7/7/2015

Dave and Julie Webb

4617 Gebhard Road

Central Point,

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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.

Julie D. Webb Xm. Se

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.

Mail Tribune

By BUFFY POLLOCK

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.



Print Page

PHOTO/ MAIL TRIBUNE / JIM CRAVEN

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 vet to get their say." Warren said.

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 vallev."

"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 reap."

http://www.mailtribune.com/article/20010430/News/304309653



y ,for the Mail Tribune Print Page

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.

Moil Bilgeris

By ,for the Mail Tribune

Print Page

June 19. 2003 2:00AM

Six of the original 10 Beebe Road plaintiffs remain involved

Final well dispute heads to trial

CENTRAL POINT 'After a final unsuccessful attempt at mediation last week, attorneys in a five-year-old water rights case have announced they will go to trial.

The case, which involves a dozen property owners along Beebe Road, began in the summer of 1998 when wells allegedly dried up after a storm drain was placed under Beebe Road during development of the Central Point East subdivision.

Neighbors filed suit against developers, contractors and city and county governments in April 2000.

In May, four of 10 plaintiffs opted to settle with all 10 defendants and the six remaining property owners settled with all but one.

- Scott Borison of Laura Schroeder Law Offices in Portland. representing the plaintiffs, said attorneys had hoped to settle with the final defendant last week but that a number of the parties involved refused to meet for the final mediation.

We had hoped to settle but at this time we're going full tilt for trial Aug. 5, he said. Exact amounts and damages will be closed in on as we get closer to the trial.

The trial will involve six homeowners, whom attorneys have declined to name. The defendant is Southern Oregon Underground, the contractor that excavated the trench for a storm drain that neighbors feel caused the aquifer below their homes to drain.

Longtime homeowner Helen Gebbard, one of the plaintiffs who settled, said that no amount of mediation and court cases could bring back the water or dead trees or repair cracked foundations.

Gebhard said this week that her family had owned the orchard that is now the Central Point East subdivision and said she was sad and frustrated that promises to keep the land as an orchard were never kept.

Three years after the Gebhards sold the land, it was resold and slated for development.

Now that made us pretty unhappy but it wasn't our land any longer, she said.

Gebhard's home was among those that sustained significant structural damage because of the drained aquifer, she said.

I've lived in that house for 44 years with plenty of well water and now it's awful tasting, full of lime, sulfur, boron. ... It's just all very sad, especially to see those folks (in the subdivision) with all the water they can use, watering their lawns and having plenty to use.

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By ,for the Mail Tribune

Print Page

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.

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By _____, for the Mail Tribune

Print Page

August o6. 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 vet 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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Moil Trioune

By , for the Mail Tribune

Print Page

August 19. 2003 2:00AM

Beebe Road plaintiffs awarded damages

A local company must pay Beebe Road neighbors 15 percent of their entitled damages because it created a nuisance when it built a storm drain that plaintiffs said depleted their wells, a Jackson County jury decided Monday.

The claims ranged from &

36;67,000 to &

36;243,000 for the six plaintiffs in the case.

The jury said Southern Oregon Underground was not negligent, however, when it built the storm drain in 1998 for Central Point East, a new subdivision.

Plaintiffs said the storm drain caused a drop in the water table, not only sucking their wells dry but cracking foundations and drying up their landscaping. Southern Oregon Underground maintained the neighbors were having water troubles before the trench was excavated for the drain.

— Plaintiff Marty Mingus said he felt the jury was fair in its decision, though the amounts awarded would hardly undo the damage the neighbors suffered.

Our judgment was for &

36;113,000 and we get 15 percent of that, said Mingus, who was forced to drill a second well after he lost his only source of domestic water.

Makes it tough, but it's OK. The jury did a great job, he added. They're people just like us who made the best decision they could.

The case began five years ago and numbered as many as 10 plaintiffs and 10 defendants. Most claims were settled out of court, however, leaving six plaintiffs and Southern Oregon Underground, which has since been acquired by LTM Inc.

LTM attorney Renee Rothauge of Portland said she was pleased Southern Oregon Underground had been vindicated of the charges, which at one point could have resulted in &

36;2.2 million in claims.

It's a win for the plaintiff in the sense it was an &

36;800,000 verdict, she said. I think this jury, by saying they held the engineers and developers 80 percent at fault for this, were saying that better care needs to be taken in the future. I think this case has really made a difference in that respect.

As to my client, I stand by my position that my client did the job they were supposed to do and the jury ultimately found they were not negligent and built the product they were told to do.

The six plaintiffs are Gus Picollo and family. Jim Sutton, Tom and Kayce Brown, Jim and Juanita Rager, Brenda and Marty Mingus and the Archdiocese of Portland.

Original defendants included Jackson County, the city of Central Point, Central Point Properties, LLC, Thornton Engineering and DeCarlow Homes.

An earlier plaintiff, Doug Pfaff of Hamrick Road, who settled in June, said compensation for his neighbors was not enough.

The whole purpose of all this was to get our water back, he said. But five years later, the bottom line is that, still, nobody's got any water.

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