We are either committed to protection and sustainability or not.

Corvallis does not need another suburban sprawl type development where the signage of the housing complex is only reminding us of what is missing. Every time I bicycle pass the sign for Grand Oaks, I question where the grand oaks are? Most of us live in locations that once used to be natural habitats for wildlife. We have done plenty of damage already. Now, we should treasure open spaces, wetlands, oak woodlands and savannas rather than developing and destroying them. We know better now and I hope we can learn from past mistakes.

Is Corvallis in a REAL need of the type of housing proposed by Matrix Development / Legend Homes on the site of Witham Oaks area? Once again, if the City of Corvallis is committed to environmental protection, focus should be on "in-fill" development within already built area of the city. Housing close to schools, shopping, and entertainment is more economical and often also serves to lower income families.

I hope you will take this opportunity to deny development of Witham Oaks area for reasons above and many others you have heard from other concerned citizens of Corvallis.

Thank you for your service on the City Council.

Zuzana Vejlupkova  
Resident of Ward 5

826 NW 32nd St.  
Corvallis, OR 97330

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MAY 29 2007

Community Development  
Planning Division

5/29/2007

J. Eric French  
4140 NW Dale Dr.  
Corvallis, OR 97660 tel. 752-2322

RECEIVED

MAY 29 2007

May 26<sup>th</sup>, 2007

Community Development  
Planning Division

To: Eric Adams, Assoc. Planner and The Corvallis City Council, Mayor Tomlinson  
Re: Proposed development for Witham Oaks

I am requesting that the detail portion of the proposal be denied and that further modifications are required to be acceptable to the Corvallis Comprehensive Plan, the current neighborhood environment and the best interests of Corvallis citizens.

As followers of the development proposals through the years, this proposal starts to address but does not resolve some of the issues that we all should be concerned with...namely:

- a. Conservation of savannah oak stands (a vanishing element of our countryside)
- b. Pre-determined infrastructure and maintenance programs that on a long- term basis assure the run-off of residential waters and its pollutants to be non-harmful for the existing wetlands and beyond (true wetland conservation)
- c. Safe traffic passage alongside a multi-use trail and densely populated neighborhood. Traffic that is non-intrusive to the existing long time established area.
- d. impact and compatibility of the development's density and arrangement to the surrounding areas.

As proposed, all of these elements need some more work to be socially responsible. This is your chance to either make an admirable impact for your citizens, to be champions of what a development of today in Corvallis should be. All of these issues are clearly defined in the Corvallis Comprehensive Plan that has been so painstakingly set forth and accepted as our guideline for the future. Should we adhere to it or is it just a bunch of words that are easily modified to fit a developer's needs? I certainly think not and I should hope that our elected officials would look at it from this perspective too.

Although the city planners approved the development plan, it is your final responsibility to assure to the public that the proposal meets the citizen's expectancies of how Corvallis should be developed and to follow the CCP set forth. As you all know, we are gaining a reputation as a Green City, one that has been taking more and more responsibility for its actions, both in the materials that we use as well as the way we think about expansions.

Unfortunately, this proposal is only presenting token examples of what can be done, not proactive with complete solutions to the solid issues listed above. For instance, as stated in the May 1<sup>st</sup> Appeal by Elizabeth Schwartz, Mark Knapp and Adam Stebbins, I concur with all their findings. I also concur with the letter from John Foster dated March 21<sup>st</sup>.

Can the Council just gloss over these very well documented facts and approve the detailed proposal? Again, I really should think not.

**I say not so many homes!!** Cut the 225 or so to 160. What a positive impact this would have! Demand more oak tree clusters be saved, along with the significant other trees that contribute to the survival of the oaks. Especially in the front or more visible areas of the plan. The developer is suggesting 225 homes to, frankly, see if they can get away with it. This is the way these proposals work...they will whine that they will not make the money they need to do the development. They are expecting a possible cut back in the number of homes, let's take the proposal of 160 homes to them. When the citizens voted for annexation, they did not vote to destroy the area's fields of trees by virtual clear-cutting for all but small areas. If you can imagine what it would take to put in the development as it stands, you will see massive wide open clear-cutting. This is not consistent with the CCP or congruous to the existing long established homes.

I also say, **modify Circle Blvd.** so that it is not a rapid thoroughfare. The thinking of the city manager is that we owe this extension to follow-through on a vote by the public many years ago. Well, times have changed, we are much more sensitive to our planning now than so many years ago. Modification can be in the form of a couple of bends in the road, **larger than now used speed bumps on Circle, such as the ones in Avery Park.** Put those in to slow the traffic **for real.** Both the new inhabitants and the existing ones of decades ago, need your help to assure that this happens.

I say the **wetlands will be severely impacted with the proposal** as it now stands. The ground saturation will be minimal with all the road and driveways plus the areas occupied by the homes. Due to the steepness of the upper areas, there will be petroleum by-product runoff that gets into the wetlands, no doubt about it. This will slowly kill off much or all of the existing wetland. I do not see 100% protection here. This is unacceptable and not as outlined with the state and city doctrines for the preservation of wetlands.

A still to come Geotechnical analysis of the soil, how can we approve a development without this?

All in all, our comprehensive plan was designed to protect neighborhoods and the encompassing ecosystem. This proposal encroaches this in many ways, **as has been well documented by the Appeal letters.** Please consider a better design of the extension of Circle Blvd., the protection and retention of larger, more numerous clusters of Oak Savannas and the accompanying ecosystems so important for the surrounding area to assure positive protection of the wetlands. Significantly reducing the number of homes to be built will accomplish this.

There are too many factors to ignore. A new and aggressively modified plan is obviously needed.

Thank you for your civic service and careful consideration of this.

Respectfully Submitted,  
Eric French

Adams, Eric

RECEIVED

From: kirk nevin [kirksnevin@yahoo.com]  
Sent: Saturday, May 26, 2007 5:56 AM  
To: Mayor  
Cc: Adams, Eric  
Subject: Witham Oaks

MAY 29 2007

Community Development  
Planning Division

Hi Mayor Charlie,

Just to let you know... we've done some research in our neck of the woods (do you remember going thru our neighborhood asking for our votes?... that is 13th north of Walnut) and we could not find one... not one, Charlie... adult who favors the Witham Oaks development plan. Not one single person who would speak in favor of the plan, Charlie. So... do we live in a democracy, Charlie? Do 'we the people' have a say in what happens in Corvallis, Charlie? WE DO NOT WANT THE WITHAM OAKS DEVELOPMENT IN CORVALLIS, CHARLIE. The appeal of the planning commissions' decision was done carefully and completely, and the vast majority of the speakers at your democratic gathering were strongly against the development. You said you wanted to hear the people, Charlie. So hear this, Charlie... WE DO NOT WANT THE WITHAM OAKS DEVELOPMENT IN CORVALLIS, CHARLIE. We want you to please spend this holiday weekend begging the members of the council to reject the WITHAM OAKS plan, Charlie, because the Witham Oaks development will lower the quality of our lives. We pay good money to live here, Charlie, and we voted for you, thinking you would represent our best interests... and not the best interests of a few rich folk who own Matrix Development. PLEASE THINK ABOUT US, CHARLIE, AND WORK TO DEFEAT THE WITHAM OAKS DEVELOPMENT.

IS THAT CLEAR, CHARLIE? Can you hear us? We do not want or need that development in Corvallis. Just say no to Witham Oaks, Charlie.

Thank you.

Kirk and Susan Nevin  
2935 NW 13th St.  
Corvallis 97330

May 25, 2007

TO: Corvallis Mayor and City Council  
FROM: David Eckert, 2311 NW Van Buren Street #6, Corvallis, OR 97330  
SUBJECT: Witham Oaks Concept Plan & Detailed Development Plan Appeal Testimony

**Request: Agree with Appellant; deny the applicant's detailed development plans.**

**Reasons:**

- **Potential health and safety concerns**
- **Citizens who are not staff and not representing the developer recently discovered the health and safety concerns and will not have an opportunity to publicly engage in these reviews and deliberations if the appeal is denied.**

I urge the Corvallis City Council to support the appeal to the Witham Oaks Concept Plan and Detailed Development Plan on the grounds that the plans being considered will place the public in harm's way by creating at least two citizen-discovered potential public health and safety risks – landslide potential and the planting of potentially hazardous trees. If the council votes in favor of the applicant, then the public will be locked out of any public review, input and representative approval process to reduce the potential for these health and safety concerns that should be mediated prior to any official approval of the detailed development plan.

1. **Potential Landslides:** The first concern relates to geological and hydrological studies required to indicate the ability of the developer to provide a safe environment for humans and surrounding sensitive lands.
  - a. **Recent soil slippage.** It is only through public testimony that the public has learned of recent land slippage adjacent to the site with a similar soil structure and gradient.
  - b. **Adjacent earthquake fault.** It is only through public testimony that the issue of an earthquake fault adjacent to the site resulting in homeowners not being able to get earthquake insurance has been brought into the public's attention in relation to this detailed development plan.
  - c. **Seasonal soil saturation on hillside.** It is only through public testimony that extreme soil saturation and high-volume groundwater springs during the winter months of the area to be developed are adequately reported.
  - d. **Inadequate public review of geo-technical report.** The geo-technical report provided by the applicant was submitted on the night of the hearing for the appeal. Neither the Planning Commission, nor the staff, nor the public could review the document for any public testimony or consideration for the Planning Commission vote. In addition, the geo-technical report was performed during a period of little precipitation (see rain charts at <http://www.ocs.oregonstate.edu/index.html>) and, therefore, dryer soils. A more appropriate study would have occurred during the wetter season to adequately determine the true hydric-condition of the soil resulting from seasonal groundwater levels and springs. Local citizens have reported on these conditions, but the seriousness of this soil condition has been disregarded by "experts." The reality of the reports by neighbors of soil slippage in adjacent developed areas brings the experts' opinions

into question and if the Council votes in favor of the applicant, the public will never get to review and publicly comment on these issues prior to any further votes on this plan.

- e. **Geo-technical reports are inadequate for whole site.** Dr. Scott Burns, geologist at Portland State University and expert on Oregon landslides (see **Attachment A**), provided a detailed presentation to the Oregon State League of Women Voters at their State Convention on May 19, 2007 in Troutdale, Oregon, of the inadequacy of the required geo-technical studies in Oregon in predicting and preventing soil slippage and landslides. He went on to say that landslides in Oregon are increasing and it is due primarily to new development on saturated, hillside sites. Dr. Burns reported on the type of study that is necessary to evaluate landslide risks. He stated that there are 150 certified geologists in the State of Oregon competent to perform this evaluation. The need for this study to protect the health and safety of the future residents of Witham Oaks indicates a need for the Council to vote for the appeal. As a result of this information, I believe that the City Council would knowingly place the future homeowners of Witham Oaks in a potentially unsafe environment without having the type of study of the whole site by a certified geologist as recommended by Dr. Burns. In addition, I believe that for the City Council to preclude the public from reviewing and providing testimony on this study and to add their observations of recent geological activities in the land to this study would place the public in harm's way.

**Conclusion:** Due to inadequate information prior to the Planning Commission approval, the City Council would be prudent to vote in favor of the appeal to protect the safety of the public from potential landslides, from super-saturated soils or from earthquakes.

## 2. Hazard Trees

Witham Oaks development will destroy a high number of Oregon White Oaks in an ecosystem that is listed as one of the most endangered ecosystems in the world, the Pacific Northwest Oak Savannas. The applicant will replace them with seven exotic and cultivated species that will further degrade the habitat. The most ironic part of the plan is that three of the species, if planted, will become hazard trees starting within two decades, just at the time that their canopy coverage is predicted to provide some environmentally positive impacts. The three trees about which I am most concerned are the Norway Maple, the Bradford Pear and the Tulip Tree.

- a. **Concept Plan Only?** These issues have been reported to the City's Urban Forester. In her City email response (and therefore public record) that was copied to me on May 23, the Urban Forester stated: "*At this time the plan is conceptual in nature when a development is approved the final adjustments are made including street tree selection and landscape plan*". While adjustments can still be made by staff, if supported by code, the plan is more than conceptual -- it is also a detailed development plan and this is the last time the public has the ability to provide meaningful input. This is also the last

moment for meaningful negotiation. After your approval for the applicant, only code prevails. Since the applicant must meet 62 conditions, this is the time to negotiate – before the final vote.

- b. **Tulip Trees:** In addition, the City Urban Forester stated: “*Tulip trees would not be an approved street tree for the very reasons you stated in your comments nor would I suggest them for planting in common areas near houses.*” Since the Tulip Tree is considered not appropriate, then why would the City Council support the applicant’s plan? It should be sent back to the Planning Commission for further review.
- c. **Norway Maple:** The City Urban Forester further noted: “*The rest of the trees on the list including the Norway Maple and Callery Pear have been planted through out the community and have developed into successful plantings over the years. Will they reach the stature and grandeur of the oaks? No, however in this part of the country, they can and do develop into respectable trees that can survive a tough environment, one that is compacted, paved, irrigated, and no longer native.*” Regarding the appropriateness of Norway Maples around pavement and people, please note the following:

- i. With this link to the U.S. Forest Service at:

[http://www.na.fs.fed.us/fhp/invasive\\_plants/weeds/norway-maple.pdf](http://www.na.fs.fed.us/fhp/invasive_plants/weeds/norway-maple.pdf) Norway Maple is listed as one of its “Weed of the Week.” Here is a quote of the basic message form the U.S. Forest Service:

***“Control and Management:  
Don’t plant Norway maple.”***

- ii. From the U.S. National Park Service at this website:

<http://www.nps.gov/plants/alien/pubs/midatlantic/acpl.htm>

***“Prevention and Control***

***Don't plant Norway maple. To control existing stands, manual, mechanical and chemical means are available. Seedlings can be pulled by hand and small to large trees can be cut to the ground, repeating as necessary to control any re-growth from sprouts. Glyphosate and triclopyr herbicides have been successfully used to control Norway maple.”***

- iii. From the Missouri Botanical Gardens website:

<http://www.mobot.org/gardeninghelp/plantfinder/Plant.asp?code=B975>

***“Shallow root system can crack or heave nearby driveways or sidewalks. Shallow surface roots can interfere with turf. Bark is susceptible to sunscald and cracking (frost cracks) in winter, particularly on younger trees.”***

- iv. I had a 20-year old healthy Norway Maple in my yard in Falls Church, Virginia when we bought our house and I had to have it

removed because limbs would crack off, creating hazardous conditions in my front yard.

d. **Bradford or Callery Pear**

- i. The Bradford or Callery Pear is also listed as a "Weed of the Week" by the U.S. Forest Service:

[http://www.na.fs.fed.us/fhp/invasive\\_plants/weeds/callery\\_pear.pdf](http://www.na.fs.fed.us/fhp/invasive_plants/weeds/callery_pear.pdf)

*'This tree has a tendency to split, fall apart or uproot under wind glaze and snow events'*

- ii. And from the U.S. National Park Service at:

<http://www.invasive.org/eastern/midatlantic/pyca.html>

***"Prevention and Control***

***Do not plant Bradford pear. Seedlings and shallow-rooted plants can be pulled when soil is moist. Small trees need to be dug up or pulled out using a Weed Wrench®, ensuring removal of the root system. Large trees should be cut down and stumps treated with an appropriate systemic herbicide (e.g., glyphosate or triclopyr), following label directions, or ground up to prevent resprouting. If cutting is not possible, trees can be girdled during the spring and summer, by cutting through the bark all around the trunk, about 6" above the ground."***

- iii. From the Alabama Cooperative Extension Service website:

<http://www.aces.edu/dept/extcomm/newspaper/may10b01.html>

***"The Worst Tree Sold in America - The Bradford Pear Is Pure Junk. [this is a 1997 piece from John Shelley's Garden Center & Nursery in Pennsylvania who published it on their website ]***

*For 8 years, we've been telling the public about the negative aspects of the Bradford Pear (Pyrus calleryana), as being one of the 5 worst trees anyone could buy.*

*Thousands of these beautiful, but garbage-quality trees are planted all over the region and should be removed en masse everywhere. Bradford Pears are very fast growers, nice flowering in the Spring, but when they reach 13-15 years old, they will fall apart, sooner rather than later.*

*The Bradford's wood is so brittle from growing so fast, a snow or ice storm will collapse the tree and bingo, firewood. The other main problem is the whorl, or where the large branches emanate from is a central point that weakens as the trees grow large, occasionally up to 35-50ft."*

- iv. [http://aspdemo.arcog.com/?ArticleID=wFA11N3o1V3N1842\\_2j1O1nm](http://aspdemo.arcog.com/?ArticleID=wFA11N3o1V3N1842_2j1O1nm)

*"Growing rapidly, blossoming early and losing their leaves late, they became the tree of choice in many New Jersey cities and hundreds of new subdivisions. According to the U.S. Agricultural Research Service, the Bradford, which doesn't bear fruit, is among the top 10 most widely planted ornamental trees in the Eastern United States.*

*But, to the dismay of arborists, they turned out to be so delicate they begin to self-destruct in about 20 years. Aggressive pruning might add 10 or 15 years to their lives, but eventually the trees have to be replaced. "They're in every county of the state," said Nicholas Polanin, Rutgers Cooperative Extension agricultural agent in Somerset County, naming towns like Hoboken, Jersey City, Weehawken, Branchburg, Cranford and Morristown. "They start out looking really nice from an aesthetic standpoint but then they fall apart." "It's what the men call the 'overtime tree,'" said Greg Hurley, supervisor of the Shade Tree Commission in East Brunswick. "We've taken close to 1,000 of them down in the last 10 years."*

*The problem is that all the branches grow from the same starting point, about 8 to 10 feet from the ground. From there, three or four "leaders" grow upward from the trunk. As the tree grows to about 30 feet, branches, with thick mantles of leaves, stretch from the leaders.*

*"It's not so bad in the beginning but, in 20 years, all those branches are so large they wind up fighting with each other," Polanin said. All it takes is a high wind, a heavy snow or even a dousing rain to rip one or more of the leaders from the tree, Polanin said.*

*It wasn't supposed to be that way. After developing the Bradford from seeds collected in China more than a half a century earlier, the Agricultural Research Service thought it had found the perfect tree for city streets and suburban subdivisions. "It was easy to plant, grew in any kind of soil -- it was an urban forester's dream," said John Kuser, professor emeritus in the Cook College department of ecology, evolution and natural resources.*

*And beautiful, too. The display begins in spring with a bower of white blossoms that evolve into dark green foliage. In the fall, the leaves turn deep red and remain on the branches long after other trees shed their leaves. Princeton Township, where Kuser chaired the Shade Tree Commission for 30 years, planted scores of the trees. "But when they got 20 feet high, we saw they were very brittle," he said. "Of course, you wouldn't know that until they got that high." About 10 years ago, the New Jersey Shade Tree Federation announced it was taking the Bradfords off its list of recommended trees.*

*New Jersey is not the only place where the trees have lost favor. Ice damage prompted Greensboro, N.C., to remove a number of trees in March and the University of Virginia ripped out a line of them along a campus road three years ago. Even the National Arboretum removed them from its parking lot."*

- v. In Falls Church, Virginia, we noted Bradford Pears beginning to split after only 10 years. The tree would often split on windless, dry days.

Fortunately, we never had a child sitting under them when they split. As a result, Bradford Pears are no longer allowed to be planted on public land or site plan approved sites anymore in Falls Church.

- e. **CONCLUSION ON HAZARD TREES ON DETAILED DEVELOPMENT PLAN**  
**The Planning Commission approved a plan without any staff or developer warning regarding the safety of the trees to be planted and, as a result, approved the detailed development plan with at least three trees that could be hazard trees when they are fully grown. In addition, it is only as a result of citizen intervention that this discovery has been made. This citizen discovery is a further argument that the City Council needs to settle in favor of the Appellant and ensure that the public reviews and provides testimony on the plan for public safety before any plan is approved.**

## ATTACHMENT A

### SCOTT F. BURNS

Department of Geology

(503) 725-3389

[burnss@pdx.edu](mailto:burnss@pdx.edu)

#### EDUCATION / REGISTRATION / LICENSING

Ph.D.	Geology	University of Colorado	1980
M.S.	Physical Science	Stanford University	1970
B.S.	Chemistry	Stanford University	1969

**REGISTRATION / LICENSING - RG, CEG, Oregon (#G1550, E1550)**

#### EMPLOYMENT

- Professor, Portland State University, 1999-present
- Professor and Associate Dean, College of Liberal Arts and Sciences, 1997-99
- Associate Professor, Portland State University, 1990-97
- Associate Professor, Louisiana Tech University, 1982-90
- Visiting Professor, University of Colorado, Boulder, 1982
- Visiting Professor, Western Washington University, 1981
- Post-Doctoral Fellow, Lincoln College, New Zealand, 1980-81
- Research Assistant, University of Colorado, 1977-80
- Teaching Assistant, University of Colorado, 1976-77
- Laboratory Associate, Community College of Denver, 1976
- Assistant Professor, American College of Switzerland, 1970-75

#### RESEARCH INTERESTS:

- Engineering Geology
- Environmental Geology
- Soils
- Landslides
- Geomorphology
- Quaternary Geology

#### CURRENT RESEARCH PROJECTS: (SAMPLE)

- Landslide Characterization and Hazard Mapping: Cascade Mountains
- Landslide Characterization and Hazard Mapping: Coast Range
- Landslide Characterization and Hazard Mapping: Portland
- Bridge of the Gods Landslide: Age dating of older slides

**Adams, Eric**

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**From:** ronkeil [ronkeil@comcast.net]  
**Sent:** Friday, May 25, 2007 10:13 AM  
**To:** Adams, Eric  
**Cc:** CorvallisMatters@aol.com  
**Subject:** Witham Oaks Appeal

Dear Mr. Adams,

I was told that one of the concerns regarding the Witham Oaks appeal is whether or not the seasonal stream running through the property and paralleling the existing bicycle/pedestrian path can actually bear fish. The sticking point was whether or not there is an impediment to fish migrating upstream during water flow periods; the main barrier was thought to be the culvert draining this creek under Harrison Boulevard.

