

EXHIBIT 29.1 TESTIMONY

- **Project Name:** COOPER MOUNTAIN COMMUNITY PLAN

- **Case File Numbers:** LU42024-00682, CPMA42024-00679, TA42024-00680,
ZMA42024-00681

- **Mailing Address:**

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This COOPER MOUNTAIN COMMUNITY PLAN is getting the cart before the horse.

When West Hills Land and Development submitted their plan to develop Scholls Heights at South Cooper Mountain PUD [now owned by South Cooper Mountain Owner LLC aka Taylor-Morrison], they were required to commission a Traffic Impact Analysis Study. That May 22, 2017 document [Project #: 20567] by Kittelson & Associates, Inc. addressed “the cumulative transportation-related impacts of full build-out of the neighborhood”...which was a plan to “develop up to 707 single family homes and up to 275 multifamily units on the Scholls Heights property...currently occupied by farmland and several single family homes, all of which will be replaced by the development... with full occupancy expected in 2022.”

I suspect the part about the “single family homes...which will be replaced by the development” is the principal reason the \$7.33B South Cooper Mountain Owner LLC has not turned a spade in the fallow real estate surrounding our two single-family homes. That’s my wild speculation.

A few reasons that seems likely to me is because on Thursday 7-Mar-19 7:00 PM during a CPO6 Public Meeting at TVFR Comm Room (Blanton), Brian Martin, City of Beaverton Long Range Planning Manager while giving an SCM Area Update, fielded a complaint from one of the attendees [there was a sign up, so there is probably a record of suspects and witnesses] why the city has taken so long to acquire certain private property as the price-value has increased significantly, costing the project more. In response, he lamented the fact that Beaverton lacked the power of condemnation, mollifying the protestor by asserting that the Willamette Water Supply Program (WWSP) is armed with that authority and would likely use it (ostensibly to the protestor’s gain). That response sent a chill up my spine, but I just made a note and set it aside.

Imagine my surprise when the WWSP later showed up with papers declaring their intent to demand an easement on our property despite the obvious option of avoiding our property altogether, given that it was clearly neither needed nor required as they had stated, but they merely “wanted” to place the pipe under the “future improved Tile Flat Road, as provided in the South Cooper Mountain Concept Plan”.

It almost sounded like the WWSP was being coached by the City of Beaverton’s Long Range Planning Manager or other parties how to erode the value of our property for the benefit of the \$7.33B developer stuck in limbo because their “corporate structure has changed dramatically...[and they] have significantly different internal metrics that [they] need to achieve to move forward with a deal” such that their latest offer to us was a fraction of the inflation-adjusted equivalent of what the Jury awarded Crescent Grove Cemetery vs. Beaverton for the land now occupied by Mountainside High School.

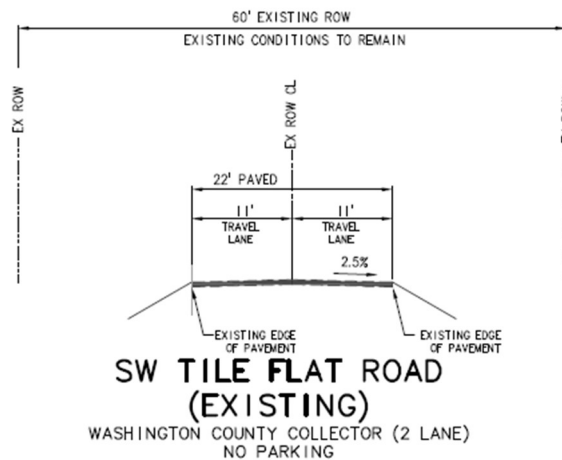
Imagine my surprise, also, when I noticed suspect verbiage in WWSP’s initial contract “Grantees may assign or transfer their interests without consent of Grantor”. We wonder who they had in mind. We instructed our Attorney to strike that clause from the easement contract “offered” to us and restrict the easement for the exclusive purpose of the pipeline.

