

Dave and Julie Webb

7/7/2015

4617 Gebhard Road

Central Point,

97502

Tel: 541-664-3415 Home

Concerns regarding the White Hawk TOD:

Environmental Impact study:

The study did not consider the rural nature of this development. With Bear Creek situated so close to this property the area is a prime habitat for many animals and birds. Migration routes and loss of habitat should be explored more in depth.

Native American Artifacts:

It would be beneficial to do a study regarding locating and preserving any artifacts found on this site. This area is rich with Native American tools and arrowheads. It would be a shame to see them all disappear just like when the gravel pits were dug out across the creek, when the freeway was built. This site has been farmed but never excavated.

Trees:

This site has two English Walnuts that were grafted on Black Walnut stock over 80 years ago. These trees are Heritage trees. They definitely should be preserved. The trees can never be replaced and if properly cared for could live many years. It would be in the best interest for all if these trees were outside any barrier surrounding the new development to allow animals and birds to utilize there bounty. All the old Oaks were destroyed when Central Point East was built and Walnut Grove now Hidden Grove removed all the wonderful old Walnuts that were there. The Heritage trees here can be saved.

Views:

The report states that there are no significant views on this site. From our front porch and all over the development site Mount McLoughlin can be viewed; it is a pretty impressive picture. If properly considered in the development many people could enjoy this wonderful view.

Water:

The Apex study is woefully inadequate. Many wells that could be severely impacted by this development were left out of the report. Before any construction begins a proper survey should be done to identify all wells that could be impacted by this development. Also a plan to address what happens if the wells do get de-watered.

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Moving the storm drain to the new Gebhard Road and relocating the park to the South West corner of the lot might prevent a catastrophic event for those people who rely on well water.

When the water table was lowered on Beebe Road many things occurred: Foundations cracked, buildings subsided, trees died and there is nothing in the Apex report that addresses this issue if it should occur on Gebhard Rd. What will the home owner's recourse be?

Sub-division development:

This development does not fit well with the rural nature of the surrounding neighborhood. Most lots are half an acre or more. There are no three storied structures in this area. A smaller scale with fewer units would be a much better fit.

Off street parking should be sufficient to meet the needs of all residents.

Lighting should not interfere with the normal life in this area (No bright obnoxious lights).

The Community Park should be completed before the 204 units are finished (147 units would be a better for the designated area).

A Community Garden should be planned for as it would be a great asset for the neighborhood.

The contaminated part of the site should be remedied before any construction takes place.

Phases for development?

A lot of the studies in the report were completed years ago. New updated studies should be done and reviewed by all pertinent people before any other discussion and planning takes place for this home site development.

Julie D. Webb
J.M. Webb

By BUFFY POLLOCK

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April 30, 2001 2:00AM

Tree cutting upsets neighbors

300 oaks lost to development

CENTRAL POINT - It was an odd thing to see along Hamrick Road on Friday, Arbor Day, as about 300 oak trees that shaded a former 30-acre pear orchard were cut into fire logs to make way for a new subdivision.

Across the street, third-generation Oregon farmer Ken Beebe worried about where the trees in his own orchard would get water after a dry winter.

Beebe said the tree cutting, preceded by the removal of the property's orchard trees, was just another reminder to neighbors of the problems caused by development of the White Oak and Central Point East subdivisions.

Neighbors and a city planner say the developer promised to preserve the trees. In fact, they were told the trees were why the property was desirable for new homes. Worse, Beebe claims residents in the area are suffering from sinking foundations and dried-out wells.

Beebe says his well, in addition to those of a dozen neighbors along Beebe Road across the street from the development, went dry when a storm drain for the proposed development was installed 15 feet underground and hit the water table at around 12 to 14 feet.

"Our well produced for us for 112 years. Now there's not a drop in it," Beebe said. "They're changing the topography of the surface of the earth.

"(Jackson County) had no business warranting the pipeline being put in like that. They wrecked our water table."

While Beebe said he was lucky enough to be able to tap into a neighbor's well 1,000 feet away, others weren't so lucky.

"People down there," he said, gesturing from his porch, "can't close a bathroom door because the foundation shifted. The lady over there, her fireplace is split down the middle. And some of them have dug second and third wells and still don't have enough water for household use.

"I don't know how they're even managing," he said, shaking his head.

Beebe said the biggest loss, which had yet to take its toll on Beebe Road growers, will be losing the ability to supplement irrigation district water with local well water.

"Last time we had a season like this, we had wells that were adequate enough to get us through," Beebe said. "We can't do that now. We're scared to death. We're not even planting all of our fields because of the shortage of water."

A dozen residents on Beebe Road filed a "civil negligence" lawsuit last year against nine of the entities involved with developing the two subdivisions.

According to court documents, defendants in the suit include Central Point Properties Inc., Michael P. and Janet E. Thornton and the Thornton Engineering firm, Jackson County, the city of Central Point, Partners Trust Co. Inc., Investment Marketing and Acquisition and Decarlow Homes Inc.

