



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Office: Kalapuya Building
4500 SW Research Way
Corvallis, OR 97333
(541) 766-6819
www.co.benton.or.us/cd

LAND USE APPLICATION
CONDITIONAL USE PERMIT

File # LU- _____
(OFFICE USE ONLY)

Fee: \$ _____
(SEE CURRENT FEE SCHEDULE)

**ALL SECTIONS MUST BE COMPLETED BY OWNER, OWNER'S AGENT or APPLICANT. ATTACH ADDITIONAL SHEETS AS NECESSARY.
COUNTY REVIEW WILL BEGIN WHEN THE APPLICATION IS DETERMINED TO BE COMPLETE.**

I. Property Owner Information

Name(s): Oregon State University Phone #1: _____
Mailing Address: Peavy Hall #218 Phone #2: _____
City: Corvallis State: OR Zip: 97331 Email: _____

II. Applicant Information (skip this section if Property Owner is Applicant)

Name(s): Mark Swanson, OSU Research Forest Phone #1: _____
Mailing Address: Peavy Hall #218 Phone #2: _____
City: Corvallis State: OR Zip: 97331 Email: mark.swanson@oregonstate.edu

Other individuals to be notified of this application: Name, Address, City & Zip, or Email

Steven Hultberg, Radler White Parks and Alexander

shultberg@radlerwhite.com / 541-585-3697

III. Property Information

Site Address: No address
Assessor's Map & Tax Lot Number: T 11S S, R 5W W, Section(s) 5, Tax Lot(s) 115050000300
Acreage: 449.33 Zoning: FC Fire District: Oregon Department of Forestry
Water Supplied By: N/A Sewage Disposal Type: N/A
Existing Structures: No structures (existing forest and trails)
Current use(s) of the property: McDonald-Dunn Research Forest

IV. **Request Summary** (Example: "Conditional Use approval to operate a commercial kennel in the RR Zone.")
Administrative amendment to the existing approved conditional use permit (LU-16-077)
to include the Snack Time Trail within the McDonald-Dunn Research Forest.

Attached Documentation: With all land use applications, the "burden of proof" is on the applicant to demonstrate how the proposal complies with the Benton County development code and other law. It is important that you provide **ALL** the information listed on the following pages at the time you submit your application. The processing of your application will not begin until the application is determined to be complete.

Conditional Use Criteria *Please answer each question in detail on a separate sheet of paper.*

1. Describe how the proposed use will not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone.
2. Describe how the proposed use will not impose an undue burden on any public improvements, facilities, utilities, or services available to the area.
3. If the property is zoned Exclusive Farm Use (EFU) or Forest Conservation (FC), describe how the proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
4. If the property is zoned EFU or FC, describe how the proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
5. Will the proposed use involve the use of water (plumbing facilities, bathroom, water for processing, etc.)?
_____ If yes:
 - a. Is there an existing well or spring on the proposed parcel(s)? _____ Please attach a copy of a well log or pump test, if available, which identifies the rated yield of this water source.
 - b. Is there an existing septic system on the proposed parcel(s)? _____ An evaluation by Environmental Health may be required of an existing system unless the system was recently installed or repaired. Please attach a copy of any septic system records you may have available.
6. Is the only access or proposed access to the property via a road that crosses a railroad? _____
If yes, please draw the location on your map and explain here: _____

Mitigating Measures *Please answer in detail on a separate sheet of paper.*

1. Describe any special measures you propose to undertake in order to minimize impacts on adjacent properties and public services, and to ensure compliance with the purpose of the zone. Consideration may be given to such features as: location of the use on the parcel; road capacities in the area; driveway location; parking area; on-site traffic circulation; landscape or fencing separations; size of structures; signs; exterior lighting; noise; air emissions; drainage and more.

Attachments

1. A copy of deed(s) covering the subject property.
2. A copy of all easements or other instruments granting access to any proposed parcel that does not have frontage on a public road.
3. An accurate scale drawing of the property, showing the locations of existing and proposed structures, roads, water supply, subsurface sewage system, easements, and driveways. Label all tax lots.

