

Hello,

Please consider this correspondence for official comment and testimony re: the 9 lot subdivision proposed via LU-21-025, the 21 acres between NW Arboretum Road and Highway 99W.

I have several comment and concerns about the proposed development:

1. Septic / Sewage - I do NOT believe the sewage and associated storm water drainage for each plat has been adequately define or addressed. This is ambiguously address in the "opposition" comments of the committees initial commentary. I worry that inadequate or insufficient drainage will pollute local streams and disrupt those of us who rely on well water. Additionally, having lived next to the property since 2001, I have witnessed standing water that persists for weeks in the Fall and Winter months on proposed plot #1. Plot #1 supposedly has adequate drainage per the tests done, but my observations of the standing water do not support the assessment.

2. Access on Arboretum Road during construction - the proposal for bringing in water from Adair and piping it long Arboretum Road has not been sufficiently defined - what route will this piping take and which homeowners will lose access to their own driveway (and for how long) as a result of the contractor digging up the road to lay the piping for water? What assurances do we have that our driveways and the road itself will be returned to its original state?

3. Light pollution - additional housing and possible street lights will further add to light pollution. The nighttime sky is a feature many of us greatly value living in this area. No declarations about possible street lighting along the proposed road, but even if no street lights are to be installed, 9 additional houses, with possible additional shops/outbuildings, will contribute to light pollution in the area.

4. Agriculture - the space has been used for agriculture for decades; replacing this with pavement and homes will only contribute to global warming. I would like for it to remain for agriculture use.

5. Notice - I'll echo another person's written testimony that 2 days notice to provide written testimony to be included in the evaluation, especially when the review materials encroach on 100 pages, is inadequate. I do not know how that person was able to submit testimony so quickly. I believe that with the slowdown in US mail in general, the amount of notice required should increase dramatically.

Kind Regards
Ben Clark
8505 NW Arboretum Road
Corvallis, OR. 97330



BENTON COUNTY

LU-21-025 Villwock- Preliminary Plat
July 20, 2021
Dear BCPlanning Commission,

Oregon is a world leader in blueberry production. Blue Berry farming provides full time jobs and blueberry fruit is a nutritional power house.

Oregon Land use Goal 3- Ag Land OAR660-031 State Permit Compliance and Compatibility. Goal 3 tries to preserve and protect Oregon Ag land.

Does this Tax lot 2800 have an existing deed restriction on it keep it in Ag production? A Deed restriction could be legally placed over the remaining Anderson Blue ownership to protect it from future subdivision development. Seasonal and frozen market demand for Blueberries is very high in the WV area and for food industry and export.

Kiger Island Blues has an industrial commercial freezer moved and installed, so they can freeze their harvest, and possibly this business is able to lease out freezer space for other growers to store their berries here.

Oregon Land Use Goal -4 Housing. Will these homes be affordable?

BCC99.225 subdivision development and wetlands. Chapter 97 Subdivision – where are all the parts to this application for Chapter 97? Will the public be able to again participate in land use hearings for this development when the applicant applies for a land use plan, or is this preliminary plat hearing the last time the public can be involved in this land use decision making?

Where are the wetlands here, and where is the 100 year flood plain in this location of Arbor Creek? ‘Chapter 97 (e) The location of all areas subject to the base flood as shown on the Flood Insurance Rate Maps on file in the office of the Community Development Department’

Chapter 97 (3) In the alternative to subsections (1) and (2) of this section, an applicant may propose to reconfigure all or a portion of a subdivision plat, which may include increasing or decreasing the number of parcels, through:

- (a) A new request for a partition subject to all provisions of Chapter 95; or
- (b) A new request for a subdivision subject to all provisions of this chapter.

A preliminary plat is a partition, so Chapter 95 possibly pertains to be reviewed under preliminary plat land use hearing request?

If the County land use code asks for 300 foot Set Back 99.3215 as Resource Buffer Zone for sensitive features, is Arbor Creek not a sensitive feature and with all this

site's topography focused on all drainage going to in SE part of Lot 6- The Arbor Creek from clay soil layer/rock which create perched water table, should Arbor Creek have a larger buffer then only 50 feet from whatever is needing to be developed in Lot 6?

The carrying capacity for this areas soil to support 34 homes septic systems may be low and non existent in several of these lots. Arbor Creek may need wider set backs to protect it from outfall of fecal coliform bacteria and other pollutants found in septic system leach fields. Can a set back be also applied to the remaining Anderson Blue Berry orchards from this development, for a 300 foot set back buffer between RR and Blue Berry orchard/vineyard?

