

To the Columbia County Board of Commissioners

From Gene Hester Speaking for the concerned People on Tide Creek Road

Thank you from all of us concerned for taking the time to address our appeal . And I would like to thank the great people at Columbia County Planning Department that have been so very patient and helpful to us coaxing us through all of this process. We are mostly in our mid 60's and beyond . Some of us are in our 70's - 80's. The process of, and negotiating the computer skills is something very foreign to most of us. The Planning Department personnel have helped us immensely with great smiles, understanding and amazing attitudes. Thank You.

Personally looking back through this whole process I counted about 18 letters and 77 illustrations that we have entered into this case. It is a little overwhelming to say the least. Our total focus has been on the effect that the proposed Lupine Meadows can have on our lives concerning our water/water rights, property values , nuisance, and our health and safety . It seems to us that through due process things that we have shed huge light on have been purposely whitewashed.

1- Tide Creek Road. There are valid concerns over the condition of Tide Creek Road. Along with the many wells with low volume water and water storage tank systems there are 2 families on Tide Creek Rd. that have well issue's effected by ground movement. One has had his main water line pulled apart 3 times. The other family has a well that has a destroyed well casing from ground movement . They had to dig a new well. The well is 50' off of Tide Creek Rd. on a well documented fault line and slide area.. Mike Russel from Public Works stated that this could be a concern with heavy truck traffic. No one knows what regular traffic is doing to it . The so called TIA provided by the applicant is what we consider bogus to say the least. Nowhere is it mentioned in the TIA that the whole half mile lower road section of Tide Creek Road is a studied and documented live slide area that this, tore up mess of a road, is sitting on. The average trip per day per household in the TIA is way way

off from national standards . It seems the TIA refused to address the very dangerous west bound Hwy. 30 left hand turn. The TIA says nothing about the horrible condition of Tide Creek Road that is well illustrated in the enclosed documentation.

The TIA says ; Highway 30 pavement condition - POOR.....Tide Creek Road pavement condition - UNKNOWN. This is supposed to be a Transportation Impact Analysis. The TIA does not cover one issue Tide Creek Road has. This TIA report is like getting an IRS audit and you get to hire your own auditor.

2- Contiguous Property. Contiguous property is based on existing property lines and deeds at the very time of a measure 49 application. Contiguous property can limit and restrict the placement of houses on nearby properties of the same owner. Frank is covering this in his letter. Why is this not being addressed ? We have brought it up at the meetings but the Planning Committee members would not even ask us questions about it. Is it not important that 8 new homes may not be legal on the property in the applicants application? It is complicated but there really may be something to this. It seems that Petersons have done a lot of property line movements and deed transfers that may not let contiguous property be currently visible. There also may be a deed issue involved here. It is real unclear but can be brought to light with the right answers. When we brought up the possibility of a deed issue with the Petersons at the last meeting the Peterson's immediately jumped up and declared that they (us) had 60 days after notification to respond. One of the Committee Members stated to me ; "That was an admission of Guilt ". getting back to , Notification of WHAT? None of us were notified about anything. We would like to know about this so called notification and when it supposable was.

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3- Our Water . Of all of our concerns our water is first and foremost . After everything that we have put forth it is very clear that our area located within feet of the proposed Lupine Meadow subdivision has huge water problems. Our very poor average flow rates and most of us having to instal expensive storage tank systems is undeniable proof that this proposed subdivision would be like planting a time bomb in a very troubled water area. 8 large homes using an enormous amount of water.

Well water interference is a real thing . You can be effected from new wells miles from you. In fact that is well stated in Oregon law. We have been effected by the last 2 wells that have been dug and are being used near us.

We have senior water rights. Those water rights may not do us any good however. The proposed subdivision is down hill from us. For instance from Frank Hall's house (the middle house in elevation from our properties) It is a 80' elevation drop downhill to the middle of the proposed project. We are in a natural swell that ends downhill on the other side of the proposed project from us. Water in aquifers as well as all water runs downhill through areas just like this.. As well illustrated in documentation I have provided to you from USGS and the EPA our uphill wells cannot outreach or compete with the lower wells. It can suck water right out of the bottom of our wells. Then nitrates from our very close clustered septic systems leach into the aquifer and ruins it all for everybody. This really happens. It's real. The USGS and the EPA illustrations that i have posted here clearly outline this and surly are not making this up. Please refer back to the illustrations I have provided to you from the USGS and EPA that clearly show what can happen when new developments drill wells near older clustered areas like ours.

This can be devastating to both us current residents and the proposed 8 new families near us. Then what ??? The applicants do not care. They only see lots of dollars. We have put all of this out here. They cannot deny it exists.

We are told by the Oregon State Water people that there was a big lawsuit in Washington State recently and they have made new laws about situations like this. The State powers to be we are told, are having meetings right now about change in Oregon law about exactly what we are going through. People we have talked to at state are very dismayed about our water problems and the thought of this proposed project going in close to us. They well know that is is all a recipe for disaster . We are all filling out dry well reports as we were advised to do. Our wells are now going to be monitored by the state on a regular basis. All well and good. But if our water is compromised all it does is build a great big lawsuit. We just want to go back to our hard worked for retirements. We didn't ask for any of this.