Accordingly, yesterday I bicycled to the end of the bike path, located the culvert and measured it. The concrete pipe is a full 17½ inches inside diameter, quite large enough that whenever water is flowing the largest adult salmon could easily swim upstream. That there is water in the creek for a good portion of the year is easy to determine: water is clearly visible in much of the creekbed on Google Earth, from a satellite photo dated 2002-06-11. That's *June* 11.

I was further told that downstream blockages in the OSU dairy area have been or soon will be removed. Thus it will again be an easy job for fish of any reasonable size to swim upstream from the Marys River through Oak Creek and further into this small tributary. It must therefore be assumed that this creek is a habitat for fish during at least a major portion of the year. That fact needs to be considered in any decision regarding how the development will affect the stream. I urge you to require that the developers do nothing to harm the present quality of that stream.

Sincerely,

Ronald W. Keil, Ph.D.  
Licensed Mechanical Engineer

5/25/2007

PO Box 1083  
Corvallis, Oregon 97339

2960 NW Tyler Ave Apt 205  
Corvallis, OR 97330

RECEIVED

MAY 25 2007

CITY MANAGERS  
OFFICE

Dear Mayor Tomlinson and Members of City Council,

I am writing to express my heartfelt disapproval of the proposed Witham Oaks housing development. What a disappointment that this development is even being considered! It seems absurd to me that cutting down forty acres of urban wildlands is being entertained as a viable option for our community's needs. In my opinion, it would be a mistake to pursue this action.

Environmentally, we would be destroying a vital component of the local ecosystem. Two hundred trees would be cut down, and in their place we would insert untold tons of synthetic materials whose footprint on the earth's fragile health would be tremendous. And that's in the short term! What will be the effect of a cookie-cutter development on the long-term health of Corvallis? More cars, more pavement, more people, more consumption. This is not what our town is about.

I understand the need for development: we need more affordable housing for people of all ages. But this can be accomplished using existing space! Of course, the development company will have to pay more for it, and accept the terms that the city puts in place. Most development companies don't work like this: they want sweetheart deals and carte blanche to do as they please. As far as I'm concerned, that's the opposite of what's supposed to happen in a democracy. Citizens and representatives call the shots, not companies. Matrix Development wants a good deal- but let's not give it to them. If they'd like to develop parts of Corvallis that are already available, then we should consider it. But to cut down a pristine piece of land, just to reap profits? It's short term thinking for all parties involved, and we will regret that decision in the generations to come.

There are intelligent solutions for creating needed housing and expanding business in the Valley while preserving the environment. Matrix Development's proposal is not one of them. **Let's wait until we can find someone who has the best long-term interests of Corvallis in mind.**

Sincerely,

  
Marisa Silver

Cc: City Council Members

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## <web>Matrix Development

---

- *To:* ward1@xx
- *Subject:* <web>Matrix Development
- *From:* William Drabkin <spiruman@xxxxxxxx>
- *Date:* Tue, 22 May 2007 14:48:09 -0700
- *Reply-to:* <spiruman@xxxxxxxx>

---

This is an enquiry e-mail via %s from: William Drabkin (spiruman@xxxxxxxx)

Dear Mr. York:

I am opposed to the Matrix development on Witham Oaks.

I hope that you take my opinion in mind when making up your mind. The acreage needs to be preserved for the community's use.

Thanks for listening.

In peace. William

---

- **Prev by Date:** [RE: <web>Witham Oaks](#)
- **Next by Date:** [Helicopter Noise](#)
- **Previous by thread:** [RE: <web>Witham Oaks](#)
- **Next by thread:** [Helicopter Noise](#)
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# <web>Matrix Development

---

- *To:* [ward2@xx](mailto:ward2@xx)
- *Subject:* <web>Matrix Development
- *From:* William Drabkin <[spiruman@xxxxxxx](mailto:spiruman@xxxxxxx)>
- *Date:* Tue, 22 May 2007 14:49:37 -0700
- *Reply-to:* <[spiruman@xxxxxxx](mailto:spiruman@xxxxxxx)>

---

This is an enquiry e-mail via %s from: William Drabkin ([spiruman@xxxxxxx](mailto:spiruman@xxxxxxx))  
 Dear Ms. Daniels:  
 I am opposed to the Matrix development on Witham Oaks.  
 I hope that you take my opinion in mind when making up your mind. The acreage  
 needs to be preserved for the community's use.  
 Thanks for listening.  
 I reside at 1022 NW 35th St.

In peace. William

---

- **Prev by Date:** [opposing witham oaks development](#)
- **Next by Date:** [\\*\\*\\* Mafia, or the Courts: Which is Worse? \\*\\*\\*](#)
- **Previous by thread:** [opposing witham oaks development](#)
- **Next by thread:** [\\*\\*\\* Mafia, or the Courts: Which is Worse? \\*\\*\\*](#)
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## <web>opposed to witham oaks development

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- *To:* [mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx)
- *Subject:* <web>opposed to witham oaks development
- *From:* Nancy Baumeister <[nancybtoo@xxxxxxxx](mailto:nancybtoo@xxxxxxxx)>
- *Date:* Tue, 22 May 2007 14:22:49 -0700
- *Reply-to:* <[nancybtoo@xxxxxxxx](mailto:nancybtoo@xxxxxxxx)>

---

This is an enquiry e-mail via %s from: Nancy Baumeister ([nancybtoo@xxxxxxxx](mailto:nancybtoo@xxxxxxxx))  
I oppose the current development proposal for the Witham Oaks area. This development does not fit our goals for increasing the sustainability of Corvallis as energy prices increase and sprawl becomes increasingly unsupportable. The proposed development is not well connected to the rest of the city. Residents in the proposed subdivision will be inconveniently far from shopping and may drive rather than walk or bike to do their daily business. The development is too dense- houses are too closely spaced. That aspect seems solely designed to maximize the already obscenely large profits that could be earned.

In closing, I repeat that this development will not benefit our city. Indeed, it will be viewed as an absurd impediment to our passage into the 21st century and its attendant changes to our human lifestyle. I hope that the City Council will take the time to understand just how thoroughly this proposal does not fit and reject it. This parcel is one of the last large undeveloped areas that is close to town, and it is worth taking the time to get the best development that we can for it. There is nothing to be gained by hurrying, and much to be gained by moving ahead slowly and with careful deliberation.

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- **Prev by Date:** [Oregon Mayors Association Student Contests](#)
- **Next by Date:** [Re: corvallis montessori school](#)
- **Previous by thread:** [Oregon Mayors Association Student Contests](#)
- **Next by thread:** [<web>Develop on Witham Oaks](#)
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## <web>Develop on Witham Oaks

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- *To:* [mayor@xx](mailto:mayor@xx)
- *Subject:* <web>Develop on Witham Oaks
- *From:* William Drabkin <[Spiruman@xxxxxxx](mailto:Spiruman@xxxxxxx)>
- *Date:* Tue, 22 May 2007 14:55:12 -0700
- *Reply-to:* <[Spiruman@xxxxxxx](mailto:Spiruman@xxxxxxx)>

---

This is an enquiry e-mail via %s from: William Drabkin ([Spiruman@xxxxxxx](mailto:Spiruman@xxxxxxx))  
Dear Mr. Tomlinson:

I am opposed to the Matrix development on Witham Oaks.  
I hope that you take my opinion in mind when making up your mind. The acreage  
needs to be preserved for the community's use.  
Thanks for listening.  
I reside at 1022 NW 35th St.

In peace. William

---

- **Prev by Date:** [Re: <web>electric car conversion](#)
- **Next by Date:** [Re: A visit to Corvallis and Albany](#)
- **Previous by thread:** [<web>opposed to witham oaks development](#)
- **Next by thread:** [Business Brown Bag Lunch with Congressman DeFazio June 1, 2007 12 -1 PM](#)
- **Index(es):**
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## <web>Witham Oaks

- *To:* ward9@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>Witham Oaks
- *From:* William Drabkin <Spiruman@xxxxxxx>
- *Date:* Tue, 22 May 2007 14:59:01 -0700
- *Reply-to:* <Spiruman@xxxxxxx>

---

This is an enquiry e-mail via %s from: William Drabkin (Spiruman@xxxxxxx)  
 Dear Mr. Brauner:

We are opposed to the Matrix development on Witham Oaks.  
 We hope that you take our opinion in mind when making up your mind. The acreage  
 needs to be preserved for the community's use.  
 Thanks for listening.  
 We reside at 1022 NW 35th St.

In peace. William & Mallory

---

- **Prev by Date: Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30**
- **Next by Date: New Price Reduction - Embassy Suites Hotel Project**
- **Previous by thread: Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30**
- **Next by thread: New Price Reduction - Embassy Suites Hotel Project**
- **Index(es):**
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  - **Thread**

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# Council meeting tonight re. Witham Oaks

- *To:* "David Hamby" <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- *Subject:* Council meeting tonight re. Witham Oaks
- *From:* "Anne Davis" <davisan@xxxxxxxxxxxxxxxxxxxxxxxx>
- *Date:* Mon, 21 May 2007 16:57:36 -0700
- *Thread-index:* AcecA837McNqHk9eShma5WiD2xeieA==

Dear Mr. Hamby:

I just received notice that there is a hearing tonight, which I cannot attend.

Please be aware that I support the appeal to the City Council to prevent development for Witham Oaks.

Thank you..

A concerned Corvallis citizen,

Anne Davis

1470 NW Terracegreen Pl

Corvallis 97330

- **Prev by Date:** [Witham Oaks - School boundary](#)
- **Next by Date:** [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)
- **Previous by thread:** [Witham Oaks - School boundary](#)
- **Next by thread:** [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)
- **Index(es):**
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## <web>Witham Oaks

- *To:* ward8@xx
- *Subject:* <web>Witham Oaks
- *From:* William Drabkin <Spiruman@xxxxxxx>
- *Date:* Tue, 22 May 2007 14:57:03 -0700
- *Reply-to:* <Spiruman@xxxxxxx>

This is an enquiry e-mail via %s from: William Drabkin (Spiruman@xxxxxxx)

Dear Mr. Hamby:

I am opposed to the Matrix development on Witham Oaks.  
 I hope that you take my opinion in mind when making up your mind. The acreage  
 needs to be preserved for the community's use.  
 Thanks for listening.  
 I reside at 1022 NW 35th St.

In peace. William

- **Prev by Date: [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)**
- **Next by Date: [<web>Missing sidewalk on 29th](#)**
- **Previous by thread: [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)**
- **Next by thread: [<web>Missing sidewalk on 29th](#)**
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## <web>Witham Oaks

- *To:* ward7@xx
- *Subject:* <web>Witham Oaks
- *From:* William Drabkin <spiruman@xxxxxxx>
- *Date:* Tue, 22 May 2007 14:56:16 -0700
- *Reply-to:* <spiruman@xxxxxxx>

---

This is an enquiry e-mail via %s from: William Drabkin (spiruman@xxxxxxx)  
 Dear Mr. Zimbrick:

I am opposed to the Matrix development on Witham Oaks.  
 I hope that you take my opinion in mind when making up your mind. The acreage  
 needs to be preserved for the community's use.  
 Thanks for listening.  
 I reside at 1022 NW 35th St.

In peace. William

---

- **Prev by Date: [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)**
- **Next by Date: \* \* \* [Mafia, or the Courts: Which is Worse?](#) \* \* \***
- **Previous by thread: [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)**
- **Next by thread: \* \* \* [Mafia, or the Courts: Which is Worse?](#) \* \* \***
- **Index(es):**
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## <web>Against the Develop on Witham Oaks

---

- *To:* ward6@xx
- *Subject:* <web>Against the Develop on Witham Oaks
- *From:* William Drabkin <Spiruman@xxxxxxx>
- *Date:* Tue, 22 May 2007 14:54:13 -0700
- *Reply-to:* <Spiruman@xxxxxxx>

---

This is an enquiry e-mail via %s from: William Drabkin (Spiruman@xxxxxxx)  
Dear Mr. Wershow:

I am opposed to the Matrix development on Witham Oaks.  
I hope that you take my opinion in mind when making up your mind. The acreage  
needs to be preserved for the community's use.  
Thanks for listening.  
I reside at 1022 NW 35th St.

In peace. William

---

- **Prev by Date:** [Re: <web>Memeorial Day 2007 Names Reading](#)
- **Next by Date:** [\[SPAM\] attractive gps mature gky Woman mpnj strip for zqio Human!](#)
- **Previous by thread:** [Save up to 25% on select ThinkPad notebooks during our Memorial Day Sale through May 30](#)
- **Next by thread:** [\[SPAM\] attractive gps mature gky Woman mpnj strip for zqio Human!](#)
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## <web>Proposed Development

---

- *To:* ward3@xx
- *Subject:* <web>Proposed Development
- *From:* William Drabkin <SPIRUMAN@xxxxxxx>
- *Date:* Tue, 22 May 2007 14:50:41 -0700
- *Reply-to:* <SPIRUMAN@xxxxxxx>

---

This is an enquiry e-mail via %s from: William Drabkin (SPIRUMAN@xxxxxxx)  
Dear Mr. Grosch:

I am opposed to the Matrix development on Witham Oaks.  
I hope that you take my opinion in mind when making up your mind. The acreage  
needs to be preserved for the community's use.  
Thanks for listening.  
I reside at 1022 NW 35th St.

In peace. William

---

- **Prev by Date:** [opposing witham oaks development](#)
- **Next by Date:** [Stormwater News, Articles, StormCon Updates](#)
- **Previous by thread:** [opposing witham oaks development](#)
- **Next by thread:** [Stormwater News, Articles, StormCon Updates](#)
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## Witham Oaks

---

- *To:* [ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx)
- *Subject:* Witham Oaks
- *From:* Marfa Levine <[zebra@xxxxxxxx](mailto:zebra@xxxxxxxx)>
- *Date:* Wed, 23 May 2007 18:36:18 -0700

---

Hi, George,

Please let me know what I can do to stop the Witham Oaks housing development, aside from letting you know I oppose it.  
Thanks for your work,

Marfa Levine

---

- **Prev by Date:** [Stormwater News, Articles, StormCon Updates](#)
- **Next by Date:** [RSS provides timely news updates to citizens' mobile devices and e-mail](#)
- **Previous by thread:** [Witham Oaks](#)
- **Next by thread:** [August in Motion 2007](#)
- **Index(es):**
  - [Date](#)
  - [Thread](#)

**Adams, Eric**

---

**From:** Marcy, Robert, Nathan & Buddy [thinkpeacenow@gmail.com]  
**Sent:** Thursday, May 24, 2007 8:22 PM  
**To:** Adams, Eric  
**Subject:** PLEASE Keep Witham Oaks Protected!

Mr. Adams,

We wish to express our desire that Witham Oaks remain protected and not succumb to urban sprawl. We moved to Corvallis about a year ago from the Houston Texas area. We did so as we were looking for a small town that was environmentally friendly and politically less conservative. In our home in Pearland, Texas, a town just south of Houston (population ~55,000) we became increasingly uncomfortable as sprawl continued (and still does) without restraint. In the six years we were there three, yes three, super Walmarts were built. Much of the green was removed to be replaced by concrete streets with cute names and large houses (Mc Mansions). These "communities" with fenced in houses became more segregated from the rest of the existing community as they were considered "exclusive" - these type "communities" do not build community but rather individualism. Along with this growth came greatly increased traffic which increased traffic backups and delays as well as larger parking lots to accommodate the increase in vehicles. As more vehicles were on the roads people felt less safe on the roads which resulted in many that although they would prefer to ride bikes they did not want to risk it. What mass transportation was available became less reliable which resulted in even more pressure for people to ride in single occupancy vehicles. Along with the vehicles came the pollution and associated medical problems of many (asthma). We decided that this was not the place we wanted to raise our family. We planned, looked for and were very lucky to find jobs and great friends in Corvallis.

We very much love the people, and the values of this community. We have been able to rid ourselves of a motor vehicle and in other ways decrease our footprint on this earth because living in Corvallis seems to support sustainability. We can purchase more locally and enjoy the openness and natural environment in Corvallis and surrounding area. We feel that we are in company of many like minded people - those who care about the environment and each other. We choose to live here because of the community and its values. We believe that these values can make Corvallis a sustainable community now and in the future. We can't see how allowing a subdivision of the magnitude of Witham Oaks will support the fight against global warming and the values of our great community of Corvallis. Please stop from destroying our natural assets and overdeveloping the natural beauty of our community. Urban sprawl is a bad deal for the environment and our society and OUR Corvallis!

Thank you for your time and consideration.  
Robert, Marcy & Nathan Monasky  
Ward 3

--

"Simplicity is the ultimate sophistication"  
--Leonardo da Vinci

5/25/2007

## Adams, Eric

---

**From:** kirk nevin [kirksnevin@yahoo.com]  
**Sent:** Thursday, May 24, 2007 1:43 PM  
**To:** Adams, Eric  
**Subject:** a plea from the refugees

Memo re Witham Oaks

To: Mayor Charlie Tomlinson and the Corvallis City Council  
Via: Eric Adams, Planning Department  
From: Susan and Kirk Nevin

Hi Neighbors,

We've spent some time and energy studying the Witham Oaks development situation, and think perhaps there's an element of the debate that has been overlooked by our representatives in the Corvallis government.

There is a substantial population of refugees in Corvallis. Our dictionary defines 'refugee' : "a person who flees from his home to seek refuge elsewhere, as in time of war, political or religious persecution".

We fit the description perfectly. We had homes, jobs, kids, gardens, hobbies, recreational and political activities. Many of us had lived many years in those homes... we are typical, I think, in that we had lived on our land for almost 60 years. We loved that land.

We loved the wind, the trees, the streams, the clouds, the snows. We raised our kids there, fed them from our gardens, taught them about loving the Earth.

And then the developers came. They came from a foreign land (Virginia). They brought a form of political and economic persecution. They came in shiny black Mercedes. They wore ties and had shiny shoes.

They bought the neighbors' farm, and they bought the county planners, and they bought surveyors and backhoes and carpenters. They turned a happy productive farm into a wasteland of McMansions. Their lawn chemicals poisoned our spring; their bright new John Deere mowers destroyed the killdeer nests; their neatly groomed dogs chased the defenseless fawns; their SUVs crowded our little country road.

A lifestyle that had evolved over 6 decades was destroyed. We became refugees. We searched the Earth for a safe haven. We are too old to be refugees again. We chose Corvallis as our refuge, and we feel we made an excellent choice.

So maybe this sad background does a little to explain the near-desperate feelings of the Corvallis refugee population. We fear the mentality that allows a 'foreign' corporation to destroy a beautiful place in the name of corporate profits. Corporations have no conscience. Matrix Development is no exception. They are always hungry for more... more lands to conquer, more trees to cut down, more impervious surfaces to construct. What we fear most is the next corporation, and the next, and the next. We are too old to be refugees again.

You are our local government. We voted for you. You are ethically obligated to protect our best interests in every situation that is presented to you as a deliberative body. In the case of Witham Oaks, you are obligated to deny the foreign corporation the right to destroy a beautiful piece of Corvallis Earth.

We, as refugees, have had some experience with ineffective politics. Most of us have fought long battles against the bad politics and the insatiable corporations in Maryland, Virginia, Minnesota, Mississippi, California. We know the value of electing our own kind, and you all need to be aware of this new element in Corvallis, this loud, fearless, angry, politically-savvy new element in Corvallis. We are too old to be refugees again.