Arbor Creek is not at all discussed in this application. Does it flow all year, where is the 100 year flood plain, does this area flood, how wide is the riparian zone here, does this creek support fish passage?

Chapter 99 (4) Any proposed partition, irrespective of size, which adjoins or wholly contains a drainage way shall be required to record a covenant generally describing an area subject to future dedication as described in:

BCC 99.205(2) and (3) and reserving the described area for the dedication upon the request of the City of Corvallis. [Ord 7, Ord 90-0069, Ord 92-0092, Ord 96-0118]

If the single detention pond for 22 acres and 34 homes is created on west side all the 34 homes on 9 lots and the engineering report notes findings of a perched water table in several of these 9 lots, can septic field drainage from 34 lot septic systems flow to this pond at the lower elevation of the parcel and create problems with septic field leaching, across site's existing clay layers as a guide for septic field drainage, into this lowest elevation before Arbor Creek, storm detention storm water facility?

Will area geology, set this site up for ODEQ to keep on finding high levels of fecal coliform bacteria in Arbor Creek? Is Arbor Creek listed for any lamprey or fish species of concern, rare or threatened aquatic species of conserve, as it is close to the Willamette River?

Will HB2001 be applied to this land use application in future? Density increases be placed in this RR zone because of HB2001. Can this area sustain increased density above 34 homes in 21 acres triggered by HB2001?

What will the cost be to maintain interior roads and easements for Benton County when they inherit them?

Does the County also have to maintain the drainage swales built along side of the interior access road, the drainage pond and any erosion that occurs in Arbor Creek from the outfall of the drainage pond, high flow during the rainy season of fall and winter?

Chapter 99 (B) Maintenance District:(i)

Prior to sale or transfer of lots, the property owner shall establish a local improvement district or other lawful district comprising all benefited properties and

designed to provide for the long-term maintenance, repair and/or renovation of the storm water management system.'

Could in future, Benton County will have to also, upkeep the 0.8 mile water line the applicant will construct?

'Chapter 99 (2) If connection to an existing system is proposed, the applicant shall prepare and submit formal plans and specifications for review and approval by the County Engineer and the engineer representing the water system.

(3) If a gross density of greater than two units per acre is proposed, a minimum flow of 500 gallons per minute for fire protection with a continuous flow...'

We are not seeing formal water system plans presented in this land use request.

Is the 0.8 mile water line carrying enough pressure to provide 34 lots with pressure to put out fires?

Will the subdivision have enough water to irrigate 34 lawns from 2 wells on site? Could the use of these two wells for irrigation de-water area irrigation and drinking water wells that serve Anderson Blues and RR homes built near this tax lot?

Can herbicides/pesticides used at all 34 lots damage area irrigation and drinking water wells, or lead to loss of the ability for local Agriculture Zone (Andersons Blues) to maintain or try to achieve Organic status of their product, if their well water is contaminated with run off from 34 lots which are spraying herbicide and pesticides, wash their cars, and change their oil here?

Will Anderson Blues have to deal with herbicide drift from 34 lots onto their berries? How will the storm drainage pond function, to protect Arbor Creek from herbicide and pesticide from this development? DEQ 1200 permit may look at this question.

BCC99.805 Uniform Fire Code will this site have to install a pump station to pull the volume from Adair Water Treatment Plant and Hospital Hill that they will need to put out house fires or landscape fires here?

For the applicate building a 0.8 mile pipe easement from Hospital Hill to this site, and the staff report notes this line will to go across two creeks, this is not fully discussed. Will the applicant have to purchase or take land in order to built the 0.8 mile water line extension? Will this line have to go along 99W and how is this done?

Will natural gas lines on NW Arboretum Road need to be moved to make way for the 0.8 mile water pipe line easement to be put in or along side NW Arboretum Road?

How much fill and grading will occur on this site? If the site has perched water table clay layers, then possibly every single home yard and access road will have to be

constructed on 100% fill to get above the high standing water and slow drainage mark during the fall and winter here.

Will the entire site be filled and I assume the county has no grade or fill limitations only DEQ 1200 Erosion Permit requirements? Mass grading and filling of 22 acres could occur here with a development application filed with County Building permit dept.?