Decarlow Homes is a cross-petitioner in the suit, suing Thornton Engineering, according to court records.

Reached at his Medford home Saturday, Michael P. Thornton declined to comment on the lawsuit or alleged problems with the development.

A representative of Decarlow Homes did not return phone messages Friday and Saturday left at a number that is his home and Decarlow's Medford office.

Gerald Warren of Salem, representing the city of Central Point, said the lawsuit is still "in the deposition phase," though the city has little to do with it.

"Tons of people have been sued, but the city didn't really have much to do with it," Warren said. "The county oversaw the project even though it was a city development. That portion of the storm drain was county property.

"You always have things like this come up when a development's taking place. A lot of people have yet to get their say," Warren said.



PHOTO/ MAIL TRIBUNE / JIM CRAVEN

Beebe argues that the land never should have been developed as a subdivision.

"The lady that owned it sold it and was told that it would stay an orchard. It's a real shame. I hate to see it happen. They lied to her." Beebe said.

The property's previous owner, Helen Gebhard, declined an interview pending the outcome of the lawsuit.

Central Point Planning Director Tom Humphrey said that the city "had it on good faith" when the site plan for Central Point East was approved in 1997, that the developers wanted the site because of the number of trees on it.

"We relied on applicant statements about what was going to be done with the property," Humphrey said. "They were going to leave as many trees as they could and only remove them where streets would be.

"There was a good-faith understanding they'd be maintained. It's very disappointing."

A tree ordinance passed by the Central Point City Council on Thursday night to "establish and maintain the maximum amount of tree cover on public and private lands" could have limited removal of so many of the shade trees along Hamrick Road if it had been in place earlier, but Beebe says little can be done now to bring back the orchard property or to resolve the water issue.

"The only way they're gonna solve our problem is bring water from the Central Point system," Beebe said. "I told the engineer if they dug that drainage out there they'd ruin the water table. His answer to me was 'they don't give a damn.'

"We had free, better-quality water from our own wells and they've taken that away from us."

Most of the oaks that were cut and turned into firewood were "between 80 to 150 years old," according to Eagle Point arborist Phil Frazee, of Arbor West Tree Experts.

He said native oaks like the ones that used to grace Hamrick Road are "disappearing from the valley."

"This is probably the single-largest taking out of trees in 20 years that I could ever remember," Frazee said. "Fast and unorganized development. I guess this is what we read."

<http://www.mailtribune.com/article/20010430/News/304309998>

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By _____, for the Mail Tribune

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June 10, 2003 2:00AM

After five years, settlement reached in dried-out well case

CENTRAL POINT ' Five years after Beebe Road farmers and homeowners claimed a residential development dried out their wells, most of a complicated lawsuit has been settled for just under &

36;575,000.

Four plaintiffs in the case have officially settled with all 10 defendants, while six other plaintiffs have settled with all but one.

The remaining defendant, Southern Oregon Underground, is accused by the plaintiffs of excavating a trench for a storm drain pipe, which resulted in an almost immediate drop in the water table.

Plaintiffs claim in their suit that ample water had been available at between 2 and 10 feet below ground level, prior to excavation of the trench. A test well drilled in December to 55 feet, showed that the neighbors no longer had an adequate water supply.

— Settlement contributions made by the remaining defendants in the case totaled &

36;573,000. The settlement amounts were: developers DeCarlow Homes, Partners Trust Company, IMAC and Central Point Properties, &

36;245,000; Thornton Engineering, &

36;203,000; Bill's Backhoe, &

36;50,000; Contech (pipe manufacturer) &

36;35,000; United Pipe of Central Point, &

36;15,000; Jackson County, &

36;15,000; and the city of Central Point, &

36;10,000.

Lifelong farmer and lead plaintiff Ken Beebe said Monday that he opted to settle in order to get back to a somewhat normal life ' minus the water his family had readily available for all but the past five years of the last century.

Beebe said little could be done to undo cracks in foundations, lost crops and costs for hauling water to homes with dried-out wells.

He also said the amount of the settlement would likely grow considerably.

It's not over at all. The ones (claims) that are left are big, Beebe said. Mine wasn't that big, under &

36;40,000; it was just worth it to me to get back out on the farm rather than sit in that courtroom.

This thing drug out over five years and I feel really bitter about it. You get pretty bent up over something where someone's done a lot of people wrong.

Representatives of Thornton Engineering and DeCarlow Homes declined comment on the case and Ronald Bailey, attorney for Southern Oregon Underground, would say only that his client hoped to settle the case as soon as possible.

We know where we are and they know where they are and hopefully we'll get down to some common ground here pretty soon, Bailey said Monday. We're down to the last exchanges.

Homeowners Doug and Mary Pfaff are among the six plaintiffs who have yet to settle with Southern Oregon Underground. The couple, who said they were forced to get rid of their livestock and lost most of their trees because of the water loss to their 7-acre property, declined to comment on specifics of the case. But they agreed that they, too, were ready for closure.

This is a shame the way it all happened because it's lasted for five years and it's really a needless waste of everyone's time, said Mary Pfaff. We settled with the others because we just felt like we were getting nowhere and the attorneys are the ones who made out on it. ...