We humbly ask that you deny the Witham Oaks development in the name of all Corvallis citizens, both present and future.

Thanks for your votes against this potential corporate horror.

Susan and Kirk Nevin  
2935 NW 13th St.  
Corvallis, OR 97330  
541-753-1840

See page # 2

What you can do:

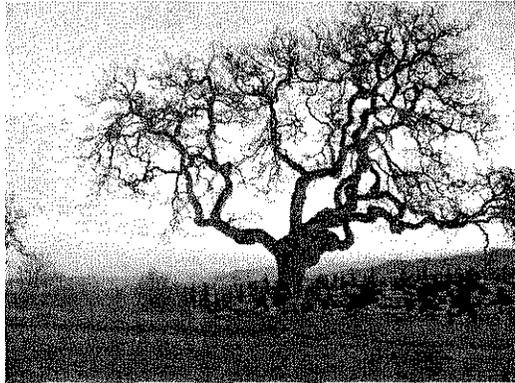
Is This True?

Doug Rasmussen  
1130 NW Dixon  
753-0774

• Contact the City Council

- Mayor - Charles Tomlinson 766-6901
- Ward 1 - Bill York 752-2535
- Ward 2 - Patricia Daniels 753-4039
- Ward 3 - George Grosch 757-2348
- Ward 4 - Dan Brown 754-8420
- Ward 5 - Mike Beilstein 754-1858
- Ward 6 - Stewart Wershow 753-3493
- Ward 7 - Scott Zimbrick 752-5134
- Ward 8 - David Hamby 738-6204
- Ward 9 - Hal Brauner 753-0023

- Attend the Appeal Hearing on May 21 at 7:30 PM
- Speak at the Appeal Hearing
- Submit Written Comments for the Appeal
- Send a Letter to the Gazette-Times



For much more information about this threat to the public interest, please visit this web site:

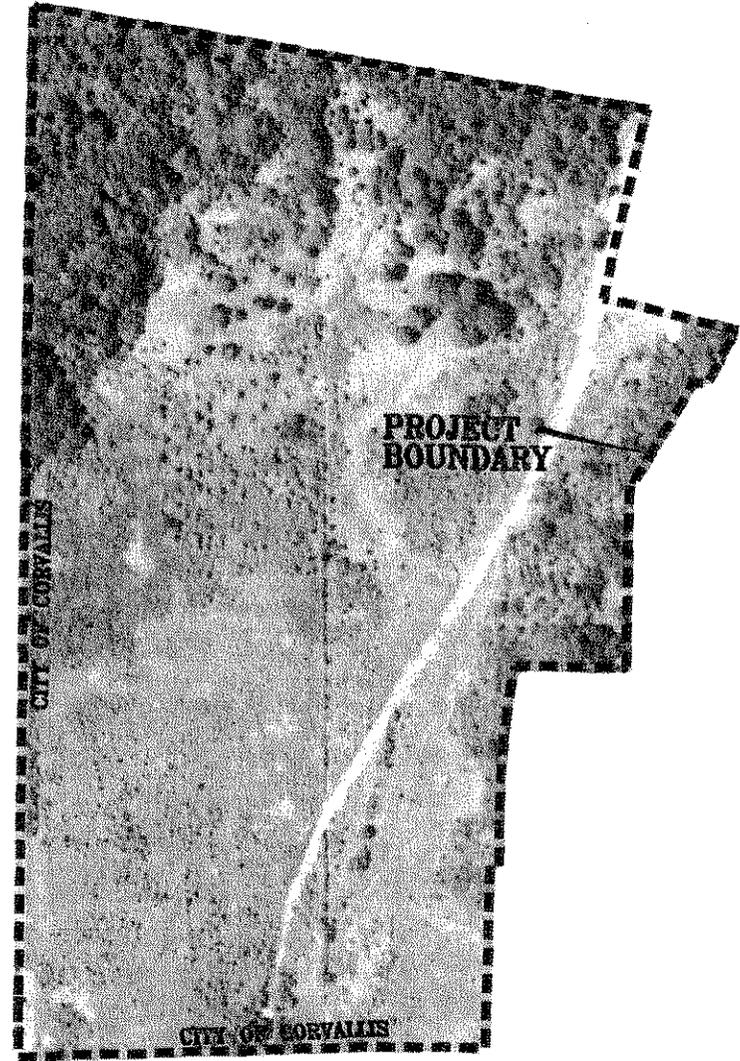
[keepwithamwild.net](http://keepwithamwild.net)

Community Development  
Planning Division

MAY 24 2007

RECEIVED

# Witham Oaks



- 95 acres of beauty and tranquility – all within walking distance of at least 10,000 Corvallis residents
- wetlands, oak forest, and oak savanna with wildlife and views to the south

In 2004, after seven failed attempts by various owners to get the land annexed to the city, the voters of Corvallis were barely persuaded to support annexation, by a vote of 44.5% to 42.1% – with 13.4% not voting.

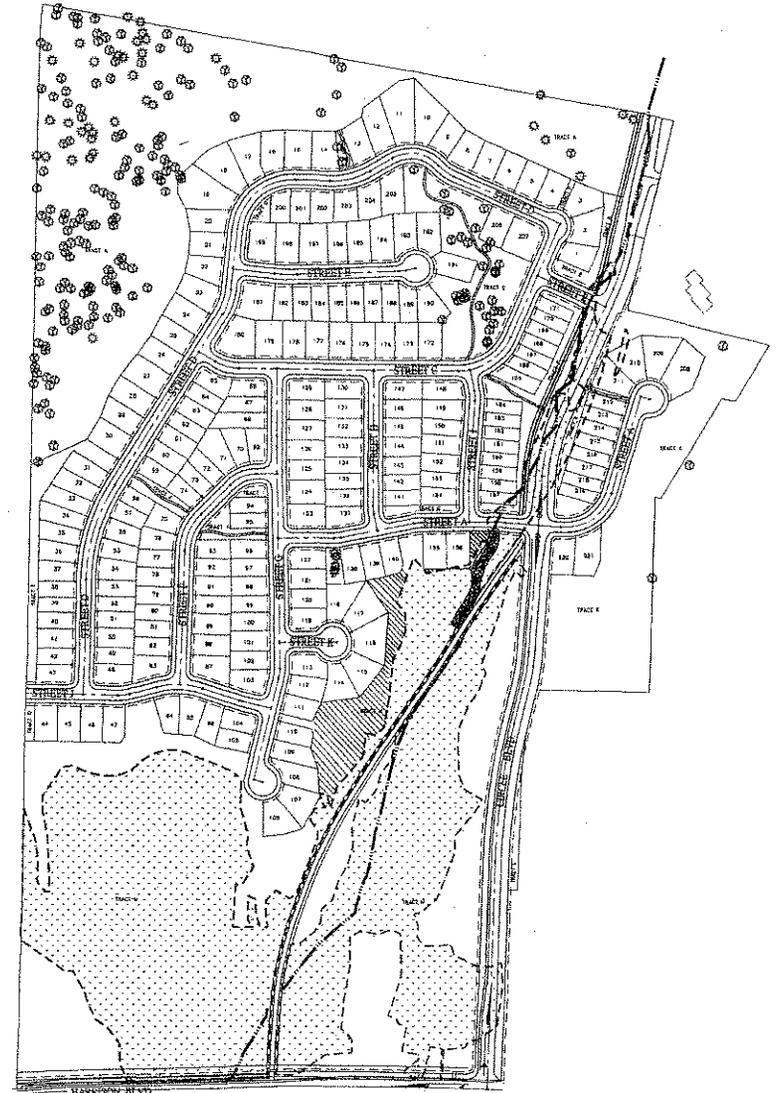
The election campaign by the developers promised that the best way to "save the trees" was to support annexation....

Three years later, we see that the actual development proposal is to build cookie-cutter houses in a 40-acre cul-de-sac of asphalt and concrete.

Among the many problems with their proposal, **Matrix Development** would:

- eliminate the oak savanna
- cut down about 200 oak trees
- damage wetlands
- create an incompatible suburban-style neighborhood
- build 221 houses with no school nearby
- add 400 motor vehicles to our streets

Is this how we "save the trees"?  
Is this what the voters approved?



RECEIVED

MAY 24 2007

Community Development  
Planning Division

# RECEIVED

May 23, 2007

MAY 24 2007

SUBJECT: APPEAL - WITHAM OAKS

Community Development  
Planning Division

Mayor and City Council,

I have lived in Corvallis for more than 40 years. I have followed the "plans" for this property for as long as there have been plans. I have followed the Witham Oaks development since it was submitted and have read (nearly) all of the material produced in the review process. I have also read the recent newspaper coverage regarding the appeal.

I am sure the City Council knows that this is not a popularity contest. The number of people appearing at an appeals hearing in opposition to a development proposal is not the measure of the proposal. I am also sure that the City Council knows that facts and analysis should prevail over emotional appeals to preserve "wilderness."

The City has a land development code and development standards. The City also has an open space acquisition plan. The State requires plans for communities that call for development within Urban Growth Boundaries. The developer submitted a plan that addressed these requirements. The City has a professional staff that has reviewed this proposal and made recommendations. The Planning Commission has reviewed (and approved) the proposal and attached numerous conditions to assure that the development is consistent with community standards.

Corvallis is recognized as a well-planned community and is routinely recognized as a wonderful place to live. It is BECAUSE we follow our plans and standards that we are regarded as a good place to live. The community is committed to good planning, open space and "community livability," and has incorporated these desires into the standards. In keeping with these community standards, Witham Oaks has undergone an exhaustive public review. Nothing in the Witham Oaks proposal violates, or is in contradiction to, these commitments or standards.

Many of us in the community want to preserve our favorite open spaces. In fact, the City has adopted plans or regulations to protect and/or acquire open spaces that have been judged by the community to be most important and valuable. Not all property can (or should) become publicly owned open space. The Witham Oaks proposal is consistent with these plans. Much of the land on Witham Hill designated as most important has already been acquired by the City. This development will further protect and preserve wetlands and other important open spaces, adding nearly 50 acres of open space.

This development should now be approved because:

- the issues have been raised and answered;
- the facts and the analysis of the proposal demonstrate that the plan (as conditioned) is consistent with all local and state requirements;

- the proposal is consistent with the City's open space plans;
- the proposal is a good plan and important in the long term growth and maturation of Corvallis; and
- arguments that the property would be "better" as an open space are irrelevant.

Thank you for the opportunity to comment. And thank you for giving your time and serving the citizens of Corvallis.

Rolland Baxter  
6002 SW Grand Oaks Dr.  
Corvallis, OR 97333

to: City Councilors  
York, Daniels, Grosch,  
Brown, Beilstein, Wershow,  
Zimbrick, Hamby, Brauner and  
Mayor Tomlinson

904 NW 34th st.  
Corvallis, Or. 97330  
May 22, 2007

re: Witham Oaks Subdivision

Dear Councilor:

I am concerned about traffic on Harrison, not only because of inconvenience but also because of probable pollution ~~and~~ health problems.

Last week I noted 7 to 10 cars waiting for a light signal change to proceed west on 35th and Harrison. That is only a small backup but, with more than 200 new homes planned for the Witham Oaks subdivision, each of which probably will have at least one car, the backup of idling cars returning home around dinner time probably will extend to or three blocks.

Idling cars emit Volatile Organic Compounds (VOC's) and nitrogen oxides which together in warm weather and sunlight produce ozone. Idling cars also emit carbon monoxide, a poisonous air pollutant. These emissions will occur at the warmest time of day and under the threat of global warming.

Ozone aggravates respiratory ailments like asthma and emphysema and can also harm respiratory functions in the very young and the elderly. An ozone alert in cities where I've lived ordinarily sends a number of people to the hospital.

If the area around Harrison and the related intersections become polluted, EPA working with the state environmental agency will call for monitoring ozone at that location. Exceeding the national ozone standard, even for an hour, can trigger an ozone alert. People with respiratory problems are urged to stay inside, and many end up at the hospital.

The present EPA is less responsive than most, but future EPA's probably will interpret the Clean Air Act more accurately. A noncomplying status can lead to auto emission tests in a city and to emission controls on polluting industries.

The Willamette valley is a prime candidate for smog, in my opinion, with little wind and a location between coastal hills and the Cascades. The wrong kind of development will hasten the day we have regular monitoring, auto emission tests and industrial controls.

This should be a major consideration when the council acts on Witham Oaks and other developments.

*Jeanne Riha*  
Jeanne Riha

**RECEIVED**

MAY 23 2007

Community Development  
Planning Division

**Adams, Eric**

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**From:** Jessica Groom [jessgroom1@gmail.com]  
**Sent:** Wednesday, May 23, 2007 5:58 PM  
**To:** Adams, Eric  
**Subject:** Opposition to development of Witham Hill Oaks

Dear Mr. Adams,

Hello. I am writing to express my strong opposition to the proposed development of Witham Hill Oaks. From both an environmental and social perspective, this is not the type of development Corvallis wants to allow at this time. Please block this development, which would so greatly endanger the wetlands, trees, and water quality, and which would fail to provide for pedestrian-friendly forms of transport. This is not the right choice for Corvallis.

Thank you very much.

Sincerely,

Jessica Groom  
1688 SE Crystal Lake Dr, Unit E  
Corvallis, OR 97333

5/24/2007

**Adams, Eric**

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**From:** MICHAEL VOLPE [volpemr@msn.com]  
**Sent:** Wednesday, May 23, 2007 2:07 PM  
**To:** Adams, Eric  
**Subject:** Witham Hill Development

Mr. Eric Adams,

I'm writing you to let you know about my feelings concerning the Witham Hill Oaks housing development. I firmly disagree with the need and location of this development. The area that is being considered is one of the last large undeveloped tracts in that part of Corvallis. I use a wheel chair and have used a trail to view the scenic landscape. Please don't let this view be interrupted. Thank you for your consideration.

Mike Volpe  
Corvallis resident.

## Adams, Eric

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**From:** Nancy Baumeister [nancybee@peak.org]  
**Sent:** Tuesday, May 22, 2007 2:36 PM  
**To:** Adams, Eric  
**Cc:** Ward 2; cohoChat@yahoogroups. com; Ward 3  
**Subject:** opposing witham oaks development

Councilors and City staff,

I oppose the current development proposal for the Witham Oaks area. This development does not fit our goals for increasing the sustainability of Corvallis as energy prices increase and sprawl becomes increasingly unsupportable. The proposed development is not well connected to the rest of the city. Residents in the proposed subdivision will be inconveniently far from shopping and may drive rather than walk or bike to do their daily business. The development is too dense- houses are too closely spaced. That aspect seems solely designed to maximize the already obscenely large profits that could be earned.

In closing, I repeat that this development will not benefit our city. Indeed, it will be viewed as an absurd impediment to our passage into the 21st century and its attendant changes to our human lifestyle. I hope that the City Council will take the time to understand just how thoroughly this proposal does not fit and reject it. This parcel is one of the last large undeveloped areas that is close to town, and it is worth taking the time to get the best development that we can for it. There is nothing to be gained by hurrying, and much to be gained by moving ahead slowly and with careful deliberation.

Thank you,

Nancy Baumeister  
320 NW 16th St  
Corvallis, OR 97330

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Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.

Dwight D. Eisenhower

**Adams, Eric**

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**From:** Evan Scheessele [evan@somewhereincyberspace.com]  
**Sent:** Monday, May 21, 2007 8:02 PM  
**To:** Adams, Eric  
**Cc:** evan@swics.com  
**Subject:** Witham Oaks Housing Development testimony

Evan & Erin Scheessele  
3820 NW Hayes Ave  
Corvallis, Oregon 97330  
[evan@swics.com](mailto:evan@swics.com)

May 21, 2007

Dear Associate Planner and members of the Corvallis Planning Department:

I write you and submit this testimony regarding the Witham Oaks Housing Development. Erin and I live within close walking distance of the Witham Oaks Housing Development, and we have been property-owning Corvallis residents for the past seven years.

I am greatly concerned that the planned development, the development proposal, for the Witham Oaks space is not compliant with parts of Corvallis land-use rules, and certainly not the spirit of Corvallis land-use and development tradition. Our concerns, in short are:

- 1) The development proposed lots of too high a density for natural landscape to remain an integrated part of the neighborhood.
- 2) The proposed development is an isolated "appendage" to the neighboring sections of Corvallis. The community would be isolated and not serve the cause of greater city-community, not contribute meaningfully to neighboring residents, and not have an outward identity of its own: the space would be a "hole" where only the developments own residents would have reason to visit
- 3) The tracts of undeveloped space within the proposed community-proper are too few and truly insignificant. The proposed green tracts are token and do not in any way contribute to a sense of a green space within the community, nor do they assist in any meaningful way with rainwater runoff management.
- 4) Sections of the planned development are in areas with very high saturated water levels. The development is bound to suffer rainwater-related flooding and water-seepage issues in basements and/or lower floors as they apply.
- 5) The planned development removes from the existing greater community a quite and beautiful walking and recreational path. What is planned to remain is an urban house-hugging path. In essence, this is a net-loss for the northwest section of Corvallis

Having such natural spaces close to such a large portion of the Corvallis population is one of the key elements of what makes Corvallis such a "livable" community. This word to us means that we are out and about, talking to neighbors, interacting with families we may not know from work or formal activities, and in general contributing to the health of our social surroundings.

5/22/2007

Such a space, as it stands today, sustains our high quality of life.

It is not our position that development must not go forward, but rather that development must be wise and balanced. The proposed development plan does not benefit Corvallis as it is designed. It is our sincere hope that the Corvallis Planning Department will work to reject the proposed plan, and facilitate a revised, better plan, to the better good of Corvallis

Thank you.

Sincerely,

Evan Scheessele



## MEMORANDUM

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**From:** Ken Gibb, Community Development Department Director

**To:** Mayor and City Council

**Date:** May 21, 2007

**Re:** Appeal of Planning Commission Decision on Witham Oaks Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00012 et at.) – Additional Public Testimony

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Attached for your consideration are pieces of public testimony that were received by the City between 10:00AM and 5:00PM on May 21, 2007.

This memorandum makes these comments public information.

May 21, 2007

RECEIVED

Miriam Riherd  
3820 NW Jackson Avenue  
Corvallis, Oregon 97330

MAY 21 2007

Community Development  
Planning Division

Regarding: Witham Oaks Development Appeal

Dear Council Members,

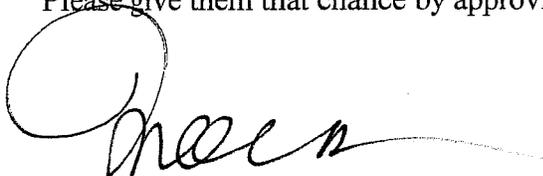
I am writing to request that you approve the appeal of the Planning Commission's decision for Witham Oaks. Though the Planning Commission has logged many hours concerning this proposal, when reading over the development plan in its entirety it becomes painfully clear that the developer is not meeting the required criteria for a subdivision.

One needs to go no farther than 3.2.1 9 F (pg. 9): The desired land use pattern will emphasize....."Neighborhoods with ...a defined center.." or 9.2.5 A/B (pg 14/15): "Comprehensive neighborhoods have a neighborhood center to provide services within walking distances of homes." I have seen countless maps of the development and not *one* has a "center".

Unfortunately, this particular developer has found more ways to evade Corvallis planning policies. Corvallis requires, as stated in 9.5.13, at least 10% of the acreage be used in "Zero lot lines or attached dwellings...minimum allowed lot area....or dwelling size of less than 1,200 square feet." This is to ensure that the developer provides some affordable housing for the community. The Planning Commission's approach to this is to "allow flexibility in achieving the intent of Policy 9.5.13 through alternate means."(pg. 11) Then they go on to suggest 3% be used for 1,200 sq. feet dwellings and 7% used for attached dwellings. It is a foolish mistake to believe that an attached home is an affordable one. I moved from Portland, where there are thousands of examples of attached homes, i.e. town homes, that sell for more than \$400,000. Each. There is absolutely NO assurance that the developer won't do everything they can to maximize the costs of the town homes, leaving few affordable options. By allowing the developer to dictate the terms, the Commission has created a losing situation for the city and violated the land use policy.

The Planning Commission also approves another deviation from policy, letting the developer change the required percentage of lot taken up by structure or driveway as they request (read: bigger houses=more money per smaller lot and then build the smallest affordable ones you can since you don't need to fulfill a higher percentage). It is alarming that the developer has, so far, successfully dodged making a commitment to affordable housing.

The Witham Oaks development is not in accordance with existing land use policy. I can continue for pages; there is simply not time to go through every way this decision does not amend to policy. The Planning Commission needs to further review this issue and create a plan that does not allow the developer to avoid or change the rules as they see fit. Please give them that chance by approving the appeal presented before you today.







