

PLANNING OFFICIAL ADMINISTRATIVE DECISION AND FINDINGS

Conditional Use Permit Modification

NATURE OF REQUEST	Incorporate the approximately 0.94-mile Snack Time Trail into the recreation development previously approved under LU-16-077
FILE NUMBER	LU-26-030
APPLICANT OWNER	Oregon State University, College of Forestry
APPLICANT REPRESENTATIVE	Steven Hultberg, Radler White Parks & Alexander LLP
PROJECT LOCATION	McDonald-Dunn Research Forest; SE 1/4 NE 1/4 Section 7 and SW 1/4 NW 1/4 Section 8, Township 11 South, Range 5 West, W.M.
ZONE PLAN DESIGNATION	Forest Conservation (FC) Forestry
APPLICABLE CRITERIA	BCC 53.150, 53.215, 53.220, and 60.220; applicable conditions of LU-16-077.
STAFF CONTACT	Petra Schuetz, Planning Official, petra.schuetz@bentoncountyor.gov

DECISION: APPROVAL WITH CONDITIONS

The Planning Official approves LU-26-030, subject to the conditions in Section VII. This decision authorizes only the mapped Snack Time Trail as illustrated in Figure XX appended to this report. It does not approve another trail, trailhead, parking area, access point, building, utility, or broader revision to Oregon State University's Recreation Development Plan.

Summary

Oregon State University (OSU) requests a modification of LU-16-077, the 2017 Conditional Use Permit approving a phased Recreation Development Plan for the McDonald-Dunn Research Forest. The requested modification would add the approximately 4,950-foot Snack Time Trail, an internal connector between Lower Play Time and Uproute. OSU states that the alignment improves access for forest inventory, management, education, research, fire response, and recreation, and replaces an older, eroded, unauthorized alignment.

The County received substantial opposition concerning the administrative process related to and subsequent compliance with LU-16-077, traffic and parking on NW Oak Creek Drive, emergency access and evacuation, wildfire risk, habitat effects, and cumulative trail development. Those concerns are genuinely existing management issues. The question in this application, however, is narrower: whether the incremental effects reasonably attributable to adding this internal trail satisfy BCC 53.215 and 60.220. The decision does not determine whether existing traffic, parking, or fire concerns are absent, and it does not excuse unrelated violations of LU-16-077.

Based on the application, the mapped alignment, the prior approval, and the comments in the record, the Planning Official finds that Snack Time is a short internal connector that creates no new trailhead, vehicular access, parking area, road connection, building, utility, campsite, or ignition-producing facility. The record does not establish that this connector will itself materially increase overall visitation or vehicle trips. Conditions limit the approval to the mapped alignment, carry forward applicable requirements of LU-16-077, require closure and stabilization of the replaced alignment, apply OSU's fire restrictions and closure procedures, and preserve separate enforcement authority.

I. Proposal Site and Existing Approval

A. Subject Property and LU-16-077

The McDonald-Dunn Research Forest encompasses approximately 11,500 acres north of Corvallis. OSU manages the property as a working research forest for forestry research, teaching, demonstration, timber management, ecological objectives, and public recreation. On September 5, 2017, the Benton County Planning Commission approved LU-16-077, a phased Recreation Development Plan addressing designated trails and facilities, decommissioning of unauthorized trails, and selected parking, traffic-management, restroom, and public-safety measures.

Snack Time lies within the Forest Conservation Zone and is shown on the map submitted with the April 27, 2026 application. The application describes the trail as approximately 4,950 feet (0.94 mile) long. Its endpoints connect with existing internal trails; it does not directly connect to a public road.

B. Requested Modification

OSU requests that the mapped Snack Time alignment be added to LU-16-077. According to OSU, the trail provides access to an approximately 80-acre area not otherwise served by roads or trails and replaces the older Innuendo alignment, which OSU describes as eroded and poorly located. No new trailhead, parking area, vehicular access, building, sanitary facility, lighting, utility, or event venue is proposed.

OSU submitted the application to resolve the County compliance matter while reserving its position that certain recreational uses may be allowed without conditional-use review. This decision applies the County's existing interpretation and does not decide OSU's reserved argument for any other project.

C. Authority and Scope of Administrative Decision

BCC 51.205(4) directs the Planning Official to review and decide land-use applications except where the Code specifically provides otherwise and authorizes referral to the Planning Commission. BCC 53.150 establishes administrative review for actions involving little discretion, and BCC 53.160 directs the Planning Official to issue the decision unless the matter is referred. BCC 60.215(1), by contrast, assigns a new park or campground conditional-use permit in the FC Zone to the Planning Commission. LU-16-077 established the McDonald-Dunn recreation development as the underlying approved use through Planning Commission review. This application does not establish a new park, enlarge the approved property, add a trailhead or support facility, or seek

approval of a broader recreation program; it asks only to conform one internal trail alignment to the existing approval. The Planning Official therefore interprets BCC 60.215(1) as governing establishment of the underlying park use, not every limited conformance amendment to an already approved use. BCC 53.225 requires a qualifying conditional-use modification to be processed as a new conditional-use request, so the County applies the substantive criteria in BCC 53.215, 53.220, and 60.220. Read together with BCC 51.205(4), 53.150, and 53.160, that requirement does not change this limited alignment review into establishment of a new park. The September 18, 2025 interpretation required land-use review for Snack Time, and the January 26, 2026 process determination limited the administrative application to this single trail. Based on that limited scope, the Planning Official concludes that the application may be decided administratively. Any new trail outside the mapped request, new access or support facility, expansion of the recreation program, or broader revision remains subject to the process assigned by the Code when proposed.

II. Procedural History

Date	Event
September 5, 2017	Planning Commission approved LU-16-077, the phased Recreation Development Plan.
May 6, 2025	Nearby residents submitted a complaint alleging unauthorized construction of Snack Time and noncompliance with LU-16-077.
September 18, 2025	The Planning Official determined that trail development not approved in LU-16-077 required land-use review and identified modification or restoration as potential remedies.
January 26, 2026	The Planning Official confirmed that a discrete Snack Time application could be reviewed administratively without authorizing or evaluating other trails.
April 27, 2026	OSU dated its application narrative and proposed findings.
May 21, 2026	The County received the application fee for a conditional-use staff decision.
June 18, 2026	The County deemed the application complete.
August 5, 2026	The County issued notice of the application and opportunity to submit written comments.
August 17, 2026	The written-comment period closed at 5:00 p.m., extended from Sunday, August 16.

III. Record and Public Comments

A. Materials Reviewed

1. OSU application form, written narrative, map, and proposed findings dated April 27, 2026.
2. LU-16-077 decision and conditions of approval.
3. May 6, 2025 complaint and supporting exhibits.
4. OSU's August 26, 2025 response to the complaint.
5. September 18, 2025 Planning Official interpretation and January 26, 2026 process determination.
6. August 5, 2026 notice materials and mailing record.

B. Summary of Public Comments

The County received comments supporting and opposing the application. Team Dirt supports approval and states that the trail formalizes and improves movement through an already heavily used portion of the forest, distributes users, and reduces conflicts (Exhibit H). The Upper Oak Creek Neighbors and the Mid-Willamette

Bird Alliance oppose approval (Exhibits I and J). Their principal issues include: whether an administrative decision is authorized; construction before approval; the expiration and alleged noncompliance of LU-16-077; cumulative trail development; increased visitation and vehicle demand; constrained parking and emergency access on NW Oak Creek Drive; wildfire ignition and evacuation; habitat and wildlife effects; and whether a broader Planning Commission process is required.

The County considers those arguments where they relate to the applicable criteria or the proper procedure for this application. Existing conditions on NW Oak Creek Drive and alleged failures to comply with LU-16-077 are relevant background, but **this decision does not adjudicate unrelated compliance allegations**. Evidence of cumulative effects is considered to the extent it shows that Snack Time itself would materially contribute to an impact governed by BCC 53.215 or 60.220. Speculation about unidentified future trails is not treated as an impact of this application because Condition 3 expressly excludes them.

IV. Applicable Criteria and Planning Official Findings

The applicant bears the burden of demonstrating compliance. The findings below evaluate the application, LU-16-077, supporting and opposing comments, and the limited incremental effects of the mapped trail. No finding relies on assumed agency concurrence.

BCC 53.215(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.

Planning Official Findings. Snack Time is located within an approximately 11,500-acre working research forest containing an established trail network and long-standing public recreation. It is an internal, unlighted, nonmotorized connector of less than one mile. It creates no new public entrance, direct road connection, trailhead, parking supply, building, utility, event venue, or overnight use. OSU represents that it replaces an eroded alignment, provides access for forest inventory and management, and connects two existing trails (Exhibit A). Team Dirt similarly describes it as a route that distributes existing users (Exhibit H). Opponents document current traffic, parking, safety, and livability concerns associated with recreation at the forest (Exhibits I and J), but the record contains no traffic count, visitation projection, or other evidence demonstrating that this internal connector will materially increase overall forest visitation or vehicle trips. The Planning Official therefore does not find that those existing concerns are immaterial; rather, the evidence does not establish that the limited amendment will seriously interfere with adjacent uses or the area's established forest and recreation character. Applicable traffic, parking, signage, management, and safety obligations in LU-16-077 remain enforceable (Exhibit B). The FC Zone protects forest management, air, water, wildlife resources, and compatible outdoor recreation. The trail's management, research, education, fire-access, and recreational functions are consistent with that purpose, and closure of the older alignment reduces erosion and unmanaged use.

Conclusion: BCC 53.215(1) is satisfied, subject to Conditions 1 through 5.

BCC 53.215(2)

The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area.

Planning Official Findings. The proposal relies on the existing trail system, trailheads, access points, and parking and requires no public water, wastewater, utility, building, or new road facility (Exhibit A). The

comments document constrained roadway and parking conditions and concerns about emergency response (Exhibits I and J). Those conditions warrant continued enforcement and management under LU-16-077 (Exhibit B). The applicable standard, however, is whether the demand attributable to Snack Time imposes an undue burden. OSU states that the trail is less than one mile, links existing trails, and requires no new facilities (Exhibit A). Team Dirt states that the connector can distribute users and reduce congestion within the trail system (Exhibit H). The opposing evidence establishes existing constraints but does not quantify an additional service or facility demand caused by this connector. On this record, and with no new trailhead or parking capacity authorized, the incremental demand reasonably attributable to Snack Time will not impose an undue burden. This finding does not determine compliance with the existing parking and enforcement conditions, which remain separately enforceable.

Conclusion: BCC 53.215(2) is satisfied, subject to Conditions 2, 3, 5, and 7.

BCC 53.215(3)

The proposed use complies with any additional criteria required for the specific use by the Benton County Code.

Planning Official Findings. The additional applicable FC Zone criteria are stated in BCC 60.220 and are addressed below. Conditions imposed under BCC 53.220 define the approved alignment, preserve existing obligations, address fire management and closure, require decommissioning of the replaced alignment, and prevent reliance on this decision for other development.

Conclusion: BCC 53.215(3) is satisfied because the proposal satisfies BCC 60.220 as conditioned.

BCC 60.220(1)(a)

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

Planning Official Findings. The trail lies on OSU forest land and is not a residential use. OSU manages both the affected land and the trail. OSU states that the alignment improves access to an approximately 80-acre area for forest inventory, management, education, research, and fire response (Exhibit A). Nothing in the record identifies an accepted farm or forest practice on neighboring land that the internal alignment would restrict, or a practice whose cost would significantly increase. OSU retains authority to restrict or close the trail during harvesting, research, fire danger, or other forest operations. Condition 5 expressly preserves that authority and requires applicable closures. The replacement and stabilization requirement in Condition 4 also reduces interference from continued use of the older eroded alignment.

Conclusion: BCC 60.220(1)(a) is satisfied, subject to Conditions 4 and 5.

BCC 60.220(1)(b)

The use will not significantly increase fire hazard, significantly increase fire-suppression costs, or significantly increase risks to fire-suppression personnel.

Planning Official Findings. The record contains competing evidence and argument. OSU states that the alignment improves access to an approximately 80-acre area, supports early detection and reporting, provides entry and egress for personnel, and may function as a control feature during suppression (Exhibit A).

Opponents identify human-caused ignition, smoking, illegal roadside parking, a constrained evacuation route, and the potential for additional recreational use to complicate evacuation and response (Exhibits I and J). The criterion does not require a finding that recreation is free of fire risk; it asks whether this proposal will significantly increase hazard, cost, or personnel risk. Snack Time is a short internal nonmotorized connector. It adds no trailhead, parking area, road, campsite, electrical equipment, cooking facility, or other ignition-producing development. The record does not establish a measurable increase in visitation caused by the connector. The Planning Official gives limited weight to the applicant's broader assertion that recreational users do not increase fire starts because it is attributed to an informal communication and is disputed. Approval instead rests on the trail's limited physical and operational scope and the enforceable application of OSU's existing fire restrictions, closures, emergency procedures, and operational closure authority under Condition 5. Existing evacuation and illegal-parking concerns remain subject to LU-16-077 and other County authority.

Conclusion: BCC 60.220(1)(b) is satisfied, subject to Conditions 2, 3, 5, and 7.

BCC 60.220(1)(c)

The use complies with BCC 53.215 and 53.220.

Planning Official Findings. As found above, the proposal satisfies BCC 53.215. BCC 53.220 authorizes conditions addressing site size and location, road capacity, access, parking, traffic circulation, environmental influences, and law-enforcement and fire protection, among other matters. The conditions below are tied to the approved alignment, existing LU-16-077 obligations, the replaced trail segment, fire and operational closures, the required FC Zone declaration, and compliance verification. They are proportionate to the limited amendment and ensure continuing Code compliance.

Conclusion: BCC 60.220(1)(c) is satisfied.

BCC 60.220(2)

The owner shall record the required declaratory statement recognizing nearby forest operations and hazards.

Planning Official Findings. LU-16-077 required the FC Zone declaratory statement. The present record does not include a recording reference demonstrating that the previously recorded declaration covers every tax lot containing the approved Snack Time alignment. Condition 6 therefore requires OSU to provide that evidence before this approval becomes effective or, if the earlier declaration does not cover the affected property, to execute and record the declaration required by BCC 60.220(2).

Conclusion: BCC 60.220(2) is satisfied through Condition 6.

V. Response to Principal Procedural Issues Raised in Public Comments

May the County decide this application administratively?

Yes, under the interpretation stated in Section I.C. BCC 60.215(1) required Planning Commission review when LU-16-077 established the underlying park and recreation use. The present action does not establish a new park or expand the approved property or recreation program; it addresses one mapped internal alignment within the previously approved use. BCC 51.205(4), 53.150, and 53.160 therefore authorize a Planning Official decision. BCC 53.225 requires application of the conditional-use process and criteria to a qualifying

modification, but it does not expressly state that every later alignment amendment must return to the original hearings body. The County provided notice and an opportunity for written comment notwithstanding BCC 51.605(4)(a), which otherwise exempts administrative review from notice of proposed action. Referral remained discretionary, but the limited scope and available record permit an administrative decision.

Does this decision reopen or replace LU-16-077?

No. LU-16-077 supplies relevant history and continuing conditions. This decision independently applies the current criteria to Snack Time and supplements the prior approval only as expressly stated. It does not reconsider the overall Recreation Development Plan or excuse a failure to comply with an existing condition.

Does approval resolve the pending compliance allegations?

Only in part. Once final and effective, this decision authorizes the mapped Snack Time alignment subject to its conditions. Alleged violations involving other trails, parking enforcement, expired phases, or other obligations of LU-16-077 are outside this application's scope and may be investigated or enforced separately.

Do existing traffic, parking, and fire concerns require denial?

No, not on this record. Those concerns are material and were evaluated under BCC 53.215(1), 53.215(2), and 60.220(1)(b). The evidence establishes existing constraints associated with recreation at the forest, but it does not demonstrate that this internal connector, without a new access point or parking facility, will cause a serious interference, an undue public-service burden, or a significant increase in fire hazard, suppression cost, or personnel risk. The approval does not limit separate enforcement or future action addressing existing conditions.