Traffic Impact Analysis- The public will see a development application come to BCPC for this development and with it a TIA will be included? The Level of Service for NW Arboretum Road and Highway 99W may be unacceptable low at both the north and south terminus due to development in this area from Calloway Creek Subdivision and full phased build out. Ryals Avenue at 99W and NW Arboretum Road are possibly currently in declining Level of Service and safety, with accident rates possibly increasing at this intersection in particular. This intersection may have no overhead lighting so is pitch dark at night.

Will NW Arboretum Road need turn pockets put in the center media for this subdivision at full build out of 34 homes- with approx. three cars per family - 102 cars coming and going from this development at 2-3 trips per day, 306 cars per day in and out of this development and onto NW Arboretum Road and 99W?

Ag zone

Oregon Land Use Law asks for conservation of Ag land. This application decreases Ag Zone in Benton County by 21 acres. Does tax lot 2800 have a Deed restriction over top of it to not allow development of this Ag land? Will the rest of Anderson Blues in future become RR because of this development? Should Anderson Blues develop a property Deed restriction to protect their Ag assets from being developed to RR Subdivision by this landowner?

Lighting

Downward shielded street lighting and home outdoor lighting, hopefully will be required.

Signage for this subdivision can be posted near 99E and on NW Arboretum Road? How large can this signs be? Is this regulated in BCLand use code?

Noise

Residents here will be coming to extreme noise levels as they live closer to 99W and with increasing traffic from Calloway Creek Subdivision as phases are completed more

car volume is expected. Transport of trash from around the Coast and Valley brings urban and rural trash and recyclable materials/pulp mill cap materials and hazardous industrial waste products and materials into the Coffin Butte Landfill.

Noise buffering may need to occur here using walls, and trees, and house construction sound proofing to be considered. Native trees preferably can be selected as landscaping to buffer highway noise, clean the air, provide shade, store water and make weather and native willow and Red Alder, Cascara buckthorn, ect. can be used here to increase the width of the riparian corridor on Arbor Creek.

Air Quality

Air pollution generated from 99W in this topographically depressed area may increase with colder temperatures and subject area landowners to poorer air quality upon inversion and stagnation of air flow from 99W traffic. Coffin Butte land fill emissions also may be detected in this area. Landowners and homeowners will be coming to these air quality problems. Pacific Regional Composting Center also produces odors and is located due east of Coffin Butte landfill. This business uses propitiatory chemical masking compound and application systems to reduce airborne composting odor impacts.

A Cannabis production facility may be located across 99W from this site, and may produce the odor of ground up skunk 365 days a year.

Landowners may need to have been warned by CC and R's listed in Deed or real estate transactions, prior to purchasing land and or buying a spec home here for air quality assurances. Air quality from 99W may also be highly polluted in general here, from increasing volumes of passenger car traffic and industrial truck traffic to and from Coffin Butte and the PRC Center. Run off from 99W here may contain high levels of chemicals found in transport of hazardous waste materials which are buried in Coffin Butte and other industrial bi products used as dump cell cap materials.

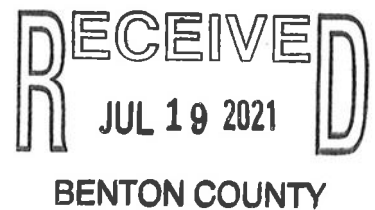
Global warming and climate change should be part of every land use decision even this preliminary plat. What is this applicant doing for the environment and global climate change in this application? Where is the landscaping plan? Mention in the application about using native plants here is good.

Gas cars at some point in the next 5-7 years will become all electric and charging points could be included in this development. Riparian zones and wetlands could be conserved and expanded here, buffering between Arbor Creek and this development could increase, and buffering between Anderson Blues and this development could increase to reduce RR-2 with 34 homes on 21 acres impacts on Blue Berry production, shading Anderson Blue's Blue berry rows from Three story homes, and impacting area darkness in RR and AG zones with area light pollution from homes using LED, blazing light systems pointed out to 99W and out from 34 homes here. Lighting technology

changes to LED, add to increased light pollute across the entire WV. LED lighting floods up onto Marys Peak and creates daylight level light pollution after the sun goes down here.

Thanks, R.Foster 980se Mason Place Corvallis Oregon 97333

From: Macdonald, Linda/CVO <Linda.Macdonald@jacobs.com>
Sent: Monday, July 19, 2021 11:37 AM
To: ANDERSON Kristin <Kristin.Anderson@Co.Benton.OR.US>
Subject: RE: Planning Commission Hearing LU-21-025



Thank you for your earlier response, Kristin.