Signature(s)

Assessed Property Value Notice

This action or any future related action(s), if approved, may result in a change to my property valuation, and therefore the tax amount I pay annually. I will contact the Assessor's Office at 541-766-6855 to discuss and understand potential property tax impacts.

☒ **I understand**

I hereby certify that I am the legal owner or contract purchaser of the above noted property; that the information contained herein is accurate to the best of my knowledge; and that the requested conditional use permit would not violate any deed restrictions attached to the property.



Owner/Contract Purchaser Signature

04/27/2026

Date

Owner/Contract Purchaser Signature

Date

For Office Use Only

Date Application Received: _____ Receipt Number: _____ By: _____

File Number Assigned: _____ Planner Assigned: _____

Date Application Deemed Complete: _____

Applicant's Written Narrative Administrative Conditional Use Permit

Date: April 27, 2026

Applicant: Oregon State University, College of Forestry, 3100 SW Jefferson Way, Corvallis, OR

Applicant's Representative: Radler White Parks & Alexander, LLP, PO Box 2007, Bend, OR 97709,
Attn: Steven Hultberg, shultberg@radlerwhite.com, 541.585.3697

Subject Property: Snack Time Trail project is located within the McDonald-Dunn Research Forest. More specifically it is located within the SE ¼ of the NE ¼ of Section 07 and the SW ¼ of the NW ¼ of Section 08, Township 11S Range 05W, Willamette Meridian (Figure 1).

Property Description

The applicant represents Oregon State University, regarding the McDonald-Dunn Research Forest, which encompasses approximately 11,500 acres north of Corvallis within Benton County. The primary objectives for the land, which is operated by the Oregon State University College of Forestry, are to provide forest ecology and management research opportunities and to maintain a diverse range of forest conditions to support forestry and natural resources education at a variety of levels. The provision of recreational opportunities to the public is an ancillary, but nonetheless important, value of the Research Forest system.

This request, described herein, is specifically regarding the Snack Time Trail (Figure 1), which is located within the McDonald-Dunn Research Forest. The total trail length is approximately 4,950 feet (0.94 miles). The zoning of the trail area is within the Forest Conservation Zone (FC).

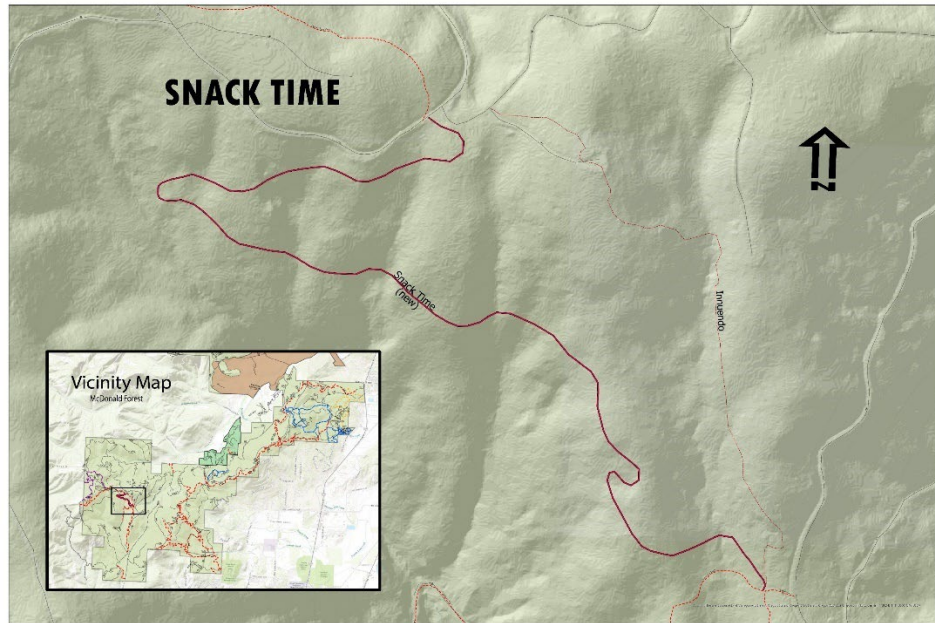


Figure 1. “Snack Time” trail map. Base layer is shaded digital terrain model. Roads are solid black lines (numbered). Image by Matt McPharlin, OSU Research Forest Staff, 08/21/2025.