What about habitat and cumulative trail development?

The mapped alignment and replacement of an eroded trail are the only development before the County. The application states that the replacement avoids resource damage, including erosion and sensitive resources. No contrary site-specific habitat evidence identifies a protected resource on the mapped alignment or demonstrates noncompliance with an applicable approval criterion. Future or unidentified trails are not authorized, and cumulative impacts remain reviewable when supported by evidence connecting them to an applicable criterion.

VI. Decision

The Planning Official finds that the applicant has demonstrated compliance with BCC 53.215 and 60.220 for the limited Snack Time proposal. These findings are based on the trail's internal location and scale, the absence of new access or support facilities, its represented forest-management functions, closure of the replaced alignment, and the conditions below. The findings do not extend to another trail or broader recreational development.

LU-26-030 IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.

VII. Conditions of Approval

1. Scope and conformance. Approval is limited to the Snack Time Trail alignment shown in the April 27, 2026 application, approximately 4,950 feet in length. Development and use shall conform to the application except as modified by these conditions.
2. Continuing LU-16-077 obligations. Conditions 1, 3, 4, 5, 6, and 7 of LU-16-077 remain in effect to the extent applicable to Snack Time and circumstances unchanged by this modification, including requirements addressing conformance, parking and transportation management, Oak Creek safety measures, the FC Zone declaration, protection of Fender's blue butterfly, and evaluation of emergency-only evacuation access.

Nothing in this decision excuses or resolves a separate violation of LU-16-077. If an express conflict exists, the more specific requirement of this decision governs only for Snack Time.

3. No authorization of other development. This decision does not authorize any other trail, trail reroute, trailhead, parking area, road access, building, utility, or recreational facility. Other development is subject to the land-use review, if any, required by the Code when proposed.

4. Replaced alignment. Within 30 days after this decision becomes effective, OSU shall close and decommission the older Innuendo alignment depicted in the application. Decommissioning shall discourage continued use and stabilize disturbed soil. Within 30 additional days, OSU shall provide dated photographs or equivalent documentation to the Planning Division.

5. Fire and operational management. OSU shall apply its adopted Research Forest fire restrictions, seasonal or emergency closures, visitor notices, and emergency procedures to Snack Time. OSU may and shall close the trail when required by applicable fire restrictions, forest operations, research activities, or hazardous conditions. Nothing in this approval limits OSU's authority or responsibility to restrict public access during those periods.

6. FC Zone declaration. Before this approval becomes effective, OSU shall provide the Planning Division with the recording reference demonstrating that the declaration required by BCC 60.220(2) covers all property containing the approved alignment. If it does not, OSU shall execute and record the required declaration and provide the recording reference.

7. Compliance verification. Upon reasonable request, OSU shall provide information necessary for the County to verify compliance with these conditions. Compliance matters outside the scope of this decision remain subject to separate enforcement under applicable law.

VIII. Record and Attachment List

Exhibit	Description
A	Application form, fee receipt, applicant narrative, map, and proposed findings (April 27, 2026)
B	LU-16-077 decision and conditions of approval
C	May 6, 2025 complaint and supporting exhibits
D	OSU response to complaint (August 26, 2025)
E	Planning Official interpretation (September 18, 2025)
F	Planning Official process determination (January 26, 2026)
G	Completeness determination and August 5, 2026 notice materials
H	Team Dirt comments (August 14, 2026)
I	Upper Oak Creek Neighbors comments and exhibits (August 14, 2026)
J	Mid-Willamette Bird Alliance comments (August 16, 2026)

IX. Appeal Rights and Effective Date

Under BCC 51.805 and 51.815, a final decision of the Planning Official may be appealed to the Benton County Planning Commission within 14 calendar days from the date of final decision. An appeal must be filed with the Planning Official no later than 5:00 p.m. on the final day of the appeal period, on the County appeal form, and must include the information and fee required by BCC 51.830. Under BCC 51.820, this decision becomes effective upon expiration of the appeal period unless a timely appeal is filed. Contact Benton County

Community Development, 4500 SW Research Way, Corvallis, Oregon 97333, 541-766-6819, for the appeal form, current fee, and filing information.

Appeal deadline: October 4, 5:00 p.m.

Petra Schuetz
Petra Schuetz, Planning Official
Date: 09.18.26

APPENDIX

EXHIBIT A

Application Materials

Application Administrative Amendment CUP Snack Time Trail_04232026(1).pdf



**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 $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 07 and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ 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.



APPENDIX

EXHIBIT C

Complaint of Non-Compliance

Complaint of Non-Compliance OSU Conditional Use Permit McDonald Forest_May 6 2025(1).pdf

**Complaint of Non-Compliance
Oregon State University's Conditional Use Permit for Recreational
Development at McDonald/Dunn Forest,
Benton County, Oregon LU-16-077**

May 6, 2025

Submitted to:

**Ms. Petra Schuetz
Benton County Development Department
360 SW Avery Avenue
Corvallis, Oregon 97333**

Submitted by:

**Daniel Rosenberg and Jennifer Gervais
Steve and Terri Cook
Jim Morrison
Doug and Lorraine Witzke**

Dear Ms. Schuetz:

We are neighbors of the OSU McDonald Forest who live along the uppermost section of Oak Creek Drive from Tanager Drive to the access gate. We are submitting this complaint of OSU's non-compliance with OSU's Conditional Use Permit (CUP), approved by Benton County on September 5, 2017 as LU-16-077, for your review and to demand that OSU halt further trail development until they have an approved modification to the CUP.

The purpose of the CUP and the associated Conditions of Approval specifically for the Oak Creek watershed were meant to address safety and livability concerns along Upper Oak Creek Drive, while still allowing for recreation within the Forest. Upper Oak Creek Drive was never designed for the traffic speed and volume it currently carries, which is a direct result of recreational use of the forest.

Limits on parking, enforcement of those limits, and strategic trail development to limit increasing traffic were included in the conditions of approval. These conditions were developed collaboratively between the neighbors, Benton County staff, and McDonald Forest managers following the public hearings. The CUP made it very clear that trail development had to be limited to those included in the CUP and that those trails had to be completed within the five-year time span covered by the CUP. Further development after expiration of the original CUP requires a new CUP. Please refer to Exhibit 1.

The original CUP expired in September 2022. No new CUP has been initiated to our knowledge. However, in February 2025, OSU Research Forest initiated a new trail that is being designed and built by Team Dirt, the Forest's primary partner in mountain bike trail development. Team Dirt has named this new trail "Snack Time" (Exhibit 2).

OSU's failure to submit an application for review is out of compliance with the CUP and will result in a plethora of new trails without honoring the required public process. This bypasses the community's only opportunity to weigh in on land-use decisions that have significant impacts beyond OSU's property boundaries.

From a discussion one of the neighbors had with the Forest's interim director, Dr. Mark Swanson, it was clear OSU has no intention of working with the County to update the CUP regarding the trail now being built nor future trails.

The neighbors are not against additional trail development that is properly mitigated as they were in the original CUP; however, we expect and demand that OSU honors and complies with the CUP that neighbors, the County, and OSU worked hard to develop collaboratively. We request that Benton County submit a demand to OSU to halt new trail development until they have an approved modification to the existing CUP.

We look forward to hearing from you and we are glad to provide additional materials. Please correspond directly to Dan Rosenberg, danrosenberg.oregon@gmail.com, 541-224-2141.

Sincerely,

Dan Rosenberg and Jennifer Gervais, 8500 NW Oak Creek Drive, Corvallis, OR 97330

Steve and Terri Cook, 8600 NW Oak Creek Drive, Corvallis OR 97330

Jim Morrison, 8431 NW Oak Creek Drive, Corvallis, OR 97330

Doug and Lorraine Witzke, 8553 NW Oak Creek Drive, Corvallis, OR 97330

Exhibit 1

STAFF CONTACT: Kevin Young	FILE NUMBER:	LU-16-077
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DECISION

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

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

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

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

CONDITIONS OF APPROVAL

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

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

Exhibit 2

Team Dirt's Post



Team Dirt

February 20 · 🌐

Did someone say NEW TRAIL???

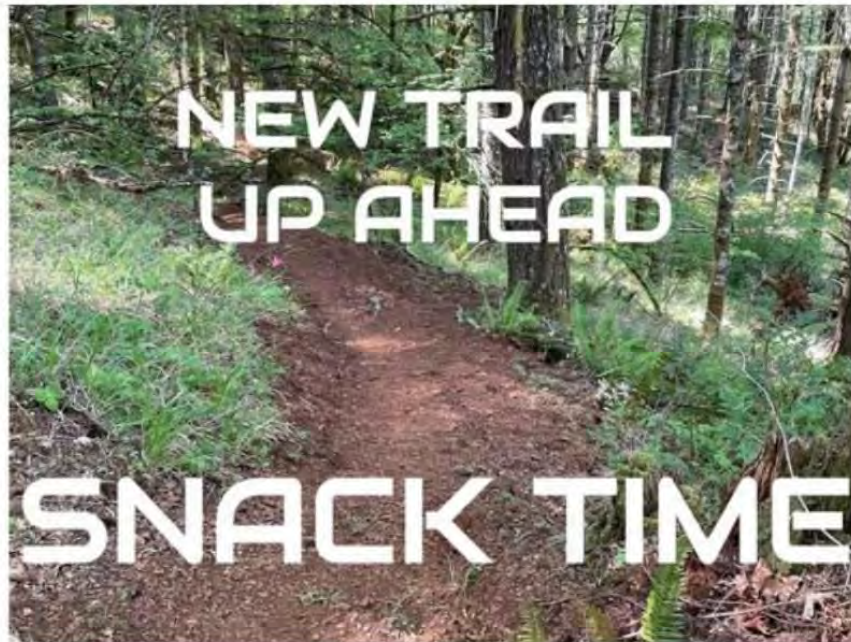
Join us this Saturday, Feb 22, 10am at the Oak Creek Trailhead as we launch into our next new trail in OSU's Mac Forest, Snack Time.

Snack Time will begin near the exit of Play Time, and connect users to Uproute near the top of Extendo. It will be a continuation of the form, fit, and function of Lower Play Time, meaning a multi-use, intermediate trail designed to be a fun descent while also being climbable. We've put a lot of work into the design thus far, and we're ready to start digging!

Sign up to volunteer at: <https://volunteer.imba.com/opportunities/CrAiclgxTG>

Find the rest of our build (and other) events at: <https://teamdirt.org/Community/Calendar>

See you on the trails!



APPENDIX

EXHIBIT E

Planning Official Process Letter

Letter OSU McDonald Dunn Forest CUP - 01.27.26(2).pdf



4500 SW Research Way
Corvallis, OR 97333

(541) 766-6819

co.benton.or.us/cd

Steven P. Hultberg
Radler White Parks Alexander, LLP
PO Box 2007
Bend, Oregon 97709
P 541.585.3697 C 541.420.1024
E shultberg@radlerwhite.com

From: Petra Schuetz, Planning Director | James Wright, Associate Planner

Date: January 26, 2026

Subject: McDonald Dunn Forest CUP | OSU

Steve,

Thank you for your patience. I wanted to follow up to outline a path forward for addressing **Snack Time Trail only**, based on the Planning Official's interpretation and our discussions.

As background, on September 18, 2025, the Planning Official issued a memo in response to a code compliance regarding an unsanctioned trail (Snack time) within the OSU Research Forest (McDonald–Dunn), which is subject to LU-16-077, the approved phased plan for recreational development in the Forest Conservation (FC) Zone. That memo explains that while trails are an outright permitted *use* in the FC Zone, trail systems and trail improvements are considered development and require land use review when they were not previously approved under the original Conditional Use Permit.

Following the memo, we met in October 2025 to talk through potential options, either focusing narrowly on Snack Time Trail or pursuing a broader proposal that would address multiple trails through a master planning or CUP modification process.

Based on that discussion and the Planning Official's interpretation that an Administrative land use application submitted under BCC 53.150, using the approval criteria in BCC 53.215, can be applied for to address only Snack Time Trail. This administrative review would be limited to formally recognizing and incorporating Snack Time Trail into the existing approval LU-16-077 and would not authorize or evaluate any additional trails. This application would be subject to public notice and provided to neighboring property owners, allowing comments specific to the proposal to include Snack Time Trail.

Page 1 of 2

If OSU would like to include trails beyond Snack Time, that effort would need to move forward as a Conditional Use Permit modification, subject to Planning Commission review, consistent with BCC Chapter 60.215.

I've attached the September 18, 2025 Planning Official memo, the original land use approval (LU-16-077), and the relevant code sections, hyperlinked above, for reference. The full Benton County Development Code is also available on the County's website, and can be found [HERE](#).

Thank you for your thoughtful consideration of this matter.

Regards,

Petra Schuetz
Planning Director

James Wright
Associate Planner

Cc: file

APPENDIX

EXHIBIT H-1

David Lewis

Comment on LU-26-030 CUP modification DAVE LEWIS.msg

EMAIL PUBLIC COMMENT

From: David Lewis <djlewis_10@icloud.com>

To: SWANSON John

Sent: Sun, 16 Aug 2026 18:54:40 -0700

Subject: Comment on LU-26-030 CUP modification

[You don't often get email from djlewis_10@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing to express my support for LU-26-030 CUP modification submitted by OSU. I'm a long time resident of Corvallis, I regularly use the McDonald Forest for recreation, I'm a Team Dirt volunteer for trail building, and I was a 3-year coach of the local NICA mountain bike team which comprises more than 120 middle and high school students. Building the new trail Snack Time is of utmost importance to many types of local outdoor recreation, including mountain biking, trail running and hiking. The proposed trail fills a gap between two established trails, Play Time and Extendo, thus providing a key piece of connectivity that will get local recreation users off a steep and hot gravel road section and onto a trail. The local NICA mountain bike team of kids will use the trail extensively, along with many regular local users. It will thus help facilitate an important outdoor recreation opportunity that will contribute to the physical and mental health of the community. I urge you to approve the proposed modification.

Best,

Dave Lewis

5948 SW Banyon Cir

Corvallis, OR 97333

Sent from my iPad

APPENDIX

EXHIBIT H-2

Jim Fischer

File Number_ LU-26-030 - Snack Time Trail Addition JIM FISHER.msg

EMAIL PUBLIC COMMENT

From: Jim Fischer <jamez.fischer@gmail.com>
To: SWANSON John
Sent: Sun, 16 Aug 2026 06:08:00 -0700
Subject: File Number: LU-26-030 - Snack Time Trail Addition

You don't often get email from jamez.fischer@gmail.com. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Swanson,
My name is James Fischer. My wife, Heather Paris, and I live at 7805 NW Hope Dr, Corvallis, OR 97330, just off of NW Oak Creek Drive and about 1/4 mile from the Oak Creek Gate.

We are avid cyclists and have been involved in mountain bike trail construction & maintenance, organizing & leading cycling clubs, organizing cycling events (including the Mudslinger Mountain Bike Race when it was held in Mac/Dunn in the late '90s).

We purchased our house almost 20 years ago after seeing the "for sale" sign as we drove home from riding at Oak Creek with our dogs.

Suffice it to say that we not only enjoy the forest, but we have made significant life choices demonstrating just how much we appreciate this resource.

I have worked on many trails with Team Dirt including Snack Time. This particular trail is a strategic addition to the trail system between Oak Creek and McCulloch peak that will augment bi-directional travel options in the area and will disperse usage in this portion of the forest. It also bypasses the heavily used and somewhat dangerous legacy Endo trail.

The trails constructed by Team Dirt have been replacing legacy moto-created trails "built" back in the '70s and '80's with bi-directional dirt surface options for riders of various skill and fitness while also being openly shared with all users.

