



MEMORANDUM

TO: Planning Commission

FROM: Elena Sasin, Associate Planner

DATE: May 6, 2020

SUBJECT: APP2020-0002 Appeal of Southridge Park Subdivision Minor Adjustment (ADJ2019-0018)

On April 8, 2020 the Planning Commission (Commission) received oral and written testimony in support of, and against, the appeal (APP2020-0002) of a Minor Adjustment application (ADJ2019-0018) in association with the Southridge Park Subdivision proposal. At the April 8, 2020 hearing, the Applicant, Riverside Homes, requested that the hearing be closed and the record remain open for 14 days until April 22, 2020 at 5:00 p.m., allowing anyone to submit argument and evidence into the record. This was followed by an additional 7 days, until April 29, 2020 at 5:00 p.m. for anyone to rebut materials received through April 22, 2020. The Applicant only was given 7 more days, until May 6, 2020 at 5:00 p.m. to submit a final written argument without introducing new evidence into the record. The Commission granted the request at the April 8, 2020 hearing.

The Appellant submitted additional written arguments (Exhibit APP1.4) on April 22, 2020 but did not submit a rebuttal by April 29, 2020. Therefore, Staff's responses below are limited to the issues raised in the Appellant's April 22, 2020 written submittal and an email received in support of the appeal from David C. Stewart (Exhibit APP3.15) on April 21, 2020.

Appellant's Letter Received April 22, 2020

Assertion 1. The reduced lot sizes do not fit in this neighborhood and because this builder has not built in Beaverton, the homes they build are not compatible with the vision of an established Beaverton neighborhood.

Staff's Response to Assertion 1. None of the approval criteria for a Minor Adjustment application require that a proposal demonstrate compatibility or fit into a neighborhood, as previously addressed in the April 1, 2020 Staff Supplemental Memorandum.

Assertion 2. Staff did not provide a response to a Commissioner's question about whether or not the extension of SW 133rd Avenue was identified in the City of Beaverton's Transportation System Plan (TSP). The Appellant further notes that the extension is not identified in the TSP.

Staff's Response to Assertion 2. Not all necessary connections are identified in the TSP nor are they required to be. On page VI-40 in Chapter 6: Transportation Element of Beaverton's Comprehensive Plan, the following is stated:

Beaverton's Development Code requires that additional street, bicycle, and pedestrian connections be considered and constructed where feasible. The Figure 6.7 and Table 6-3 recommendations address some of the existing local street stubs and additional identified potential connections in the study area. The fact that there are potential connections not noted on the map or in this table does not negate the Code requirements for additional multimodal connections. Numbers correspond to map locations. Arrow directions are general in nature and represent the recommended direction, though arrow direction may change with design. Additional collector and arterial connections are noted on the Functional Classification map.

Additionally, Staff incorporates staff's findings found on pages FR-8 through FR-10 in Staff Report dated February 19, 2020 in response to Assertion 2 herein.

Assertion 3. The issue of safety of the new street frontage of the extension of SW 133rd, along Meadow Way Park has not been adequately addressed by either the developer or by Tualatin Hills Parks and Recreation District or by city staff.

Staff's Response to Assertion 3. Staff refers to findings provided in Staff's April 1, 2020 Supplemental Memorandum, on pages 4 through 5.

Email Received from David C. Stewart on April 21, 2020

Assertion 1. The proposed lot widths are narrower than those within the surrounding neighborhood and therefore the new street will not fit esthetically with the surrounding neighborhood, as dictated by the Comprehensive Plan.

Staff's Response to Assertion 1. Within the R5 zoning district, there are no minimum or maximum lot dimensions (BDC, Section 20.05.15). As mentioned previously herein, approval criteria for the Minor Adjustment application do not require that a proposal demonstrate compatibility or fit into a neighborhood, as previously addressed in the April 1, 2020 Staff Supplemental Memorandum. Furthermore, none of the Minor Adjustment approval criteria address the Comprehensive Plan.