Proposal Summary

The applicant seeks an administrative amendment to the existing approved conditional use permit (LU-16-077) to include the Snack Time Trail within the McDonald-Dunn Research Forest. As background, Benton County Planning Official determined that the addition of the Snack Time Trail is an administrative land use application submitted under BCC 53.150, using the approval criteria in BCC 53.215, and is narrow in scope to address only the Snack Time Trail re-route/redesign.

The objectives for the inclusion of the Snack Time Trail include the following:

- Increased access for forest inventory, fire suppression, and other management activities within a roughly 80-acre area that is not served by other roads or trails.
- Increased access for College of Forestry educational events, such as field visits by classes, and access to facilitate future research activity.
- Recreational access for the public. It should be noted that high levels of recreational use on the forest landscape facilitate early detection and reporting of fire starts (Leo Williamson, Oregon Department of Forestry, *pers. comm.* 08/19/2025), and furthermore it has not been noted to result in higher frequency of fire starts (*ibid.*). Trails, therefore, are an important part of the wildland fire-related infrastructure.
- Retiring an old, unauthorized, and sub-optimal trail segment, and replacement with a trail built to rigorous trail design standards for both safety and prevention of resource damage (e.g., erosion, impacts to culturally sensitive sites, etc.).

The trail, which is less than one mile in total length, is critical to create connections to the larger trail system and will enhance the forest management, recreational and educational activities within the McDonald-Dunn Research Forest. The applicant notes that while it is seeking approval for the Snack Time trail pursuant to this application, the applicant contends that conditional use approval is not necessary for recreational uses that are permitted outright pursuant to Goal 4 and Oregon Forest Practices Act provisions but is pursuing this application to resolve a complaint filed with the county. The applicant specifically reserves the right to argue in the future that specific recreational uses do not require conditional use approval.

Relevant Land Use History

In 2017, the previous Conditional Use Permit (LU-16-077) approved the phased plan and development of new trails and facilities, decommissioning of unauthorized trails, and improvements to the parking and restrooms area in select locations. This approval encompassed approximately 11,500 acres and 26 miles of trails of the McDonald-Dunn Research Forest. The approval was subject to conditions of approval that are found at **Attachment A**.

As noted, the proposed Snack Time Trail is intended to amend this Conditional Use Permit approval and add this small portion of trail to the larger authorized trail system.

Applicants' Response to Applicable Standards and Criteria

Applicable approval criteria are listed below in italics. Applicant's responses follow.

Compliance with Benton County Code Section 53.215, Conditional Use Permit Criteria

The decision to approve a conditional use permit shall be based on findings that:

- 1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone;*

Response: The McDonald-Dunn Research Forest is approximately 11,500 acres and includes 26 miles of trails and the addition of the Snack time Trail will blend with the character of the forested recreational area. The adjacent uses on the property include vast forest land and trails. The new Snack Time Trail will connect two different existing trails to one another -- Lower Play Time Trail and Uproute Trail.

The purpose of the Forest Conservation Zone is to "conserve forest land, promote management and growing of trees, support the harvesting of trees and primary processing of wood products, and protect the air, water and wildlife resources in the zone." The proposed trail will meet the intent and purpose of the Forest Conversation zone. The use of

the trail, like others in the McDonald Dunn Research Forest, include connections for active forest management, forest inventory, harvesting, fire suppression, educational opportunities, and recreational use. The McDonald Dunn Research Forest is actively managed by the OSU College of Forestry which centers on research and education in the practice of forestry.

Therefore, the proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone.

- 2) *The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and*

Response: The proposed trail is less than one mile and connects to other existing trails that have existing trailheads. Therefore, there will not be an impact or burden on public improvements, facilities, utilities, or services available to the area. The existing services are sufficient for this new trail and may help provide more direct connections to other trails that are not currently accessible.