I mostly encounter hikers and trail runners, more so around the time of year prior to the ultra trail running races held on the Forest, but equestrians would certainly be welcome and features they would preclude them are removed (like low-hanging "ride-under" trees).

These trail generation activities are irreplaceable learning and volunteering opportunities for the new generation of trail users who come out with us to build and maintain these trails to see how these resources are made. It is critical learning for them. (And it's fun building trails for everyone to use.)

The trails designed by OSU and Team Dirt focus on safety, year-round access where prudent, and are for everyone to use. Our trails provide an experience that is unique to the regional Willamette Valley dirt trail systems as compared to options on Bald Hill, Chip Ross, Mary's Peak, Alsea Falls or Blackrock.

I hope you endorse the addition of this trail to the limited use permit for OSU so that we may continue the legacy for this very special recreation opportunity.

Kind regards,

Jim Fischer
7805 NW Hope Drive, Corvallis, OR 97330
603.277.0355

APPENDIX

EXHIBIT H-3

Joseph Doty

I support LU-26-030 CUP JOSEPH DOTY.msg

EMAIL PUBLIC COMMENT

From: jwdody@gmail.com <jwdody@gmail.com>

To: SWANSON John

Cc: Joe Dody

Sent: Sun, 16 Aug 2026 15:34:56 -0700

Subject: I support LU-26-030 CUP

You don't often get email from jwdody@gmail.com. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

I want to express my support to modify the existing Conditional Use Permit LU-16-077 to include the Snack Time trail.

I'm a long-term mountain biker in the Mac, Dunn, and Starker Forests (now age 66 but going strong). I and many others have benefited from having great trails to ride locally. I appreciate the support OSU provided in numerous ways over the years to facilitate the use of their research forests for recreation.

One of the challenges is recreating in research forests, from the recreational perspective is that trails have to be re-built or new trails created when sections of the forest are logged. The proposed trail is nice addition to the current portfolio of trails.

Joseph (Joe) Dody

4878 NW Bruno Pl

Corvallis, OR 97330

APPENDIX

EXHIBIT H-4

Oak Creek Neighbors, submitted by Dan Rosenberg

LU 26-030 CUP Testimony of Oak Creek Neighbors_14 August 2026_Submitted DAN ROSENBERG & NEIGHBORS.pdf

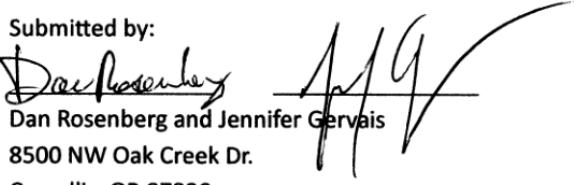
Ms. Petra Schuetz and Mr. John Swanson
Community Development
Benton County
4500 SW Research Way
Corvallis, OR 97333

Emailed to:
petra.schuetz@bentoncountyor.gov
john.swanson@bentoncountyor.gov (per Notice)

Date Submitted: August 14, 2026

**RE: Written Testimony on Oregon State University's Application for a Modification of
Conditional Use Permit; Reference File # LU-26-030**

Submitted by:


Dan Rosenberg and Jennifer Gervais
8500 NW Oak Creek Dr.
Corvallis, OR 97330

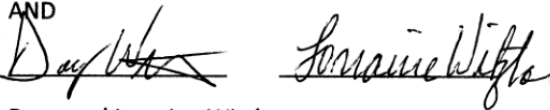
AND


Steve and Terri Cook
8600 NW Oak Creek Dr.
Corvallis, OR 97330

AND


Jim Morrison
8481 NW Oak Creek Dr.
Corvallis, OR 97330

AND


Doug and Lorraine Witzke
8553 NW Oak Creek Drive
Corvallis, OR 97330

We are the residents along upper Oak Creek Drive, between Tanager Drive and the access gate to McDonald Forest. We wish this response to be entered into the record regarding LU-26-030, OSU's request for approval of a new mountain bike trail as part of their Conditional Use Permit (LU-16-077). We have also appended additional documents that support our testimony and address concerns over OSU's failure to adhere to the original conditions of approval, to ensure the record of this issue is as complete and accurate as possible given the short notice.

Limited Period for Public Comments and Error Within Notice Undermines the Process

First, we note we were given only 9 days, and only 5 full business days, to respond to this request: neighbors received the Notice by mail on August 7, with a deadline of 5 pm Sunday, August 16. That was insufficient time to (1) consult with legal counsel that we have retained in the past regarding the 2017 Conditional Use (CUP) permit, (2) to retain an expert to address incorrect statements by OSU regarding fire risk/access and trails, or (3) to provide complete data demonstrating our assertions. The Notice also contained factual errors, stating the trail as "proposed" when in fact the trail is either completed or near completion in violation of the CUP (Exhibit 1, Letter from County to OSU). We requested by email and by phone an extension of time, and was only given, through a phone call, one additional day because the deadline's date was on a Sunday. The short notice, in mid-summer when many are out of town, undermines the requirement of a legitimate public comment period.

Administrative Review is Insufficient for Public Input In This CUP Application

Public participation is the very first goal of Oregon's land-use planning laws. This is why the Conditional Use Permit system exists in the first place, and the Conditional Use Permit process is designed exactly for cases such as these. OSU has already agreed to a Conditional Use Permit in the past, demonstrating that OSU also sees recreation as an ancillary use subject to the Conditional Use process. Although a single mountain bike trail is presented in the notice, OSU made clear their intention to expand the trail system and to avoid the CUP process in the future.

Administrative Review allows the Benton County Director of Community Development to make a decision regarding OSU's application when no discretion is required. Complicating this process, however, is that the recently hired Director was OSU's land use planner who was assigned to represent OSU on this particular case- OSU's violation of the 2017 CUP.

We respectfully request that the County deny OSU's application rather than waive away the violation of noncompliance of the 2017 CUP. OSU indicated in their application their intent to expand the trail system- the current application addresses the trail "Snack Time" in isolation of their intended expansion. We request that if additional trails, including "Snack Time," are desired, that the County require OSU to submit a new Conditional Use application and allow a public hearing in front of the Planning Commission.

OSU's Violation of the 2017 Conditional Use Permit

The Oregon State University McDonald-Dunn Research Forest (hereafter OSU) has allowed the construction of a new trail, Snack Time, that has largely been completed by their partner non-profit organization Team Dirt (<https://www.teamdirt.org/bylaws>). The construction of the mountain bike trail on the Research Forest (Exhibit 2, Team Dirt inviting volunteers to help build Snack Time trail) was in direct violation of the existing CUP, which states very clearly that no new trails will be built without the submission of a new CUP. The fact that OSU alleges it replaces a trail not formally authorized is immaterial (Exhibit 1, County letter to OSU). This follows a warning by the County to OSU to not build any new trails without authorization from the County (Exhibit 3, email from the County to OSU). OSU was well aware that this trail was being built by their partners, Team Dirt, during its construction, which involved a large number of volunteers, equipment, and time, but OSU states in their application to the County that a CUP is no longer required.

OSU's Application Fails to Address County Codes That Impact Other Properties

Further, to approve of this application, the County would need to violate BCC 53.225, Modification of a Conditional Use Permit. OSU fails to provide justification for changing the permit and fails to identify any changing circumstances. The code is clear: "Such application shall be processed as a new request for a conditional use permit. [ORD 26; ORD 90-0069]".

BCC 53.205 states, Conditional uses are a land use which may have an adverse effect on surrounding permitted uses in a zone. BC53.215 provides the criteria:

- (1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or 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
- (3) The proposed use complies with any additional criteria that may be required for the specific use by this code.

Code section BC 53.215 is not meant to refer to the impacts of ancillary uses on the forest lands on which those uses are occurring, but to the surrounding properties. The applicant fails to note that there are, in fact, dozens of houses surrounding the forest, and that the closest access road in particular runs through a residential neighborhood.

The 2017 Conditions of Approval Were Intended to Improve Safety from Increased Traffic

The original CUP's conditions of approval were meant to mitigate the impact of hundreds of cars a day on upper Oak Creek Drive, particularly the last stretch north of the intersection with Tanager Drive. As is well known, the road was never designed for the traffic it now carries, and has below-standard curve radii, blind spots, and no shoulder (Exhibit 4, Benton County Public

Works report). It is barely wide enough for a standard fog stripe, and the edge of one section, along the Hesthavn property, is eroding away, undercutting the pavement (Exhibit 5, Edge Lane Road report). Technically it is a two-lane road, but when two cars are passing each other- or a logging truck is present (Exhibit 6, photograph with log truck and vehicle), there is no room for pedestrians on the roadway (neighbors exercising their dogs or just out walking) or cyclists (Exhibit 4, Benton County Public Works report; Exhibit 6, photograph of road situation).

The Conditions of Approval in the CUP were designed to reduce traffic loads by controlling demand through reduction of parking. Since the CUP, and in recognition of the risks to vulnerable users (bicyclists, runners, pedestrians) on this road, the County installed several warning signs but the County was unable to make substantial changes proposed in their traffic calming report (Exhibit 4; Benton County Public Works report).

OSU's Application Misrepresents Fire Risk

OSU states that the trail system, including the trail Snack Time, were built to increase access for fire control and for students on class trips to the Forest and therefore argue that OSU does not need to comply with the CUP nor apply for a new CUP to build additional trails. These statements flagrantly misrepresent the intent of the trails, trails that have been built largely by volunteer recreationists, primarily members of Team Dirt (<https://www.teamdirt.org/bylaws>). Trails they build are intended to be fun at different experience levels; Snack Time was intended to be an intermediate trail with a "fun descent" (Exhibit 2, trail description by Team Dirt). If the County had provided sufficient time, we would have brought in an expert in fire risk management in recreation areas to provide testimony. However, it is obvious the trails within McDonald Forest are designed for recreation, not fire access. OSU's adjacent property, Dunn Forest, is a commercial forest with few trails, and OSU has not shown interest in expanding trails there. Similarly, Starker Forest has only reluctantly allowed Team Dirt to build trails on their property with no intent on access by those fighting fires (<https://starkerforests.com/news/starker-forests-taking-measures-to-stop-unauthorized-trail-building-and-use/> ; accessed 8/12/2026), and most other commercial forests also do not include an extensive trail system. If trails were built for fire access, they would be built with as little "fun" as possible. Further, if trails were built for student access on class trips, as OSU states in their application, they would be built by OSU, not Team Dirt, and they would be built for ease of travel given some students with limited mobility. It is obvious that OSU's statements that trails on their property are built for fire access and class outings is intended only to bypass the CUP process.

To the contrary, neighbors are greatly concerned with the increased fire risk brought on by unregulated, unenforced parking and the proliferation of cigarette butts along the road and in OSU's parking lot. Several of us have confronted smokers in the parking lot and within the

forest boundary during periods of high fire danger. The more vehicles coming up the road, the greater the risks especially when they park illegally along vegetated sections of the road, which happens frequently (Exhibits 6 & 7). A fire starting from a cigarette tossed into the dry grass at the parking lot will reach our homes within minutes.

This is not just a safety concern for local residents: forest users may be miles from the trailhead and on foot, with limited options to get to safety. If people do reach their cars in case of a wildfire requiring evacuation, their vehicles will add to the burden of traffic from existing households trying to get out of harm's way. There are roughly five hundred households on Oak Creek Drive, Cardwell Hill, and associated side roads. There is one public access road out. All other egress routes, even the designated evacuation routes, are blocked by locked gates. Ideally, appropriate personnel with keys will arrive in time to unlock those gates. However, wildfire conditions are rarely ideal. We feel these risks must be dealt with in an open, public process which would be required for a new Conditional Use Permit. Closures of parking in recreation areas in Eugene provide an example of precautions taken nearby (<https://www.klcc.org/disasters-accidents/2026-06-02/citing-fire-danger-eugene-closes-parking-lot-at-skinner-butte-summit-for-the-summer>). The 5-business-day notice did not allow us time to expand this documentation or retain an expert to provide comment.

Failure of OSU to Continue Adequate Parking Enforcement

OSU has ceased to contract with Benton County Sheriff's Office for parking enforcement, as was agreed to in the CUP (Condition of Approval 4.a.i) and that was key to reducing illegal parking following the 2017 CUP. Previously, monitoring by the Sheriff's office, after a few tickets were issued, was a sufficient deterrent. OSU has never posted signs indicating whom to contact at OSU to report illegally parked cars and other hazards (Condition of Approval 3.e and 4.b.ii). It is now up to local residents to call the County for enforcement of parking restrictions; when parking restrictions are not enforced, people rapidly start to park outside of designated areas, impeding emergency vehicle access and parking over long dry vegetation. Enforcement has occurred when we report parking violations, and if an officer is available, but that is neither our job nor do we have the ability to monitor parking. Violations are often flagrant: a deputy from the Sheriff's office recently ticketed two vehicles on May 3, 2026 following one of the neighbor's calls (Exhibit 7, photograph of car and trailer in roadway). The deputy commented to one of us that the situation with traffic and the narrow road without a shoulder, and all of the bicycles and pedestrians is "...an accident waiting to happen here." Being enforcers is an undue burden on the neighbors. Not doing so creates an even greater burden of risk, however, one that is increasing with increasing recreational use pressure. Additional trails increase demand.

The lack of enforcement of existing restrictions needs to be addressed before OSU creates more trails, which has already increased the appeal of the site for recreation not only locally but from

afar as well. Appropriate mitigating actions for any further trail development, including Snack Time, the trail built in violation of the CUP, must be deliberated at a public hearing for a new or modified Conditional Use Permit.

We are not objecting to the existence of recreational opportunities on the McDonald-Dunn forests. Recreation on forest lands is a permitted use, under OAR 660-006-0025 and BCC 60.005. Indeed, a number of us also access those lands for recreational purposes. However, we do object to the Research Forest's failure to comply with conditions of approval that it agreed to as part of the original CUP, and their current effort to erase a clear violation of those conditions. We also object to the attempt by OSU to prevent surrounding landowners to have access to any redress for any impacts their decisions may have on us. Further, we maintain that existing provisions, which are no longer enforced, are insufficient to protect us from heightened wildfire risk posed even by the current number of forest visitors, or from the risks of current recreational traffic that the road infrastructure has never been able to handle. Addressing these issues requires a new or modified Conditional Use Permit.

Concluding Comments

BCC 53.150 states that decisions that involve little discretion can be made at the administrative level. We argue that this decision does in fact involve significant discretion. OSU maintains in their application that they can ignore the past Conditional Use Permit and that they can construct trails without a CUP. Granting their request to authorize this trail they built in violation of their CUP with only administrative review, and despite the fact that they were warned by County staff to not build additional trails without County authorization (Exhibit 3, email from County to OSU) is not only inappropriate, it sets a precedent where the codes can effectively be ignored. Further, this decision must be considered in the context of the previous Conditional Use Permit and the failure by OSU to abide by the conditions of approval in that document, both previously and currently.

We request the County to reject OSU's application for an Administrative Decision and require an open public hearing in front of the Planning Commission for a modification or a new CUP.

List of Attached Exhibits (continued on page 7)

1. Letter from County to OSU regarding violation of the CUP by adding a new trail, Snack Time.
2. Team Dirt inviting volunteers to build Snack Time (Team Dirt website during build-out).
3. Email from County to OSU warning not to build new trails without authorization.
4. Benton County Public Works Department report on upper Oak Creek Drive safety issues.

5. Edge Lane Road report for upper Oak Creek Drive, authored by Michael Williams, leader in active transportation strategies with an introduction by the Neighbors Group.
6. Photographs of challenging safety issues along upper Oak Creek Drive.
7. Example of illegally parked car within the roadway, and over vegetation that increases fire risk and presents safety hazards.

Exhibit 1: Letter to OSU informing them of CUP violation and remedies.