21 May 2007

To: City Council, Corvallis, Oregon

From: Douglas Leedy, 532 NW 36th St., Corvallis, Tel. 738-2611

Re: Witham Oaks Development Plan

Having reviewed materials made available by the Planning Commission (Notice of Disposition, Order: 2007-034) concerning the Witham Oaks Development Plan, I should like to offer the following observations:

- 1) The proposed disposition of lots and commons areas (tracts) seems to me excessively dense for a development within a rural, open area at the city's edge; further, the amount of internal open space, which could help alleviate the impression of being crowded, seems inadequate and poorly located.
- 2) Tree removal seems excessive. More and better distributed open space within the built-on area could allow the preservation of more native trees in the development itself, not just on the periphery. The subdivision is being called "Witham Oaks," after all.
- 3) Postponement of the full Circle Blvd. extension until Phase Two of the development could permanently block this long planned connection, should it be the developer's intent to try to block it at a later stage. My personal view is that the extension, promised for years, is needed now, as the Witham Oaks development begins, and should not be further delayed.

Thank you for your consideration of the above.

DL

**Adams, Eric**

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**From:** Brochtrup, Cindy [cindy.brochtrup@Summit.Fiserv.com]  
**Sent:** Monday, May 21, 2007 11:39 AM  
**To:** Adams, Eric; Ward 6  
**Subject:** Witham Oaks

Since I am unable to attend the council meeting tonight, I want to make sure that I at least voice my opinion that the council should deny the recent development request for Witham Oaks. I have many concerns regarding this development. I did not vote in favor of annexing this property in 2004, in part due to the same concerns I have now.

1) Traffic concerns - The development would essentially be a giant hilly cul-de-sac, accessible only from the east. This is not welcoming to pedestrians and bicycles and will encourage even more cars to drive on Circle Blvd. For me this is a direct concern as I live on Circle Place, just off of Circle Blvd. There are enough accidents/near-accidents already at the intersection of 29th & Circle Blvd, the additional traffic is a concern for everyone in the area. In addition, the speed limit on Circle Blvd near Whitam Hill is often exceeded already. With more traffic will come more speeding. Since there are no schools/stores/businesses in the area of the housing development, there will be an increase in traffic at all times of the day and evening.

2) Wetlands -- The extension of Circle Blvd has potential to permanently damage the wetland area from automobile runoff. These areas can not be recreated. This is a wonderful area. I often walk my dog there or ride bikes with my children on the way to Bald Hill path. It is a well-used, well appreciated area and would be sorely missed by many.

3) Loss of oak savannah -- there are some huge old oak trees in this area. My understanding is that 2/3 of these fine oak trees would be cut down. Originally the developer had stated that the trees would be saved. I think that this statement is what caused many voters to vote for annexing this property in 2004. If voters had known then what they know now about the development, I do not believe it would come even close to passing.

Overall, I think losing this area to any housing development is a loss to the residents of Corvallis. If there is to be any development at all, it needs to save the majority of the oak trees, provide enjoyable access to pedestrians and bikes and be something the citizens of Corvallis can be proud of. When people move to Corvallis from out of the area, they choose it precisely because of the things that this development will destroy.

Please consider the voice and concerns of the people of Corvallis over the voice of money and developers.

Thank you,  
Cindy Brochtrup  
1805 NW Circle Pl.  
Corvallis, OR 97330

5

5/21/2007

RECEIVED

My name is Cathleen Vestfals and I am a resident of Oak Vale Apartments. MAY 21 2007  
day after I moved to Corvallis, I had the pleasure of discovering Witham Hill Park and  
the surrounding wild area behind my apartment complex – the area which is **Community Development**  
jeopardy of being developed and lost forever. It was the height of blackberry season, and **Planning Division**  
I couldn't resist going back home and getting a container so that I could pick some  
blackberries. When I returned, I was delighted to come across two deer hiding amongst  
the grasses and trees. I couldn't believe my luck to have found a place to live that was so  
beautiful and full of wildlife, mere footsteps away from my door. As I continued along  
the path, I was greeted by a view that still brings joy to my heart every time I see it.  
Standing on top of the hill, looking down across the valley, with the dairy and the  
mountains in sight, I feel so lucky to live in Corvallis. It is an inspiring view, and it  
would be a shame if only a privileged few could enjoy it.

I use the path at the end of Circle Boulevard to bike to and from school, and it's  
amazing what you can see back there. People use the area all the time. Sometimes they  
are just sitting on the bench enjoying their surroundings, or they're taking walks with  
their friends or dogs. I've seen mothers exercising in tandem with their baby strollers,  
while others are jogging or biking. I've also been lucky enough to see deer in the middle  
of the path on my morning ride, along with bunny rabbits, snakes, vultures, red-tailed  
hawks, hummingbirds and numerous other birds that I only wish that I knew the names  
of. When I ride my bike home from school, I purposely get off it and walk all the way  
back home, just so that I can watch for wildlife and enjoy the tranquility this area offers.  
All over the world, people have lost their connection to nature. For me, this little slice of  
land is a daily reminder that we are a part of nature. It reminds me that I am lucky to live  
in a place where areas like this still exist – a place where people can see nature up close,  
right outside their doorstep. This area is habitat for wildlife, plain and simple. Around the  
world, wildlife is losing habitat as urban sprawl continues unchecked. I've seen it  
firsthand, as I'm sure everyone has. All of the wild places from my childhood are now  
paved over, most being turned into cookie-cutter housing developments or big box stores.  
Places that were far away from where I lived, places I never thought would be developed  
are now built up. The amount of land that I've seen lost to urbanization is absolutely  
astonishing, and the tragic part is that it is lost forever. Please don't let this happen here.

6

**Adams, Eric**

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**From:** Chris LaBelle [chrislabelle@yahoo.com]**Sent:** Monday, May 21, 2007 9:58 AM**To:** Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9; Mayor; Adams, Eric**Subject:** Letter of Support for Witham Oaks Plan from a Corvallis Resident

Dear Mayor, City Council and Associate Planner

I am a Corvallis resident and enjoy the many hiking trails and open spaces that Corvallis affords its residents. In 2004, the citizens of Corvallis voted to pass ballot measure 02-48, which annexed the Witham Oaks property and allowed the owner to develop 57.7 acres of low density housing. Many of the same residents who have been involved in keeping Corvallis a vibrant and anti-sprawl city over the years were the same voters who deemed it prudent to pass this measure. Having said that, I have been surprised to see certain anti-development action groups and individuals seek to overturn the intent of this measure by protesting the developers' recently approved plans. I believe that these protesting individuals and groups are approaching the matter with several flawed arguments, as evidenced most clearly by the tenor and substance of their rhetoric. Of all the scarecrow fallacies being raised up against the 2004 measure and the more recent passing of the developer's plans by the Corvallis Planning Commission, their main argument seems to be that the 2004 voters suffered "buyers' remorse." The vote was too close, not enough people showed up for the vote, or, the voters simply had no idea what they were voting for. Is it unfair to ask why these protesting individuals did not have the foresight to purchase this land when they had the chance and then preserve it through a land trust? Or, why did they not lobby and educate the local populace more vigorously in 2004?

As far as I can tell, the four individuals who have requested that the current plan for development be overruled, state that their main concern regarding this plan is that it is simply too aggressive, i.e. too many trees removed, too much asphalt, too steep of an incline on developed roads to allow individuals to walk or bicycle and so on. Again, I feel these surface-level complaints mask a disingenuous attempt to derail the voter's 2004 decision. While it is always in the interest of a city's local population to hold developers to high standards, does anyone honestly believe that any level of reasonable accommodation by the developer would appease the requests of these individuals or groups? One must only look at some of the online rhetoric (<http://www.keepwithamwild.net/appeal.html>) to form their own opinion. One online protestor (<http://www.ci.corvallis.or.us/council/mail-archive/mayor/msg20233.html>) suggests the development of this land is nothing less than "Another simulacrum of the ersatz American Dream." Is this a local issue of land annexation and development or an indictment by these individuals and groups of the average Corvallis citizen who is apparently too simple minded or misguided to know what is best for their city? While I believe that it is probably true that the Witham Oaks area, if undisturbed, would be more consistent with the goals of the city's long-term plan to preserve open space, the reality of the situation is that we live in a country and a city that must balance its democracy with its ongoing expansion. Let's all hope that if we ever reverse or control the latter with clever policy or individual effort, it is not at the expense of the former.

Sincerely,  
Chris LaBelle  
Corvallis Resident

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5/21/2007

7

You snooze, you lose. Get messages ASAP with AutoCheck  
in the all-new Yahoo! Mail Beta.

## Adams, Eric

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**From:** mahrt@nwra.com  
**Sent:** Monday, May 21, 2007 10:07 AM  
**To:** Adams, Eric  
**Subject:** planning commission

Dear Eric Adams

below are comments regarding the meeting of the planning commission meeting tonight. I am hoping to come but I have been working late and getting up early these days. I also tried to talk a couple neighbors into going but they felt there was no chance against a large development company and I was wasting my time. Anyway, I have pasted in my comments below.

thanks

Larry Mahrt

The Witham Oaks development plan and actions of the planning commission are a cause of some concern in my neighborhood. Everyone had the impression that most of the trees would be spared. I should have known better, but I have not seen this degree of dishonesty in my 35 years as a Corvallis resident. After the reversal of the fate of the trees, future proposed annexations will be met with distrust in my neighborhood. Unfortunately, the actions of one large influential development company can cast a shadow over the whole planning process, including smaller more honest developers.

My biggest personal concern is that the end run around Comprehensive Plan Policy will undermine attempts to keep Corvallis livable with environmentally responsible growth. Why should anyone take the plan seriously if proposed violations are approved? As an aside, very steep streets can be minimized, allowing realistic opportunities for potential pedestrians.

Larry Mahrt  
2171 NW Kari Pl.  
Corvallis 97330

754 7501

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[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

## Witham Oaks development

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- *To:* ward7@xx
- *Subject:* Witham Oaks development
- *From:* Cathleen Vestfals <vestfals@xxxxxxxxxxxxxxxxxxxxxxxx>
- *Date:* Mon, 21 May 2007 11:09:46 -0700
- *User-agent:* Mozilla Thunderbird 1.0.6 (Macintosh/20050716)

---

Hello Scott,

My name is Cathleen Vestfals and I am a resident of Oak Vale Apartments. The day after I moved to Corvallis, I had the pleasure of discovering Witham Hill Park and the surrounding wild area behind my apartment complex - the area which is now in jeopardy of being developed and lost forever. It was the height of blackberry season, and I couldn't resist going back home and getting a container so that I could pick some blackberries. When I returned, I was delighted to come across two deer hiding amongst the grasses and trees. I couldn't believe my luck to have found a place to live that was so beautiful and full of wildlife, mere footsteps away from my door. As I continued along the path, I was greeted by a view that still brings joy to my heart every time I see it. Standing on top of the hill, looking down across the valley, with the dairy and the mountains in sight, I feel so lucky to live in Corvallis. It is an inspiring view, and it would be a shame if only a privileged few could enjoy it. I use the path at the end of Circle Boulevard to bike to and from school, and it's amazing what you can see back there. People use the area all the time. Sometimes they are just sitting on the bench enjoying their surroundings, or they're taking walks with their friends or dogs. I've seen mothers exercising in tandem with their baby strollers, while others are jogging or biking. I've also been lucky enough to see deer in the middle of the path on my morning ride, along with bunny rabbits, snakes, vultures, red-tailed hawks, hummingbirds and numerous other birds that I only wish that I knew the names of. When I ride my bike home from school, I purposely get off it and walk all the way back home, just so that I can watch for wildlife and enjoy the tranquility this area offers. All over the world, people have lost their connection to nature. For me, this little slice of land is a daily reminder that we are a part of nature. It reminds me that I am lucky to live in a place where areas like this still exist - a place where people can see nature up close, right outside their doorstep. This area is habitat for wildlife, plain and simple. Around the world, wildlife is losing habitat as urban sprawl continues unchecked. I've seen it firsthand, as I'm sure everyone has. All of the wild places from my childhood are now paved over, most being turned into cookie-cutter housing developments or big box stores. Places that were far away from where I lived, places I never thought would be developed are now built up. The amount of land that I've seen lost to urbanization is absolutely astonishing, and the tragic part is that it is lost forever. Please don't let this happen here.

Cathleen Vestfals  
88-3930 NW Witham Hill Drive  
Corvallis, OR 97330  
541-760-9927

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- Prev by Date: **Letter of Support for Witham Oaks Plan from a Corvallis Resident**
- Next by Date: **[SPAM] <web>Witham Oaks Web Request**
- Previous by thread: **Letter of Support for Witham Oaks Plan from a Corvallis Resident**
- Next by thread: **[SPAM] <web>Witham Oaks Web Request**
- Index(es):
  - **Date**
  - **Thread**

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## Witham Oaks

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- *To:* [ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx), [mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx)
  - *Subject:* Witham Oaks
  - *From:* Paul Murtaugh <[murtaugh@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:murtaugh@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx)>
  - *Date:* Mon, 21 May 2007 15:23:19 -0700
  - *Cc:* Paul Murtaugh <[murtaugh@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:murtaugh@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx)>
  - *User-agent:* Thunderbird 1.5.0.10 (X11/20070301)
- 

Dear Mr. Tomlinson and Mr. Zimbrick,

I urge the City Council to overrule the Planning Commission's approval of plans to develop Witham Oaks.

All of the talk about the livability of Corvallis, and the city's commitment to sustainable resource use, means nothing if a line is not eventually drawn in the sand. The net result of every annexation that has occurred since I moved here 15 years ago has been a decrease in the amount of green space and increase in the amount of concrete in the city. If this continues unchecked, Corvallis will become just another suburb in the sprawl of the Willamette Valley.

If ever there was a special place worth preserving, it is Witham Oaks. As you know, it is one of few remaining oak savanna woodlands in the valley, and is adjacent to a valuable area of wetlands. It is a favorite destination for walkers, bikers and birders. It provides a valuable refuge of open space for the residents of the apartment complexes densely packed along Witham Hill Drive.

Please, please consider doing what you can to preserve this special area, and to slow the urbanization of Corvallis and the degradation of the natural areas surrounding it.

Thank you for your attention.

-Paul Murtaugh  
1110 NW 35th St, Corvallis  
207-8255

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- Prev by Date: [Witham Oaks - School boundary](#)
- Previous by thread: [Witham Oaks](#)
- Next by thread: [<web>Witham Oaks and the Matrix](#)
- Index(es):
  - [Date](#)
  - [Thread](#)

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[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

# <web>Against Witham Hill development

- *To:* ward7@xx
- *Subject:* <web>Against Witham Hill development
- *From:* Kelly Collins <kpcollins5@xxxxxxx>
- *Date:* Mon, 21 May 2007 13:05:46 -0700
- *Reply-to:* <kpcollins5@xxxxxxx>

This is an enquiry e-mail via %s from: Kelly Collins (kpcollins5@xxxxxxx)  
 Dear Scott Zimbrick and the Corvallis City Council and Planning Boards.  
 My husband and I are residents of Ward 7. We would like to add our votes yet again against the Witham Hill development. It came as a shock to us when the vote went through, just barely, after seven previous attempts. The number of times it was voted down surely stands as a testament that those of us who live near the area do NOT want it.

We felt the only reason this could have happened was that people seemingly less affected in other parts of town were simply worn down and must have just voted to let it pass so they wouldn't have to see it on the ballot anymore. We and our friends who live in the area use the trail by Witham Hill frequently. We and many others like us enjoy the scenery, the path, the opportunity to experience a breathing space in an otherwise already congested area.

Aside from the water issues and the obvious annihilation of the trees and animals that are currently living there, I can't help but wonder who is going to buy these things? Two hundred and twenty houses? In a small town that houses a university with the lowest paid faculty in the nation??? Okay, maybe a few in administration still need a house. Or, maybe the cashiers at the new Home Depot or one of the ten Safeways. No, I think the hope here is that there will be a draw for Californians who can't get enough for their houses down there to buy anything, because there certainly aren't jobs available to warrant this construction. By the way, I hope that the houses are shown on days when the over-crowded cow barns of OSU aren't in full olfactory mode.

I walk through this area nearly every day with my dog. I have to say, I look at it and can't imagine how you could possibly fit that many houses into such a small area. There is definitely no way to do it without destroying everything that is there right now: trees, hawks, turkey vultures, rabbits, deer, coyotes, newts, tree frogs, etc? We feel that the planned subdivision is nothing short of ridiculous; they will take away from the community what we prize most. This kind of high density housing development may bring in revenue to land developers, but it will leave those of us who live here with a crowded and poorly planned eyesore.

Sincerely,  
 Kelly Collins  
 Eric Hill

- Prev by Date: [\[SPAM\] <web>Witham Oaks Web Request](#)
- Next by Date: [Witham Oaks - School boundary](#)

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- Previous by thread: **[SPAM] <web>Witham Oaks Web Request**
- Next by thread: **Witham Oaks - School boundary**
- Index(es):
  - **Date**
  - **Thread**

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# [SPAM] <web>Witham Oaks overturn Web Request

- *To:* [ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx](mailto:ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx)
- *Subject:* [SPAM] <web>Witham Oaks overturn Web Request
- *From:* Charlotte Ross <[espressowoman@xxxxxxxxxx](mailto:espressowoman@xxxxxxxxxx)>
- *Date:* Mon, 21 May 2007 13:17:54 -0700
- *Importance:* Low
- *Reply-to:* <[espressowoman@xxxxxxxxxx](mailto:espressowoman@xxxxxxxxxx)>

---

This is an enquiry e-mail via %s from: Charlotte Ross ([espressowoman@xxxxxxxxxx](mailto:espressowoman@xxxxxxxxxx)) Please overturn the decision made by the Corvallis Planning Commission (on a 4-2 vote) in approving the Witham Oaks Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00012/SUB06-00005).

The Witham Oaks Development Proposal would destroy the oak savannah. Let's keep growth sensible.

Thanks for your time,  
Charlotte

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- Prev by Date: [Witham Oaks - School boundary](#)
- Next by Date: [Meeting on Wednesday](#)
- Previous by thread: [Witham Oaks - School boundary](#)
- Next by thread: [Meeting on Wednesday](#)
- Index(es):
  - [Date](#)
  - [Thread](#)

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## MEMORANDUM

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**From:** Ken Gibb, Community Development Department Director

**To:** Mayor and City Council

**Date:** May 21, 2007

**Re:** Appeal of Planning Commission Decision on Witham Oaks Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00012 et at.) – Additional Public Testimony

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Attached for your consideration are pieces of public testimony that were received by the City between noon on May 11, 2007, and 10:00AM on May 21, 2007.

This memorandum makes these comments public information.

## Adams, Eric

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**From:** Terry Rossiter [trossite@hotmail.com]  
**Sent:** Monday, May 21, 2007 8:47 AM  
**To:** Adams, Eric  
**Subject:** RE: Witham Oaks Development Proposal

In looking over my submission, I see that I made a factual error in the second paragraph, which you and the Council will no doubt realize. I said, "at least ten attempts have been made" and "ten times Corvallis voters said no." It should read "seven attempts" and "seven times."

Thank you.

Theresa J. Rossiter

445 NW 7th St.  
Corvallis, OR 97330  
Ward 2  
541-829-0086

-----Original Message Follows-----  
From: "Adams, Eric" <Eric.Adams@ci.corvallis.or.us>  
To: "Terry Rossiter" <trossite@hotmail.com>  
Subject: RE: Witham Oaks Development Proposal  
Date: Mon, 21 May 2007 08:17:26 -0700

Dear Ms. Rossiter,

Thank you for submitting testimony regarding the Witham Oaks development proposal. It will be forwarded to the City Council for their consideration.

Sincerely,  
Eric M. Adams  
Associate Planner  
City of Corvallis  
541-766-6908

-----Original Message-----  
From: Terry Rossiter [mailto:trossite@hotmail.com]  
Sent: Saturday, May 19, 2007 11:42 PM  
To: Adams, Eric  
Cc: Ward 2  
Subject: Witham Oaks Development Proposal

Mr. Eric Adams, Associate Planner  
Project Manager, Witham Oaks Development Proposal Planning Commission Corvallis, OR

Dear Mr. Adams,

It is my hope that the Corvallis City Council will determine that it is in the best interests of this community to overrule the Planning Commission approval of the development proposal submitted by Legend Homes, a subsidiary of Matrix Development.

The history of the Witham Oaks property indicates that a huge effort has gone into attempting to position this land for a housing development. Since January 1978, at least ten attempts have been made to persuade voters to approve annexation. Ten times, Corvallis voters said NO. One wonders why a green city would be so extraordinarily eager to develop an imperiled habitat and wetland that supports many species of bees and birds, which are themselves experiencing highly significant declining trends.