- 3) *The proposed use complies with any additional criteria which may be required for the specific use by this code.*

Response: Compliance with additional criteria regarding the Conditional Use Permit are discussed further below.

Compliance with Benton County Code Chapter 60, Forest Conservation Zone

60.220 Conditional Use Criteria.

- 1) *A use allowed under BCC 60.205 or 60.215 may be approved only upon findings that the use:*

- (a) *Will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;*

Response: The proposed trail will be built within a forested area that has been managed by the OSU College of Forestry for years. This trail connection will provide additional access to support forest management within the McDonald Dunn Research Forest. The Snack Time Trail proposed is simply relocating a previous trail that was approved in the initial Conditional Use Permit (CUP) application. That originally approved trail had significant erosion and needed to be relocated to a more viable location.

Based on the original CUP approval, the larger trail system was determined to have no significant change or increase of costs of forest practices on forest land. Therefore, the Snack Time Trail relocation would similarly have no impact or significant change, as it's still a part of the larger approved trail system.

Therefore, there will not be a significant change in or increase of the cost of accepted farming or forest practices on agriculture or forest lands.

- (b) Will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and*

Response: The addition of the Snack Time trail will provide increased access for forest inventory, fire suppression, and other management activities within a roughly 80-acre area that is not served by other roads or trails. The trail will also be constructed with rigorous trail design standards for both safety and prevention of resource damage. In addition, trails aid in fire suppression by providing routes for fire monitoring personnel.

Therefore, there will not be an increase in fire hazard, fire suppression costs, or risk to fire suppression personnel. Since trails can be used as a pre-existing fire break, it will actually reduce suppression costs in the event of wildfire. For example, back-fire or burnout operations can be initiated at a trail to create or broaden defensible space. Furthermore, suppression personnel are provided with rapid entry and egress when a well-distributed trail system augments the road system. Therefore, this trail will reduce potential suppression costs and facilitate effectiveness of fire suppression activities.

- (c) Complies with criteria set forth in BCC 53.215 and 53.220.*

Response: Compliance with the BCC 53.215 and 53.220 is discussed in other sections within this document.

- 2) *As a condition of approval of a conditional use permit, the owner shall sign the following declaratory statement to be recorded into the County Deed Records for the subject property on which the conditional use is located that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, and that recognizes the hazards associated with the area: The property herein described is situated in the Forest Conservation Zone in Benton County, Oregon. The purpose of such zone is to conserve forest land, promote the management and growing of trees, support the harvesting of trees and primary processing of wood products, minimize conflicts with forest and farm uses, and protect the air, water, and wildlife resources in the zone. Residents may be subjected to customary forest or farm management practices which produce noise, dust, fumes, smoke, and other impacts. The resource nature of surrounding properties can result in herbicide and pesticide spraying, slash burning, timber cutting, farm operations, crown fires, hunting, use by big-game, bears, and cougar, and other accepted resource management practices. (Crown fires are fast-moving, high intensity forest fires in which the fire spreads from one tree crown to the next rather than only along the ground.) Resource uses are the preferred uses in this zone. Activities by residents can create management difficulties or increased costs for nearby farm or forest operations. Grantee acknowledges the need to avoid activities that negatively impact nearby farm or forest uses.*

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

Response: This declaratory statement language was a conditional of approval for the original conditional use permit approval (LU-16-077). If required for this request, it is understood it may be a condition of approval.

Compliance with Benton County Code Section 53.220, Conditional Use Permit Conditions of Approval

53.220 Conditions of Approval. The County may impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provisions of this code. On-site and off-site conditions may be imposed. An applicant may be required to post a bond or other guarantee pursuant to BCC 99.905 to 99.925 to ensure compliance with a condition of approval. Conditions may address, but are not limited to:

- 1) Size and location of site.*
- 2) Road capacities in the area.*
- 3) Number and location of road access points.*
- 4) Location and amount of off-street parking.*
- 5) Internal traffic circulation.*
- 6) Fencing, screening and landscape separations.*
- 7) Height and square footage of a building.*
- 8) Signs.*
- 9) Exterior lighting.*
- 10) Noise, vibration, air pollution, and other environmental influences.*
- 11) Water supply and sewage disposal.*
- 12) Law enforcement and fire protection.*

Response: It is understood that the County may impose conditions of approval for the request.