This thing really changed our life around and it's amazing, after what all has happened and what's been spent, there are people on Beebe Road that still have no water.

A mediation session to resolve the remaining portions of the lawsuit is scheduled in Portland on Wednesday.

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By _____, for the Mail Tribune

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December 26, 2002 2:00AM

Court test shows dry wells in Central Point

Subdivision neighbors say storm pipe under Beebe Road drained them of water

CENTRAL POINT — Results of a court-approved test well last week confirm what 13 Beebe Road farmers and homeowners claim to have discovered four years ago ' that their wells have gone dry.

The neighbors filed a lawsuit in April 2000 claiming that placement of a storm pipe under Beebe Road during development of the Central Point East subdivision in 1998 caused their wells to run dry.

Neighbors claim their wells dried up from one home to the next, in a domino effect, and water now flows at a large volume out of the storm pipe at the end of Beebe Road into a small creek.

The test well was approved in August by Jackson County Circuit Court Judge Phil Arnold.

Scott Borison for Laura Schroeder Law Offices of Portland, which represents the residents, said Tuesday that the test well, drilled to 55 feet, turned up so little water that a flow test was not conducted.

The defendants have drilled a 55-foot-deep test well, and though they prepared to do a flow test, they ended up not doing so because of the low volume of the water, Borison said.

Had they tested the flow, I believe the water flow would have come up less than a gallon per minute, which is inadequate for agriculture or domestic use. I think they were looking for a flow of between 20 and 25 gallons per minute. Acceptable might have been between eight and 10.

This confirms what we've been saying, that the storm drain simply drained away any water that was available to these people.

According to court documents, defendants in the suit include Central Point Properties Inc., Michael P. and Janet E. Thornton and the Thornton Engineering firm, Jackson County, the city of Central Point, Partners Trust Co. Inc., Investment Marketing and Acquisition and DeCarlow Homes Inc., which is also a cross-petitioner suing Thornton Engineering.

Both Thornton and representatives of DeCarlow homes have declined comment pending the outcome of the case. Salem attorney Gerald Warren, who represents the city, previously stated that Central Point had little to do with the case in which a lot of people are being sued and things still need ironing out.

Attorneys for Southern Oregon Underground, which excavated the storm drain trench, had declined comment pending the test well. They were unavailable for this story because of the holidays.

Farmer and lifelong resident Ken Beebe said the test well was just another step in a drawn-out process to tally up more legal fees for both sides.

I told them from the start there's nothing in (the wells), and they didn't believe me, but they spent &

36;8,000 finding out, Beebe said.

We had a well that provided us with water all 114 years we lived here and suddenly we didn't have anything. I told the guy (Borison) from the law office they wouldn't find a damn thing, and he called me before he left and said guess what, they didn't find a damn thing.

A jury trial for the case is set for August 2003.

Buffy Pollock is a free-lance writer living in Medford. E-mail her at buffypollock@juno.com.

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By _____, for the Mail Tribune

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August 06, 2003 2:00AM

Trial opens over water draining at subdivision

A jury trial began Tuesday to resolve a 5-year-old case in which a small farming neighborhood off Hamrick Road in Central Point claims a new development drained its wells.

After months of mediation and a partial settlement in June, six of the 10 original plaintiffs (most of whom live on nearby Beebe Road) have yet to resolve claims against Southern Oregon Underground, the sole remaining defendant. The plaintiffs allege the company was responsible for draining the water table along Beebe Road in summer 1998 while excavating a trench and laying a storm drain during development of the Central Point East subdivision.

Most of the four neighbors who settled in June ' five years after losing their water supply ' said their primary motivation for settling was to avoid further court dates and aggravation.

In opening arguments Tuesday, defense attorney Renee Rothauge of Portland said her client was not to blame for the neighbors' loss of water.

— On June 4, 1998, in the middle of construction of Central Point East, plaintiff Ken Beebe's well suddenly went dry and it was clear there were problems, Rothauge said. But neither Jackson County officials nor developers asked Southern Oregon Underground to stop working on the storm drain, she said.

They told us the same thing they told Mr. Beebe. That the water would come back, she said.

Two weeks later, the decision was made to seal the trench and restore the road, which Rothauge said sealed the plaintiffs' fate.

Rothauge blamed the loss of water to weather conditions (drought) and increasing urbanization and development rather than placement of the storm drain. She told jurors that most plaintiffs who had experienced costly bills for redrilling of wells or purchasing water could be supplied with water from the city of Central Point for significantly lower costs.

Rothauge acknowledged that homeowners experienced cracked foundations and dead landscaping because of problems with the water table. But she said testimony forthcoming in the trial would prove that those problems began prior to the trench being excavated or the storm drain being laid.

The question is, who was in the best position to prevent this problem and who was in the best position, when the problem arose, to fix the problem? This is not a case of Southern Oregon Underground doing a bad job.

The trial continues today in Judge Phil Arnold's courtroom in Jackson County Circuit Court.

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