Many not-so-green cities destroy valuable habitats all the time. Most do so in the mistaken belief that prime suburban real estate should be annexed and developed whenever possible; that building more houses will help grow local economic vitality. In truth, this is a strategy that has consistently been shown not to work very well in the long run and one that is certainly inappropriate now, given global warming and the passing of the age of cheap petrochemicals.

Most local green governments realize that downtown infill development makes more economic and social sense than suburban sprawl and are passing measures designed to foster that kind of redevelopment. The time has come for Corvallis to wake up to what "being green" really means.

Sacrificing imperiled habitat in the vain hope that development will pay for planned but increasingly unnecessary infrastructure and bring wealth to the community is both short-sighted and naive.

The city of Portland's Peak Oil Task Force recently completed an extensive study and made recommendations to that city for enabling a smooth transition from cheap oil and natural gas. One key recommendation was that the city "support land use patterns that reduce transportation needs, promote walkability, provide easy access to services and transportation options

(and) prevent infrastructure investments that would not be prudent given

fuel shortages and higher prices." Corvallis would do well to heed these recommendations.

Modern green cities feel fortunate to have green spaces that can be easily incorporated into the design plan. These spaces become nature parks where families can hike, picnic, and generally enjoy the great outdoors in an urban setting they can walk or bike to; green cities develop centers that integrate the ongoing restoration of habitats.

Local business, community members and service agencies team up to restore imperiled habitats. Green cities formulate plans to engage landowners and create the necessary partnerships.

Oak savannah such as the one at Harrison Boulevard and Witham Drive is an imperiled habitat that originally existed from southern California to southern British Columbia. It has been almost entirely extirpated north of California. The habitat is of a type that would normally support 350 to 400 species of native bees that once inhabited the Pacific White Oak savannah in the Willamette Valley. This is a habitat that also supports many birds whose numbers are showing "highly significant declining trends" - among which are the American kestrel, western wood-pewee, white-breasted nuthatch, chipping sparrow, and western meadowlark. These birds are all OWEB (Oregon Watershed Enhancement Board) priority; and PIF (Partners in Flight) focal species; The Western meadowlark, Oregon's state bird, is on several lists:

Oregon Department of Fish and Wildlife (ODFW) Sensitive Species (Critical in the Willamette Valley Ecoregion); ORNHIC (Oregon Natural Heritage Information Center) List (4); Oregon Conservation Strategy "strategy species"; OWEB priority; PIF focal species.

It is true that active stewardship is needed to ensure the long-term survival of native prairie and savanna species. But restoration can happen if we want it to. Native Americans originally burned these areas to maintain them. Now the organizations with the practical experience are the National Fish and Wildlife Service and the Willamette Valley National Wildlife Refuge Complex. These organizations integrate education and restoration and maintain sites for education about our native habitats.

Local businesses, community members and services regularly work together to restore imperiled habitats here in the Willamette Valley. The process does not need to be expensive or difficult.

For example, the West Eugene Wetlands project (a partnership including the City of Eugene, Bureau of Land Management and The Nature Conservancy) is protecting and managing existing remnants of wet prairie, as well as restoring adjacent wet prairies; at the same time the project is improving water quality and providing recreation and education opportunities. The Walama Restoration Project (WRP), is a Eugene-based non-profit organization dedicated to ecosystem restoration. In addition to restoration, WRP facilitates experiential education in habitat awareness and rehabilitation.

There are many projects like these - people and government working together hand-in-hand

to protect and maintain what we hold dear, what we know has value over the long run.

We are at a turning point. We have an opportunity to choose: Will we follow the path of slum creation and urban sprawl by building still more suburbs filled with a couple hundred mass-produced houses four times bigger than necessary for the families who will live in them - houses in empty places where there are no markets, social services, schools or garden space within walking distance. Houses for families who will need two cars to survive?

Will we build the attendant infrastructure as well? The suburbs we are building today are based on cheap energy, and they are not sustainable.

Corvallis is filled with visionaries. On June 9, 1997, the Corvallis City Council approved the 2020 Vision Statement, a document created by Corvallis citizens envisioning what the future of Corvallis would look like. When I read it I do not envision suburban slums and abandoned big box stores, desecrated treeless landscapes where no birds sing. Instead I imagine Corvallis as a compact city, the historic, civic, cultural and commercial heart of Benton County; a university town, a regional medical center, and a riverfront city - environmentally aware, having set strict limits to growth and planned for distinctive open space and natural features, protected habitats, parks, and outdoor recreation. Thank you for offering me the opportunity to speak with you about these issues. They are important to me and my family.

Sincerely,

Theresa J. Rossiter  
445 NW 7th St.  
Corvallis, OR 97330  
Ward 2  
541-829-0086

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PC Magazine's 2007 editors' choice for best Web mail-award-winning Windows Live Hotmail.  
[http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT\\_TAGHM\\_migration\\_HM\\_mini\\_pcmag\\_0507](http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT_TAGHM_migration_HM_mini_pcmag_0507)

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**John W. Foster**  
1205 NW Fernwood Circle  
Corvallis, OR, 97330  
[jwfmatt@comcast.net](mailto:jwfmatt@comcast.net)

21 May, 2007

## **Testimony for the City Council on Witham Oaks**

The proposal to develop Witham Oaks comes to you with 62 conditions attached. Although the Planning Commission spend about five exhausting hours discussing the proposal (after two evenings of testimony) they did not have time to deal adequately with all issues. I think it is fair to ask whether anyone—the public, the developer, city staff or the Planning Commission—really understands what the plan now says.

The Council has three alternatives:

--Take enough time to deal with all the issues and work out all the problems. Several council meetings—in addition to hearings--would be required.

---Approve the plan about as it stands, with lots of loose ends and a good chance you will see it again when a major modification is necessary. Several conditions specifically state that a major modification would be triggered if the conditions cannot be met.

--Approve only a Conceptual Development plan and let the developer submit a new Detailed Development plan that will require a minimum of conditions. It is the job of the developer, not the city government, to get this plan into acceptable shape. Among the issues that the developer needs to clear up before a plan should be approved are:

- choosing between housing options (condition 2)
- a geotechnical analysis (condition 13)
- DEQ and DSL approvals (conditions 20 and 23)
- a stormwater maintenance plan (condition 54)
- additional easements for the drainage plan (condition 57).

Approving only a Conceptual Plan was proposed during the Planning Commission discussion, but was never discussed in any detail. The developer cannot go ahead with development in any case until some of the conditions are satisfied, so submission of a new detailed development plan might not even delay the project significantly.

If you approve a Detailed Development Plan now it will may well mean that some important issues will be resolved without public hearings or oversight from the Council or Planning Commission. Even if Staff were to decide each issue absolutely correctly,

public confidence in the development process would still suffer because of the lack of transparency.

If you decided to approve a plan and let loose ends get resolved later, there are still a few issues you should take care of now.

The plan now proposes a paved stub of J street that will go to the boundary of OSU property. This would put a paved street across the buffer between the development and OSU agricultural land, and create an area with all sorts of nuisance possibilities—such as a place to sell used cars or park RVs. OSU says it has no intention of developing its property so an unpaved right of way should be sufficient for connectivity if OSU changes its mind in the distant future.

The plan gives inadequate attention to the much more likely and imminent development on the Beit Am property. To eliminate the pipestem road to Harrison, the developer is negotiating to give Beit Am a single access off Circle. The Council should add a condition requiring the Beit Am agreement to provide adequate access for development, probably two access points. Zoning would allow a 30 house subdivision after annexation.

There has been testimony on the likelihood of greatly increased traffic on Dale. Some means—such as a speed bump—should be required to protect Dale.

Whatever you do, you should keep Condition 24 which adds five years to the developer's responsibility for the drainage plan. Without this condition the city risks potentially great expenses if the developer's plan doesn't work.

The Council probably does not have to deal right now with the status of the unannexed land between Witham Oaks and the remainder of Corvallis. Witham Oaks actually borders on the rest of the city only in a very small area near Dale. The unannexed city owned open space, the unannexed backyards on Clarence Circle and the unannexed Beit Am property (including the pipestem to Harrison) are most of the northern and eastern boundary of Witham Oaks.

Memo to: Corvallis City Councilors  
From: Carolyn A.H. Miller  
4474 NW Crocus Place  
Date: May 20, 2007  
Regarding: Support of Witham Oaks Conceptual/Detailed Development Plan

Along with many Corvallis citizens I am concerned about sprawl, housing availability, energy conservation, preservation of open spaces, and citizen involvement in land use decisions. These community concerns have led to my observation of the Witham Oaks development process and application. Witham Oaks also interests me because my efforts to protect my neighborhood from the onslaught of development involved an appeal to the City Council of a Pahlisch Homes plan, some years ago.

The following remarks summarize my assessment of the Witham Oaks development process and proposal in the context of the Comprehensive Plan and Land Development Code, the Planning Commission review, and this appeal. They support approval of the project, as conditioned by the Planning Commission.

1. The developers, Pahlisch Homes, particularly with guidance by Terri Valiant, have become a model for meaningfully involving citizens in the planning and design processes for Witham Oaks.
2. In both the annexation and the detailed development plans, the developers have demonstrated understanding and respect for the value Corvallis citizens place on open spaces and natural features.
3. The juxtaposition of codified standards, community values, economics, and the reality of land forms and features makes Witham Oaks an ideal example of the usefulness and purpose of the PD processes as described in the Land Development Code 2.5.20. (Flexibility, efficient use of land, etc.)
4. Through the PD process the developer, citizens, and City staff identified areas where Witham Oaks did and did not meet "typical" standards of development. Offsets, mitigation, and potential remedies were explored so the goals and purposes of City planning documents could be accomplished. The Planning Commission rigorously reviewed, conditioned and approved Witham Oaks. Applicable criteria were met through this flexible, creative, and interactive process.
5. Any deviation from typical development standards at Witham Oaks are a matter of degree and prioritization, rather than all-or-nothing trade offs. For example:
  - The developer employed a compact clustered layout, reduced lot sizes and setbacks, and chose to develop at the middle density of the zone to create more open spaces and preserve natural features within the development area. (Comprehensive Plan: 3.2.1; 4.2.2; 4.6.5, 6, and 7; and 5.3.1). A hopeful consequence of this type of layout and smaller lot sizes is the potential for affordable and moderately priced homes.
  - By designing a more compact layout, solar access was reduced by a small degree. This loss of solar energy is offset by other energy savings from the site's proximity to public transportation, bi-modal trails, and community services. The Land Development Code (4.6.30; 4.6.50) allows waivers of the solar standards; preserving existing vegetation among them. Additionally, recent construction techniques and newer appliances prevent heat loss and reduce energy use with greater overall energy efficiency than simply assuring solar orientation.
  - Some techniques for "pedestrian friendly" design, such as alley ways and rear-loading to free up streets for pedestrians, are absent in the Witham Oaks plan. Their absence helps make the development more compact and reduces the overall amount of impervious surfaces. Nonetheless, the pedestrian amenities and opportunities within Witham Oaks and their connectivity with adjacent neighborhoods and open spaces make this an urban pedestrian paradise! (Comprehensive Plan: 11.2.1; 11.2.3; 11.6.3; 11.6.13)
6. The Witham hill area has long been part of the Corvallis inventory of developable land. Furthermore, housing demand in Corvallis is driving housing prices ever upward, even as many areas of the state and nation are seeing a drop in housing prices. This is forcing many families, whose jobs are in Corvallis, to live at ever-greater commuting distances and is also distorting the ratio of Corvallis residents across income and age ranges. Corvallis needs a larger housing inventory.

7. Witham Oaks is not a perfect solution, but the ratio of protected open spaces to residential development is an important step forward in finding how human communities will thrive in concert with the natural world we impact and depend upon.

8. Witham Oaks complies with the land use codes and provisions for development found in Corvallis planning documents.



o **Thread**

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# Witham Oaks

- *To:* <ward1@xx>, <ward2@xx>, <ward3@xx>, <ward4@xx>, <ward5@xx>, <ward6@xx>, <ward7@xx>, <ward8@xx>, <ward9@xx>, <mayor@xx>
- *Subject:* Witham Oaks
- *From:* "Ralph Waldron" <ralphwaldron@xxxxxxxxxxxx>
- *Date:* Mon, 21 May 2007 06:08:32 -0700
- *Cc:* "Annette Mills" <amills@xx>, "David Eckert" <deckert@xx>, "Karl Hartzell" <karlerun@xxxxxxxxxx>, "Leslie Hogan" <qwizats@xxxxxxxx>, "L REDPATH" <les\_redpath@xxxxxxxx>, "Rebecca Wilson" <rbeec777@xxxxxxxx>, "John McEvoy" <gingerman@xxxxxxxx>, "Lindsay Parker" <lindspark@xxxxxxxx>, "marjean austin" <maustin@xxxxxxxx>

05/21/07 Witham Oaks

Dear Mayor, City Council Members & staff,

I support the staff's 60 recommendations but would like assurances that those concerns are full addition, the bio diversity of the area will be decreased with the removal of 25% of Oregon White Birch. Recommendation #24, Wetland Mitigation and Monitoring Plan requests extending to 5 years and I do appreciate the clause (3.2.1) for "Efficient use of energy and other resources". The site, if approved, will Please hold developers to the standards the community is demanding, including the Natural Resource

Many Thanks.  
Sincerely,

Elizabeth Waldron  
2610 NW Glenwood Dr.  
Corvallis, OR  
97330

- Prev by Date: **Brooklane Site**
- Previous by thread: **Witham Oaks**
- Next by thread: **[Fwd: Witham Oaks]**
- Index(es):
  - **Date**

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- **Thread**

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## Adams, Eric

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**From:** Terry Rossiter [trossite@hotmail.com]  
**Sent:** Saturday, May 19, 2007 11:42 PM  
**To:** Adams, Eric  
**Cc:** Ward 2  
**Subject:** Witham Oaks Development Proposal

Mr. Eric Adams, Associate Planner  
Project Manager, Witham Oaks Development Proposal Planning Commission Corvallis, OR

Dear Mr. Adams,

It is my hope that the Corvallis City Council will determine that it is in the best interests of this community to overrule the Planning Commission approval of the development proposal submitted by Legend Homes, a subsidiary of Matrix Development.

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Oak savannah such as the one at Harrison Boulevard and Witham Drive is an imperiled habitat that originally existed from southern California to southern British Columbia. It has been almost entirely extirpated north of California. The habitat is of a type that would normally support 350 to 400 species of native bees that once inhabited the Pacific White Oak savannah in the Willamette Valley. This is a habitat that also supports many birds whose numbers are showing "highly significant declining trends" - among which are the American kestrel, western wood-pewee, white-breasted nuthatch, chipping sparrow, and western meadowlark. These birds are all OWEB (Oregon Watershed Enhancement Board) priority; and PIF (Partners in Flight) focal species; The Western meadowlark, Oregon's state bird, is on several lists:

Oregon Department of Fish and Wildlife (ODFW ) Sensitive Species (Critical in the Willamette Valley Ecoregion); ORNHIC (Oregon Natural Heritage Information Center) List (4); Oregon Conservation Strategy "strategy species"; OWEB priority; PIF focal species.

It is true that active stewardship is needed to ensure the long-term survival of native prairie and savanna species. But restoration can happen if we want it to. Native Americans originally burned these areas to maintain them. Now the organizations with the practical experience are the National Fish and Wildlife Service and the Willamette Valley National Wildlife Refuge Complex. These organizations integrate education and restoration and maintain sites for education about our native habitats. Local businesses, community members and services regularly work together to restore imperiled habitats here in the Willamette Valley. The process does not need to be expensive or difficult.

For example, the West Eugene Wetlands project (a partnership including the City of Eugene, Bureau of Land Management and The Nature Conservancy) is protecting and managing existing remnants of wet prairie, as well as restoring adjacent wet prairies; at the same time the project is improving water quality and providing recreation and education opportunities. The Walama Restoration Project (WRP), is a Eugene-based non-profit organization dedicated to ecosystem restoration. In addition to restoration, WRP facilitates experiential education in habitat awareness and rehabilitation.

There are many projects like these - people and government working together hand-in-hand to protect and maintain what we hold dear, what we know has value over the long run.

We are at a turning point. We have an opportunity to choose: Will we follow the path of slum creation and urban sprawl by building still more suburbs filled with a couple hundred mass-produced houses four times bigger than necessary for the families who will live in them - houses in empty places where there are no markets, social services, schools or garden space within walking distance. Houses for families who will need two cars to survive?

Will we build the attendant infrastructure as well? The suburbs we are building today are based on cheap energy, and they are not sustainable.

Corvallis is filled with visionaries. On June 9, 1997, the Corvallis City Council approved the 2020 Vision Statement, a document created by Corvallis citizens envisioning what the future of Corvallis would look like. When I read it I do not envision suburban slums and abandoned big box stores, desecrated treeless landscapes where no birds sing. Instead I imagine Corvallis as a compact city, the historic, civic, cultural and commercial heart of Benton County; a university town, a regional medical center, and a riverfront city - environmentally aware, having set strict limits to growth and planned for distinctive open space and natural features, protected habitats, parks, and outdoor recreation.

Thank you for offering me the opportunity to speak with you about these issues. They are important to me and my family.

Sincerely,

Theresa J. Rossiter  
445 NW 7th St.  
Corvallis, OR 97330  
Ward 2  
541-829-0086

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PC Magazine's 2007 editors' choice for best Web mail—award-winning Windows Live Hotmail.  
[http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT\\_TAGHM\\_migration\\_HM\\_mini\\_pcmag\\_0507](http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT_TAGHM_migration_HM_mini_pcmag_0507)

May 17, 2007

TO: City of Corvallis Mayor and City Council Members  
FROM: Rebecca Wilson  
1540 NW Woodland Dr.  
Corvallis, OR 97330  
SUBJECT: Witham Oaks Development Plan

Please accept my written testimony in opposition to the Planning Commission's decision to approve the Witham Oaks development plan. I am not able to attend the hearing in person due to a work-related commitment out of state.

I contend that the plan violates numerous Corvallis Comprehensive Plan Policies and Land Development Codes. Although there is a substantial list of violations to choose from in this plan, this testimony will focus on those related to the loss of wetlands and the exclusion of public input into "all phases of the planning process". The extensive list of conditions required for approval of this development and the lack of several critical reports (wetlands remediation, geotechnical analysis, storm water management, and habitat enhancement) compromises the ability of Corvallis citizens to adequately assess the suitability of the proposed development on this piece of property.

Citizens of Corvallis assumed that in approving the annexation of Witham Oaks, wetlands would be preserved. To most, preservation means "conserve and protect". With the construction of 221 homes on Witham Oaks, it is likely that the viability of the "preserved wetlands" will be seriously and irreversibly endangered as largely-unproven wetlands remediation is proposed to compensate for the massive disturbance to this ecosystem. Even by the planning staff's own admission, the outcome of the proposed wetland remediation plan is uncertain:

"While the applicant's hydrologic model has accounted for a set of variables that can be reasonably ascertained at this time, there are also unknown factors that cannot accurately be quantified through the modeling process", and that "...if modifications to the existing drainage patterns resulted in an appreciable alteration to the amount of water infiltrating these areas, additional loss of wetland area could result", and that "effectiveness of the proposed storm water management plan would not be known until some point after completion of the last phase" (pp. 62-64, staff report).

Furthermore, it is well accepted that even the best of wetlands remediation plans rarely succeed:

1. Ambrose, R.F. 2000. Wetland mitigation in the United States : Assessing the success of mitigation policies. *Wetlands* (Australia ). Vol. 19: pp. 1-27.

The United States has some powerful laws and policies aimed at conserving wetland habitats. They are the result of the relatively recent realization of the magnitude of wetland loss in the United States coupled with a recent recognition of the ecological importance of wetland functions and the societal value of

wetland habitats. **However, there are problems with nearly every aspect of the implementation of these policies. As a result, wetland losses continue, albeit at a lower rate.....**

**Finally, it is clear that even the best implementation of mitigation policies, with appropriate permit conditions and monitoring, will not ensure successful mitigation.** Experience to date suggests that **even projects that have been carefully designed to replace natural wetland functions do not always do so.** There is just too much we still don't know about how to restore or create wetland habitats. **The history of mitigation failures argues for extreme caution. The greatest precaution is to avoid destruction of natural wetlands whenever possible.** If this is not possible, we need to take the precautions mentioned above, and in addition higher mitigation ratios may be necessary in order to end up with no net loss of wetland functions in a region. **We need to consider wetland restoration or creation as experimental.**

2. [http://www.clu-in.org/conf/itrc/mitwet\\_101105/prez/itrc\\_mitwet\\_100305ibtbw.pdf](http://www.clu-in.org/conf/itrc/mitwet_101105/prez/itrc_mitwet_100305ibtbw.pdf)

Once regarded as wastelands, wetlands are now considered a valuable ecosystem. By the 1980s as much as 50% of the original wetlands resources in the United States had been lost and were disappearing at a rate of approximately 300,000 to 400,000 acres per year. **Wetlands are among the most productive ecosystems in the world.** Species of microbes, plants, insects, amphibians, reptiles, birds, fish, and mammals are part of wetland ecosystems. Physical and chemical features such as climate, topology, geology, and the movement and abundance of water help determine the plants and animals varieties that inhabit each wetland.