4500 SW Research Way
Corvallis, OR 97333

(541) 766-6819

CD.bentoncountyor.gov

September 18, 2025

This memo addresses a Code Compliance inquiry by Daniel Rosenberg received May 6, 2025 regarding the Oregon State University Research Forest (McDonald-Dunn portion) LU-16-77 "phased plan for recreational development" within a Forest Conservation (FC) Zone. The property owner, Oregon State University allowed non-profit mountain biking trail stewards, Team Dirt, to construct a trail over an existing, unsanctioned trail section that was not included in the approved in the original Conditional Use Permit (CUP). The trail was improved for safety and accessibility but was not reviewed through a public process or authorized via CUP modification as required by Benton County Code. The property owner contends that making safety improvements to the informal trail is outright permitted recreational use; not requiring additional permitting.

After researching the original CUP and subsequent correspondence on the property, the following is determined. Yes, trails are outright permitted uses in FC *and* trail systems require land use approval. The unsanctioned or informal trails common in forests are sometimes considered prescriptive easements that do not trigger new development requirements. When a trail or accessway has been used openly, continuously, and adversely (without permission) for at least 10 years. Oregon courts have upheld these rights in cases like *Albany & Eastern Railroad Co. v. Martell*. However, these conditions do not automatically authorize improvements. Development includes physical changes to land, not just use. Benton County require permits for trail improvements, to safely mitigate for erosion, habitat, or public access impacts as well as ensure structural integrity obstacles, bridges, culverts, etc.

Under Benton County Development Code Chapter 53 (Conditional Uses) and Chapter 60 (Forest Conservation Zone), any physical development—including trail construction or improvement—that alters the intensity, location, or public accessibility of a use not previously approved in the CUP is considered a modification of the conditional use. This applies even if the trail follows an informal or previously existing path.

Per BCC 53.305 and 60.215, such modifications require prior review and approval through a public process to ensure consistency with the County's Comprehensive Plan, forest resource protections, and public interest.

The trail was constructed prior to the County receiving any formal inquiry, which precluded both public engagement and the County's opportunity to assess engineering or inspection requirements in advance. Given that the trail is already in place, and consistent with like (prebuilt and no apparent immediate life or safety hazard) land use and/or building compliance violations, the County will not be pursuing removal at this time.

To bring the property into compliance with applicable regulations, the owner(s) are required to submit a CUP Modification Application including a site plan, trail specifications and a narrative explaining the purpose and scope of the trail improvements including how all the 2017 Conditions of Approval were met.

As an alternative, the property owner(s) may choose to close and restore the trail to its native condition.

A CUP Modification process is quasi-judicial. Failure to comply may result in enforcement actions under BCC Chapter 31, including fines or orders to restore the site to its prior condition.

Conclusion: This interpretation affirms that trail development—even over an existing informal path—constitutes a land use action requiring CUP modification in forest zones per the original CUP permit. Benton County encourages voluntary compliance on this matter.

Petra Schuetz
Planning Official

James Wright
Associate Planner

CC: John Swanson- Code Compliance Coordinator



Team Dirt

February 20 · 🌐

Exhibit 2: Team Dirt announcing new trail, Snack Time.

Did someone say NEW TRAIL????

Join us this Saturday, Feb 22, 10am at the Oak Creek Trailhead as we launch into our next new trail in OSU's Mac Forest, Snack Time.

Snack Time will begin near the exit of Play Time, and connect users to Uproute near the top of Extendo. It will be a continuation of the form, fit, and function of Lower Play Time, meaning a multi-use, intermediate trail designed to be a fun descent while also being climbable. We've put a lot of work into the design thus far, and we're ready to start digging!

Sign up to volunteer at: <https://volunteer.imba.com/opportunities/CrAiclgxTG>

Find the rest of our build (and other) events at: <https://teamdirt.org/Community/Calendar>

See you on the trails!

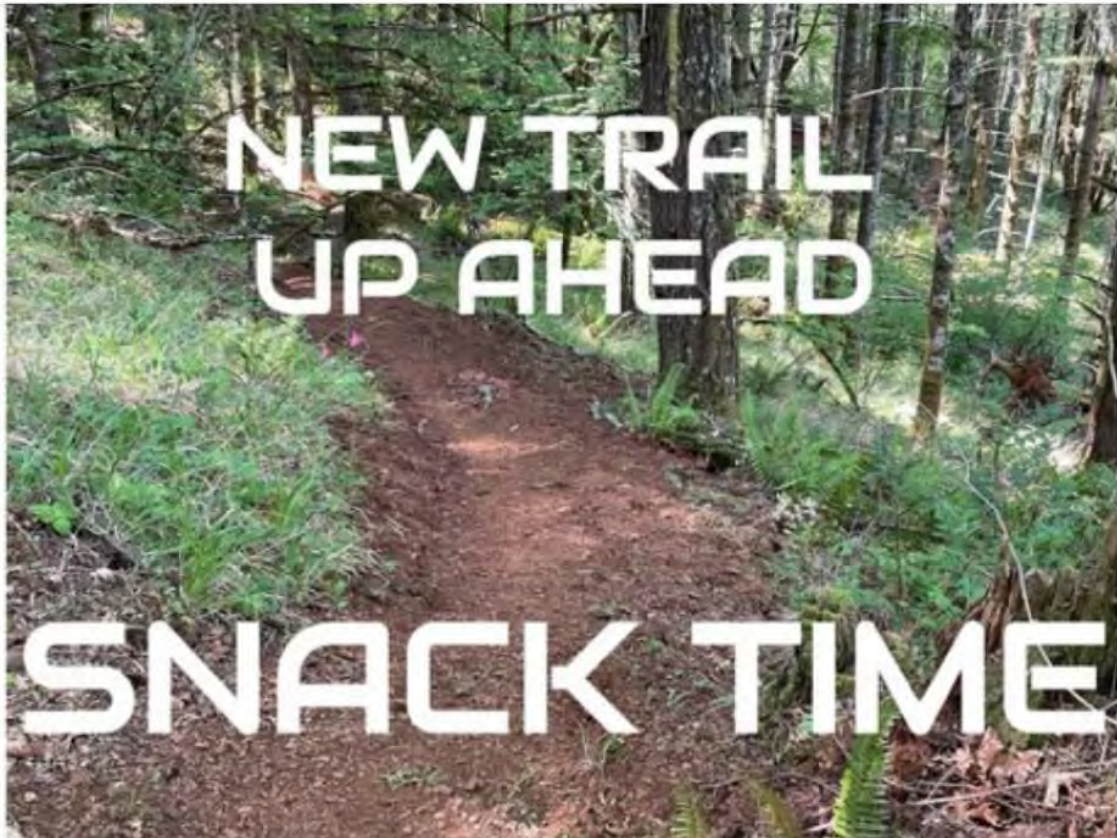


Exhibit 3: Email from County to OSU, 2020, warning of no new trails.

From: VERRET Greg J <Greg.J.VERRET@co.benton.or.us>
Sent: Monday, February 10, 2020 10:36 AM
To: Richardson, Robert <bob.richardson@oregonstate.edu>; Fitzgerald, Stephen Arthur <stephen.fitzgerald@oregonstate.edu>
Cc: WILLIAMS Inga <Inga.Williams@Co.Benton.OR.US>; TAYLOR Rebecca <Rebecca.Taylor@CO.Benton.OR.US>
Subject: Complaint alleging noncompliance with Conditional Use Permit

Steve and Bob,

With Ryan Brown's recent departure, I am unsure who to communicate with on this issue. Please let me know who the appropriate person is.

Benton County has received the attached complaint from neighbors of the OSU Oak Creek Trailhead. In short, the neighbors assert that OSU has failed to comply with the Conditions of Approval (also attached) of the Conditional Use Permit that authorized recreational improvements at the Oak Creek Trailhead and elsewhere. In addition to overall concern for safety due to increased traffic and usage of the trailhead, they identify three main conditions of approval with which they believe OSU has failed to comply:

- A. Not engaging Sheriff's patrol to enforce parking restrictions. [Condition of Approval #4a.]
- B. Supporting and/or allowing development of additional trails on OSU property, and trails connecting to trails on Starker Forests property (which do not have conditional use approval). [Condition of Approval #1.] On this point, in a subsequent email, one of the complainants stated that "OSU is currently planning to build a new trail in mid-February (named "Bomb's Away" trail) and Starker Forest continues to expand trail linkages, all in the congested areas that create the traffic problems. These trails are being publicized broadly this month at a public talk at the Corvallis Library (<https://oregon2.sierraclub.org/marys-peak>)." The only trail development that is authorized is what was included in the conditional use permit. **Any additional trail development should be halted**, including trail connections to other landowners' trails or roads and including trails built by others with OSU's permission. **I request that OSU address this point in a reply to me as soon as possible.**
- C. Not implementing a strategy to encourage alternative methods of transportation to trailheads. [Condition of Approval #3f.]

Please respond to me as soon as possible regarding the assertion that trails beyond the Conditional Use approval are being constructed in February. For a more complete discussion of the situation I would like to set up a meeting in the near future, so please let me know who should be involved from OSU and we will coordinate.

Thank you for your cooperative engagement on this issue.

-Greg

Greg Verret, Director

Benton County Community Development Dept

[360 SW Avery Ave., Corvallis, OR 97333](#)

541-766-6819 | www.co.benton.or.us/cd



Exhibit 4: Public Works report on recommended traffic calming measures for upper Oak Creek Dr. as an access route for OSU Forest.

Public Works Department
360 SW Avery Avenue
Corvallis, Oregon 97333
Phone: 541.766.6821
Fax: 541.766.6891

July 27, 2018

TO: Laurel Byer
County Engineer
Engineering & Survey Program Manager

FROM: Luis Gomez
Engineering & Survey Tech

RE: Traffic calming measures for NW Oak Creek DR. County Road #15500

Introduction

A meeting was held on 04/11/2018 between Gordon Kurtz, Andrew Monaco, Steve Pilkerton, Stephen Fitzgerald, and Ryan Brown. One item of discussion was OSU proposals for traffic calming measures on the north end of NW Oak Creek Drive. Implementation of traffic calming measures required analysis which are summarized below.

Findings of fact

OSU research forests received comments expressing discomfort from citizens when biking to the South McDonald Forest. The NW Oak Creek Dr. roadway is an access route for the South McDonald Forest (Figure 1). The forests are laboratories managed by the Oregon State University (OSU) College of Forestry. The community, including bicyclists, are allowed to visit, recreate, and use the trails. However, at the intersection with NW Cardwell Hill Dr. (Milepost 1.918, Figure 2,) the NW Oak Creek Dr. bikelane ends. Oak Creek Dr. narrows between Cardwell Hill and the Trailhead forcing bicycles and vehicles to share the road. The roadway continues up to the Trailhead (MP 3.044, Figure 2) without a bike lane. As a result, pedestrian bicycle, and motorized vehicle comfortable driving and ease of use issues must be addressed. Implementation of traffic calming measures on NW Oak Creek Dr. is proposed to address these issues.

Analysis of alternatives

During meeting noted above some alternatives were proposed as possible solutions to the bicyclists' concerns. These issues are analyzed here with some additions. This analysis does not consider changes to the current pavement structure (surface widening was not proposed by OSU). Currently, the width of existing pavement structure, between the MP 1.918 to the MP 3.044, is approximately 22 ft. on average. It is not currently feasible to add bike lanes without altering the current traffic conditions or pavement width.

The alternatives are as follows:

1. Implement new striping configuration with bike lanes on sides and "single lane in the middle for motor-vehicles":

This alternative considers implementing a single lane for motor vehicles and two bike lanes on each side between the MP 1.918 to the MP 3.044. According to AASHTO, the



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number of lanes should be sufficient to accommodate the design traffic volume. Single-lane roadways are recommended where traffic volume is less than 100 vehicles per day (AASHTO, 2001). Since the current traffic Average Daily Traffic (ADT) on this road segment is greater than 500 vehicles per day (According to a special study report developed by Benton County in 2017), the alternative of having a single lane in the middle for motor vehicles is not recommended because it does not meet AASHTO standards.

2. Implementation of “Sharrows”:

This alternative considers application of shared lane markings or “Sharrows” in order to instruct motor-vehicle drivers and bicyclists to share the roadway. The markings are proposed to be applied between the MP 1.918 to the MP 3.044. The Federal Highway Administration (FHWA) has demonstrated the effectiveness of implementing sharrows with experiments conducted in Cambridge, MA; Chapel Hill, NC; and Seattle, WA. The maximum speed limit for these analysis was 35 mph. Application of this traffic calming measure is viable at speed limits up to 35 mph. Benton County (2017) has performed classifier speed studies on Oak Creek Dr. between 10/10/17 to 10/17/17. The measured average speed, at the MP 2.01 of the NW Oak Creek Dr. was 32.6 mph, the 50% speed was 33.7 mph, and the 85% speed was 40.6 mph (Figure 3). Implementation of this measure is not expected to cause significant disturbances to the majority of vehicles. It is recommended that shared lane markings should not be placed on roadways that have a speed limit greater than 35 mph. The Manual on Uniform Traffic Control Devices (MUTCD, 2010b) outlines guidance for shared lane markings in section 9C.07.

3. Implementation of “hill blocks view” signs:

According to The MUTCD, the hill blocks view signs may be used in advance of a crest vertical curve to advise roadway users to reduce speed as they approach and traverse the hill. These signs are recommended for implementation at some locations along NW Oak Creek Dr. because some vertical curves cause visibility limitations (e.g. at MP 2.15, Figure 4). The MUTCD (MUTCD, 2010b) outlines guidance for hill-blocks-view signs in section 2C.18.

4. “Allow 6 in. creep” into the roadway at bollards:

This alternative consists moving the fogline stripe 6” into the roadway around the MP 2.95 (Figure 5) to the end of the roadway (MP 3.044). This measure will help keep vehicles clear of bollards installed in the shoulder as well as providing a buffer for maintenance.

Recommendations

In conclusion, there is a demonstrated need for traffic calming measures on NW Oak Creek Dr. roadway in order to provide a more comfortable travel experience for motorists and bicyclists, and pedestrians. Among the analyzed alternatives proposed by OSU, the implementation of the following combined measures are recommended:



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- Implement shared lane markings or “Sharrows” in order to alert/direct motor-vehicle drivers and bicyclists to share the roadway. The markings are proposed to be applied between MP 1.918 to MP 3.044 (i.e. end of the roadway.)
- Install “Hill blocks View” signs at locations along the NW Oak Creek Dr. where vertical curves cause visibility limitations.

County staff also has three further recommendations to assist with traffic calming on this roadway.

1. Reduce of lane widths and add centerlines all the way from NW Cardwell Hill Dr. to Trailhead:

This is an additional alternative to those discussed at the meeting mentioned above. This alternative consists of reducing the lane widths to 9 ft. from MP 1.918 to MP 3.044 and painting centerlines to the end of the roadway. The objective of this measure is to reduce the current speed by altering the drivers’ perception. Lane widths of 9 ft. are allowed in local roadways. The recommended lane-width range for local type roadways is between 9 to 12 feet (18 to 24 feet for pavement width) (AASHTO, 2011). According to the Oregon Department of Transportation (ODOT), there is a little change in driving speeds after lowering speeds with posted signs (ODOT, 2018). However, reduction of lane width has shown to reduce driving speeds. Studies from the U.S. Department of Transportation have shown free-flow speed reduction when existing lanes widths are narrowed (FHA, 2018, Table 1.) In summary, this measure consists on moving the fog line “creep” and add additional road edge shy distance to the roadway. This will also provide a more comfortable walking area for pedestrians.

2. Application for 35 mph speed limit on this roadway:

With an 85% speed of 40.6 mph, road and roadside geometry and use patterns of mixed travel modes it is recommended the County apply for a 35 mph speed limit on this road segment from the intersection of Cardwell Hill road to the Trailhead.