I went to the website you sent a link to and several of my questions have been answered, however some of the concerns were not addressed.

Kindly find our written testimony and outstanding questions in regards to the new subdivision.

1. Will the power lines be above or below grade? This will greatly impact us as our home faces toward most of the prospective lots.
2. Will there be street lighting? If so, where will it be located? Again, this impacts our home more than most as we face the proposed subdivision.
3. What is the highest home elevation (top rim of rooftop). Will these homes be 2 or 3 stories high?
4. What are the proposed home foundation elevations?
5. What is the projected duration of construction for the subdivision? We spend the entire day in the residence working from home.
6. What is the proposed lot construction sequence? Which lots will be developed first?
7. What is the average square footage of the homes? Our home is one of the higher priced homes in the area and we are concerned that the value will be diminished.
8. What is the average sale cost of the homes?

More bullet points for consideration:

- We know how flooded our property is during winter/spring months. Our horses must remain in the barn most of the year due to the water content in our soil. This is why the home elevation concerns us. If the intent is to raise the homes above the flooded area, then the homes may be quite tall.
- We are deeply saddened by the prospect of more lighting in the area, the night sky star gazing is disappearing due to population and building growth outside city limits.
- Our water well is a low-producer; we have difficulty maintaining vegetation and trees as it is for our 2.35 acres. We are deeply concerned that more draw on the aquifer will reduce the capacity of our well even further.
- There is always lot of traffic on our road because of the Arboretum and the blueberry fields. Our children, pets, and horses are at risk due to the lack of a speed limit and lack of a walking or bike path.

We are certain that our property value and quality of life will be adversely affected by the items listed above and would like you to please consider us when making any decisions regarding the subdivision proposal.

Thank you,

Linda Macdonald
8375 NW Arboretum Rd.
Corvallis, OR 97330

[Linda Macdonald](#) | [Jacobs](#) | Process Chemical Engineer | Linda.Macdonald@jacobs.com | www.jacobs.com

From: Macdonald, Linda/CVO
Sent: Monday, July 19, 2021 9:49 AM
To: kristin.anderson@co.benton.or.us
Subject: Planning Commission Hearing LU-21-025

Hello Kristin,

This email pertains to LU-21-025. Applicable Code Criteria: Benton County Code Chapter 63 "Rural Residential", Chapter 97 "Subdivisions", and Chapter 99 "General Development Standards".

We received notice of a preliminary plat approval request for a property located adjacent to ours. Can you please tell us where we can get the answers to the following questions about the proposed subdivision next to our property and if they are applicable to the upcoming hearing?

1. Will the power lines be above or below grade?
2. Will there be street lighting? If so, where will it be located?
3. What is the highest home elevation (top rim of rooftop). Will these homes be 2 or 3 stories high?
4. What are the proposed home foundation elevations?
5. What is the septic/sewer plan (locations, type, elevations)? (We are curious how this land could have passed a perk test since our pasture property is under water in the winter).
6. What is the projected duration of construction for the subdivision?
7. What is the proposed lot construction sequence? Which lots will be developed first?
8. What is the average square footage of the homes?
9. What is the average sale cost of the homes?

The value of our home is directly affected by the choices that the builder makes and planning commission approves.

Thank you in advance for your help with our questions.

Linda Macdonald
8375 NW Arboretum Rd.
Corvallis, OR 97330

[Linda Macdonald](#) | [Jacobs](#) | Process Chemical Engineer | 541.768.3728 | Linda.Macdonald@jacobs.com | www.jacobs.com



BENTON COUNTY

July 19, 2021

From: Jennifer Bailey Guerrero
8897 NW Arboretum Rd,
Corvallis, OR 97330

To: Benton County Planning Commission
360 SW Avery Ave.
Corvallis, OR 97333

RE: LU-21-025, "South Anderson Blues Subdivision"

Dear Benton County Planning Commissioners:

I am writing to provide testimony addressing the proposed development, referenced here as the "South Anderson Blues Subdivision".

First, I would like to ask that the record remain open for the maximum allotted period following the hearing on Tuesday, July 20th, 2021. Many of my fellow neighbors are traveling for the summer months and have not yet had the opportunity to review the proposal and submit written testimony. I have taken the time to carefully review the Staff Report and would like to thank Staff for their careful consideration of concerns regarding this proposal. I have a few additional comments that I would like to add to the record.