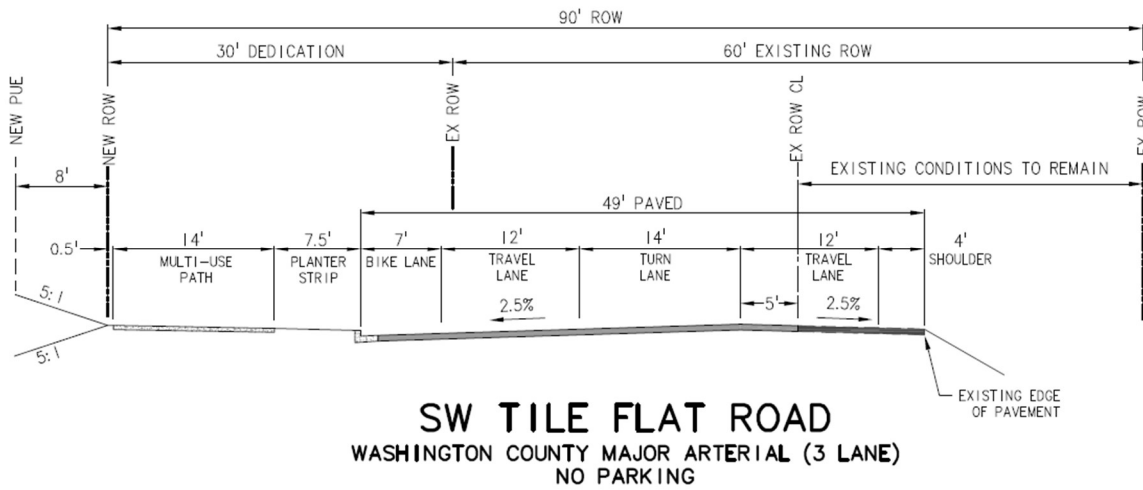
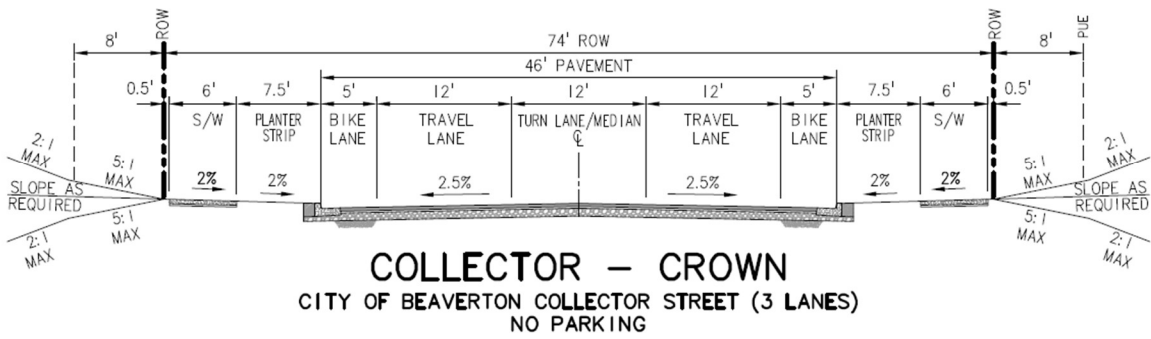
Why is this COOPER MOUNTAIN COMMUNITY PLAN getting the cart before the horse?

According to a phone conversation I had with Polygon’s Land Acquisition Manager 5/30/2019 @3:56 PM, their 110 “closings” did not yet trigger their “obligation fulfillment” to widen SW Tile Flat Road. Clearly, the safety trigger should not be how many beds South Cooper Mountain Owner LLC sells, but how many vehicles are loading our narrow country lane regardless of which builder sells those beds. That’s an undue burden on TMHC, IMHO. I believe that threshold was crossed a long time ago, endangering every builder’s customer(s).

SW Tile Flat Road, despite the concerted attempts to gaslight us, does not meet the specifications of a proper Arterial, much less a Collector. In fact, Otak’s drawing is a bit deceptive (I assume unintentionally). The so-called “(EXISTING) TRAVEL LANE” is not actually the generously inflated 11’. If you measure between the lane markers, vehicles here have only 101” (i.e., 8’-5”) of wiggle room before they risk initiating a lane change maneuver as defined by International UN Regulation 79.

Otak gets credit for these drawings:





This is the actual lane width (coloring *between* the lines) where our first fatality crossed into the oncoming traffic lane midday July 25th, 2024, at 2:25 PM, the 12th local accident, up from the 8 that I previously reported to the City Planners.

The current development has changed the dynamics of our narrow country lane and resulted in our first fatality: young Mai Grace Tankersley, 17, who lost control of her Wrangler, rolled and slammed into a telephone pole in front of my eyes, upside down, facing the opposite direction, in a drainage ditch,

having miraculously avoided all the accumulating oncoming traffic. The increase in traffic over the next two years before the currently scheduled road improvements begin will be a morbid roll of the dice that will increase the probability of reaping more souls.

It's unconscionable that Beaverton is continuing to make plans to make this death trap even more dangerous by adding more beds before correcting the known defects, notably immediately

1. Reducing the allowed speed here (despite the conflicting need to increase throughput)
2. Add a "Dangerous Curve" warning sign (That alone committed Mai to death within a sub-second of normal inattention at the default legal speed of 55mph).
3. Add a "Change of Speed" warning sign.
4. Add a solar-powered flashing overspeed detection display (The town of Canby with 1/5th of Beaverton's population, has one at N Knights Bridge Rd. & N Ash St.).
5. Demand the WWSP immediately recontour the shoulder to the required (former) slope of 5:1 max. Several vehicles have run off the road here before they degraded it to a lethal danger. They're legally obligated but are dragging their feet for some reason.
6. Widen the road to the original plan as stated in the [Cooper Mountain Community Plan](#) which states:

The arterials roads...[including] SW Tile Flat Road are existing roads that will require upgrades to improve safety (turn lanes and controlled intersections, for example) and accommodate more ways to travel (walking, bicycling, using a mobility device, using an electric scooter, etc.).

7. Stop approving more beds until this road is made safe. Please, No More Deaths!

Presumably, our properties will be acquired by good-faith negotiation and not by smoky back-room agreements favoring hostile parties contrary to Section 1 of the 14th Amendment of the US Constitution guaranteeing "equal protection of the laws" or of Black's Law Dictionary, revised 4th Edition Canons of Judicial Ethics on ancient precedents:

"Ye shall not respect persons in judgment; but ye shall hear the small as well as the great..."
Deu. 1:17

The lyrics of a song I composed about our formerly tranquil family home include the lines:

"Island serene, mansion or shack,
Oasis of Faces smiling back..."

Our property is no longer an oasis of faces smiling back.
Here, Mai's family has lost their daughter, sister, granddaughter, niece...