EXHIBITS:

Exhibit APP 1 – Appellant Materials:

APP1.4 – Letter received (via email) on April 22, 2020 from Deborah Stewart

Exhibit APP 2 – Applicant Materials:

APP 2.5 – Letter received (via email) on April 22, 2020 from Wayne Hayson

APP 2.6 – Letter received (via email) on April 29, 2020 from Wayne Hayson

APP 2.7 – Letter received (via email) on May 6, 2020 from Michael C. Robinson

Exhibit APP 3 – Public Comment:

APP 3.15 – Email received from David C. Stewart on April 21, 2020

EXHIBIT APP 1.4

Received
Planning Division
04/22/2020

To: Elena Sasin, Associate Planner
Anna Slatinsky, Planning Division Manager

From: Deborah Stewart

April 21, 2020

Subject : APP2020-0002 Appeal of Southridge Park Subdivision Minor Adjustment (ADJ2019-0018)

Additional Comments to the Planning Commission

The developer pointed out that the photos shown comparing street frontage from Riverside Homes in Hillsboro with homes in the surrounding neighborhood of proposal show different lot sizes due to different zoning. I would ask the commission to consider that this is exactly what we are appealing in the approval of the reduced lot size in that these lots as designed and proposed do not fit in this neighborhood in Beaverton. This builder has not built in Beaverton so I would argue that the homes they build are not compatible with the vision of an established Beaverton neighborhood. In approving this, this development as proposed, the commission is communicating to the citizens of Beaverton that they really are only interested in a developer getting the most bang for their buck and not in actually caring about what a neighborhood might actually look like as a result of the approval of a development.

Regarding the street proposal, one commission member asked the question of whether this street extension is included in the city's transportation plan. City staff representative did not in fact answer this question but instead referred to the Engineering Design Review and the conditions of approval that have been added regarding safety issues.

The answer to the question asked by the commissioner is in fact no. This street extension is not and has never been in the city's transportation plan. The idea for the street originated within the planning department at a pre approval conference with the developer and not from a revision in the transportation plan. It should be noted again that previous unsubmitted design proposals did not include the street extension but that through discussions with city staff, the suggestion of the street extension was made by city staff within the planning department. Again the neighbors' objection to the approval of this adjustment and development overall is that proposals were suggested and then approved in contradiction to existing transportation plans for the area and then arcane engineering design criteria regarding block lengths was brought in to justify an internal change to transportation policy that has heretofore not been part of a public planning process. This has contributed to the sense that the neighbors have that city staff are making decisions that are not in the interest of the residents of the city as a whole.

The issue of safety of the new street frontage of the extension of SW 133rd, along Meadow Waye Park has not been adequately addressed by either the developer or by Tualatin Hills Parks and Recreation District or by city staff beyond acknowledging that the existing sidewalk/path through the park meets the requirement for sidewalk code. As neighbors and park users where should these concerns be addressed? Which entity is responsible?

The residents of this neighborhood do sincerely hope that the commission will make a decision that takes into account the long-term vision and impact , not only on our neighborhood but the city overall.

TECHNICAL MEMORANDUM

To: Ms. Jennifer Nye, Chair
City of Beaverton Planning Commission

From: Wayne Hayson 
Pioneer Design Group, Inc.

Project: **Riverside at Southridge Park**
City of Beaverton Case File Nos ADJ 2019-0018 and APP 2020-0002.

Date: April 22, 2020

RE: **Applicant's Response for the First Open Record Period**

Background

Prior to the initial Appeal Hearing of City of Beaverton Case File Nos ADJ 2019-0018 and APP 2020-0002 on April 8, 2020, the applicant submitted a letter from Michael Robinson, dated April 3, 2020, requesting that the Hearing be closed and the record remain open for 14 days until April 22, 2020 at 5 p.m. for anyone to submit argument and evidence into the record; for another 7 days until April 29, 2020 at 5 p.m. for anyone to rebut materials received into the record through April 22, 2020; and for 7 days until May 6, 2020 at 5 p.m. for the Applicant only to submit final written argument without new evidence into the record pursuant to ORS 197.763(6)(e). The Planning Commission granted the request, and this memorandum serves as the applicant's response to the First Open Record Period.