Compliance with Oregon Administrative Rules, 660-006-0025, Uses Authorized in Forest Zone

1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as

set forth in ORS 527.722 (Restrictions on local government adoption of rules regulating forest operations), the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

(a) *Uses related to and in support of forest operations;*

Response: The McDonald Dunn Research Forest supports uses related to forest operations. The OSU College of Forestry manages the forest as a dynamic working landscape that balances multiple values—supporting teaching, research, demonstration, sustainable timber harvest, ecological and forest health, and recreation.

(b) *Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;*

Response: This trail will provide recreational and managerial access while being built to a high design standard.

(c) *Locationally-dependent uses, such as communication towers, mineral and aggregate resources, etc;*

Response: This is not applicable to this request.

(d) *Dwellings authorized by ORS 215.705 (Dwellings in farm or forest zone) to 215.757 (Accessory dwellings supporting family forestry) (ORS 215.757 (Accessory dwellings supporting family forestry)); and*

Response: This is not applicable to this request.

(e) *Other dwellings under prescribed conditions.*

Response: This is not applicable to this request.

4) *The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:*

f) Public parks including only those uses specified under OAR 660-034-0035 (Park Uses On Agricultural and Forest Land) or 660-034-0040 (Planning for Local Parks), whichever is applicable;

Response: The McDonald Dunn Research Forest is accessible by the public for recreation, although the main function is for educational purposes for the OSU College of Forestry.

5) *A use authorized by section (4) of this rule may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use*

compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

Response: Compliance with this item was addressed previously.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

Response: Compliance with this item was addressed previously.

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

Response: Compliance with this item was addressed previously.

Attachment A

UPDATED FOR 9/5/2017 PLANNING COMMISSION DELIBERATIONS REVISED CONDITIONS OF APPROVAL

(Staff-recommended changes from the 8/1/17 Revised Conditions reflected by **bold** for new language, ~~strikeout~~ for deleted language. New language proposed by the applicant is reflected by double underline. Additionally, revisions to conditions 3 and 4 proposed by Rosenberg, et. al. and the applicant are provided at the end of the list.)

Section 53.220 Conditions of Approval. The County may impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to ensure compliance with the purpose and provisions of this code.

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

1. Development shall comply with the plans and narrative in the applicant's proposal identified as Attachment A, except as modified by the approval or the conditions below. Modifications to the Recreation Development Plan, other than those addressed through this decision, shall require approval through a Modification of a Conditional Use Permit request (BCC 53.225).
2. Pursuant to BCC 53.230, since the application is for a phased development plan, this conditional use permit shall be valid for ~~ten~~ five years from the date of decision. The applicant shall obtain all necessary permits and maintain compliance with all conditions of approval over the **five** ~~ten~~-year life of the phased development plan. If the applicant fails to obtain required permits within the approval period, or allows approved permits to expire after the land use approval has expired, then this land use approval shall be void. Any project not completed within the 5-year ~~10-year~~ period must be re-authorized through subsequent Conditional Use Permit approval. The approval may be extended for good cause at the discretion of the Planning Commission if a written request for extension is received by the Planning Official prior to expiration of the approval.
3. The following mitigation measures (a-d were proposed by the applicant) shall be completed within 3 years. ~~(Phase II), concurrent with proposed recreation facilities within the 0-3 year timespan.~~
 - a. Improvements to Lewisburg Saddle parking
 - b. A new vault toilet at Lewisburg Saddle
 - c. Improvements to the horse trailer parking area north of Lewisburg Saddle
 - d. Bike racks at popular trailheads (including Oak Creek and Lewisburg Saddle), of a number and type that can accommodate increased bicycle traffic as a means of transportation to the trailhead, in an effort to reduce car traffic (and accommodate reduced parking availability at Oak Creek). The number of racks to accommodate bike demand shall be reviewed periodically.