3. Paved shoulder widening to accommodate bike lanes or shoulder bikeway:

Although roadside geometry and existing right-of-way constraints make widening difficult, Benton County should begin to analyze costs and impacts of shoulder widening along this road segment given use pattern of the roadway.

The combination of these measures are expected to provide a more comfortable driving experience for all travel modes using this roadway.



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References

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- FHA, 2018; *Use of Narrow Lanes and Narrow Shoulders on Freeways: A Primer on Experiences, Current Practice, and Implementation Considerations*; retrieved from:
<https://ops.fhwa.dot.gov/publications/fhwahop16060/ch4.htm>, 07/06/2018

Appendices



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Tables:

Table 1. Reduction in Free-Flow Speed FFS (FHA, 2018).

Average Lane Width (ft.)	Reduction in FFS, f_{LW} (mi/h)
≥ 12	0.0
$\geq 11-12$	1.9
$\geq 10-11$	6.6

Figures:

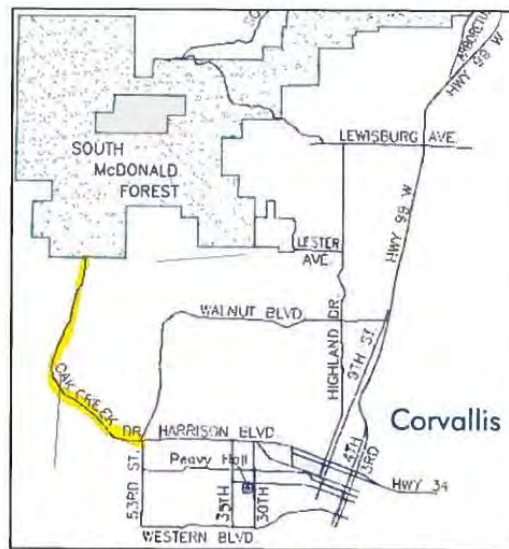


Figure 1. Access to the South McDonald Forest (Source: <http://cf.forestry.oregonstate.edu/osu-research-forests-maps>).



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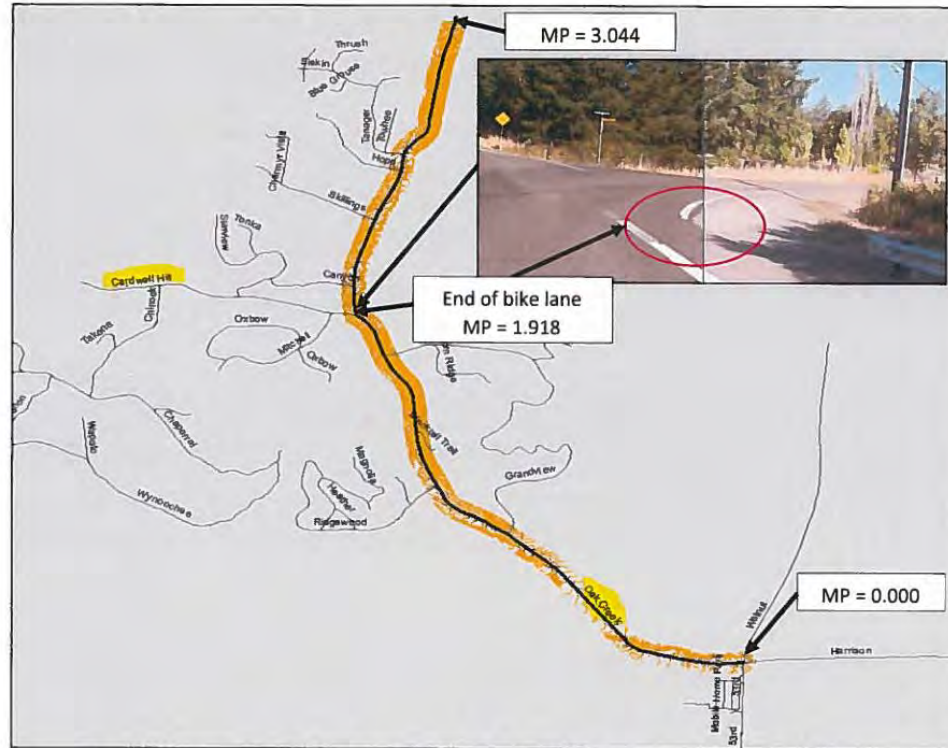


Figure 2. End of the bike lane in the NW Oak Creek Dr. roadway (MP=1.918).

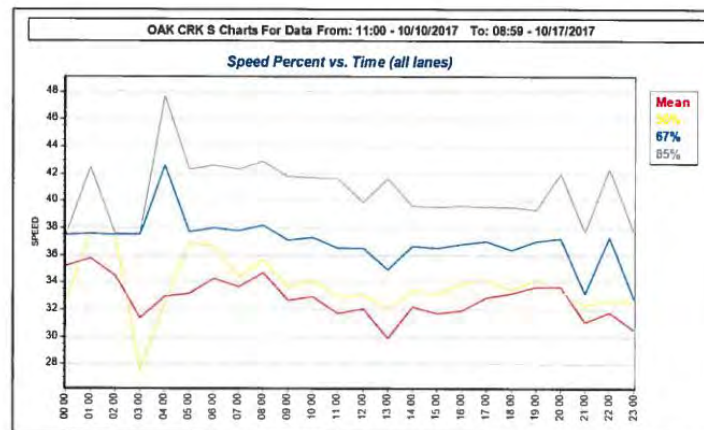


Figure 3. Measured motor-vehicle speed at MP=2.01 in the NW Oak Creek Dr. roadway. Measurement date: 10-10-17 to 10-17-17. Station ID: OAK CRK S. Number of Lanes: 2. (Benton County, 2017)

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Figure 4. Visibility limitations due to vertical curve approach (MP=2.15).



Figure 5. Roadway after the MP = 2.95, close to the end of the road (MP = 3.044).

Exhibit 5: Evaluation of upper Oak Creek Dr. for a an edge lane road safety treatment by engineer Michael Williams with an introduction by the Neighbor Group.

Increasing Bicycle and Pedestrian Access to Recreation Areas:

Proposal for an Edge Lane Road on Upper Oak Creek Drive

Submitted by:

Upper Oak Creek Neighbor Group¹

Submitted to:

Benton County Commissioners

Xan Augerot

Pat Malone

Nancy Wyse

and

Joe Kerby

Benton County Administrator

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Increasing Bicycle and Pedestrian Access to Recreation Areas:

Proposal for an Edge Lane Road on Upper Oak Creek Drive

Benton County's 2040 Thriving Communities Initiative highlights the importance of recreation access for healthy communities. Recreation access contributes to economic vitality that can be sustainable with appropriate management. Encouraging safe and comfortable bicycle and pedestrian access is key to achieving these goals. However, traffic volume and speeds hamper attaining these goals, particularly on several of the key recreational areas near Corvallis that were never designed for such traffic. High traffic volumes and speeds result in fewer pedestrians and bicyclists feeling safe in accessing these areas, resulting in a catch-22 of increasing vehicular use to access recreation as users feel they must drive themselves (and often their bicycles), even when they live in nearby neighborhoods where bicycle and pedestrian access would be preferred. We hereby propose implementing a well-tested road design that will make recreation areas safer and more accessible for all users.

Corvallis has increasingly adopted safer street designs for all users, the so-called "road diet". Such an approach is needed outside the city limits, and nowhere is that more apparent than on upper Oak Creek Drive, a formerly gravel road that was primarily used as a route for timber harvest from McDonald Forest. The road was never designed for the current volume of vehicles, bicycles, pedestrians, and even occasional horseback riders. Benton County Public Works has identified the segment from Tanager Dr. to OSU Forest as the most challenging due to topography, a very narrow road segment, no shoulders, limited sight lines, and a high volume of vulnerable (non-vehicular) users. Almost all traffic on this segment is to access McDonald Forest, providing more options for innovative solutions. Public Works has been responsive in adding advisory signs to reduce speeds, yet the narrow road without shoulders remains uncomfortable for the large number of vulnerable users as well as the motorists who must navigate around them. During a neighborhood meeting, Benton County Public Works agreed that the Edge Lane Road (ELR) design may provide a solution to the otherwise elusive goal of improving comfort and safety for vulnerable users while providing greater access to the OSU Forest. See Page 3 for a description of an Edge Lane Road.

The Oak Creek watershed has experienced considerable development. There are several large-scale developments underway, and growth is expected to continue. Given the growth in areas that are within walking and bicycling distance, and the desire to engage in active transport, it is imperative we start exploring creative solutions to improve inclusive and safe access to our recreation areas. Edge lane roads provide a well-proven design and as the evaluation by Michael Williams demonstrates, upper Oak Creek Drive provides a great pilot study for Benton County.

To provide Public Works with community support to develop an ELR, we present this proposal along with community and professional endorsements, and an evaluation of upper Oak Creek Dr (attached) by a leading expert of edge lane roads, Michael Williams. We respectfully request the Benton County Commissioners ask Benton County Public Works to review implementation of the county's first edge lane road to support multi-modal transportation to a recreation site, increase recreation access by non-vehicle users, all the while promoting sustainable tourism.

Because of the low cost of both installation and reversal to its earlier design, the upper Oak Creek Drive ELR provides a great pilot study of incorporating an ELR in Benton County. Let's match our neighbors in Portland, and Port Townsend, WA, as well as all across the USA, and meet the challenge in the 2040 Thriving Communities Initiative for Benton County.

Endorsements and Edge Lane Road Advocates

Community

Corvallis Sustainability Coalition's Transportation Action Team (TAT) has been educating the community about the need to redesign some of our local streets to make them safer for bicyclists and pedestrians. Based on a presentation by member of the Upper Oak Creek Neighbors Group, members of TAT are supportive of having the County explore the installation of an edge lane road on upper Oak Creek Drive.

Oak Creek Valley Safety and Advisory Group

OCVSAG supports Benton County Public Works investigating the implementation of the ELR on upper Oak Creek Road segment.

Road Engineers

Anthony Buczek, Senior Traffic Engineer, Portland Bureau of Transportation. Designer of active transport and edge lane roads. Implemented edge lane roads in Portland, Oregon.

Laura Parsons, P.E., Civil Engineer. Port Townsend, WA. Ms. Parsons is a strong advocate of edge lane roads, and continues to implement ELRs in Port Townsend. She states in an email (approved to share and available upon request): "*We love our ELRs in Port Townsend, so I am happy to spread the word about them.*"

Michael Williams, Transportation Consultant, specializing in active transportation. Authored the following section of our proposal, *Evaluation of NW Oak Creek Drive for an Edge Lane Road (ELR) Treatment*. Mr. Williams strongly supports implementing an edge lane road on upper Oak Creek Drive.

APPENDIX: What is an Edge Lane Road?

Imagine a narrow two-lane road without shoulders. An edge lane road simply uses a single center lane for both directions of travel, but now using the rest of the road width for a wide pedestrian/bike lane on both sides of the center lane. The center (traffic) lane is now devoted to vehicles rather than a mix of vehicles and bicyclists and pedestrians (*Figure 1*). Vehicles then use the bike/shoulder lane (=“edge lane”) to avoid vehicles coming in the opposite direction. On narrow two lane roads without shoulders and with high use by bicyclists and pedestrians, vehicles use this approach by default as they attempt to avoid bicyclists and pedestrians that are forced to use the traffic lane. Without the design of an edge lane road, however, such avoidance is chaotic placing pedestrians and cyclists at greater risk and discomfort that discourages such use—a regular occurrence at upper Oak Creek Drive (*Figure 2*).



Figure 1. Schematic of an edge lane road.



Figure 2. Example of traffic patterns similar to an edge lane road but without striping, causing chaotic use of roadway. Photo on upper Oak Creek Drive, near OSU Forest.

An edge lane road solves this problem, and at low cost because widening the road for bike/pedestrian lanes is not necessary. This design has been considered a great solution in cases similar to what we propose here. There are many examples across the country, and internationally as well. ELRs not only separate traffic from vulnerable users but also slow traffic.



Evaluation of NW Oak Creek Drive for an Edge Lane Road (ELR) treatment

Michael Williams

April 20, 2022

Evaluation of NW Oak Creek Drive for an Edge Lane Road (ELR) treatment

This document evaluates the possibility of an edge lane road treatment on NW Oak Creek Drive from NW Tanager Drive to Oregon State University's McDonald Forest's Oak Creek trailhead in Benton County, near Corvallis, OR. All references to NW Oak Creek Dr. include only this segment. For information on the ELR treatment, also known as advisory bike lanes, visit the website www.edgelaneroads.com. The current national status of the ELR treatment is described at the end of this report.

The impetus for this assessment is to create a roadway that is safer and more comfortable for vulnerable road users (VRUs) such as pedestrians and bicyclists. Benton County Public Works recognized this need (BCPW 2018).

The sources of information for this report are reviews of the road via Google Maps and Google Streetview, traffic volume and speed data reported by Benton County Public Works (BCPW 2018, 2019), as well as information provided by Oak Creek Drive resident Dan Rosenberg. No site visit was performed.

This report documents existing roadway conditions, describes concerns and opportunities for the road and ELR treatment, and provides supplemental information on the ELR treatment.

Existing Conditions

Setting

This segment of Oak Creek Drive is a dead-end road serving a trailhead that accesses Oregon State University's McDonald Forest. There are four residences and an Audubon nature center along its length. The trailhead is a popular destination for people traveling in vehicles, on bicycles, on foot, and occasionally by horseback. Seasonally, logging trucks and associated heavy machinery access the Forest via this road segment, which was the primary use of this road historically. Almost all of the traffic is to access OSU's recreation site.

Physical Dimensions

The segment of interest is approximately 2600 feet long and extends from NW Tanager Drive to the OSU trailhead. The road varies in width from 18 to 20 feet wide; for most of its length it measures 18-18.5' wide.

Roadside Conditions

The road presents as a typical low-volume, rural road with no improvements beyond the asphalt road bed. Prior to 2005, the roadbed was entirely gravel, consistent with its then prior use for logging activities. For most of its length, the road runs north-south across a hillside that slopes down from east to west.

The marked asphalt shoulders are minimal, i.e. 1' wide or less. The dirt shoulders are unimproved and consist of predominantly gravel or grass. The shoulders generally slope down to a drainage swale or slope uphill where terrain dictates. This ensures that vulnerable road users locate themselves in the travel lanes. This topography presents challenges to vulnerable road users wishing to avoid traffic – they either choose not to get off the road or they face a difficult time navigating steep, slippery slopes. A trailhead parking lot allows for approximately 25 vehicles.

The downhill side of the road is steep in some places indicating a potential for erosion and degradation of the asphalt edge. Degradation of the asphalt edge is hastened by vehicular loads near the roadway edge as is normal for a two-lane road like this. Damage from vehicular loads is significant when heavy vehicles such as laden logging trucks drive near the road's edge.



Figure 1 Drop-off at Edge of NW Oak Creek Drive

Pavement Markings

For approximately 625 feet at its southern end, the road is marked as a traditional two-lane road with edge lines at the edge of the asphalt roadway and a solid double yellow centerline. For the remainder of the roadway, the edge lines continue but no centerline is marked.

Signage

A number of speed advisory signs are posted along this road segment. They appear to be remedies for sight distance problems and the high proportion of vulnerable road users mixing with vehicular traffic on the narrow roadway.



Figure 2 Speed Advisory Signs

Road Users

There were 76 vulnerable road users on July 19, 2020 as measured by Mr. Rosenberg's camera footage. This consisted of 16 pedestrians and 61 bicyclists. Vulnerable road users comprised 22% of the road users on this day. This user profile resembles a combination of a shared use trail and a standard road. Such a high percentage of vulnerable road users demands action to create a facility that is safe for all users. The proportion of non-vehicle users is expected to increase with OSU's goal of increasing non-motorized access to reduce traffic congestion and parking limitations (OSU 2018).