As detailed in the applicant's oral testimony, and the written submittal to the Planning Commission dated April 2, 2020, the applicant continues to assert that none of the testimony, either written or oral, presented in support of the Appeal of the Directors Approval of City of Beaverton Case File ADJ 2019-0018 addresses any of the relevant approval criteria for a Minor Adjustment contained in BDC 40.10.15.1.C.1-14, or alleges a lack of evidence to support the City's Decision. BDC Section 50.65.2.E. provides that an appeal must contain the following information:

The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.

Accordingly, the applicant continues to respectfully request that the Planning Commission either dismiss the Appeal of ADJ2019-0018 as jurisdictionally defective or, in hearing the Appeal, affirm the Decision, reject the Appeal, and Approve the Minor Adjustment Application.

Response to Oral Testimony

Notwithstanding the above, the applicant would like to respond to several issues raised during oral testimony.

Procedure Type

The Appellant incorrectly alleges that the initial application should have been determined by the Director as requiring review as a Type III procedure, based on the language of BDC Subsection 50.15.1.C., which states:

A Type 3 procedure typically involves an application that is subject to criteria that require the exercise of substantial discretion and about which there may be broad public interest, although the application applies to a limited number of land owners and properties.

The Appellant cites the Appeal by the South Beaverton Neighborhood Association as evidence of “broad public interest” necessitating the use of a Type III procedure. However, BDC Section 50.15.1. begins by qualifying those situations in which the Director has the opportunity to determine the procedure type. BDC Section 50.15.1. states (emphasis added):

An application shall be subject to the procedure type specified in the Code, if any. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.

Each of the applications submitted by the Applicant in relation to the Southridge Park development, and in particular ADJ2019-0018, is clearly specified in the Code as a Type II procedure, with the exception of the Sidewalk Design Modification which is specified as a Type I procedure, as follows:

- LD2019-025 – BDC 40.45.15.5.B.;
- FS2019-0018 – BDC 40.30.15.3.B.;
- ADJ2019-0018 – BDC 40.10.15.1.B.;
- TP2019-0012 – BDC 40.90.15.2.B.; and
- SDM2019-012– BDC 40.58.15.B.

As each application is specified in the BDC as requiring a Type I or II procedure, the Director is not afforded the opportunity to determine a different procedure using the guidelines specified by the Appellant. It is further noted that the Appellant cited the review of the original Meadow Waye Park application through a Type III procedure as evidence that the Southridge Park development should also be subject to the Type III

procedure. However, as opposed to a preliminary subdivision, which as stated above is specified in the BDC as a Type II application, Civic Recreation activities such as a Public Park are considered a Type III Conditional Use in accordance with BDC 40.15.15.3.B.

Through Street Connection

The Appellant testified that the requirement to provide a vehicular connection between SW 133rd Avenue/SW Bluebell Lane and SW Davies Road provides potential danger to park users, creates parking congestion, is inconsistent with previous application of the BDC, and creates neighborhood circulation patterns which will adversely impact existing residents. The Applicant notes that preliminary approval of the through street connection was determined as part of City of Beaverton Case File LD2019-025, which is not subject to these Appeal proceedings, and is therefore not subject to supplementary review. Further, in response to neighborhood concerns, the Applicant attempted to facilitate the development of additional parking within the development and adjacent to Meadow Way Park, however this attempt was ultimately unsuccessful when Tualatin Hills Park and Recreation District declined to participate. The relevant approval criteria for ADJ2019-0018 do not require the Applicant to accommodate parking within the subject site for adjacent uses.

