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November 2, 2023

Columbia County Planning Commission

**Re: Measure 49 Subdivision, Application No. S 23-01; Continued Hearing,
November 6, 2023**

Dear Commissioners,

Again, I represent Frank Hall, Gene Hester, and John Parsons, neighbors residing across the road from the proposed new residential subdivision. Despite the continuance, and additional time for the applicant to commission a Transportation Impact Study (TIA), and supplement her application materials to address the valid concerns of opponents, county staff and members of the planning Commission, the Applicant has failed to provide an adequate TIA, or to properly address any such concerns. In apparent disregard for my October 6, 2023 and all the important, relevant concerns raised therein, the traffic study submitted this week fails to address, much less analyze or provide data regarding left turn traffic from HWY 30 onto Tide Creek Road. This is an incomplete, inadequate study of the HWY 30/Tide Creek Road intersection. Similarly, the TIA fails to address anything regarding the well documented and easily observable poor road surface condition and safety concerns of Tide Creek Road to Hwy 30. Inexplicably, the TIA's only reference to the road surface conditions of Tide Creek Road is buried and dismissed in a footnote: "Tide Creek Road is approximately 20 to 22 feet wide with narrow to non-existent paved shoulders and steep grades. A pavement condition rating was not available." See TIA, p. 5. Again, see also, numerous documented conditions and safety concerns addressed by opponents and addressed in Counsel's October 6, 2023 letter, all of which could have been readily observable to the applicant's traffic engineers on site doing their field work, but they apparently chose to ignore.

As to the supposed lack of crash "trends," the TIA ignores the artificially lowered traffic volumes due to the Covid-19 lockdowns and pandemic (the last 2 years of the only five-year data set used), fails to provide the most relevant, recent available data on crashes at the HWY 30/Tide Creek Road intersection, and seriously downplays safety concerns at the intersection. It also fails to take into account that ODOT-reported data does not include the myriad of unreported incidents occurring at the intersection on a regular basis, as opponents can attest, and have so attested.

As to the necessity and triggering of the need for a TIA, the TIA suggests that a TIA may not have been necessary as the project is anticipated to generate less than 25 peak and or 400 daily trips. See TIA, “note” on page 6. Such a comment is unnecessary and misleading as total projected trips is only one of many applicable and existing triggers requiring the traffic study under Section 1450. Any one of the other clearly relevant and applicable criteria triggers the need for a TIA. See analysis and multiple relevant triggering criteria addressed in Counsel’s September 11, 2023 letter. The TIA fails to reference or address any of the other applicable criteria. The TIA was definitely required. It is just unfortunate that its scope and findings are inadequate to ensure the adequacy and safety of the transportation system as impacted by the proposed subdivision.

With respect to deed history, irregularities, and any entitlement to Measure 37,49 relief raised in my September 11 Letter (Resubmitted with all attached evidence September 19, 2023), applicant has ignored the issues raised, rather than respond or offer any explanation for the irregularities.

As to water issues, the applicant chooses to ignore, rather than address the glaring concerns both for adequacy and safety of the supply at the proposed site, and for surrounding residents. I urge county staff, the applicant and all commissioners to read Gene Hester’s recent letter dated November 1, 2023. It is a factual, heart-felt, well-researched, well-supported and brutally honest account of the truly dire well and ground water conditions for the area and including the proposed subdivision. See also the well water issues also powerfully addressed in Frank Hall’s September submissions. The existing residents are already strained and suffering and at times greatly impacted from intermittent availability of water. At the worst of these times they are forced to live under worse than 19th century conditions . . . i.e., substantial periods when they have no water for drinking, bathing, washing clothes, dishes, toilets, hygiene or anything else. At least in early settler times, water was abundant and pioneers in the territory could rely on their wells, once excavated! This is simply not the case after the better part of two centuries of depletion of groundwater. This is a health and safety issue and should not be ignored. The applicant’s position on water is disingenuous at best. The suggestion that a few data points regarding flow before any actual sustained demand is placed on the proposed subdivision wells means there are no water issues is absurd, given the abundant testimony and evidence to the contrary. If facts, science, the concerns of state hydrologists, and well documented existing conditions mean anything, the residents of the new subdivision can expect to have water problems. They will draw from the same ground water. They are literally **across the street** from neighbors already greatly suffering from flow so low they cannot meet even basic needs. And this is the case even though, as Gene points out most of the neighbors across the road are elderly with only two residents at most per household. This will not likely be the case with new residents of 8 new 4-bedroom homes drawing on the already depleted aquifer. The applicant’s willful and feigned ignorance of the serious water problems and apparent willingness to press forward is only inviting severe future problems for existing and new residents and inviting future litigation.

The applicant has failed to adequately address or respond to any of these issues or the many raised in the opposition’s prior submissions. The applicant has failed to carry her burden of proof. The subdivision application should be denied. The applicant should be encouraged to resubmit a subdivision application when she is prepared to provide additional evidence, explanations and arguments supporting her application, particularly as to all points raised.

Again, thanks to all of the commissioners for their service, valuable time and attention to this matter.

Very truly yours,

_____/S/_____
Thomas H. Cutler