Intermittent use of this road by logging trucks and heavy equipment is known but has not been characterized. No data is available on volumes or speeds for these vehicles. Heavy vehicles such as loaded logging trucks require significantly more stopping distance than passenger cars. This exacerbates any situation where a driver must avoid a vulnerable road user or other object in the roadway. This factor should be weighed in all judgements made regarding sight distance concerns on this road.

ADT and speed were measured by Benton County Public Works (BCPW 2019). An excerpted photo from that report showing the values for the 2 sites (MP 2.75 and MP 2.91) on this segment of NW Oak Creek Drive is provided below.

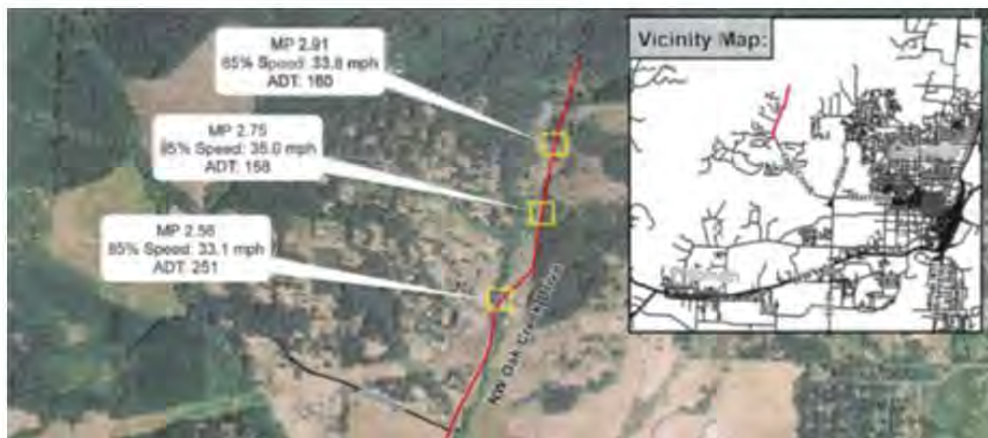


Figure 3 Excerpt of Benton County Report

The ADT values for this roadway segment ranged from 158 to 160 from February 1, 2019 to February 8, 2019 (Benton County Public Works 2019) and measured at 269 by Mr. Rosenberg on July 19, 2020 using camera counts. Because almost all of the traffic is to access the trailhead, daily use varies considerably.

Speed measurements from the County report (BCPW 2019) covering February 1, 2019 to February 8, 2019 show 85th percentile ranging from 33.8 MPH to 35.0 MPH.

Sight Distance

Sight distance is an important issue when considering a facility that requires vehicles traveling in opposite directions to share a single lane. At my direction, Mr. Rosenberg conducted sight distance measurements compliant with AASHTO Policy on Geometric Design of Highways and Streets guidance. A copy of his report on those measurements can be found in Appendix A of this report. One location along this road segment had a sight distance of only 184 feet in the southbound direction and an almost adjacent location had a sight distance of 210 feet in the northbound direction (Appendix A).

Concerns

Safety Problems

Because this road functions both as a shared-use trail and a standard road, the primary concern is the current danger faced by vulnerable road users.

85th percentile speeds of 33 to 35 MPH were measured and sight distances as low as 184 feet and 210 feet were measured. The stopping sight distance for passenger vehicles traveling at 30 MPH is 200 feet; for 35 MPH it is 250 feet. Stopping sight distances are greater for heavy vehicles. These facts

demonstrate that bicyclists and pedestrians are at danger of being struck from behind by motorists due to insufficient stopping sight distance. Whether or not an ELR is sited on this road, this safety risk should be addressed.

The presence of the speed advisory signs on NW Oak Creek Drive imply that Benton County is aware of the hazards and attempted to address them with signage. As Public Works is aware, and anecdotal evidence suggests, the strategy relying on signage is insufficient. The hazards remain despite the signage. An adequate solution is still needed.

Additionally, because this problem has been quantified and presented to the County, the County can be found liable for any fatality or injury that occurs on this road should no effective action be taken to address these dangers.

Many people are unaware of how quickly the probability of severe injuries and fatalities increases as speeds increase. Because the energy expended in a collision increases as a function of the square of the velocity ($\text{Kinetic Energy} = \frac{1}{2} * \text{Mass} * \text{Velocity}^2$), rates of injury and fatalities increase much more quickly than velocity increases.



Figure 4 Risk of Death for a Pedestrian Hit by a Vehicle, FHWA

As a corollary to the current hazards, the combination of these speeds and a narrow road create significant discomfort for vulnerable road users in encounters with motor vehicles.

The high proportion of vulnerable road users on this road segment and their required use of the travel lanes advocates strongly for a facility that supports safe and comfortable use for all road users.

Road Life and Maintenance Activities

Roads like this segment of NW Oak Creek Drive tend to fail inward from the edge. Vehicular loads at the edge of the roadway where support can be lacking, cause the asphalt to crack and fail. These cracks propagate inward, quickly reducing the life of the road. This decay is accelerated at locations with little physical support for the edge of the roadway and when it is required to support heavy vehicles such as loaded logging trucks and associated equipment.

Some portions of NW Oak Creek Drive exhibit degradation of the asphalt edge due to vehicular loads at locations with little to no shoulder support. This degradation is exacerbated by the periodic use of the road by logging trucks and other heavy vehicles.

Opportunities

Successful Examples of ELRs on Similar Roads

Two of the most similar examples of ELRs employed to support a shared-use trail function on a narrow rural road are known in the country. Both are successful. The first example, located in Vail, CO is exemplary for its successful handling of high volumes of non-motorists. The second example, located in Scarborough, ME is notable for the improved safety seen following its conversion to an ELR.

Vail, CO has installed an ELR on Vail Valley Drive. This street functions as an on-street connector for the Gore Valley Trail. Vail Valley Drive is 20-22' wide, similar to NW Oak Creek Drive. On one busy July day, Vail Valley Drive successfully handled 437 cars, 10 buses, 1,319 bicycles, 259 pedestrians, 34 Segways, and 14 golf carts.



Figure 6 Vail Valley Drive ELR with Trail Users



Figure 5 Vail Valley Drive ELR at tight corner

Scarborough, ME has also created a successful on-street connector for the Eastern Trail though it doesn't support the high volumes of trail users seen on Gore Valley Trail. Eastern Road was converted to an ELR in Summer, 2016. Its average rate of one vehicular crash per year observed in the preceding 14 years dropped to zero in the 4+ years following conversion. See <https://www.advisorybikelanes.com/rural-edge-lane-roads.html> for more information on the improved safety on Eastern Road following its conversion to an ELR. No data is available on the number of vulnerable road users or vehicles that use this road.

Traffic Calming Options

Vehicle speeds must be reduced at locations with insufficient sight distance to create a safe facility for all road users. Disregarding the slower speeds that may result from the ELR treatment itself, likely options for reducing vehicle speeds on NW Oak Creek Drive include at least the following:

1. Vertical Deflection: Speed bumps/humps/tables are cheap and effective. They reduce speeds and make locations with insufficient sight distance safe. They are easily designed so that fire trucks and heavy vehicles are not affected and passenger vehicles do not experience the sudden bang and disruption that common speed bumps produce.



Figure 7 25 MPH Gentle Speed Bump in Ashland, OR

2. Chokepoints: Physical narrowing of the roadway to a single lane, without affecting the travel of vulnerable road users is an effective way of reducing speed and mitigating locations with insufficient sight distance. They are particularly effective on ELRs at locations with insufficient sight distance or locations needing speed reductions. Chokepoints are more expensive than speed humps.



Figure 8 Chokepoint in Portland, OR

3. Signage: An ELR treatment is similar to many other facilities where a single lane supports two way traffic. Often these locations are treated only with signage. A ROAD NARROWS sign supplemented with an advisory speed plaque or a sign indicating two way traffic may be sufficient to slow drivers. Signage is inexpensive but less effective than physical countermeasures.



Figure 9 Potential ELR Signage

ELRs Improve Road Life

The ELR treatment helps with asphalt degradation problems. Because vehicles normally travel in the middle of the road, vehicular loads occur well away from the edge of the roadbed. This reduces edge degradation and extends the life of the roadway.

On roads with limited asphalt pavement depth, rutting caused by vehicular loads repeatedly using the same trajectory can also be a problem. Because ELRs cause drivers to travel down the road in more varied trajectories, rutting is reduced. The shallower the roadbed, the more important this effect becomes. Installing an ELR treatment on this road will likely extend the life of this roadway and reduce maintenance needs as compared to a standard two-lane configuration.

Official ELR Guidance – Applicability to NW Oak Creek Drive

Motor vehicle volumes on this road are very low and well within the limits established by federal guidance for the ELR treatment. The FHWA Small Town and Multimodal Networks (Federal Highway Administration, 2016) guide sets a preferred limit for motor vehicle volumes at 3,000 ADT and allows use up to 6,000 ADT. The low traffic volume on this road ensures that the rate of encounters between motor vehicles traveling in opposite directions will be low and the number of these encounters occurring in the presence of vulnerable road users will be extremely low. Simulations are available that can produce estimates of these encounters but these volumes are so low that these are not considered necessary.

The FHWA Small Town and Multimodal Networks (Federal Highway Administration, 2016) guide allows the use of ELRs on roads with speeds up to 35 MPH. The measured 85th percentile speeds meet this guideline.

Further, the installation of ELR markings has been found to produce traffic calming effects. The maximum effect seen with ELR markings is a reduction of 7-8 MPH. Other installations have seen speed reductions of less than 5 MPH.

Driver Education on ELR Treatment

One oft-raised concern about the ELR treatment is road user education and how best to address those drivers that are unfamiliar with the treatment. Research conducted among the approximately 60 American installations has shown that prior education is most useful in reducing the amount of backlash an agency may see after installation. A number of ELRs on low-volume roads similar to NW Oak Creek Drive have been installed without any public outreach whatsoever. Anecdotal evidence from those installations indicate that most drivers use the road appropriately and that drivers who are uncertain about the road's function drive at much lower speeds.

Summary

The traffic on NW Oak Creek Drive features a high percentage of vulnerable road users (measured at 22% of all road users). This use resembles a combination of a shared use trail and a standard road.

The road is narrow (18-20 feet wide) and sees relatively high vehicular speeds (85th percentile of 33-35 MPH). The narrow road and high speeds create an uncomfortable and unsafe road for all users.

The primary concern is the insufficient sight distances in some locations for the measured speeds. This creates the real possibility that motorists would not have enough time to stop should they encounter an object in the road such as a vulnerable road user, stopped car, animal, etc.

The vehicle speeds that underlie the sight distance problems also create an environment that is uncomfortable for vulnerable road users and greatly increases the likelihood of a severe injury should a collision occur.

The physical support for the asphalt roadbed is poor in some locations making this road subject to early degradation due to vehicular loads near the roadway edge. This is exacerbated by heavy vehicles such as loaded logging trucks.

Vulnerable road users and vehicles are forced to share the same travel lane thereby increasing the chance of a collision and giving rise to a high rate of uncomfortably close encounters.

The good news for NW Oak Creek Drive is that successful examples already exist that demonstrate a viable solution. Both Vail, CO and Scarborough, ME have created on-street facilities that also function as shared-use trails. These examples are some of the 60+ ELRs across the country that have successfully improved safety for roadways shared by VRUs and vehicles (Mineta, 2021).

The facts in this report regarding the use and setting of NW Oak Creek Drive, from Tanager Dr. to the end of the road where the trailhead begins, support an ELR configuration. ELRs provide exclusive spaces for motorists and VRUs except when two vehicles must pass. With the low vehicle volumes on this road, the rates of encounters between two cars in the presence of a vulnerable road users will be low.

Because there is no centerline pushing drivers to stay to the right, the ELR treatment increases the distance between vehicles and vulnerable road users during passing maneuvers. This effect has been observed in other North American ELR facilities.

Correctly designed ELRs have the potential to reduce vehicle speeds. In addition to helping with sight distance issues, reduced speeds also improve safety and create a more comfortable environment for vulnerable road users.

By moving vehicles away from the road edge, an ELR treatment will slow asphalt edge degradation, slow rutting, and extend the life of the roadbed.

An ELR treatment will support and help enforce behavior already seen on this road. Vulnerable road users travel on the sides of the road. Drivers “cheat” to the middle and negotiate with other drivers for space to pass (see image below).



Figure 10 Drivers and VRUs on Oak Creek Drive behaving as on an ELR

NW Oak Creek Drive is an excellent candidate for a properly designed edge lane road treatment. Proper design would address the sight distance issues described.

Whether an ELR is sited on this road or not, mitigation for the sight distance problems is needed. Remedies for these problem locations are discussed in the Traffic Calming Options section above.

National Status of Edge Lane Roads

Safety

As of March 1, 2022, there are at least 60 installations of the ELR treatment across the US. None of the facilities have been associated with decreased safety or an increase in collisions. Recent research (Mineta, 2021) studied the safety of ELRs in the US. The study used the Empirical Bayes analysis method specified in the AASHTO Highway Safety Manual to study 11 ELRs over 8 years and more than 60 million motor vehicle trips found a 44% reduction in motor vehicle crashes as compared to the standard 2-lane configuration. Studies of the treatment in other countries have found similar safety improvements.

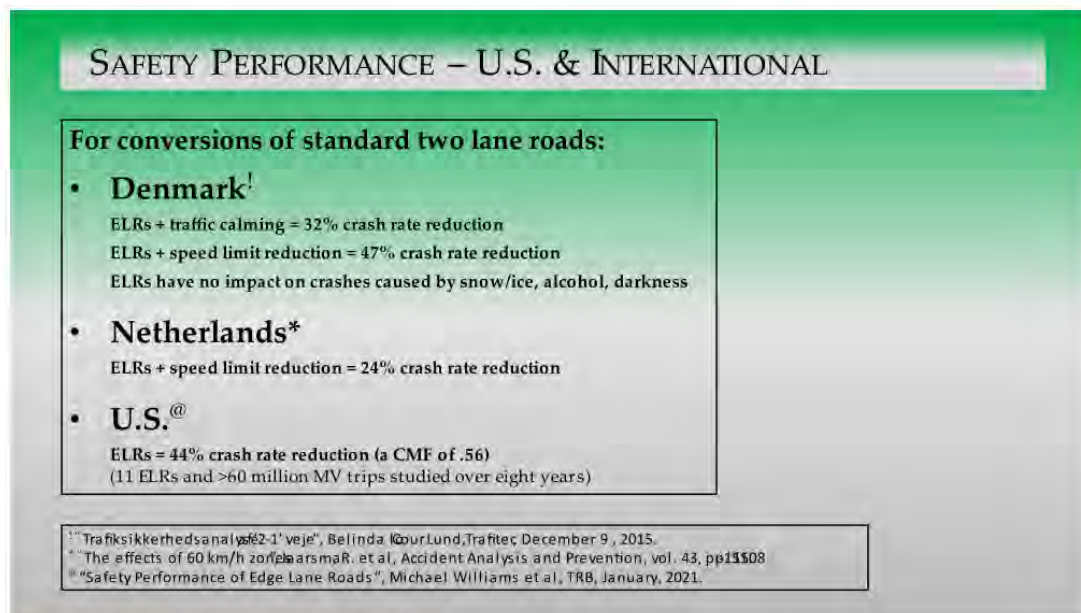


Figure 11 Results of Safety Research on ELRs

Official Guidance

The ELR treatment is contained in the soon-to-be-released AASHTO Guide for the Development of Bicycle Facilities, in the 2019 FHWA Bikeway Selection Guide, and in the 2016 FHWA Small Towns and Rural Multimodal Networks Guide.