In addition to the above, it is noted that the through street connection was anticipated and planned as part of the plat of Speer’s Meadow, which was recorded with the Washington County Surveyors Office January 6, 1997. Properties to the north of the subject site are located within this subdivision. Appropriate right-of-way dedication for the extension was provided within the plat of Speer’s Meadow, and a street stub was constructed as part of the subdivision’s required public improvements. While the location of the street shifted to the west following the approval of Meadow Way Park, it does not change the fact that the through connection has been identified by the City for over 23 years, concurrent with the development of Speers Meadow, and prior to the conception, design, and construction of Meadow Way Park.

Riverside Homes Development Streetscape Examples

During testimony, the Appellant presented an exhibit (Slide 10) showing homes built by Riverside Homes, and described the homes as being “probably similar” to those to be built within the Southridge Park development. However, the Applicant notes that the homes shown were located within the City of Hillsboro’s MFR-1 Multi-Family Residential Zone, which has a Minimum and Maximum Net Residential Density of 11 to 16 Dwelling Units Per Acre, versus the actual density achieved within the Southridge Park development of 8.33 Dwelling Units Per Acre. The homes shown as “probably similar” were located on typically 32-foot-wide lots with 3-foot side yard setbacks (6 feet between buildings). The lots approved with the Southridge Park development are between 40 and 50 feet wide, with 5-foot side yards (10 feet between buildings). As such, the examples shown by the Appellant reflect much denser development than that proposed within the Southridge Park development, with smaller homes located closer together, and limited curb area between driveways. The examples provided, including the

images of domestic roll carts awaiting collection, are therefore not considered comparable to the proposed streetscape.

Street Maintenance

During testimony, the Appellant asked as to the maintenance responsibilities for road improvements along the east side of the extension of SW 133rd Avenue. All public improvements proposed for the east side of the street, including curb and gutter sections, will be constructed within dedicated public right-of-way. As such, responsibility for maintenance of all roadway improvements, including curb and gutter sections, will fall to the City of Beaverton as is typical for residential development, and not to the Tualatin Hills Park and Recreation District. Improvements located within the property boundaries of Meadow Way Park, including the pedestrian trail and fencing, will remain the responsibility of the District.

Conclusion

Based on the findings presented herein, all materials submitted by the Applicant, the Staff Report and Notice of Decision, the Staff Memorandum to the Planning Commission, and oral and written testimony in the record, the Applicant has demonstrated full compliance with the applicable Minor Adjustment approval criteria of BDC 40.10.15.1.C.1-14. Conversely, the Appellant has failed to address any of the relevant approval criteria for a Minor Adjustment contained in the above referenced criteria, and has further failed to satisfy BDC Section 50.65.2.E., which provides that an appeal must contain *The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.* Accordingly, the Applicant continues to respectfully request that the Planning Commission dismiss the Appeal as jurisdictionally defective, or affirm the Decision, reject the Appeal, and approve the Application.

TECHNICAL MEMORANDUM

To: Ms. Jennifer Nye, Chair
City of Beaverton Planning Commission

From: Wayne Hayson 
Pioneer Design Group, Inc.

Project: **Riverside at Southridge Park**
City of Beaverton Case File Nos ADJ 2019-0018 and APP 2020-0002.

Date: April 29, 2020

RE: **Applicant's Response for the Second Open Record Period**

Background

Prior to the initial Appeal Hearing of City of Beaverton Case File Nos ADJ 2019-0018 and APP 2020-0002 on April 8, 2020, the applicant submitted a letter from Michael Robinson, dated April 3, 2020, requesting that the Hearing be closed and the record remain open for 14 days until April 22, 2020 at 5 p.m. for anyone to submit argument and evidence into the record; for another 7 days until April 29, 2020 at 5 p.m. for anyone to rebut materials received into the record through April 22, 2020; and for 7 days until May 6, 2020 at 5 p.m. for the Applicant only to submit final written argument without new evidence into the record pursuant to ORS 197.763(6)(e). The Planning Commission granted the request, and the First Open Record Period ended on April 22, 2020 with three submittals – One from the Applicant, dated April 22, 2020; One from the Appellant (Deborah Stewart, representing the South Beaverton Neighborhood Action Committee) dated April 22, 2020; and one from David C Stewart dated April 22, 2020. This memorandum serves as the applicant's response to the materials provided in the First Open Record Period, and serves as the Applicant's Second Open Record Period submittal.