4- This is stated in the applicants application....The County is expressly prohibited from interpreting its development standards to prohibit applicant's request ABSENT A STANDARD THAT IS REASONABLY NECESSARY TO AVOID OR ABATE A NUISANCE, TO PROTECT THE PUBLIC HEALTH OR SAFETY. Does Columbia County have standards and current laws to help avoid or abate a nuisance to protect its long time tax paying citizens from public nuisance and danger of health and safety issue's ?The answer is a resounding YES THEY DO. Just pick any subject. Columbia County enforces all kinds of laws that deals with nuisance and laws to avoid or abate public health and safety. The state put that in there for a reason. A reason just like ours would definitely qualify. Please help us here.

5- I am sure I am stepping out on a limb here . Maybe a no no in local politics . Or maybe it will be looked at as rock throwing because we lost. It is none of this.It is not a personal attack at all against the Planning Committee . But this is exactly what happened and we feel that it was not how it should work and we believe we deserver new sets of eyes and ears that really look at us and our pending plight. **Referring to what I am about to say next please excuse the fact that I am not familiar with any of the Planning Committee members I will be talking about or their names or positions.** When the nuisance and public health issue was brought up at the planning committee meeting the gentleman wearing a baseball cap about in the middle of the screen (I think he was a moderator or the Committee Chairman maybe) raised the question about the nuisance and public health issue clause in the application after hearing us mention it. He then said something to the effect of " well we can just ask the opposition's attorney Mr. Cutler to tell us about this because he is an expert in measure 49. Mr. Cutler leaned into his mike and was goin to speak. Then the gentleman with the dark rimmed glasses interrupted and said "NO" and then something to the effect of we are not going there. He went on talking about how it does not apply and we cannot do that or something to that effect. I am sure it is on the video. It is plain as day that the Planning Committee had already agreed and made up their minds. Or at least their leader had. This guy had no intention of letting the Planning Committee adhere to any sensible reasoning that would sway them in the opposing sides

(our)direction. After the meeting someone told me that they had to vote for the applicant. What is going on here ?? That many members and one person could not have a mind of their own!! Again, What is going on here ??? The only thing that we can figure out is that the County is deathly afraid of the State if it makes a decision that the State may not agree with to the point it totally over rides anything even if it is right. Even if it may pose serious repercussions to its long time elderly tax payers. You know, like fixed income, no water, cant afford to red-rill even if they could, property instantly worthless type people that will be destroyed if they loose their water.

The state law says the County is expressly prohibited from interpreting its development standards to prohibit applicant's request. Our well water issues have nothing to do at all with the County interpreting its development standards to prohibit the applicant's request . No development standards at all are even in play here. Our allready severe well water issues totally fit the category of A STANDARD THAT IS REASONABLY NECESSARY TO AVOID OR ABATE A NUISANCE, TO PROTECT THE PUBLIC HEALTH OR SAFTEY. I cant think of a bigger land owner nuisance than a huge threat to our already delicate water situation. Public Health Or Safety.... No showers, no water to drink , cook or bathe with. Sanitation....No water to flush toilets with. Purely Health and Safety.

We have no idea what's going on in the County that steers a Planning Committee to march in step to an unanimous decision against its elderly long time tax paying citizens . It was so obvious when the dark rimmed glasses guy adimmatty stopped an expert on measure 49 from describing A STANDARD THAT IS REASONABLY NECESSARY TO AVOID OR ABATE A NUISANCE, TO PROTECT THE PUBLIC HEALTH OR SAFTEY .

Peterson's are wealthy Land Barron's. There is nothing wrong with that. Free enterprise and success is totally supported here. That is America and it has made us Free and Great. We have nothing against them. It seems to us personally that they are not on the up and up for many reasons including possible deed issues. Some are questionable issues

that are in this letter. That is how it appears to us. That is their lives and their decisions that they may have to answer to. Petersons have many many places that they can put these home sites. We believe in a little time that we can show that contiguous borders at the time of their application for measure 49 only allows for 1 house on that property. We would also like to know why we did not receive a 60 day notice several years ago or whenever it was.

We are asking the Columbia County Board of Commissioners to please study all the information that we inclosed that has been forwarded to you. Please consider the health and safety and property of all of these people on Tide Creek Road that can be severely long term effected from the repercussions of this proposed subdivision. Please consider that the State allows the County to deny the applicant the application to Avoid Or Abate A Nuisance To Protect The Public Health And Safety. The applicants have the property and wherewithal to place this so many other places.

We all only have one home. I have been in mine 42 years. One of us has bene here 51 years ..it goes on. We have all been her a long time. We ask that the Board of Commissioners please do not let this application be approved.

Sincere Thanks For All Of Your Time And Consideration, Gene Hester
and The Concerned Property Owners On Tide Creek Road