- e. Post signs at the Lewisburg Saddle and Oak Creek parking areas with contact information to report illegally parked cars, loose dogs, and other safety hazards.
- f. Develop a strategy to encourage alternative methods of transportation to trailheads, and discourage parking. Could include webcam of parking areas on website, parking fees, required carpooling, public information campaign, transit service, bike racks, etc.

~~No Phase III (3 years and beyond) projects (with the exception of Peavy Arboretum projects, which are permitted outright) may be initiated until all required Phase II mitigation measures are completed.~~

- 4. ~~Prior to development of the Oak Creek Beginner Loop, Oak Creek to McCullough Peak, or Oak Creek to Dimple Hill Trails in Phase III, the applicant shall: 1) reach agreement with Benton County Public Works staff regarding an appropriate methodology to study parking circulation and utilization at the Oak Creek Trailhead, 2) complete a parking study utilizing the approved methodology (prepared and stamped by a transportation engineer, licensed to practice in the State of Oregon), 3) design and construct any improvements identified in the study that would improve parking and circulation within the existing Oak Creek parking area (any work within the Oak Creek Road right-of-way will require County permit review and approval), and 4) if the study determines that parking usage exceeds the existing capacity at the Trailhead, the applicant shall develop an appropriate number of additional parking spaces on Forest property near the Oak Creek Trailhead, and/or shall implement a satisfactory package of parking demand management measures to address parking demand at the trailhead. Parking demand management measures may include carpooling, transit service, additional parking area development, parking fees, other measures, or a combination of such measures that would maintain an acceptable level of vehicular parking demand at the trailhead to minimize off-site impacts in light of available on-site parking.~~

Alternative Proposed by Applicant (and amended by staff):

The applicant shall, at their own expense:

- 1. By the end of 2018, develop a detailed site design for parking development at the Oak Creek Parking Area in cooperation with Benton County Public Works staff. This site design will expand parking within the physical capacity of the Oak Creek site and improve safety. The design will also identify physical measures to prohibit parking along the 4-lane portion of NW Oak Creek Drive that is not divided by striping between travel lanes. Any work within the Oak Creek Road right-of-way will require County permit review and approval.
- 2. Implementation will include:
 - a. By the end of 2018:
 - i. Improved “loop” traffic flow with appropriate markings to allow vehicles to safely circulate through the site (minimize three-point turns, keep area clear for emergency vehicles, improve visibility, etc)
 - ii. Additional safety improvements, including re-grading, re-paving, signs, markings/delineations

- iii. Installation of ~~boulders or other~~ barriers to prevent shoulder parking at areas of neighbor concern on the west side of NW Oak Creek Dr.
 - iv. Develop strategy for enforcement and education, including education actions by OSU Research Forests staff and volunteers and enforcement through existing cooperative agreement with Benton County Sheriff's Department or alternative arrangements with Oregon State Police
 - v. Develop strategy and begin implementing complementary demand management measures to help reduce traffic at the site: examples could include - webcam of parking area on website, parking fees, required carpooling, public information campaign, transit service, bike racks, etc.
- b. By the end of 2019:
- i. Physical restrictions/limitations along east side of NW Oak Creek Dr. to prevent shoulder parking (knock-down bollards, guard rails, etc). Re-evaluate effectiveness periodically and add more barriers to the length of the road if needed.
 - ii. Signage **regarding parking locations** as developed by OSU, Benton County Public Works and law enforcement.
 - iii. Expansion ~~at~~ of Oak Creek parking area within the physical capacity of the site (what the site can accommodate)
 - iv. Installment of web-cam on-site to allow visitors to know if parking is available before driving to site.
5. Per BCC Section 60.220(2) the owner shall sign the following declaratory statement (on a form prepared, or approved, by Benton County Community Development staff) to be recorded into the County Deed Records for the subject property on which the conditional use is located that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules, and that recognizes the hazards associated with the area:

The property herein described is situated in the Forest Conservation Zone in Benton County, Oregon. The purpose of such zone is to conserve forest land, promote the management and growing of trees, support the harvesting of trees and primary processing of wood products, minimize conflicts with forest and farm uses, and protect the air, water, and wildlife resources in the zone. Residents may be subjected to customary forest or farm management practices which produce noise, dust, fumes, smoke, and other impacts. The resource nature of surrounding properties can result in herbicide and pesticide spraying, slash burning, timber cutting, farm operations, crown fires, hunting, use by big-game, bears, and cougar, and other accepted resource management practices. (Crown fires are fast-moving, high-intensity forest fires in which the fire spreads from one tree crown to the next rather than only along the ground.) Resource uses are the preferred uses in this zone. Activities by residents can create management difficulties or increased costs for nearby farm or forest operations. Grantee

acknowledges the need to avoid activities that negatively impact nearby farm or forest uses.

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

- ~~6. County data indicates that the Fenders Blue Butterfly, an Endangered Species, may exist in certain locations within the McDonald-Dunn Forest. As a partner to Benton County's Fenders Blue Butterfly Habitat Conservation Plan, the applicant shall ensure that all work within the Forest is consistent with the Plan and with the Endangered Species Act.~~

Alternative Proposed by Applicant (and amended by staff):

OSU Research Forests will follow all applicable state and federal laws, including (but not limited to) the Endangered Species Act, National Historic Preservation Act, and the Oregon Forest Practices Act. **Additionally, OSU Research Forests will comply with all applicable requirements related to protection of the Fenders Blue Butterfly in Sections 87.300 through 87.340 of the Benton County Code.**

7. Prior to commencement of Phase II improvements, the applicant shall meet with County staff to determine if it would be possible to establish an emergency-only evacuation route for residents in the Oak Creek and Soap Creek areas through a designated route in McDonald Forest.
8. **A Letter of Authorization (no fee) is required for the proposed pit privy at Lewisburg Saddle on Sulphur Springs Road. The State of Oregon's regulations for pit privies may be found under OAR 340-071-0330, Nonwater-Carried Systems. Installation, operation, and maintenance of the pit privy must comply with applicable requirements.**

Testimony Provided by Dan Rosenberg, et. al., at 1:27 pm on August 19th (from Testimony Packet #4) proposes the following revisions to Conditions 3 and 4:

3. The following mitigation measures shall be completed within 3 years (a-c) or by January 31, 2018 (d-f):
 - a. Improvements to Lewisburg Saddle parking
 - b. Install a new vault toilet at Lewisburg Saddle
 - c. Improvements to the horse trailer parking area north of Lewisburg Saddle
 - d. Install bike racks at popular trailheads (including Oak Creek and Lewisburg Saddle), of a number and type that can accommodate increased bicycle traffic as a means of transportation to the trailhead, in an effort to reduce car traffic (and accommodate reduced parking availability at Oak Creek). The number of racks to accommodate bike demand shall be reviewed annually.
 - e. Post signs at the Lewisburg Saddle and Oak Creek parking areas with contact information to report illegally parked cars, loose dogs, and other safety hazards.
 - f. Develop a strategy to encourage alternative methods of transportation to trailheads to reduce vehicular traffic. Could include webcams or parking areas on website, parking fees, required carpooling, public information campaign, transit service, etc.
4. At Oak Creek, the applicant shall, at their own expense:
 - a. By 1/31/2018:
 - i. Develop an education and enforcement strategy, including education actions by OSU Research Forest staff and volunteers. Modify existing cooperative agreement with Benton County Sheriff's Department to enforce parking restrictions at Oak Creek, including the portion of NW Oak Creek Drive where bollards are installed. Enforcement is expected to occur periodically, at a frequency that provides sufficient deterrence.
 - b. By 4/31/2018:
 - i. Install knock-down bollards along east and west side of NW Oak Creek Dr. to prevent parking outside of fog line. Re-evaluate effectiveness periodically and add more barriers to the length of NW Oak Creek Dr. if needed.
 - ii. Install signage as developed by OSU, Benton County Public Works, and Benton County Sheriff's Department to inform visitors of parking requirements and support enforcement.
 - iii. Initiate installation of web-cam on-site to allow visitors to know if parking is available before driving to the site.
 - c. By 12/31/2018:
 - i. Construct improved "loop" traffic flow with appropriate markings to allow vehicles to safely circulate through the site (minimize three-point turns, keep area clear for emergency vehicles, improve visibility, etc.)
 - ii. Make additional safety improvements, including re-grading, re-paving, signs, markings/delineations as Applicant deems necessary
 - iii. Maximize parking capacity within the existing footprint of the area currently used for parking on OSU property (approximately 13 marked parking stalls). Continue to allow shoulder parking for approximately 6 vehicles on OSU