Although I appreciate that the Rural Residential-2 zoning for the property makes this type of development possible, I would like to voice my great concern at the rapid loss of farmland in the state of Oregon. Between 1997 and 2017, the U.S. Department of Agriculture noted a nearly 10% loss in farmland in this state. Property such as the southern front of Anderson's Blues is even more rare, as it is located less than 8 miles from a large city center and maintains a limited quantity of ground water rights for agriculture irrigation purposes. Regardless of zoning, this property has been historically used for agriculture and is precisely the type of land that we should be working to conserve and protect for our local food resilience.

I would also like to address my interest in maintaining a safe, open wildlife corridor. As evidence from the well-established game trail directly across Arboretum Rd from the proposed 'NW Earlyblue Drive' and the numerous cougar sightings at this exact location, the site of the proposed development has acted as a safe passageway down from the forest edge for large predators to follow their prey seasonally. On multiple occasions my neighbors and I have witnessed large predators, primarily cougars heading eastward in the early morning hours, across the property, up the proposed road, and up the game trail into the forest. Maintaining this land for farm use has

allowed for wildlife to travel safely to and from the woods and has limited conflict with neighboring farms and private residences. At minimum, I would ask that wildlife usage be reviewed and considered with regards to this development.

Finally, I would like to address the wetlands designation on the southeastern corner of the site. At present, extensive drain tile exists below the surface of the proposed development. This drain tile was installed by the previous owners of the Anderson's Blues Blueberry farm to decrease the amount of standing water, previously interfering with the growth and production of blueberries (Todd Anderson, pers. communication). I would ask that the Planning Commission consider the impact that this construction will have on the designated and surrounding wetlands area, with particular regard to how the drain tile has previously impacted the ecosystem and what impacts new construction will have going forward.

Thank you for your attention and consideration of my concerns.

Sincerely,

Jennifer Bailey Guerrero

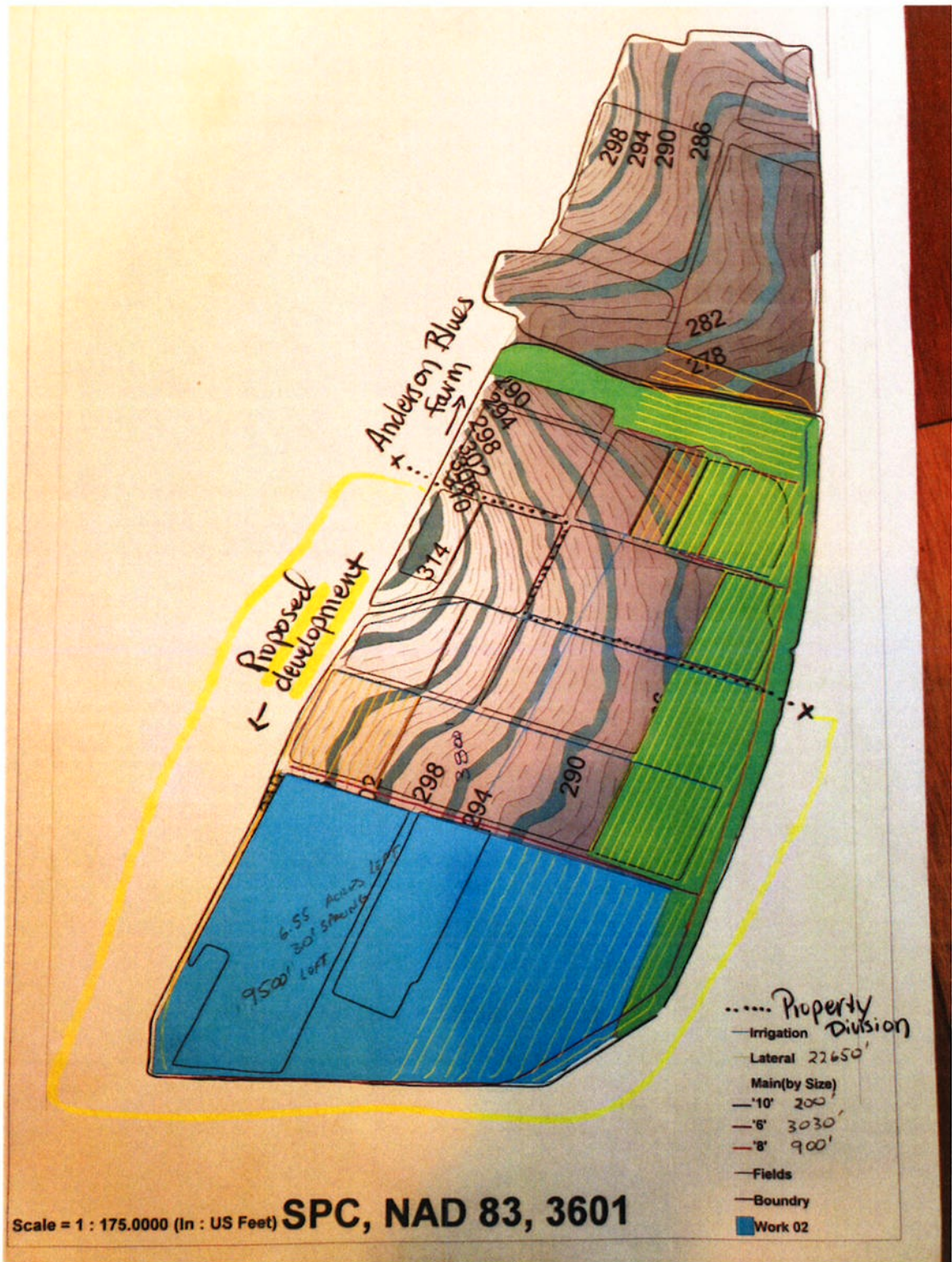
Pamela Toman
Anderson's Blues Farm
9793 Arboretum Road
Corvallis, Oregon 97330