Mitigation (Restoration) wetlands are built to offset wetlands losses due to development or degradation. They are designed to return wetlands from a disturbed or altered condition to the previously existing condition or create new wetlands to compensate for the loss. **Recent reports have highlighted the high failure rate of mitigation wetlands, with only 30%–50% of all projects considered successful.**

3. Mary E. Kentula, Stephanie E. Gwin, and Suzanne M. Pierson. 2004. Tracking Changes in Wetlands with Urbanization: Sixteen Years of Experience in Portland, Oregon, USA. *Wetlands*, Vol. 24, No. 4; pp. 734–743.

...Hydrologic modifications were observed on 60% of the wetlands in 1998....Seventy- five percent of the mitigations were modified morphologically and hydrologically to such an extent that they changed HGM type and now were converted to one of the atypical HGM subclasses....At over half of these sites, the hydrologic modifications were extensive enough to convert the wetlands to one of the atypical HGM subclasses.

Many wetlands had been disturbed by activities onsite and were likely to be impacted by activities in the surrounding landscape. ...**Nearly all the wetlands (>85%) were vulnerable to a variety of off-site stressors, including trespass by humans or domestic animals, noise from roads, and runoff from nearby developments.**

Reflecting the common occurrence of on- and offsite stressors and hydrologic modifications, only 11% of the sites were rated in good condition. **The remainder were rated as fair (46%) to poor (43%).**

If this large development is allowed to proceed, it is likely that damage to wetland habitat would occur. Thus, the plan violates comprehensive plan policies:

- 4.6.2 Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.
- 4.10.9 Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life and on open space and the recreation qualities of significant drainage ways shall be minimized.
- 4.9.1 Significant watercourses lakes and wetlands shall be preserved or have their losses mitigated in order to maintain clean water support natural vegetation protect the aquatic habitat retain existing significant public vistas and provide wildlife habitat and recreation sites ...
- 4.10.3 Significant drainage ways shall be kept in a natural state to protect tree lines maintain their natural functions and enhance native plant species to the maximum extent practicable.
- 4.10.7 To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development...
- 4.11.2 Development upslope of wetland shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands.
- 4.13.2 Development on land identified with significant plant communities, or significant fish and wildlife habitats, shall be planned to minimize the impact on the significant resources.
- 4.13.5 Development occurring in significant wildlife areas will set forth a plan of action to reduce impact to significant identified areas
- 7.2.6 The City will encourage new development to be sensitive to the environment by having the development avoid significant negative impacts on...

and Land Development Code Sections:

- 4.5.80 Drainageway Easements and Dedications.
- 4.5.100 Standards for Properties with Wetlands.
- 4.5.110 Use Limitations and Exceptions within Drainage Ways and Wetlands Subject to Easements and Safe Harbor Regulations
- 4.5.120 Mitigation for Disturbances to Drainage Ways and Wetlands

In addition, the absence of several critical reports in the plan (geotechnical analysis, storm water management, wetlands remediation, and habitat enhancement) prevents public influence on the deliberations of their government. The Planning Commission has approved a process that blocks the timely ability of citizens to adequately assess the impacts this development will have on the property in question and surrounding areas.

The issue is one of compliance with Oregon's Public Meetings Law:

“Open government laws benefit both government and the public. Citizens gain by having **access to the process of deliberation** – enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens”.

([http://www.openoregon.com/New\\_Pages/A\\_Quick\\_Reference\\_Guide.shtml](http://www.openoregon.com/New_Pages/A_Quick_Reference_Guide.shtml))

and the first goal of the Corvallis Comprehensive Plan:

Goal 1 ... calls for the opportunity for citizens to be involved in **all phases** of the planning process.

Because the public will not have the opportunity to respond to the content of the reports submitted by the developer, the rights of Corvallis residents to influence all phases of the planning process for this development have been violated. This is not acceptable to me, nor should it be to the Mayor or the City Council.

Mr. Mayor and City Council members, this proposed development plan is NOT what your constituents approved. Will you speak for them now?

Thank you for your consideration.

Rebecca Wilson

RECEIVED

May 11, 2007

Elizabeth Schwartz & Jason DeLorenze  
3930 NW Witham Hill Drive, apt 64  
Corvallis, OR 97330  
(541) 752-3016

MAY 18 2007

Community Development  
Planning Division

To the Corvallis City Council and residents:

As a resident of Corvallis I am deeply concerned about the Planning Commission's split decision to approve the Witham Oaks development project. This development is not in the public interest and does not uphold many of the values that Corvallis residents share, nor the goals for the Corvallis community as stated in the Comprehensive Plan. The problem with the development is two-fold. First, the mere existence of any development on the site would be a detriment to the community on several points. And second, this particular development falls short of the goals listed for growth in Corvallis. I will expound on both of those points in the following paragraphs.

The Witham Oaks project fails Corvallis residents firstly by the simple fact that it is developing beautiful and treasured wildlands in close proximity to thousands of residents. The voters of Corvallis rejected seven attempts to annex the land to the city. Only upon threats of clear-cutting did the residents finally agree to the annexation. It was extortion, not the actual will of the people. They were promised in the annexation campaign that their votes would save the trees. They were seriously misled and it is clear that they never wanted this development.

Now that the land has been annexed, we need to look at the best use for it in terms of the benefit to the community as a whole. Developing the Witham Oaks region would destroy a valuable community resource with easy access to unique treasures of Oregon oak, oak savanna, and wetland. Steve Smith of the US Fish and Wildlife Service mentioned at an Open Space Commission meeting on May 8, 2007 that the oak savanna ecosystem is listed as one of ten most imperiled ecosystems in the world. With this development the oak savanna at Witham Oaks would be demolished just as we are realizing its true vulnerability.

Although the oak and wetland areas will be preserved they will not be untouched by the long-reaching effects of development. Even with mitigation techniques, run-off from the development will contaminate the wetlands and put the delicate and vulnerable ecosystem in danger, violating article 4.6.2 of the Comprehensive Plan which protects significant resources from the effects of upland development. Science has shown repeatedly that as habitats are fragmented they lose their resiliency. Wildlife needs larger habitats to roam and forage and plant species need specific light and wind conditions to survive. Exposing the wetland and the oak forest to these edge effects will pose a real threat to their maintenance. The Open Space Commission already struggles to manage and maintain our open spaces. This development will only make that management harder at Frager Open Space, as well as any lands gifted to the city through the development. The loss of habitat will result in a loss of the wildlife community, including birds, rodents, deer, and fish.

Extending Circle Boulevard is another disservice to many residents in the area. In 1979 Circle Blvd. was not deemed an acceptable site for through traffic to Harrison (as I wrote to the Planning Commission on April 11). Walnut was built to act as an arterial street because it is flat and does not intersect important ecological features (such as the woodland meadow, the oak forest or the wetland). These factors have not changed since then. Additionally, the extension of Circle Blvd. will create a significant change to the character of the neighborhood. With the traffic increase,

noise will also increase significantly. The quiet area will be transformed into a busy intersection along a busy street. The path will be less safe for children and pets.

I would like to point out, too, that approval of the Witham Oaks development would ratify a process that was unjust to many of the citizens whose lives would be most severely affected by it. Although the apartment complexes on Witham Hill Dr. (Oak Vale and Witham Oaks apartments) are further than 300 feet from the development, it is only by a few feet. The residents in this area will be hugely impacted by the decision to extend Circle Blvd, and yet none of them were notified. After walking around for a total of 5 hours speaking with the residents in these apartment complexes I can tell you that they were shocked to hear of the development and were very concerned about the potential traffic increase. Not only is it unconscionable to make such a drastic change to their neighborhood without soliciting a response from them, it is also a violation of the Comprehensive Plan article 11.2.1, which states that "The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features and minimizes the negative effects on abutting land uses."

And finally, but not least important in my argument against any development as of the site, we should note that no thought was given whatsoever to the impacts to the school system and the taxpayers. The children in this development will have to go to school somewhere. Crowded classrooms are already a problem in many schools in the area, and this creates problems for learning and discipline at school. Taxpayers will have to make up the difference for this crowding, the large majority of whom weren't even notified of the development. Our children and neighbors deserve much better.

If, with all of these points, you still do not take issue with the developing of the site, then I argue that this particular development proposal falls short of many of the stated goals of Corvallis in the Comprehensive plan. This development proposal is backward in its design. As Portland leads the country in green building design, the Corvallis Planning Commission approved a development plan that does not meet the requirements for solar access as listed in Comprehensive Plan article 4.6.20 (b). With so much information about global warming and human impacts on our environment, we should be striving to reduce our carbon footprint as much as possible. We should be trying to exceed the requirements of the Land Development Code, not making allowances for new developments to forego the requirements already in place.

Similarly, the Witham Oaks development assumes that the stream on the property is not fish bearing. This is not only hard to believe, but also hard to prove, as many species of fish are resilient and will take advantage of different waterways at different times of the year. The commission voted to require that the development change their stream buffer to accommodate fish bearing streams, but later rescinded that vote because it constituted such a major change to the development. As it is likely that the stream is fish bearing, at least at certain times of year, this decision violates articles 4.5.80 and 4.9.1 of the Comprehensive Plan requiring a larger buffer around fish bearing streams.

The aesthetics and livability of this development are also not up to par. The building typicals show large garages prominently placed at the front of homes. This is in direct violation of Comprehensive Plan article 9.2.5(j). The homes are also of the cookie-cutter style, lacking the individuality of the surrounding neighborhoods. This demonstrates such a deviation from the surrounding area that I would argue that it violates articles 9.2.1, 9.2.2, and 9.2.5 requiring new developments to be reflective of, and compatible with, existing surrounding developments.

The layout also creates several problems. First, the lots are tightly packed, with only 4 feet between some units, which is not good for home maintenance, and also creates a high density of driveways. When combined with the lack of alleyways in the neighborhood, the result of this design for motor vehicles would be an unfriendly environment for pedestrians, which violates article 9.2.4 of the Comprehensive Plan. And lastly, the dead end on Street J abuts OSU property and promotes trespassing, which sets the city up for serious problems with the University in the future.

Finally, article 9.5.13 of the Comprehensive Plan requires that new developments of this magnitude include provisions for affordable housing on at least 10% of the property. This development does not meet that requirement, and cannot meet it without making significant changes to the lotting pattern and potentially to the grading and utility plans.

Overall, this development is not in the interest of the Corvallis community. It would completely change the character of the surrounding neighborhoods and destroys valuable natural resources. If the City Council still feels that developing this land is necessary, I argue that we deserve a better development than the current plan. The solar access, stream buffer, and affordable housing provisions do not meet the Comprehensive Plans requirements, and major restructuring would be necessary to bring them into compliance. Please think of what is best for Corvallis residents when you make your decision about this development, and do not succumb to the pressures of outside developers.

Sincerely,  
Elizabeth Schwartz  
3930 NW Witham Hill Dr, apt 64  
Corvallis, OR 97330

**Adams, Eric**

---

**From:** Louie, Kathy  
**Sent:** Friday, May 18, 2007 2:26 PM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: RE: Withman Oaks]

**Attachments:** untitled-2



untitled-2 (7 KB)

Thanks, k

-----Original Message-----

From: Ward 7  
Sent: Friday, May 18, 2007 2:26 PM  
To: Louie, Kathy  
Cc: ward7-web-archive@council.ci.corvallis.or.us  
Subject: [Fwd: RE: Withman Oaks]

Here is some more information for the record.....sz

----- Original Message -----

Subject: RE: Withman Oaks  
From: "Zimbrick, Scott" <szim@citizensbank.com>  
Date: Fri, May 18, 2007 8:07 am  
To: "Todd Washington" <toddw@cpr-works.com>  
ward7@council.ci.corvallis.or.us

Todd: This information needs to be in the public record. I am forwarding this information to my Public e-mail address so it can be on the record. Future input that is regarding a land use application where I am acting as a jurist in a public hearing will need to be addressed to my city council e-mail.....thanks...sz

Scott M. Zimbrick  
Executive Vice President &  
Chief Marketing Officer  
Citizens Bank  
Phone 541-766-2222  
Fax 541-757-3547  
SZIM@CitizensEbank.com

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please contact the sender and delete the material from any computer. Thank you.

-----Original Message-----

From: Todd Washington [mailto:toddw@cpr-works.com]  
Sent: Thursday, May 17, 2007 8:03 AM  
To: Zimbrick, Scott  
Subject: Withman Oaks

Scott;

I know that the Witham Oaks project will be discussed and hopefully voted on at the May 21st meeting. I cannot attend that meeting unless I am able to re-do my schedule. I would like to voice my support for this project for several reasons. 1) It is in the urban growth boundry, 2) it maintains natural areas, 3) this area not only is in the growth boundaries it is also an area that I believe was intended to be developed at some point from the beginning.

I believe that this area is located in such a way that it provides "smart" growth for Corvallis. I understand that any growth is too much for some people, but that is another issue. This proposal meets the land use requirements and fits the criteria set. I am hopeful that the City Council votes in favor of the Planning Commission's recommendations for the development.

Sincerely,

Todd Washington

Ward 7

**From:** Gloria Chaves  
**To:** Eric Adams  
**Date:** 5/17/2007 1:40:58 PM  
**Subject:** Witham Oaks Development

RECEIVED

May 17, 2007

MAY 18 2007

Community Development  
Planning Division

Corvallis City Council, c/o Eric Adams

My name is Gloria Chaves, and I am writing in support of the Witham Oaks Development. My home is the only parcel that adjoins the proposed development without a buffer space, and therefore would very likely be the most directly impacted property in the area when the development is allowed.

I have lived in my house on Dale Drive for over twenty years. I've been lucky enough to see and enjoy every day those things that make Corvallis special: the bicyclists, runners, and walkers as they exercise around such a beautiful area, the "good morning" songs of the local birds, and the incredible views--and all so close to town. Of course I love it here, but I've known since I moved in that the area was scheduled for development, and have come to grips with that idea. I've also come to grips with the fact that Corvallis is a growing community and in need of responsible housing developments such as Witham Oaks that new and existing residents can call home.

I've seen the attempts to build on this special property before. None until now have crafted an acceptable plan for development. I remember the plan that included clear-cutting the oak trees, for goodness sakes. The incredible thing to me now is that so much is being made of the trees being lost in the Witham Oaks proposal, and so little is being made of the acres and acres of trees that are being saved by their careful consideration, and of their honest concern for the things that make Corvallis such a great place to live. I think it is wonderful that the bike paths will still be there after homes are built and that over half the property will remain undeveloped, leaving plenty of room for stately oaks and songbirds.

I was not easily won over by the developers. I had many concerns, as anybody who attended the town meetings can attest. Gradually, after seeing Matrix Development work patiently with the Corvallis community and arrive at a development plan that preserves so much of this beautiful environment, I've come to trust these people as good stewards for developing this special little place next to me. Any remaining objections at this stage appear to be extreme, and not community-minded.

Thank you for your attention to my opinion.

Sincerely,

*Gloria Chaves*

Gloria Chaves

Also e-mailed to Terri Valiant and Randy Rutherford

Gloria Chaves  
glogirl@earthlink.net  
EarthLink Revolves Around You.

**Adams, Eric**

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**From:** Nick [nengel1@verizon.net]  
**Sent:** Friday, May 18, 2007 10:55 AM  
**To:** Adams, Eric  
**Subject:** Written Testimony for May 21 Hearing

Dear Associate Planner Adams,

I am writing to submit written testimony regarding the May 21<sup>st</sup> hearing on the proposal by Legend Homes to develop part of the Witham Oaks parcel in Corvallis. I strongly urge the Corvallis city council not to allow this project. My reasoning is twofold; first, much of the land being considered for development is oak savanna – a threatened native habitat which is declining across the country. Second, I am concerned that the project will contribute to urban sprawl in Corvallis, increasing commuter pollution from the city. I myself am a resident of Hillsboro, Oregon, but I have been made aware of the Witham Oaks situation, and feel it is of great importance both to Corvallis residents and to those outside the city.

If our country had an Endangered Ecosystems Act, instead of an Endangered Species Act, destruction of a significant oak savanna would not be allowed. I presume there are no known endangered species in Witham Oaks, or the development project would be illegal; however, oak savanna is still a declining habitat, considered one of the most threatened ecosystems in the country. The City of Corvallis should be proud to have jurisdiction over such an area – to replace an oak savanna with more suburbs is completely out of keeping with the ideal of environmental protection.

Legend Homes has a history of creating urban sprawl in Oregon. Urban sprawl leads to long-distance commuting, which increases a city's contribution to global warming and air pollution. I know that under former mayor Helen Berg, Corvallis became a signatory city to the US Mayors Climate Protection Agreement, committing itself to find ways of reducing global warming pollutants. If the current city government wishes to honor Helen Berg's pledge, as I sincerely hope they do, then a project that adds significantly to urban sprawl should be regarded with utmost caution. We should be designing cities in ways that discourage long-distance commuting, make public transportation easily available, and protect threatened ecosystems. The Legend Homes project on Witham Oaks cannot be considered sustainable or environmentally sound.

Sincerely,

Nick Engelfried  
985 NW Brookwood Ave.  
Hillsboro, OR 97124  
503-844-5711

**Adams, Eric**

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**From:** Cheri Clark and Harry MacCormack [sunbow@peak.org]  
**Sent:** Friday, May 18, 2007 9:38 AM  
**To:** Adams, Eric  
**Cc:** Mayor  
**Subject:** Witham Oaks Housing Development

Dear Sirs,

Corvallis was just ranked as the 3rd most green city in Country Life magazine. The city council has committed to "sustainability". We all know of the natural wet land, oak and wildlife habitat of the proposed Witham Oaks Development area. This amounts to a watershed case for this city council and other decision makers. Are we going to promote sustainable development? What does that mean? From my point of view the dynamics of interactive biology come way before human housing modeled for a petroleum era that is rapidly fading.

To be a truly sustainable city, a whole new kind of development strategy needs to be created. Human housing needs to be seen as villages. Each village needs its own food grown within that village. That means that landscaping, water, composting, etc. are all primary to how and where humans are to live. Each village should come with at least one full time gardener for every 20 people. This is not a new concept. You can find it in the work of Sir Albert Howard, in Chinese village development around springs and wells, in village development in Germany, all pre cheap and available petroleum. If this city council persists in "business as usual", (meaning not recognizing what is coming within ten years) then we do not deserve the green ranking we have been given. We have examples of green buildings in town, the new engineering building at OSU for instance. We should be requiring those kinds of green engineering practices in any buildings we do build, for humans or industry or business. This is our opportunity time. It won't be available for many more years.

Sincerely, Harry MacCormack

Cheri Clark and Harry MacCormack

[www.sunbowfarm.org](http://www.sunbowfarm.org)

Sunbow Farm/Sunbow Farm Solutions/Institute of Biowisdom

6910 SW Plymouth Dr

Corvallis, Oregon 97333

541-929-5782

**Adams, Eric**

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**From:** L REDPATH [les\_redpath@msn.com]  
**Sent:** Friday, May 18, 2007 9:14 AM  
**To:** Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9  
**Cc:** Adams, Eric  
**Subject:** Protect Witham Oaks

Dear Mayor and City Council Members,

Oak savanna is one of the most severely threatened ecosystems in the United States, and Corvallis, Oregon, is planning a development project that would unnecessarily destroy 40 more acres. In addition to White Oak loss there are unmet concerns over wetland loss and soil hydrology issues. The project would also increase urban sprawl, commuting and add to global warming.

On April 29th, the Corvallis Planning Commission voted 4-2 to approve Palisch Homes' proposal to turn 40 acres of threatened oak savannah into 221 houses. On May 21st, the Corvallis City Council will decide whether or not to overrule the decision.

"Urban sprawl is a bad deal for the environment. Not only has it contributed to habitat destruction all across the United States; perhaps even more importantly, sprawling suburbs encourage people to commute long distances to work, contributing heavily to global warming. The sprawling cities of the US are one of several reasons why our city emits much more carbon dioxide per capita than most of Western Europe, where living conditions are at least as good as they are in this country.