All of the components used to create an ELR are in the MUTCD. The assemblage of these components into an ELR has been classified as an experimental treatment by the FHWA. The reason for the experimental classification is to persuade agencies wishing to use this treatment to obtain an approved Request To Experiment (RTE). The RTE process allows the FHWA to document installations and gather data on their performance. Approximately 40% of the American agencies using this treatment, including Portland, OR, have chosen not to use the RTE process. No penalties are levied if an agency eschews the RTE process. The single benefit to using the RTE process is an unquantified, untested increase in legal protection should a lawsuit be filed regarding the treatment. As of April 11, 2022, the FHWA has stopped approving RTE applications because they already have enough experiments underway to meet their needs. Some agencies have chosen to move ahead with their ELR installations after having their RTE applications denied for this reason.

The National Committee on Uniform Traffic Control Devices (NCUTCD) is currently reviewing draft MUTCD content that explicitly supports ELRs. The plan is for this material to appear in the next MUTCD.

Use

Over 60 ELR installations are known in the US as of April 12, 2022. The City of Portland is installing three facilities soon, one with RTE approval and two without. Many more facilities are in the planning and design stages all across the country.

References

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<https://transweb.sjsu.edu/research/1925-Safety-Edge-Lane-Roads>

Oregon State University Research Forests. 2018. OSU Research Forests Trailhead Alternative Transportation Strategy

Author

Michael Williams

Michael Williams is a recognized national and world leader for the edge lane road treatment. He led the only research project on the safety of the ELR treatment in the U.S. finding a 44% reduction in crash rate as compared to standard two-lane roads. He has published peer reviewed articles on this treatment including one on proposed ELR-specific sight distance models. He is working with the National Committee on Uniform Traffic Control Devices (NCUTCD) to create content for the MUTCD specifically supporting ELRs. He maintains the authoritative website on the treatment at www.edgelaneroads.com. Mr. Williams is not a licensed PE in the state of Oregon.

Appendix A Sight Distance Measurement Report

Sight Distance Estimates for ELR Feasibility Study

Dan Rosenberg, March 2022

Oak Creek Drive, from bridge at intersection of Tanager Dr. to end of road (OSU Forest gate)

To estimate sight distance, I used a 3.5' high sighting tool (wooden stake with 1/4" hole drilled at 3.5') and a 2' tall target. Sighting tool was used approximately where the driver would be located if driving in the hypothesized center lane. Target was placed in the center of the road.

I assumed the ELR would start just north of the bridge. There is an intersection with Tanager Dr. at the south side of the bridge (Figure 1). The traffic from north of the bridge to OSU Forest gate is essentially all recreation access traffic. The primary sight distance limitations were from a slight hill and a curve south of the hill. Both of these were at the south end of the road section being evaluated (Figure 1).

Going north from north side of bridge to OSU Forest Gate

Minimum sight distance observed was 210' at the base of the first hill north of the bridge (Figure 2). The second minimum distance observed was 266', occurring at the first curve in the road. Neither vegetation nor fences limited visibility traveling north.

Going south from OSU Forest Gate to north side of bridge

The minimum sight distance observed was 184'. Visibility was limited due to a cedar fence along the primary curve in the road, as one drives south (Figure 3). All of the other lower minimum sight distances occurred along this section as well.



Figure 1. Section of Oak Creek Dr. proposed for ELR, showing locations of minimum sight distance areas, and location of Benton County speed study used in this report



Figure 2. Area of minimum sight distance (210') heading north occurred from this point in the curve to just north of the peak of the hill.



Figure 3. Area of minimum sight distance (184') heading south occurred from this point in the curve.

Exhibit 6: Upper Oak Creek Drive presents challenging safety issues with increased vehicular traffic on a narrow roadway shared by many pedestrians, runners, and cyclists. Parking alongside the road adds to fire risk to the neighborhood.



Exhibit 7. Illegal parking at the trailhead and alongside Oak Creek Drive increase fire risks to the neighborhood and safety risks to the many pedestrians, runners, cyclists, and occasional horseback riders. Illegal parking has increased since OSU has been non-compliant with the Conditions of Approval in the CUP that included enforcement by the Forest Patrol of the Benton County sheriff's office as part of their ongoing contract with their office. Demand from out-of-state mountain bicyclists has increased as the area has become well known for numerous trails, including those that are known to OSU, but not formally sanctioned, and continue to be built.



APPENDIX

EXHIBIT H-5

John Conley

LU-26-030 CUP JOHN CONLEY.msg

EMAIL PUBLIC COMMENT

From: John Conley <jconley42@gmail.com>

To: SWANSON John

Sent: Mon, 17 Aug 2026 09:36:16 -0700

Subject: LU-26-030 CUP

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Dear Mr. Swanson,

I hope you will approve the construction of the Snack Time trail in the McDonald-Dunn forest. This area has experienced greatly increased usage since the pandemic and is in desperate need of new trails.

Thank you.

Sincerely,

John F. Conley, Jr, PhD
Corvallis, OR
541-224-2312

APPENDIX

EXHIBIT H-6

Michael Jacob

LU-26-030 CUP MICHAEL JACOB.msg

EMAIL PUBLIC COMMENT

From: Michael J <m.jacob.engr@gmail.com>

To: SWANSON John

Sent: Sun, 16 Aug 2026 23:38:19 -0700

Subject: LU-26-030 CUP

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Hello John,

I support the Snack Time trail. It will be very useful in creating a worthy MTB loop.

Thank you,

Michael Jacob

Corvallis, OR

APPENDIX

EXHIBIT H-7

Tara Neill

LU-26-030 CUP modification_ TARA NEILL.msg

EMAIL PUBLIC COMMENT

From: neill.tara@icloud.com <neill.tara@icloud.com>

To: SWANSON John

Sent: Mon, 17 Aug 2026 00:30:38 -0700

Subject: LU-26-030 CUP modification.

[You don't often get email from neill.tara@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear John Swanson and the Community Development Department,

I am emailing to express my support for the construction of the proposed Snack Time trail in the Mac Dunn Research Forest.

I apologize for submitting this late, I was just made aware of this opportunity with the very short comment period.

As a 32 year resident of Corvallis and an avid trail runner and biker, I adamantly support them instruction of new trails in cooperation with OSU and Benton County and have been disappointed in the current freeze in trail building.

Thank you for your time and consideration on this important matter.

Sincerely,

Tara Neill

APPENDIX

EXHIBIT H-8

Dave Van Domelen

LU-26-030 CUP MTB trail building DAVE VAN DOMELEN.msg

EMAIL PUBLIC COMMENT

From: DAVE VAN DOMELEN <davevandomelen@msn.com>

To: SWANSON John

Sent: Mon, 17 Aug 2026 00:19:23 +0000

Subject: LU-26-030 CUP MTB trail building

[You don't often get email from davevandomelen@msn.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Developing and Maintaining mountain biking & hiking trails in the Corvallis area is vital to this community. Please support maintenance and work on the new Snack Time trail. These recreational opportunities are what make Corvallis such a great community.

Dave Van Domelen

Sent from my iPhone

APPENDIX

EXHIBIT H-9

Jim Fairchild and Mid-Willamette Bird Alliance

MWBA Request for Public CUP Review or Modification JIM FAIRCHILD & MID WILLAMETTE BIRD ALLIANCE.docx



MID-WILLAMETTE BIRD ALLIANCE

August 16, 2026

Petra Schuetz, John Swanson
Benton County Community Development Dept.

Delivered via email to:

petra.schuetz@bentoncountyor.gov

4500 SW Research Way
Corvallis, OR 97333

john.swanson@bentoncountyor.gov

RE: CUP Application – LU-26-030
Approved CUP – LU-17-077

Dear Ms. Schuetz and Mr. Johnson,

We appreciate the limited opportunity afforded us to respond to the request by Oregon State University College of Forestry MacDonald Dunn Research Forest (OSU or Mac Forest) to seek retroactive approval of the "Snack Time" trail addition to its trail system through an internal administrative review by your department. We respectfully urge the Development Department to reject CUP application LU-26-030, and instead properly administer the existing CUP through its established modification process.

Formerly known as Audubon Society of Corvallis, our organization of approximately 300 member families around the Mid-Willamette valley offers statewide birding field trips and conservation opportunities, local evening presentations and educational programs. We host many of our nature education programs at the Hesthavn Nature Center and property at 8590 NW Oak Creek Drive, near its terminus with the MacDonald Forest. There, our visiting groups range from pre-school to university undergraduate classes, volunteer restoration

PO Box 148 | Corvallis, OR 97339 • dba: Audubon Society of Corvallis
<https://mwbirdalliance.org> • Email: information@mwbirdalliance.org

work parties and training opportunities for other organizations such as Salmon Watch and the Corvallis Sustainability Coalition. Our Hesthavn property is open to the public, maintained by volunteers, and visited and enjoyed by many of its Oak Creek neighbors.

Historical Developments

Over prior decades, OSU allowed the public open access of its research forest land near Corvallis. Gates limited informal access to foot and non-motorized vehicle use, and off-road system trails were very limited. With community population growth and the proliferation of trail cycling, OSU accepted its need for county approval of recreational infrastructure development beyond the normally permitted uses of its Forest Conservation zoned land, and submitted application for the first of its phased Conditional Use Permit (CUP-17-077).

Approved by Benton County with conditions, this CUP specifically stated that it did not authorize any further trail development (Decision, pg.2, para. 3). Nevertheless, in the last couple years OSU gave permission to Team Dirt to redesign, construct and designate over an informally used track the additional "Snack Time Trail," to be incorporated into the Mac Forest trail system, in violation of its CUP agreement with Benton County.

Current Conditions

After several years of CUP conditions-driven improvements and enforcement efforts by Benton County, parking trespass at Hesthavn and neighboring properties is no longer reduced or eliminated, while OSU recreational use continues to increase.

Adjacent properties along this primary access route into Mac Forest further increases and concentrates both permitted commercial and conditionally permitted recreational use, and remains in excess of its design for this Rural Residential zone, creating an accident ready to happen.

Since CUP approval, Oak Creek Drive has been slightly widened and paved, but remains insufficiently wide enough for any center line marking, or for any shoulder safety margin outside the fog line markings. Portions of road right-of-way directly upslope of the Hesthavn property are now steepened beyond the ability of the soil to stay in place and are being undercut. The absence of a guard rail now presents a major safety hazard to any road users when vehicles or pedestrians must pass one another.

Limited terminus parking shunts overflow recreational motor vehicles away from the end of Oak Creek Drive, but does not decrease foot or non-motorized vehicle traffic on Oak Creek Drive, which continues to concentrate recreational Mac Forest traffic without equivalent alternative access routes.

With increased use comes the increased risk of wildfire, as the greater majority of wildfire (70% according to Oregon Dept. of Forestry in provided documents here) are caused by human activity. Regardless of cause, evacuation of all Oak Creek area residents and recreationists will be hampered by the increased facilities of Mac Forest. As yet, no proposed additional evacuation route has been developed or is under public discussion.

Impacts

OSU leadership has chosen to request an Administrative Review process (BCC 53.150), which if approved would circumvent county authority to further regulate recreational infrastructure development here, where the county has already demonstrated significant discretion. This also contradicts the planned phased recreational development CUP process that OSU proposed less than ten years ago, and that it has begun to implement.

Most significantly, administrative review severely limits the ability of interested public and adjacent property owners that may be significantly impacted by the proposal time to seek expertise, legal advice, and properly develop argument to present to the Deciding Official.

The acceptance of CUP LU-26-30 under Administrative Review demonstrably curtails community involvement, but it does not eliminate the need to evaluate its possible impact under BCC 53-215 Criteria:

“(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;

- (2) The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and
- (3) The proposed use complies with any additional criteria which may be required for the specific use by this code.”

We have previously notified Benton County, and do so again that in contravention to these criteria:

- 1) Recreational development in Mac Forest contributes to significant interference with our approved use at Hesthavn with trespass parking by Mac Forest users.
- 2) Continued increased safety risk burden to our visitors and staff by increasing traffic on Oak Creek Drive, which is inadequate for both current and increased transportation use.
- 3) The OSU application for retroactive approval of the Snack Time trail would, if approved, not comply with additional criteria specified as required for the continued application of provisions of this code, including as noted earlier adequate evacuation routes and capacity in the event of wildfire.

Remedy

As part of the CUP application process, OSU proposed and agreed to future Phase II CUP approval before any further trail development. In the absence of any further conditional permit approval, the construction of the “Snack Time” trail violated the approved OSU CUP. The removal and surface restoration of this unauthorized trail must be considered as one remedy. Retention of this already-built trail might still be accomplished under either an independent new CUP (BCC 53.205) or a Modification of the existing CUP (BCC 53.225), each of which is subject to a public hearing process, review and possible approval by the Planning Commission. We therefore urge Benton County to reject the proposed LU-26-030 and suggest that OSU submit its request through the full conditional use permitting process already established for appropriate community involvement.

We request incorporation by reference all materials, comments, exhibits and attachments submitted on August 14, 2026 by our upper Oak Creek Drive neighbors Dan Rosenberg, Jennifer Gervais, Steve and Terri Cook, Doug and Lorraine Whitke, and Jim Morrison.

Thank you for prompt attention and consideration.

Respectfully,

Karan Fairchild, Co-President

APPENDIX

EXHIBIT H-10

Michael Antonishen

Re_ File LU-26-030 — CUP modification (Snack Time Trail)_ McDonald-Dunn Research Forest MICHAEL ANTONISHEN.msg

EMAIL PUBLIC COMMENT

From: Michael Antonishen <michael.antonishen@gmail.com>

To: SWANSON John

Sent: Sat, 15 Aug 2026 21:40:56 -0700

Subject: Re: File LU-26-030 — CUP modification (Snack Time Trail), McDonald-Dunn Research Forest

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Dear Mr. Swanson,

I write in support of Oregon State University's application to amend Conditional Use Permit LU-16-077 to include the Snack Time Trail. I am a Corvallis resident and a year-round recreational user of the McDonald-Dunn — I hike, trail run, and mountain bike there, in every season and most weathers.

My support rests on the same reasoning the County found persuasive in 2017. Purpose-built, professionally designed trail is not an addition to recreation impact in the Forest Conservation zone; it is the primary tool for managing it. Recreation use in the McDonald-Dunn continues to grow whether or not new trail is approved, and when the authorized system doesn't reach a destination people want, informal routes appear that follow no design standard, respect no research plot or cultural site, and drain wherever gravity takes them. A 0.94-mile trail located and built by OSU staff, with proper grade, drainage, and sight distance, does not seriously interfere with adjacent uses or the purpose of the zone — it protects both.

I want to emphasize the value of well-built, multi-season trail in particular. Native-surface trails can be vulnerable in the wet months and carry restrictions or closures when the tread won't hold a footprint without rutting. In the Willamette Valley that is a large share of the year, and the result is that winter use concentrates on a shrinking set of durable routes. Trail built to hold up in wet conditions adds real capacity in exactly the season when the system is most strained, reduces the tread widening and braiding that comes from users skirting mud, and lowers the long-term maintenance burden OSU carries out of its own budget.

On the second criterion, I understand this request addresses trail route and design only — no new trailhead, no new parking, no new access point onto the county road system. Additional mileage inside the forest tends to disperse users who are already there, which if anything eases the congestion familiar to anyone who has arrived at Oak Creek on a Saturday morning.

Finally, this proposal is consistent with a planning process the community has been part of for a decade — the 2025 Forest Management Plan, the Visitor Use Management Plan now in development with its five- to ten-year trail plan, and the ongoing work of the Forest Recreation Advisory Council.

I respectfully urge approval of LU-26-030.

Sincerely,

Michael Antonishen
3637 NW Bunting Drive

APPENDIX

EXHIBIT H-11

Team Dirt

Re_ LU-26-030 – Modification of Conditional Use Permit LU-16-077 _ Snack Time Trail - TEAM DIRT.msg

EMAIL PUBLIC COMMENT

From: Leavitt, Keith <Keith.Leavitt@bus.oregonstate.edu>

To: SWANSON John

Cc: Team Dirt Board

Sent: Fri, 14 Aug 2026 17:27:43 +0000

Subject: Re: LU-26-030 – Modification of Conditional Use Permit LU-16-077 / Snack Time Trail

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Dear Mr. Swanson:

On behalf of Team Dirt, and in my capacity as a member of its Board of Directors, I am writing in support of Oregon State University's application to modify Conditional Use Permit LU-16-077 to include the Snack Time Trail.