property and approximately 3 vehicles (*on*) the appropriate section of Benton County('s) NW Oak Creek Dr.

The Applicant's Final Written Argument Provided on August 28, 2017, proposes the following revisions to Conditions 3 and 4. (It is County staff's understanding that the changes made between these conditions and those submitted by Rosenberg, et. al. were prompted by consultation with County Public Works staff and reflect a desire for improved clarity in implementation. Those changes are reflected by ~~strikeout~~ and underlined language:

3. The following mitigation measures shall be completed within 3 years (a-c) or by January 31, 2018 (d-f):
 - a. Improvements to Lewisburg Saddle parking
 - b. Install a new vault toilet at Lewisburg Saddle
 - c. Improvements to the horse trailer parking area north of Lewisburg Saddle
 - d. Install bike racks at popular trailheads (including Oak Creek and Lewisburg Saddle), of a number and type that can accommodate increased bicycle traffic as a means of transportation to the trailhead, in an effort to reduce car traffic (and accommodate reduced parking availability at Oak Creek). The number of racks to accommodate bike demand shall be reviewed annually.
 - e. Post signs at the Lewisburg Saddle and Oak Creek parking areas with contact information to report illegally parked cars, loose dogs, and other safety hazards.
 - f. Develop a strategy to encourage alternative methods of transportation to trailheads to reduce vehicular traffic. Could include webcams or parking areas on website, parking fees, required carpooling, public information campaign, transit service, etc.
4. At Oak Creek, the applicant shall, at their own expense:
 - a. By 1/31/2018:
 - i. Develop an education and enforcement strategy, including education actions by OSU Research Forest staff and volunteers. Modify existing cooperative agreement with Benton County Sheriff's Department to enforce parking restrictions at Oak Creek, including the portion of NW Oak Creek Drive where bollards are installed. Enforcement is expected to occur periodically, at a frequency that provides sufficient deterrence.
 - b. By 4/31/2018:
 - i. Install ~~knock-down~~ break-away bollards along east and west side of NW Oak Creek Dr. to prevent parking ~~outside of~~ inside the fog line. Re-evaluate effectiveness periodically and add ~~more barriers to the length of~~ additional bollards on NW Oak Creek Dr. if needed.
 - ii. Install signage as developed by OSU, Benton County Public Works, and Benton County Sheriff's Department to inform visitors of parking requirements and support enforcement.
 - iii. Initiate installation of web-cam on-site to allow visitors to know if parking is available before driving to the site.

- c. By 12/31/2018:
 - i. Construct improved “loop” traffic flow with appropriate markings to allow vehicles to safely circulate through the site (minimize three-point turns, keep area clear for emergency vehicles, improve visibility, etc.)
 - ii. ~~Make a~~ Additional safety improvements, including re-grading, re-paving, signs, markings/delineations ~~as Applicant deems necessary~~
 - iii. Maximize parking capacity within the existing footprint of the area currently used for parking on OSU property (approximately 13 marked parking stalls). Continue to allow shoulder parking for approximately 6 vehicles on OSU property and approximately 3 vehicles (*on*) the appropriate section of Benton County(*'s*) NW Oak Creek Dr.