Given all this, why would a city that has allegedly made a commitment to fight global warming be making plans to replace 40 acres of a threatened habitat with a controversial development project that would contribute to urban sprawl? You might think the idea sounds unlikely, but this is just what is happening now in Corvallis. Under former mayor Helen Berg, Corvallis signed onto the US Mayors Climate Protection Agreement. The city therefore has a responsibility to work on reducing its greenhouse emissions. And yet it may be about to let the developer Palisch Homes, which has a history of creating urban sprawl, build 221 suburban houses on a large section of oak savanna in the parcel of land known as Witham Oaks." (<http://www.localsustainability.blogspot.com/>)

I wish to express my desire that Witham Oaks remain protected. I previously submitted written testimony to the planning commission hearing on April 29, which I have pasted below. I urge you to withhold approval until the 60+ staff recommendations have been fully met by the developers in an acceptable manner and then reopen a new public hearing.

April 2 letter to Planning Commission:

April 2, 2007

Community Development Planning Division

5/18/2007

26

PO Box 1083  
Corvallis, OR 97339  
Phone: 766-6908  
Fax: 754-1792

Re: Witham Oaks Conceptual & Detailed Development Plan/Tentative Subdivision Plat,  
PLD06-00012

Attention: Eric Adams

Planning Division,

Please accept these comments for the April 4, 2007 Hearing regarding the Witham Oaks Subdivision.

After having reviewed the Planning Commission Staff Report I would like to commend the staff on the review and recommendations. I am concerned that all conditions be fully met, especially #17, 20, 22, 23, 24, 31, and 36 before development proceeds.

I do appreciate the clause (3.2.1) for "Efficient use of energy and other resources". The site, if developed, has great potential for solar energy, if only passive through such simple requirements as appropriate orientation, height, design and overhangs. Please encourage this.

I support most of the staff's 60 recommendations and would like assurances that those concerns are fully addressed before the project proceeds. I am concerned about the loss of, and damage to, wetlands through development, storm/ground water management, and diminished water and air quality. In addition, the biodiversity of the area will be decreased with the removal of 25% of Oregon White Oaks, which are being replaced by non-native species. The Natural Features Overlay and community expect these to be addressed.

Recommendation #24, Wetland Mitigation and Monitoring Plan requests extending to 5 years after completing of the last phase of the Conceptual and Detailed Development Plan an "objective monitoring of wetland and riparian areas". This must be strongly enforced or we could end up with "Oops, I'm sorry" which helps no one, especially the irreplaceable wetlands/wildlife. I support holding financial securities until all mitigation is complete.

There are many things to consider when approving developments, but I encourage you to hold developers to the standards the community is demanding, including the Natural Features Overlay, energy efficiency and environmental assessments and protections.

Thank you,

Leslie Redpath  
3085 NW Autumn St.  
Corvallis, OR 97330  
757-0312

27

RECEIVED

MAY 18 2007

CITY MANAGERS  
OFFICE

Teresa Bruning  
1045 NW Charlemagne  
Corvallis, OR 97330

Mayor Tomlinson and City Council Members  
City of Corvallis  
P.O. Box 1083  
Corvallis, OR 97339-1083

May 15, 2007

RE: Witham Oaks Planned Unit Development

Dear Mayor Tomlinson and City Council Members,

I would like to offer my support for the Witham Oaks development for a number of reasons. First of all, the development team for this project was involved in the annexation proposal as well and they have been very up front with the future development plans for this site. Their proposed plan is consistent with what they said they would do when the issue was put before the voters a few years ago.

Secondly, they did an outstanding job in terms of working with neighbors and interested citizens. I understand the challenges and issues related to development. I believe the community involvement and in-depth engineering and land use planning that has gone into this project and the current site plan is detailed, reasonable and meets the City of Corvallis' community goals.

Thirdly, this is where development should happen. It is close to town, provides for bicycle and pedestrian connections, preserves trees and adds open space. This is responsible planning and development.

Lastly, Pahlisch Homes, Legend Homes and OTAK have demonstrated their commitment to affordable housing organizations. I support their presence in our community.

Sincerely,

  
Teresa Bruning

## Adams, Eric

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**From:** Phyllis Stonebraker [stoneypuhl@hotmail.com]  
**Sent:** Thursday, May 17, 2007 3:31 PM  
**To:** Ward 8; Mayor; Adams, Eric  
**Subject:** witham hill development project

I live in an apartment complex at 3930 Witham Hill, and I strongly oppose the Witham Hill Development Project, for several reasons.

The first reason is that 189 existing trees will be cut down in order to provide space for 221 houses. Planting small new trees, which would take years to function in a positive environmental role, is simply not acceptable.

Second, the 221 houses, evidently planned to house families, will tax the existing utility structures. I lived in an older existing Southwest Portland neighborhood about 10 years ago, at a time of great growth (in Tigard). I had bleeding on my phone line, where I could hear other people's conversations, and regular electrical brownouts, especially on holidays when I was attempting to fix family dinners. When I complained, I was told that there were simply too many houses being put on too few lines to handle the increased electrical and phone loads. I would hate to have that happen to me again.

Also, with regard to an additional 221 houses, children from my apartment complex must use the city bus to travel to the nearest school. The children in a new housing development would have to travel even further. It is unthinkable to plan new schools, in light of decreasing school enrollments in other parts of Corvallis.

Finally, less than 50% of the population approved an annexation proposal, and now the proposed development project differs greatly from the original annexation proposal. I also understand that the city is willing to except several to many provisions of the Corvallis Land Development Code. I see these as violations of the public trust, and the new Witham Hill Development Project should be rejected on those grounds alone.

There are other issues (e.g., wetland destruction, traffic problems) which would argue against the project, but hopefully other people will protest the development on those grounds).

I urge you to vote against the development.

Sincerely,

Dr. Phyllis M. Stonebraker,  
3930 Witham Hill Drive  
Corvallis, Oregon

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PC Magazine's 2007 editors' choice for best Web mail—award-winning Windows Live Hotmail.  
[http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT\\_TAGHM\\_migration\\_HM\\_mini\\_pcmag\\_0507](http://imagine-windowslive.com/hotmail/?locale=en-us&ocid=TXT_TAGHM_migration_HM_mini_pcmag_0507)

## Adams, Eric

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**From:** Louie, Kathy  
**Sent:** Thursday, May 17, 2007 3:26 PM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: please vote to protect Witham Oaks]

**Attachments:** unfiled-2



unfiled-2 (925 B)

FYI ..k

-----Original Message-----

**From:** Ward 1  
**Sent:** Thursday, May 17, 2007 3:16 PM  
**To:** Louie, Kathy  
**Cc:** ward1-web-archive@council.ci.corvallis.or.us  
**Subject:** [Fwd: please vote to protect Witham Oaks]

Kathy,

Please include in the "record".

Regards,

Bill York  
Councilor - Ward 1

----- Original Message -----

**Subject:** please vote to protect Witham Oaks  
**From:** "Courtney Childs" <courtneychilds@riseup.net>  
**Date:** Thu, May 17, 2007 2:18 pm  
**To:** ward1@council.ci.corvallis.or.us

Hello Councilmember York,

I'm hoping you will vote to overrule the Planning Commission vote on the Witham Oaks Housing Development. We need to think in terms of sustainability for this town. Wiping out a precious Oak savanna and wetland for the sake of a fairly high density, expensive housing tract will profit Matrix Development hugely, but will rob the future generations of Corvallis by placing the burden of services and the lack of open space on them.

Thank you.

Courtney Childs  
390 SW 53rd St.  
Corvallis, OR 97333

**Adams, Eric**

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**From:** Curtis Wright [cwright@thewrights.org]  
**Sent:** Wednesday, May 16, 2007 6:35 PM  
**To:** Adams, Eric  
**Subject:** Witham Oaks housing project

Mayor and Councilors:

Last Saturday, at the Farmers' Market, I was given a flyer about the Whitham Oaks housing project. I was astounded by what it stated as fact, as truth: It said the the City Staff and the Planning Commission had approved a housing subdivision wherein the developer had lied to the voters about what would be done if this property were annexed. It said the City Staff and the Planning Commission had given the go-ahead to the developer cutting down all the oak trees. It said the City Staff and Planning Commission okayed the developer damaging the wetlands. It said the City Staff and the Planning Commission backed covering all that open land with concrete and asphalt.

I was in a state of near total shock! I couldn't believe the professional planners on our City Staff and the knowledgeable volunteers serving on our Planning Commission would do such a thing to our community! How could this happen with none of us knowing anything about what was going on?!

I was inflamed by this green-colored (how appropriate) flyer! I was ready to dig out my sign-making kit, sharpen my pitchfork, heat up my tar pot, and head for the City Council meeting! And I really wanted to get in touch with the concerned citizen(s) who put out this piece so I could learn more about this travesty!

Whoa . . .that's strange. The flyer isn't signed. There's no address. No phone number. Hmmm. . . I wonder why the citizen(s) who put out this piece would make it so clear how to get in touch with you folks, but keep themselves hidden away from contact. Maybe what they're claiming as fact, as truth, in their flyer ain't really so. Maybe these are misrepresentations, incomplete statements, and inaccurate half-truths. Maybe even some of it is a flat out, blatant lie. Maybe before I let this incendiary flyer send me off on an emotional tirade at the Councilors and Mayor about what awful people their City Staff and Planning Commissioners must be to have allowed the developer to get away with all this, I should first check out the public record at City Hall, or the Library.

Whoa. . .what a different perspective one gets when they get the whole story. Now that I see the long and open process this proposed development has gone through - all the meetings with surrounding neighbors, all the hours of public hearings, all the concerns of City Staff that have been addressed, and all the conditions the Planning Commission has imposed to mitigate potential problems - my confidence in my local government has been restored.

Reason and logic should always prevail over misguided emotion. Fact and truth must always be more important than impassioned opinion.

That's why I'm confident the Councilors of Corvallis will deny the appeal, uphold the Planning Commission's decision, standby the Staff's recommendations, and reaffirm the will of the majority of Corvallis citizens that voted for this annexation and its planned development.

And I'll sign my name to what I write.

5/17/2007

31

Curtis Wright  
3325 NW Poppy Drive  
Corvallis, OR 97330  
(541) 738-6525

**Adams, Eric**

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**From:** Mark Hixon [hixonm@science.oregonstate.edu]  
**Sent:** Wednesday, May 16, 2007 1:33 PM  
**To:** Adams, Eric  
**Subject:** Witham Oaks Development

Dear Mr. Adams:

I support the "Witham Oaks Appeal" for the Corvallis City Council to overturn the decision made by the Corvallis Planning Commission (on a 4-2 vote) in approving the Witham Oaks Conceptual and Detailed Development Plan and Tentative Subdivision Plat (PLD06-00012/SUB06-00005). As detailed in the Appeal the grounds for this overturn are sixfold in that the Witham Oaks Development as proposed would:

1. destroy too many significant trees,
2. probably damage wetlands,
3. create an incompatible suburban-style neighborhood,
4. build a large number of houses with no school nearby,
5. shield the developer from public participation, and
6. fail to use sufficient solar energy for home heating.

Thank you,  
Mark Hixon

\*\*\*\*\*

Dr. Mark Hixon, Professor  
Department of Zoology  
Oregon State University  
Corvallis, OR 97331-2914

phone: 541-737-5364  
fax: 541-737-0501  
e-mail: [hixonm@science.oregonstate.edu](mailto:hixonm@science.oregonstate.edu)  
web: <http://oregonstate.edu/~hixonm/index.htm>  
\*\*\*\*\*

"I must be the change I wish to see in the world."  
--Mahatma Gandhi  
\*\*\*\*\*

## Adams, Eric

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**From:** Adam Stebbins [stebbina@onid.orst.edu]  
**Sent:** Wednesday, May 16, 2007 11:45 AM  
**To:** Ward 1  
**Cc:** Adams, Eric  
**Subject:** Proposed Development at Witham Hill- Analogy to West Oaks Problems

Dear esteemed Civil Servants,

My name is Adam Stebbins. I am a grad student at OSU and part-time employee of the Pacific Northwest Research Station in Corvallis.

As a resident of Ward 1, I often travel past the Witham Hill proposed site. The current topography and land qualities are strikingly similar to the pre-development of West Oaks homes, condos, and apartments.

The pitfalls of developing the site are therefore analogous to what has already occurred at West Oaks. This includes the expensive problems of:

\*\*\* Increased cornering winds from housing- which when combined with increased saturation and water runoff (post-development) during storms, led to more than 40 10-yr old Douglas Firs and 10 Oregon White Oaks falling throughout the West Oaks development.

\*\*\* Increased Runoff- Compaction of soils and increase in % impervious area requires retention/detention ponds that are designed to handle increased runoff depths. However at West Oaks, developer/engineer detention ponds for steep slopes, failed and saturated a large historic grove of Oregon White Oaks across West Hills Road- resulting in girdling and eventual mortality. This led to a long time legal battle between the city and homeowners ending in a \$600,000+ settlement and lawyer fees.

For these distinct reasons I oppose the new development, which is likely to have at least the first effect and a high probability of the second (depending on soils, high degree of compaction, etc.)- both of which are adamantly opposed by City ordinances.

Thank you for your time and consideration in this important matter.

-----  
Adam Stebbins  
Oregon State University  
M.S. student- Water Resources

## Adams, Eric

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**From:** Louie, Kathy  
**Sent:** Wednesday, May 16, 2007 11:15 AM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: Witham Oaks]

**Attachments:** untitled-2



untitled-2 (16 KB)

For the record ...kathy

-----Original Message-----

**From:** Mayor  
**Sent:** Wednesday, May 16, 2007 11:14 AM  
**To:** Louie, Kathy  
**Subject:** [Fwd: Witham Oaks]

For the record.

----- Original Message -----

**Subject:** Witham Oaks  
**From:** "Joe Sigma" <sigmaplanet@yahoo.com>  
**Date:** Wed, May 16, 2007 9:17 am  
**To:** mayor@council.ci.corvallis.or.us

Dear Corvallis Mayor and City Council:

Pending your upcoming decision regarding the proposed sub-development of the Witham Oaks savannah and wetland area, I beg your consideration of these relevant thoughts and concerns. I am not a resident of Corvallis, but I recently had the good fortune of being invited for a walk along the path that passes through this beautiful area. I trust each of you have personally been to see this area at one time or another, especially since your public responsibilities presently require you to make decision as to the future of this special attribute to the immediate Corvallis surroundings. Perhaps some of you may even have availed yourselves of the pleasure of visiting it frequently over the previous years as do many other Corvallis residents who deeply appreciate this priceless setting so accessible to Corvallis City. As I enjoyed the occasion a few weeks ago of taking this walk through the Witham Oak Savannah location, it was easy for me to imagine what it was like for those who lived here many years ago. The settlers who came, and the unnumbered generations of the native people who lived or passed through the Willamette Valley and Corvallis area in times of yore. I could visualize the earlier people who hunted, fished, worked and lived here in the open country of the Willamette. I could do this because a part of their world is still here, and there I had it before my eyes. Because this pristine area, excepting the path laid down, is still much as it was from long ago, and has remained right through the end of the 20th century, up to this very day. As we walked along, my friend and I, the sky was blue, the sun was shining, and the wooded hills and the whole vale seemed to smile. I readily came to see and share her admiration of this special

place. We spoke together of the habitat it provides for the birds and animals living there. She told me how she had seen a large red fox there a year or so ago, in the midst of the lowland brush. We walked on, and it was so quiet and peaceful. We encountered and passed by a few other people also, either walking, jogging or bicycling. They exchanged quiet nods or smiles with us. I don't know if it was just me, but it seemed as if we and those we passed all shared a kind of reverence, as it were. A feeling of hushed peace, induced by the rareness of a place still so natural, here in the middle of our modern world of today. Was it partly because of a consciousness that we can not longer afford to take a place such as this for granted?

My friend had invited me to come see this place with her that has become an important

part of what she enjoys about living in Corvallis. Because now she doesn't know how much longer it will remain as it is. And why?

Because there are no other more sensible places to build homes? Because the folks of Matrix and Palisch have no other options for conducting business? Obviously, no, and no.

I can understand how a setting such as this would be an appealing place to build homes. I can see why some people might wish to own a home there. I can understand how they, recognizing this beauty, might desire to procure a part of it for themselves. Given the possessive element of human nature, it is not at all surprising. I can understand, but not sympathize with their shortsightedness. On the other hand, I have a decided antipathy for those who behold the Witham Oaks wet land and hillside, first and foremost, simply as raw material awaiting conversion in their alchemical quest for gold. It is sad to contemplate. Because ultimately no one will ever build or own homes in such a place of untouched beauty. Because if they do, it immediately ceases to exist. The place it now is becomes no more. It disappears into the past, and something different takes its place. Something changed. A development.

A subdivision. A place of lot numbers and street addresses and 911 calls. Another simulacrum of the ersatz American Dream.

Is this proposed development really necessary? Is it really what's best for the many residents of Corvallis? For the city itself? Surely others before me have already brought up how inconsistent this plan is with certain clear statements in the Corvallis 2020 Vision relevant to "Open Space and Habitat". Therein we find:

"Our natural features; hillsides, floodplains, streams, wetlands, and other natural areas are protected and treasured." And, "Corvallis is encircled by an emerald necklace of parks, scenic vistas, natural habitats, and farm and forest lands that define the city's boundaries."

(emphasis mine)

Without doubt, Witham Oaks must be one of the jewels of this "emerald necklace" encircling the city of Corvallis. In a world of rampant growth, crass commercialism, and the carnage of wars, the Witham Oaks wetland and savannah, so close to the existing streets and neighborhoods of Corvallis, has somehow been spared. It yet exists here in this early 21st century, right up until this present day. A precious reminder to us all of the meaning of peace and purity.

Surely there are possible alternatives to development. Could not time be allowed to raise funds to purchase the land, and to then set it in trust, and so to remain in its natural state? Would it not still be possible to conserve Witham Oaks as a perpetual heirloom in your city?

As such it would serve as testimony to the foresight and integrity of the leadership of the City of Corvallis, and to the good citizens who love and respect this place as it is. Please give all due consideration to an alternative and equitable resolution for the future of Witham Oaks.

Sincerely, J. Bryan Smith

-----  
Need a vacation? Get great deals to amazing places on Yahoo! Travel.

**Adams, Eric**

---

**From:** Jerry Davis [jerrydavis01@comcast.net]  
**Sent:** Wednesday, May 16, 2007 9:10 AM  
**To:** Adams, Eric  
**Cc:** Terri Valiant  
**Subject:** Witham Oaks Project/Public Hearing

Mr. Adams,

I am very much in support of the Witham Oaks Housing Project. Corvallis is doing an excellent job of protecting Open Space and Natural Areas that have been identified by residents through public processes and purchased through a public vote. Additionally, the Witham Oaks Property was annexed into Corvallis through a vote of the public. Corvallis needs a balance of Open Space and good housing; this project meets the needs of housing as well as protecting some of the natural features. Thank you for allowing me to speak to this issue.

Jerry Davis  
3610 SW Country Club Ave.  
Corvallis, Oregon 97333  
541-231-9332

## Adams, Eric

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**From:** Louie, Kathy  
**Sent:** Monday, May 14, 2007 4:20 PM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: <web>Witham Oaks Appeal 5-21-07]

FYI ...k

-----Original Message-----

**From:** Mayor  
**Sent:** Monday, May 14, 2007 4:17 PM  
**To:** Louie, Kathy  
**Subject:** [Fwd: <web>Witham Oaks Appeal 5-21-07]

For the record.

----- Original Message -----  
**Subject:** <web>Witham Oaks Appeal 5-21-07  
**From:** "Suzannah Doyle" <themuseteam@peak.org>  
**Date:** Mon, May 7, 2007 9:38 am  
**To:** mayor@council.ci.corvallis.or.us  
-----

This is an enquiry e-mail via %s from: Suzannah Doyle  
(themuseteam@peak.org) Re: Proposed Witham Oaks Development Appeal (May 21, 2007)

Dear Mayor;

As a citizen of Corvallis for over 23 years, I recognize the delicate balance cities face when making decisions about growth versus open space. We are constantly faced with decisions about how much to grow and what the nature of that growth will be.

I feel that Corvallis has made good choices in this area over the years, which is why I choose to live here.

Corvallis is consistently listed as one of the top ten places in the U.S. in which to live. These listings note our commitment to open space, live-ability, sustainability, and to community -- in essence, our citizenry's obvious commitment to the long term interests and well being of all Corvallis residents, rather than the short term interests of those who realize financial gain by developing land that afterwards can never be restored to it's natural state.

I urge you and the Corvallis City Council members to continue this commitment to keeping our city healthy for everyone in the long run by keeping Witham Oaks undeveloped and in its natural state for the entire community to enjoy.

The most valuable asset we as a community own is the feeling of connection and community with our friends and neighbors. In my view, this is inspired and supported by values and experiences that remind us of our connection with one another: Natural open spaces are an essential part of this process.

Witham Oaks in its natural state is a vital part of the community experience in Corvallis. Countless people enjoy its natural beauties; friends and neighbors walk here daily and enjoy friendly conversation and the relaxing, nurturing experience of being in nature.