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BENTON COUNTY

July 19, 2021

Dear Benton County Planning Commission,
Please include this letter as my written testimony for the hearing on July 20th, file # LU-21-025, for a 9 plot subdivision on Arboretum Road. My husband and I purchased Anderson's Blues, Blueberry Farm in March of 2020, we operate the farm as a u-pick and We-pick organic produce operation where 100% of the sales are made off the farm from the sales shed. In addition we live with our two young girls on the property. My background is as a science teacher and I have a MS in science education as well as a BS in Environmental Science. Aside from the below arguments, I have an attachment to the farm and land and would much rather see productive farmland stay that way rather than be developed, I will however not discuss this opinion and stick to the reasoning below in my 4 points.



1. **Drainage Tiles:** My concern is that the septic fields will drain into the current tile system which drains at the low point of our property by the #278 on the above map. Admittedly, I am not aware of the details regarding the function of these types of tile drains but I am

concerned about how disruption of this extensive drainage system will affect my soil, water quality, flooding and potential septic/sewage runoff. A possible solution could be the removal of these tile lines on the proposed subdivision land or at the very least an evaluation of the current system and proposed changes by environmental health and drainage specialists.

2. **Land Use**, change negatively affecting farm business: My concern is that a large part of our business is from the folks who come to our farm for the experience and farm environment as well as the fresh berries. Changing open and productive farmland to houses will surely change the appeal to our customers. This has been voiced hundreds of times just this season alone. This potentially could reduce visitors and sales resulting in decreased income for us and loss of a community farm experience for Corvallis and surrounding communities. Solution: Request that building and structures are not close to the farm borders and that they are required to keep a standard of quality and appearance with land free of trash, abandoned cars and equipment and tidy vegetation.
3. **Organic farm status**: We are not yet pursuing Organic certification but are actively transitioning to an organic farm. This requires significant investment and man hours which can be sacrificed by the use of conventional pesticides and fertilizers on adjacent land as well as the runoff which is likely to come directly from the subdivision to our property. Assuming there is the normal hardscaping that will happen with development this will increase water runoff overall but most importantly the unwanted non-organic chemicals entering into the water table as well as the soil surface and plants. Currently there are large buffers between the homes on Arboretum and the productive land being harvested for berries. In addition, we have neighbors to the North of us who are also using organic practices which creates a larger natural buffer. Solution: Create an ordinance that would not allow conventional chemicals to be used on the adjacent property to organic productive farmland.
4. **Inappropriate name**: This farm has a legacy and a following by which people associate our business, the name has been the same for over 30 years. With the current farm name being Anderson's Blues, which is the name we purchased with the business I am opposed to the subdivision having the same name. I do not want my organic farm business being associated with a housing development that removed plants to replace with houses. This proposed name is detrimental to our business. Please consider requiring the change of name to exclude anything related to Anderson's Blues nor Blueberries.

Thank you for your time and consideration.

Sincerely,

Pamela Toman and Ken Smith
Anderson's Blues Farm Owners
Arboretum Road Residents