Team Dirt has worked for many years with OSU and other partners to support responsible recreation and trail stewardship in the McDonald-Dunn Research Forest. Snack Time is consistent with that work. Its purpose is not simply to add recreational mileage, but to improve how existing recreational use moves through a particularly busy portion of the forest. By providing a thoughtfully designed route, the trail can help distribute users more effectively, reduce congestion, and lessen conflicts among different recreational groups.

The County's notice describes the proposal as adding approximately 4,950 feet, or 0.94 miles, of trail to the existing CUP. Although Snack Time was not specifically included in the original permit, we believe this modification is consistent with both the purpose of the Forest Conservation zone and the broader recreation-management approach underlying the original CUP.

Benton County Code 60.005 expressly recognizes opportunities for outdoor recreation as one of the resources the Forest Conservation zone is intended to protect, alongside forestry, wildlife, water, and other forest values. The County's conditional-use criteria also consider whether a use would interfere with surrounding uses, the character of the area, or the purpose of the zone. In our view, Snack Time helps address those concerns rather than creating them: it provides a deliberate way to manage existing recreation and reduce conflicts at a location where use is already concentrated.

This approach is also consistent with OSU's earlier recreation planning for the Research Forests. The original CUP materials emphasized the value of carefully designed, authorized trails as a means of reducing conflicts between recreation and the forest's primary research, educational, and forestry purposes. Those materials also contemplated continued trail planning and an ongoing partnership with Team Dirt in developing appropriate recreational infrastructure.

Snack Time should therefore be understood not as a departure from the original CUP, but as a reasonable continuation of its underlying management strategy: adapting the authorized trail system as recreational patterns and needs become clearer.

The McDonald-Dunn Research Forest is an unusually valuable community resource because it successfully serves multiple purposes. Research, education, forest management, conservation, and public recreation can coexist most successfully when recreational use is thoughtfully planned and managed. Providing well-designed routes that distribute users and reduce points of conflict is an important part of that stewardship.

For these reasons, Team Dirt respectfully supports approval of LU-26-030 and the addition of the Snack Time Trail to CUP LU-16-077.

Thank you for your consideration.

Sincerely,

Keith Leavitt, Team Dirt Board Member

Keith Leavitt, Ph.D.

Scott and Loni Parrish Chair in Business and Professor of Management

Division Chair, Organizational Behavior Division, Academy of Management

College of Business | Oregon State University

380 Austin Hall | Corvallis, Ore. 97331

541-737-8631 | keith.leavitt@oregonstate.edu <<mailto:keith.leavitt@oregonstate.edu>>

business.oregonstate.edu

CV: https://business.oregonstate.edu/sites/business.oregonstate.edu/files/keith_leavitt_cv.pdf
<https://business.oregonstate.edu/sites/business.oregonstate.edu/files/keith_leavitt_cv.pdf>

We're all just walking each other home. –Ram Dass

APPENDIX

EXHIBIT H-12

Dan Coyle

Re_ LU-26-030 – Modification of Conditional Use Permit LU-16-077 _ Snack Time Trail DAN COYLE.msg

EMAIL PUBLIC COMMENT

From: Daniel Coyle <danielcoyle@hotmail.com>

To: SWANSON John

Sent: Fri, 14 Aug 2026 22:18:50 +0000

Subject: Re: LU-26-030 – Modification of Conditional Use Permit LU-16-077 / Snack Time Trail

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John

We met recently at the brainstorming workshop that Jenna hosted this past Spring at the Arboretum. Was good to see you and check in (and over the phone.) See below my letter of support with regard to the Snack Time Trail permitting endeavor.

Re: LU-26-030 – Modification of Conditional Use Permit LU-16-077 / Snack Time Trail

To whom it may concern and those at OSU and Benton County working on the issue:

I am writing in strong support of Oregon State University's application to modify Conditional Use Permit LU-16-077 to include the Snack Time Trail.

I am the owner of Coyle Outside, where much of my work involves helping young people develop confidence, self-reliance, outdoor skills, and a sense of responsibility for the places where they recreate. I also serve on the Board of Team Dirt and as the organization's build lead for trail projects in the McDonald-Dunn Research Forest. These roles have given me the opportunity to see both how important the forest is to local families and young people and how thoughtful trail planning can help recreation coexist with the forest's many other uses.

One of the most valuable things we can teach kids outdoors is that access and stewardship go together. A trail is not simply something provided for us to use. It has to be thoughtfully located, carefully built, maintained over time, and shared responsibly with others. Snack Time has provided opportunities for young people to participate in that process firsthand. Through trail work, they learn practical skills, teamwork, patience, and the idea that enjoying a place also creates an obligation to help care for it.

From my perspective as a trail builder, Snack Time also addresses a very practical need in the McDonald-Dunn. This is a heavily used portion of the forest, and concentrating walkers, runners, cyclists, youth groups, and other visitors onto a limited number of routes creates unnecessary opportunities for congestion and conflict. An additional well-designed, bidirectional trail helps distribute that existing use across the landscape. Rather than encouraging unmanaged recreation, it gives people a deliberate and sustainable place to go.

That is particularly important for younger users. Snack Time provides a setting where kids can learn how to travel responsibly on singletrack: controlling speed, yielding appropriately, communicating with other users, climbing efficiently, and understanding how their behavior affects both the trail and the people around them. Those lessons are much easier to teach on a purpose-built route than on crowded roads or informal trails.

The County's application notice describes Snack Time as approximately 4,950 feet, or 0.94 miles, of new trail proposed for inclusion in the existing CUP. Although modest in length, I believe the trail can make a meaningful contribution to how recreation is managed in this part of the forest.

It also fits the broader purpose of recreation in the McDonald-Dunn. Benton County's Forest Conservation provisions recognize outdoor recreational opportunities as one of the resources associated with forest lands, while the County's conditional-use criteria appropriately emphasize compatibility among uses. Snack Time advances both goals: it provides a high-quality recreational opportunity while helping spread users out and reduce pressure at busy points in the existing system.

The McDonald-Dunn Research Forest gives our community something increasingly rare: a place close to town where young people can develop independence, learn outdoor skills, encounter a working forest, and begin to understand what responsible stewardship actually looks like. Those experiences have lasting value. Thoughtfully designed trails such as Snack Time help make them possible while also improving the experience for the broader community.

For these reasons, I strongly support approval of LU-26-030 and the addition of the Snack Time Trail to CUP LU-16-077.

Thank you for your consideration.

Sincerely,

Dan Coyle

Daniel Coyle - 5417600774

Coyle Outside www.coyleoutside.com <<http://www.coyleoutside.com/>> - 'For the Restoration and Preservation of Outdoor Childhood'

Tree Piece Helmets coyledesignandbuild.com <<https://coyledesignandbuild.com/>>

Ship to address: 245 SW Cummings Ave, Corvallis, OR 97333

Mail to: PO Box 2389, Corvallis, OR 97339

Check out The Let Grow Project <<https://letgrow.org/>>

APPENDIX

EXHIBIT H-13

Scott Holmboe, Corvallis Composite MTB

Re_ LU-26-030 – Modification of Conditional Use Permit LU-16-077 _ Snack Time Trail SCOTT HOLCOMBOE CORVALLIS
COMPOSITE MTB ORG.msg

EMAIL PUBLIC COMMENT

From: Scott Holmboe <sbholmboe@gmail.com>

To: SWANSON John

Sent: Sat, 15 Aug 2026 19:13:21 -0700

Subject: Re: LU-26-030 – Modification of Conditional Use Permit LU-16-077 / Snack Time Trail

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Dear Mr. Swanson:

I am writing as Team Director and Board Member of Corvallis Composite, our local team affiliated with the National Interscholastic Cycling Association (NICA), in strong support of Oregon State University's application to modify Conditional Use Permit LU-16-077 to include the Snack Time Trail.

The McDonald-Dunn Research Forest is an extraordinary resource for the young people on our team. It provides them not only with a place to ride and practice, but also with opportunities to learn about trail stewardship, responsible recreation, and what it means to share a working forest with many other users.

Our student-athletes have been directly involved in helping build Snack Time. That experience has been particularly valuable. They have learned that trails do not simply appear for their enjoyment: they require planning, physical work, cooperation, maintenance, and consideration of the forest and everyone who uses it. For teenagers, participating in that process creates a sense of responsibility and ownership that extends well beyond mountain biking.

Snack Time will also make our regular team practices work better for both our riders and other visitors to the forest. Corvallis Composites is a relatively large team, and we frequently practice in the McDonald-Dunn on weeknights. An additional bidirectional trail gives our coaches another option for dividing riders into smaller groups and spreading activity across the trail system rather than concentrating dozens of young riders on a limited number of routes. In practical terms, that means less congestion and less impact on hikers, runners, cyclists, and other forest users.

The trail also offers something that is currently difficult for our student-athletes to practice in the McDonald-Dunn: climbing on singletrack. Much of the forest's uphill bicycle travel occurs on fire roads. A well-designed bidirectional trail gives young riders an opportunity to develop climbing technique, bike handling, trail awareness, pacing, and passing etiquette in a controlled setting. Those are important skills for NICA racing, but they are also important skills for becoming safe and considerate lifelong trail users.

In that respect, we believe Snack Time fits well with the broader goals of recreation management in the forest. Benton County Code 60.005 recognizes outdoor recreational opportunities as one of the resources protected within the Forest Conservation zone, and the County's conditional-use criteria under BCC 53.215 emphasize compatibility with surrounding uses and the purpose of the zone. Snack Time advances those goals by providing a thoughtfully designed route that helps manage recreation, distribute users, and reduce potential conflicts rather than simply adding more use to an already busy location.

The County's notice describes this application as adding approximately 4,950 feet, or 0.94 miles, of trail to the existing CUP. From the perspective of our team, that relatively modest addition can have an outsized positive effect: better practice opportunities for local youth, less concentration of riders on existing routes, and another opportunity to teach young people that access to places like the McDonald-Dunn comes with a responsibility to care for them.

For these reasons, Corvallis Composite strongly supports approval of LU-26-030 and the addition of the Snack Time Trail to CUP LU-16-077.

Thank you for your consideration,

Scott Holmboe

Team Director

Corvallis Composite MTB Organization

APPENDIX

EXHIBIT H-14

Jason Saunders

Snack time trail JASON SAUNDERS.msg

EMAIL PUBLIC COMMENT

From: Jason Saunders <jasonsanders1967@gmail.com>

To: SWANSON John

Sent: Sun, 16 Aug 2026 22:51:35 -0700

Subject: Snack time trail

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Not sure why trail building is not happening right now. Please let it resume!

APPENDIX

EXHIBIT H-15

Heather Doty

Support for LU-26-030 CUP Snack Time trial HEATEHR DOTY.msg

EMAIL PUBLIC COMMENT

From: Heather Dody <hdody@comcast.net>

To: SWANSON John

Sent: Sun, 16 Aug 2026 15:57:14 -0700

Subject: Support for LU-26-030 CUP Snack Time trail

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Hi John,

I strongly urge modification of the existing Conditional Use Permit LU-16-077 to include the Snack Time trail.

My husband and I have been biking in the Mac, Dunn, and Starker Forests for over 20 years. (We're both in our mid-60s and hope to be biking for many years to come). We and many others have benefited from having great trails to ride locally. We truly appreciate the support OSU provided in numerous ways over the years to facilitate the use of their research forests for recreation.

By essentially connecting Playtime Trail and Extendo Trail, the proposed trail is a well thought-out and welcome addition that allows bikers and hikers to be on singletrack/trail rather than road all the way from McCulloch Peak to the bottom of Extendo. That may not sound like a huge benefit but it most definitely is to us recreational users who hike and bike.

Thanks for your consideration.

Heather Dody

4878 NW Bruno Pl

Corvallis, OR 97330

APPENDIX

EXHIBIT H-16

Jenna Berman

Support for More Trails_ Regarding LU-26-030 CUP JENNA BERMAN.msg

EMAIL PUBLIC COMMENT

From: Jenna Berman <jfunkberman@gmail.com>

To: SWANSON John

Sent: Sun, 16 Aug 2026 15:20:39 -0700

Subject: Support for More Trails: Regarding LU-26-030 CUP

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Dear Mr. Swanson,

I am writing to respectfully ask that trail building work be allowed to resume on the Snack Time trail. There has been a hold on trail building for over a year, and I strongly urge you to lift this pause and support future trail development in our community.

As an avid mountain biker, hiker, and trail runner, I deeply value our local outdoor spaces. Through my involvement with Team Dirt and other community groups, I have seen firsthand how much dedicated effort goes into planning, constructing, and maintaining trails. I understand that it is a big undertaking. That said, I moved to this community because of access to trails and I would highly appreciate any growth in the system.

Thank you for your time and continued service to Benton County. I understand that these are tough times in government (I recently stepped away after 10 years at ODOT) and I appreciate that you are likely juggling a lot. Please know that anything you can do to support more trails is noticed and appreciated.

Sincerely,

Jenna Berman

APPENDIX

EXHIBIT H-17

Team Dirt Board, Benton County advocacy for Snack Time

Benton County advocacy for Snack Time(1).pdf

Benton County Permitting

Thanks for your service and, in advance, for your consideration of our input on the matter regarding trail work performed by Team Dirt in the Mac/Dunn Research Forest.

Our organization, Team Dirt, is a non profit Trail Building group of volunteers that has built and developed trail systems in Benton County for 20 years. We have over 200 local members and we work closely with Land Management agencies like the BLM, Starker Family Forests and, most relevant here, OSU's Mac/Dunn Research Forest.



Trail Volunteers at Volunteer Appreciation Night and Teen Volunteers learning trail building techniques on Snack

Recently, several residents who live on private properties near the Mac Forest Oak Creek trailhead complained about trail building activity in a letter that challenges compliance with the CUP that OSU has for trail building on the land that they manage, in part, for recreation. This is the same/similar group of residents who formerly made a complaint that led to substantial delays in trail work, and substantial financial and time investments by OSU into renovating parking such that it reduced capacity.

That occurrence remains in the memory of the many volunteers and trail users. They endured what was largely perceived, rightly or wrongly, as a form of NIMBYism that the County entertained and enforced at the request of a very small minority of community members.

The trail work specifically in question is being performed by Team Dirt as a resource that will create safety and access for all users including youth mountain biking through our local NICA team. Team Dirt has worked hard to create and formalize a partnership with OSU and our many volunteers who gain great satisfaction from the opportunity to give back to the community.

Corvallis has the largest NICA youth mountain biking team in the state and this trail improvement directly addresses improvements that the group has reported needing for beginner

riders in particular. It also creates a bi-directional hiking path that gets users off the logging roads, reducing safety and traffic conflict.

Team Dirt has minimized communication/outreach regarding this complaint and closure to this point. Nonetheless, this issue will soon generate its own conversation and Team Dirt would like to guide the community in a most constructive approach/response. We see that the community is likely to encounter this current complaint and resultant enforcement action by the county with frustration and cynicism and all them more as a result of the former event described above.

Team Dirt and its members see that the county's enforcement response to this very small group of complainants is outsized and lacks an equitable approach to what the greater interests of the community are.

We understand there may be some, technically speaking, valid objections present. However we believe strongly that the potential good of the community in this case is exceptional and deserves exceptional consideration.

We anticipate that Team Dirt and our community will want to understand why and how this is a good use of the enforcement resources by the County.

Thanks for your consideration.

Team Dirt Board

Mac/Starker Trails Coordinator Dan Coyle and President Aaron Turner

Corvallis, OR