If turned into a housing development, we would not only lose this area's natural beauty, but our Northwest Neighborhood would lose a place for friends and neighbors to meet each day to experience connection and community. I do not believe this kind of loss is justified at any price.

Building houses while destroying opportunities for community and connection does not make sense, especially if we are mindful that the choices we make today will affect future

generations.

A town's character is built on the principles of its citizens. Obviously there are as many opinions and values as there are individuals. However, open space is a common denominator that nurtures and sustains us as a community, and that shapes the character of our town into a place that remembers that something as simple as the fact that having one's hands in the soil -- or one footstep on a pathway in undeveloped space -- is essential to the well being of the soul.

I feel that over-development destroys the soul of a city -- and that preserving these 95 acres of beauty and tranquility known as Witham Oaks is essential the the very soul of all of us who share this community of Corvallis. Are the profits of an out-of-town development company more important than the live-ability of this community? I think not. Surely Matrix Development can make their millions elsewhere. However, if we choose to allow development of Witham Oaks, we will NOT be able to replicate this unique natural wonder elsewhere.

I urge you and the city council members to deny development of the Witham Oaks area, and to commit to leaving this property as open space for all citizens to enjoy. I would certainly be willing to step up along with my other Corvallis friends and neighbors to purchase this property in order to leave it designated as open space, for all to enjoy.

I believe we owe this not only to ourselves, but to our children and future generations.

Sincerely,  
Suzannah Doyle  
1020 NW 34th St.  
[www.SuzDoyle.com](http://www.SuzDoyle.com)  
Corvallis resident since 1983

**Adams, Eric**

---

**From:** Louie, Kathy  
**Sent:** Monday, May 14, 2007 3:46 PM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: Witham Oaks]

Eric, more and more will be coming in ..is this the easiest way for you to get this or ?

-----Original Message-----

**From:** Ward 6  
**Sent:** Monday, May 14, 2007 3:23 PM  
**To:** Louie, Kathy  
**Cc:** ward6-web-archive@council.ci.corvallis.or.us  
**Subject:** [Fwd: Witham Oaks]

----- Original Message -----

**Subject:** Witham Oaks  
**From:** "Catherine Searle" <searle@onid.orst.edu>  
**Date:** Sun, May 13, 2007 10:50 pm  
**To:** ward6@council.ci.corvallis.or.us

Dear Stewart Wershow,

I am writing to request that you deny the development request for Witham Oaks. When I heard that this piece of land had been approved for a housing development, I was shocked and saddened. I have lived in Corvallis for two years and often take walks through this area. When I pass through, I always see families and groups of friends enjoying the scenery. In the spring, it is an important breeding ground for Pacific Treefrogs. The loss of this habitat would be detrimental for frogs, birds, and other wildlife.

Please deny the Witham Oaks Development Proposal and help preserve this beautiful part of Corvallis.

Thank you,  
Catherine Searle

Department of Zoology  
Oregon State University  
3029 Cordley Hall  
Corvallis, OR 97330  
541-737-5357

**Adams, Eric**

---

**From:** Louie, Kathy  
**Sent:** Monday, May 14, 2007 3:47 PM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: <web>Witham Hill Development]

FYI ....k

-----Original Message-----

**From:** Ward 6  
**Sent:** Monday, May 14, 2007 3:25 PM  
**To:** Louie, Kathy  
**Cc:** ward6-web-archive@council.ci.corvallis.or.us  
**Subject:** [Fwd: <web>Witham Hill Development]

----- Original Message -----  
**Subject:** <web>Witham Hill Development  
**From:** "Alan Coffman" <OwlRemembering@comcast.net>  
**Date:** Mon, May 7, 2007 11:06 pm  
**To:** ward6@council.ci.corvallis.or.us  
-----

This is an enquiry e-mail via %s from: Alan Coffman  
(OwlRemembering@comcast.net) Dear Council Member:

I am in agreement that the development plan submitted for the Witham Hill annexation, as approved by the City Planning Dept., is inappropriate and should be overridden by the City Council. The plan as approved does not honor the promises made by the developer when they asked for annexation. The plan should be sent back, and the developer should be asked to resubmit a plan which honors the agreement made as put to the voters in that annexation agreement. The developer should also be asked to assume responsibility for their development in providing and paying for all city services as supplied to surrounding lands.

Sincerely,

Alan Coffman  
Resident

RECEIVED

MAY 14 2007

Community Development  
Planning Division

Elizabeth Merritt  
3930 NW Witham Hill Dr., #78  
Corvallis, Oregon 97330  
(541) 753-4257

May 9, 2007

To the City Council of Corvallis:

This letter is submitted to be read at the Appeal Hearing on May 21, 2007. My husband, our dog, and I have lived in the Oak Vale Apartments for a year and have relished the time spent walking and biking the path south of our apartment to Harrison Street. Each season brings its beauty and the open space never fails to calm and delight us. We've noticed, too, how many people and their dogs walk and bike the path. We have been so grateful to have this bit of wildness so near us, and I am sure many other people, residents of our apartment complex, plus residents of neighboring apartment complexes and houses, feel the same. One of Corvallis' strengths is its retention of natural areas within the city. It breaks my heart to see what kind of development is threatening to encroach our neighborhood of not only people, but frogs, snakes, oak forest, birds, grasses, berries and seasonal streams. I cannot believe that the City Council would approve Matrix Development's proposal to build 221 houses in this beautiful wilderness, so beloved by so many people. The destruction this project will bring to people and the wilderness is horrific. Please, please, reject Matrix Development. Make a plan which considers the health of our people and our wilderness and the health of the future. It is our responsibility to care for each other and the land.

Sincerely,



Elizabeth Merritt

## Adams, Eric

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**From:** Dan Crall [oregonprogressive@yahoo.com]  
**Sent:** Sunday, May 13, 2007 4:34 PM  
**To:** Adams, Eric  
**Subject:** Witham Oaks

Mr. Adams,

I was thrilled to hear that a group of citizens pulled together to appeal the decision to develop the Witham Oaks area.

I hope this decision can be reconsidered and that area kept wild. I grew up in a town that was once unique like Corvallis is now. By the time I left for college, it had lost all character due to overdevelopment and the efforts to suburbanize the area. Nowadays, people are fleeing and the lucky ones end up in communities like Corvallis.

I fear that our city is headed in an overdeveloped, sprawled out direction and many, many fellow residents I've spoken with share my concern. We choose to live here and work for the betterment of our community because we believe in Corvallis! We believe this town has promise, and can improve without paving over spots of such natural value. A development upon Witham Oaks will destroy a unique element that can never be replaced.

Please consider the appeal and allow the Witham Oaks area to remain undisturbed. Part of Corvallis' character can be attributed to natural surroundings, like that of Witham Oaks; please do not allow it to be decimated.

Thank you for your time and consideration.

Dan Crall  
Resident - Ward 9

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Get  
the Yahoo! toolbar and be alerted to new email wherever you're surfing.  
<http://new.toolbar.yahoo.com/toolbar/features/mail/index.php>

**Adams, Eric**

---

**From:** Louie, Kathy  
**Sent:** Monday, May 14, 2007 8:05 AM  
**To:** Adams, Eric  
**Subject:** FW: [Fwd: Prevent Development of Witham Oaks Area]

**Attachments:** untitled-2



untitled-2 (6 KB)

Eric, in case you didn't get this for the record. Kathy

-----Original Message-----

**From:** Ward 8  
**Sent:** Sunday, May 13, 2007 3:54 PM  
**To:** Louie, Kathy  
**Cc:** ward8-web-archive@council.ci.corvallis.or.us  
**Subject:** [Fwd: Prevent Development of Witham Oaks Area]

Please add to public record. Thanks!

----- Original Message -----

**Subject:** Prevent Development of Witham Oaks Area  
**From:** "Nick" <nengell@verizon.net>  
**Date:** Sun, May 13, 2007 10:41 am  
**To:** mayor@council.ci.corvallis.or.us  
ward1@council.ci.corvallis.or.us  
ward2@council.ci.corvallis.or.us  
ward3@council.ci.corvallis.or.us  
ward4@council.ci.corvallis.or.us  
ward5@council.ci.corvallis.or.us  
ward6@council.ci.corvallis.or.us  
ward7@council.ci.corvallis.or.us  
ward8@council.ci.corvallis.or.us  
ward9@council.ci.corvallis.or.us  
**Cc:** pgp-discuss@list.pacificgreens.org

Dear Mayor Tomlinson and Corvallis City Council,

I have been made aware of the upcoming hearing on May 21st, that will decide the fate of 40 acres of the Witham Oaks land parcel. I am writing to you to strongly urge that the Legend Homes development proposed for this land be cancelled. As a native oak savanna, the land in question represents a habitat that is disappearing across the United States. Indeed, oak savanna is considered one of the most threatened ecosystems in the country, having been reduced to a tiny fraction of the area it once covered. The city of Corvallis should be proud to have designation over an oak savanna; an area this ecologically valuable should not be considered for development.

Legend Homes has a history of creating suburban sprawl in Oregon, and I think this is another reason to be wary of the development project. I know that former mayor Helen Berg signed onto the US Mayors Climate Protection Agreement, making a commitment to reduce greenhouse gas emissions in the city. If the current mayor and city council wish to honor Helen Berg's pledge, as I sincerely hope you do, then a project that contributes to urban sprawl can not be considered in keeping with your goal of sustainable development. Urban sprawl, and the heavy commuting that results from it, make a major contribution to

emission of greenhouse gases across the United States. We should be designing cities in a way that discourages long-distance commuting, makes public transportation easily available, and protects valuable wildlife habitat. A project like the one proposed for Witham Oaks by Legend Homes adds to urban sprawl while at the same time obliterating a threatened ecosystem. Please do not let this proposal go through.

I myself am a resident of Hillsboro, Oregon, but I have heard of the Witham Oaks situation, have visited the "Keep Witham Wild" website at <http://www.keepwithamwild.net/>, and believe that the Legend Homes project is at odds with environmental health. I am doing my best to spread the word about this issue on my own website, [www.localsustainability.blogspot.com](http://www.localsustainability.blogspot.com) <<http://www.localsustainability.blogspot.com/>> Oregon should be restoring native oak savannas, not destroying the few we have left. Please vote to overrule the Legend Homes development project.

Sincerely,

Nick Engelfried

Pacific Green Party Member

Climate Activist

--  
David Hamby  
Corvallis City Council, Ward 8  
738-6204 (home)

RECEIVED

THE CHURCH OF  
JESUS CHRIST  
OF LATTER-DAY SAINTS

MAY 14 2007

Community Development  
Planning Division

May 11, 2007

Corvallis City Council  
501 SW Madison Avenue  
Corvallis, OR 97333

**RE: Witham Oaks Planned Development (PLD06-00012/SUB06-00005) and the proposed Circle Blvd relocation**

Dear Members of the Corvallis City Council:

Upon filing an appeal of the Witham Oaks Planned Development, we were informed another party had already filed. We submit this independent of all others.

Thank you for reviewing this proposal. Our property is just east of the proposed Circle-Harrison intersection and is the site of a 37-year old church building that serves 3,200 church members from Corvallis, Philomath, Newport, Waldport, and students from OSU. As we stated to the Planning Commission, we have no objections to the proposed residential development.

However, we believe more balance can be found in locating the Circle-Harrison intersection. The Planning Commission approved the intersection 75 feet from our driveway by waiving 50 percent of a safety standard. They also implied that our driveway might be eliminated because of safety problems (with Circle so close). We believe there is a more reasonable solution than a waiver of safety standards that creates safety problems. The standards for the decision are unclear, and we respectfully ask the Council to correct this by providing 150 feet between our driveway and the Circle-Harrison intersection as required by LDC.

**Inadequate Factual Base**

The Planning Commission's decision to grant a variance of the 150-foot safe-access standard<sup>1</sup> was based on inaccurate data. Their findings indicate the distance from Circle to our driveway is 107 feet, as measured from centerlines. However, staff at the Public Works Department indicated the distance is measured from nearest travel edges. This puts the intersection 75 feet from our driveway,<sup>2</sup> not 107 feet as presented to the Planning Commission. The Commission based their decision on what they thought would result in a 43-foot variance (29%), when in fact they granted a 75-foot variance (50%). This is an excessive amount of unintentional relief from a safety regulation.

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<sup>1</sup> LDC 4.1.40

<sup>2</sup> The December 19, 2006 plans show the following: edge of Circle Blvd 20 feet to the Beit Am lot + 25-foot wide Beit Am lot + 30 feet to LDS driveway = 75 feet between Circle Blvd and LDS driveway.

The Commission approved the safety variance given 1) acceptable traffic volumes and 2) an existing second LDS driveway in case something happens.<sup>3</sup> The traffic volumes were based on incorrect measurements as discussed. The Commission accepted the results but then implied that any error or miscalculation could be remedied by eliminating our driveway. We strongly disagree with this approach, as do the Comprehensive Plan and Transportation Plan:

*The transportation system shall be planned and developed in a manner which... minimizes the negative effects on abutting land uses.<sup>4</sup>*

We find nothing minimal about eliminating a driveway that serves 240 parking spaces at our facility where frequently between 500 and 1,500 persons are present at one time. Our facility would not function safely or efficiently if one of the two driveways were eliminated. The code requires the Circle-Harrison intersection and our driveway to coexist at the appropriate, safe distance of 150 feet. Complying with LDC is the easiest remedy, not eliminating existing uses.

The long-term impacts of this variance were not carefully addressed, and the decision appears to have significant problems with an adequate factual base.<sup>5</sup>

### **No Clear and Objective Standard**

We concur with the Planning Commission that preserving wetlands is important, and it is unfortunate that Circle's extension has to impact them. However, the Planning Commission found that the extension of Circle is allowed to occur on wetlands without a variance<sup>6</sup> and is, in fact, "necessary."<sup>7</sup> The City constructed the Circle Blvd bike path based on this premise.

A variance is not required to build Circle Blvd in wetlands, but it is required to build it closer than 150 feet of a driveway. Therefore, finding a location for Circle that impacts the fewest wetlands while not violating the 150-foot safe-access standard should have been the solution sought by the Planning Commission, one that would have provided the "clear and objective set of standards"<sup>8</sup> missing from their decision.

### **Appellant's Proposal**

Given these findings, we submit that the ideal location for Circle Blvd is 150 feet from our driveway. It impacts 2.3 wetland acres, the fewest of any option that conforms to LDC<sup>9</sup>. A comparison of options is provided on the following page.

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<sup>3</sup> April 18, 2007 Planning Commission minutes, p. 7

<sup>4</sup> Comprehensive Plan 11.2.1; Transportation Plan 2.60.10

<sup>5</sup> OAR 660-015-0000(2)

<sup>6</sup> LDC 4.5.110, OAR 660-023-0090, OAR 660-023-0100

<sup>7</sup> Witham Oaks Planned Development Planning Commission Staff Report, p. 58

<sup>8</sup> LDC 2.5.10

<sup>9</sup> Source: city staff

Circle Blvd Extension	Wetland acres	Variance
Existing right-of-way (previously used by City)	3.6	NO
150 feet from LDS driveway (proposed by appellant)	2.3	NO
75 feet from LDS driveway (proposed by applicant)	2.0	YES

We ask the Council to approve the Circle-Harrison intersection 150 feet from our driveway, an optimum solution—based on clear and objective standards—that impacts the fewest wetlands without varying from LDC. We believe this to be the best balance between protecting wetlands and existing uses.

Please submit this and our April 4 letter (attached) into the record.

Thank you for your consideration.

Regards,



Paul Davis  
 Corvallis Oregon Stake Physical Facilities Representative  
 The Church of Jesus Christ of Latter-day Saints  
 3705 NW Sylvan Dr  
 Corvallis, OR 97330  
[paul.davis@ch2m.com](mailto:paul.davis@ch2m.com)  
 541-768-3584

Encl.

Cc w/encl: Eric Adams, Associate Planner  
 Terry Valiant, Pahlisch Homes

THE CHURCH OF  
**JESUS CHRIST**  
OF LATTER-DAY SAINTS

April 4, 2007

Corvallis Planning Commission  
501 SW Madison Avenue  
Corvallis, OR 97333

**RE: Witham Oaks Planned Development (PLD06-00012/SUB06-00005) and the proposed Circle Blvd relocation**

Dear Planning Commission Members:

I represent the Corvallis Stake Physical Facilities of the Church of Jesus Christ of Latter-day Saints (LDS). The Corvallis Stake Center is the 37-year-old church building just east of the proposed Circle/Harrison intersection shown on the December 19, 2006 plans of the Witham Oaks Planned Development.

We have no objections to the proposed residential development nor do we oppose relocating Circle Blvd. However, we believe that if Circle Blvd is to be relocated, its intersection with Harrison Blvd should not be within the required 150 feet from the nearest access. We base this on adopted policies of the Corvallis Transportation System Plan (2.60.10) and Comprehensive Plan (11.2.1), both of which have the same top priority for transportation planning:

*The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.*

We believe the proposed Circle Blvd is well-intended, but the proposed location of the intersection with Harrison Blvd does not comply with the three criteria of the above policy: minimizing negative effects, recognizing natural features and contributing to community livability.

**Minimize Negative Effects.** The proposed Circle Blvd right-of-way near its intersection with Harrison Blvd is directly adjacent to a 25-foot flag lot of the Beit Am property, our neighbor to the west (and north). Our west entrance is approximately 30 feet from the Beit Am flag lot. This adds up to 55 feet of separation from our driveway to the proposed Circle Blvd right-of-way. This is an insufficient distance for the safe operation of Harrison Blvd., which our property abuts. The Corvallis LDS Stake Center is a heavy-use facility, particularly during certain days of the week. Frequently, our parking capacity is maximized and traffic demand on Harrison Blvd increases accordingly.

Furthermore, Section 4.1.40 of the Corvallis Land Development Code (LDC) states, "Accesses shall be located a minimum of 150 ft. from any other access street or intersection." With about 1,300 feet of frontage on Harrison Blvd, the subject property has more than enough land to select a safe intersection for Circle Blvd without having to request a variance that negatively impacts existing land uses.

Finally, Statewide Planning Goal 12, *Transportation*, begins: “To provide and encourage a safe, convenient and economical transportation system” (OAR 660-015-0000(12)). We believe realigning the right-of-way of an arterial-collector intersection to within 55 feet of an existing access is not safe, convenient or economical.

**Natural Features.** The existing Circle Blvd right-of-way between Witham Hill and Harrison was surveyed in 1963. In 1996, the Transportation Plan said a multi-use path from Witham Hill to Harrison was a top priority of 10-year improvement projects (10-4). A few years later, the City constructed the path, using about 20 feet of the existing 80-foot right-of-way. The narrow path did not meander through the wide right-of-way, as would have been most convenient; rather, it exactly followed the easternmost 20 feet, so as to reserve the remaining 60 feet for the future expansion of Circle Blvd as prescribed by the Transportation Plan. In short, it appears the City has planned on using this right-of-way for Circle Blvd for over 40 years.

The existing right-of-way, therefore, should be the standard by which all other proposed realignments are measured: its intersection with Harrison is at least 150 feet to the nearest access, and the amount of wetland area impacted (according to the applicant) is 3.63 acres—no alternative should exceed this amount. The applicant’s proposed Circle Blvd right-of-way impacts fewer wetlands but is well under the 150 feet required for driveway accesses. There is an abundance of land on the site for the applicant to relocate Circle Blvd, impact fewer wetlands than the existing right-of-way, and still meet the 150 feet requirement.

**Community Livability.** We believe this residential and open space development will be a great addition to the community. We look forward to having new neighbors who will soon enjoy this beautiful part of town with us. We believe their safety, and our safety on the roads will be ensured only if “livability, sustainability, and accessibility” are priorities for new and existing streets (Comprehensive Plan 11.3.10). If the accessibility of our west entrance is restricted or eliminated because Circle Blvd is located too close to it, then the Comprehensive Plan, the Transportation Plan, and the Land Development Code—all of which say the Circle Blvd/Harrison Blvd intersection should be located farther to the west than is currently proposed—will lose effectiveness in measuring community livability.

For these reasons, we believe the currently proposed location of the Circle Blvd/Harrison Blvd intersection is not in compliance with the intent and policies of state and local land use ordinances and should be adjusted before approval is granted.

Thank you for your time and consideration.

Regards,



Paul Davis  
Corvallis Oregon Stake Physical Facilities Representative  
The Church of Jesus Christ of Latter-day Saints  
[Paul.davis@ch2m.com](mailto:Paul.davis@ch2m.com)  
541-768-3584

Cc: Eric Adams, Associate Planner  
Eugene Braun, P.E., City Engineer  
Terry Valiant, Pahlisch Homes