Response to First Open Record Period Submittals

The Applicant is a highly experienced home builder within Washington County, and is sensitive to the challenges associated with infill type development, and the perception of impacts within existing established neighborhoods. The Southridge Park site in particular has several challenges to address, including largely unimproved public street frontages on two sides; frontage on a third side to SW Meadow Way Park; a required through street connection established with development of the Speer's Meadow Subdivision; and a split drainage basin requiring several separate stormwater management approaches under Clean Water Services standards. Despite these challenges, the Applicant has worked diligently with both residents and City staff to design a balanced 9-Lot development at less than maximum density (11-Lots) which provides all necessary public infrastructure

improvements; provides the connectivity desired by the City of Beaverton Comprehensive Plan and Community Development Code; provides needed housing within the community, and maintains the average lot areas within the R-5 District. Accordingly, the City duly approved Case Files LD2019-025; FS2019-0018; ADJ2019-0018; TP2019-0012; and BDC 40.58.15.B. Only Case File ADJ2019-0018 is subject to these hearing proceedings.

As previously detailed in the applicant’s oral testimony and written submittals to the Planning Commission, Appellant and opponent testimony to date has not addressed the relevant approval criteria for a Minor Adjustment contained in BDC 40.10.15.1.C.1-14, or asserted a lack of evidence to support the City’s Decision in approving ADJ2019-0018. The First Open Record Period submittals of both the Appellant and Mr. Stewart again fail to address any of the relevant approval criteria or supportive findings in the record, as required by BDC Section 50.65.2.E

While not addressing a relevant approval criteria, the Appellant states, in part, that the extension of SW 133rd Avenue through the site was approved in contradiction of existing transportation plans for the area, using “arcane” engineering design criteria resulting in a lack of confidence in the decision, and safety and operational issues at the intersections. However, as the Applicant previously stated:

...it is noted that the through street connection was anticipated and planned as part of the plat of Speer’s Meadow, which was recorded with the Washington County Surveyors Office January 6, 1997. Properties to the north of the subject site are located within this subdivision. Appropriate right-of-way dedication for the extension was provided within the plat of Speer’s Meadow, and a street stub was constructed as part of the subdivision’s required public improvements. While the location of the street shifted to the west following the approval of Meadow Way Park, it does not change the fact that the through connection has been identified by the City for over 23 years, concurrent with the development of Speers Meadow, and prior to the conception, design, and construction of Meadow Way Park.

Accordingly, the through connection has been anticipated for well over 20 years, and the Applicant has been required by Conditions of Approval to demonstrate compliance with the City of Beaverton’s Engineering Design Manual, which implements design and construction standards for all public improvements. In addition, Chapter Six: Transportation Element, VI – 40, of the City of Beaverton Comprehensive states (emphasis added):

Beaverton’s Development Code requires that additional street, bicycle, and pedestrian connections be considered and constructed where feasible. The Figure 6.7 and Table 6-3 recommendations address some of the existing local street stubs and additional identified potential connections in the study area. The fact that there are potential connections not noted on the map or in this table does not negate the Code requirements for additional multimodal connections.

The Appellant and Mr. Stewart also raised concerns regarding whether the development will fit esthetically with the surrounding neighborhood; and whether the development is in compliance with the City of Beaverton Comprehensive Plan. While the Appellant believes the proposed development is in compliance with the Comprehensive Plan and all applicable BDC requirements, it is noted that neither neighborhood compatibility or compliance with the Comprehensive Plan are applicable approval criteria for a Minor Adjustment to Minimum Lot Size under BDC Section 40.10.15.1.C.1-14.

Conclusion

Based on the findings presented herein, all materials submitted by the Applicant, the Staff Report and Notice of Decision, the Staff Memorandum to the Planning Commission, and oral and written testimony in the record, the Applicant has demonstrated full compliance with the applicable Minor Adjustment approval criteria of BDC 40.10.15.1.C.1-14. Conversely, the Appellant has failed to address any of the relevant approval criteria for a Minor Adjustment contained in the above referenced criteria, and has further failed to satisfy BDC Section 50.65.2.E., which provides that an appeal must contain *The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.* Accordingly, the Applicant continues to respectfully request that the Planning Commission dismiss the Appeal as jurisdictionally defective, or affirm the Decision, reject the Appeal, and approve the Application.

May 6, 2020

Michael C. Robinson
Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL; SUBMITTED ON MAY 6, 2020 BEFORE 5:00 P.M.

Ms. Jennifer Nye, Chair
City of Beaverton Planning Commission
The Beaverton Building
12725 SW Millikan Way
Beaverton, OR 97005

RE: City of Beaverton File No. APP 2020-0002; Applicant's Final Written Argument
Due on May 6, 2020 before 5:00 p.m.

Dear Chair Nye and Members of the Planning Commission:

This law firm represents the Applicant, Riverside Homes. This letter is the Applicant's final written argument without new evidence.

1. Introduction.

The Applicant agrees with the Planning Director's (the "Director") approval of the Minor Adjustment Application, the April 1, 2020 Staff Report to the Planning Commission and staff testimony at the April 8, 2020 Planning Commission public hearing. The Applicant agrees with the staff recommendation that the Appeal be denied and the Director's decision affirmed.

The Planning Commission can rely on, in addition to the Application and the Staff Reports, the Applicant's April 1, April 22 and April 29, 2020 letters from Pioneer Design Group, and the Applicant's March 13, 2020 letter from this law firm.

2. The only decision before the Planning Commission is the appeal of the Director's approval of the Minor Adjustment Application, ADJ2019-0018, to reduce the size of subdivision Lots 6, 7, 8 and 9.

The Planning Commission has a great deal of testimony before it but the only decision to be made in this appeal is whether the Applicant met its legal burden of proof to demonstrate that the Minor Adjustment approval criteria in Beaverton Development Code ("BDC") 4.0.10.15.1.C.1-14 are met. As explained by the Applicant, the Director's Decision and the Staff Report, substantial evidence before the Planning Commission shows that the Applicant has met its legal burden of proof. The April 1, 2020 Staff Report, Assertions 1-6, explains why these additional issues are not relevant to this decision. No matter how well intentioned the public testimony, the

Planning Commission can find that neither the Appeal nor the subsequent public testimony addressed the approval criteria.

Issues like parking, the through-street, traffic safety and compatibility of homes are not relevant to the approval criteria for the Minor Adjustment decision. The City's Traffic Engineer at the public hearing explained that the through-street is required to meet the block spacing standards and that the narrow street will reduce vehicle speeds and will be stop-controlled, resulting in a safe local street.

The Planning Commission can find that the Appellant appealed only the Minor Adjustment decision.

3. The Beaverton Comprehensive Plan (the "Plan") is not a relevant minor adjustment approval standard.

The Appellants and several witnesses urged the Planning Commission to apply the Plan. However, the reasons contained in the Applicant's March 13, 2020 letter at Page 4 and the April 1, 2020 Staff Report at Page 3 explained that the Plan is not an approval standard.

The Planning Commission can find that the Plan is not a relevant approval standard.

4. The Planning Commission process provided everyone with the ability to have a full and fair hearing and the opportunity to make their case.

Oregon law provides that persons have substantial rights to a full and fair hearing and to make their case. Notwithstanding the adjustments to the usual public hearing process, the Planning Commission provided these substantial rights in the April 8, 2020 public hearing. Persons had an opportunity to submit written testimony before, at and after the public hearing and were able to testify at the Beaverton Building or virtually. The Planning Commission had the ability to question hearing participants. No one challenged the Planning Commission's ability to hold the public hearing. Additionally, persons must explain how a procedural error affected their substantial rights. No such explanation was included in the record.

Further, although Ms. Stewart argued that the Application should not have been processed through the Type II procedure, the Planning Commission can find that the Director correctly processed the Application as a Type II process. In any event, Ms. Stewart did not explain how this alleged error prejudiced her substantial rights.

The Planning Commission can find that it conducted a proper and appropriate public hearing.

Ms. Jennifer Nye, Chair
May 6, 2020
Page 3

5. The Appeal is jurisdictionally defective and should be dismissed.

The Applicant's March 13, 2020 letter at Pages 2 and 3 explained that because the Appeal failed to satisfy BDC 50.65.2.E, that BDC 50.65.3 deprives the Appellant of the opportunity to be heard by the Planning Commission.

Assistant City Attorney Peter Livingston cited ORS 227.175(10)(E)(i) which provides that the Applicant and other parties shall have the same opportunity to make a presentation as if the decision were initially decided in a hearing as a reason that the Planning Commission should hear the Appeal. While the Applicant appreciates the City Attorney's advice, the Planning Commission can find that BDC 50.65.3 allows it to dismiss the appeal.

First, ORS 227.175(10)(E)(i) says nothing about requirements such as BDC 50.65.3 that set standards for a valid appeal. If a valid appeal is not filed, as is the case with this Appeal, ORS 227.175(10)(E)(i) does not prevent dismissal of an appeal.

Second, BDC 5.065.3 is part of the City's adopted land use regulations enacted by the Beaverton City Council. The BDC is enacted, in part, to provide for the proper conduct of land use hearings. Allowing a jurisdictionally invalid appeal to be heard is contrary to the City Council's intent.

Finally, finding that ORS 227.175(10)(E)(i) supersedes BDC 50.65.3 effectively rewrites the BDC.

The Planning Commission should dismiss the Appeal.

6. Conclusion.

The Applicant appreciates everyone's participation in this hearing. For the reasons explained by City Staff and the Applicant, the Planning Commission should either dismiss the Appeal, or deny the Appeal and affirm the Director's decision.

Very truly yours,



Michael C. Robinson

MCR/jmhi

cc Ms. Niki Munson (via email)
Mr. Wayne Hayson (via email)
Ms. Elena Sasin (via email)

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To: Beaverton Planning Commission (mailboxCEDDplanning@beavertonoregon.gov)
Cc: Hon Denny Doyle, Mayor, City of Beaverton
Re: Testimony related to APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE THE SOUTHRIDGE PARK SUBDIVISION APP2020-0002
Date: April 21, 2020

Additional written testimony was solicited from neighbors on this issue prior to April 22. This letter is to provide written testimony related to my verbal testimony in the planning committee meeting on April 8, 2020.

The key objections I have to the proposed subdivision is the proposed space of homes and how this street will not fit esthetically with the surrounding neighborhood, as dictated by the Comprehensive Plan.

The proposed addition proposes lots which are 40 feet wide at the street. My informal measurements showed that this is 1.5x-2X smaller than the houses on the surrounding streets, making a visually ugly addition which does not fit in the neighborhood.

Since April 8, I did a more formal measurement using Google Maps' distance measurement function. I compared lots within 1 block of the proposed new street which were not corner lots nor cul-de-sac lots and thus directly comparable to the proposed addition. Here were the results:

Street	Average street frontage
Bluebell Lane	61 ft
Lancewood	59 ft
Davies	83 ft

Compared with a proposed street frontage of 40 ft, the new street simply won't fit and will substantially reduce the value of the houses in the existing neighborhood.

Please decline the approval for this development. It is not supported by the neighbors as evidenced by the preponderance of written commentary.

Thank you

Sincerely,

David C Stewart
8140 SW Aralia Pl
Beaverton, OR 97008