



RECEIVED

SEP 07 2016

City of Beaverton  
 ATTN: Ms. Elena Sasin, Planning Division  
 The Beaverton Building, 4<sup>th</sup> Floor  
 12725 SW Millikan Way  
 Beaverton, OR 97005

City of Beaverton  
 Planning Services

Re: Partition Application of ADTM Development LLC  
 Case File No. LD2016-0002, TP2016-0003, FS2016-0001  
 Proposed Project Location: 10510 SW 155<sup>th</sup>, Beaverton; Murrayhill Lot# 108

Dear Ms. Elena Sasin & Beaverton Planning Division:

The Board of Directors of Murrayhill Owners Association administers the Amended Declaration of Covenants, Conditions and Restrictions for Murrayhill Owners Association ("CC&Rs"), along with the other Murrayhill Owners Association governing documents. We write because the interests of the lot owners within MOA as a whole require us to oppose the above-referenced land use application for the reasons summarized below. On behalf of the owners within MOA, we urge the City to deny this owner's application to partition its Murrayhill lot.

**FLEXIBLE SET-BACK IS NOT COMPATIBLE WITH SURROUNDING AREA** - As set forth in BDC 40.30.15(3)(C)(3) of the Beaverton Development Code, a flexible setback application cannot be granted unless the applicant demonstrates that the building sizes, lot plan, and building character are "compatible" with the "surrounding area". The surrounding area includes, at a minimum, the four (4) houses on SW Herron Court and one house on SW 155<sup>th</sup> Avenue. The average sized houses on lots are 3,278 SF, whereas this partition shows proposed house sizes of about one-third that size, and also set backs to neighboring properties which are much closer than is compatible with Murrayhill's high priority given to providing reasonable open distances, greenspaces and low percentages of hardscape while also balancing comfortable living distances and optimizing reasonable density requirements which respect all compatibility and storm water issues. Also, the Applicant has failed to adequately address "compatibility" standards, which include the intended design features of the homes and surrounding vegetation and planting plans, which therefore does not allow any method to properly evaluate full compatibility with the "surrounding area".

**FLEXIBLE SET-BACK IS NOT CONSISTENT & DOES NOT MEET CODE**- The applicant has not demonstrated how it has delineated the front, side and rear lot lines, consistent with the definitions set forth in the code (Reproduced below). It appears that the lot lines set forth in the applicant's site plans are not consistent or compatible with required code definitions. As a result, the lot lines are drawn with inconsistencies from one lot to the next, in terms of the set-back measurements, and in relation to proposed lot lines.

**Front Lot Line.** For an interior lot, the lot line abutting a street; for a corner lot, a lot line abutting either street, as determined by the Director at the time of initial construction; for flag lots, the line determined by the Director at the time of initial construction which shall then govern the designation of side and rear lot lines. [ORD 3293; November, 1982.]

**Rear Lot Line.** A lot line which is opposite to and most distant from the front lot line. In the case of a corner lot, the Director shall determine the rear lot line. In the case of an irregular or triangular-shaped lot, a lot line ten feet (10') in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a through lot, each street has a front lot line. [ORD 4071; November 1999]

**Side Lot Line.** Any lot line which is not a front or rear lot line

**Yard.** A required area of land space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowed accessory structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. [ORD 4486; July 2008]

**Yard, Front.** A required area of land extending the full width of the lot between the front lot line or reservation line to a line which is parallel to the front lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain, unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4486; July 2008]

**Yard, Rear.** A required area of land extending the full width of the lot between the rear lot line or reservation line to a line which is parallel to the rear lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4071; November 1999] [ORD 4486; July 2008]

**Yard, Side.** A required area of land extending from the front yard to the rear yard between the nearest side lot line or reservation line to a line which is parallel to the side lot line or reservation line. The distance between the two lines is established by the setback requirement for the subject zoning district. The required area of land is to remain unoccupied and unobstructed from the ground upward except as specified elsewhere in this ordinance. [ORD 4486; July 2008]

**TREE REMOVAL PLAN**- This Application shows an aggressive removal of trees, including many which are not within the proposed building envelopes. Murrayhill has taken extra measures since the mid-1980's to preserve existing trees and greens spaces on every lot in a balanced fashion which takes into account air quality, erosion control, wildlife habitats (including fish), and the aesthetics of mature trees. Trees marked 3, 7, 8, 9, 10, 26, 27, 28 are not within the proposed building envelopes, and are marked for removal for intended grading and extensive hardscape on this steep lot, which also is not consistent with the surrounding area, and creates a lot of extra channel water to concentrated drainage area and into rip rap. This pushes extra water onto neighboring lots, especially Murrayhill lots 28 & 29., creating liability for neighbors and downstream fish habitats, which also violates Metro's objectives. Also, trees #20 (34" dbh) & #25 (33 dbh) are large trees over 75' tall, and take in huge amounts of water per day during the rainy season on this steep lot, and therefore the intended removal will further exacerbate drainage and compatibility issues. The combined results will push extra water onto neighboring lots, especially Murrayhill lots 28 & 29., creating liability for neighbors and downstream fish habitats, which also violates Metro's objectives. Murrayhill Lot 108 as the central part of this application is located within the original Murrayhill Planned Development for this lot were designed and approved by the City of Beaverton to provide protections for habitat consistent with LCDC Goal 5 and the need to protect reasonable urban areas for sustainable habitat. A change of this habitat designation would require a LCDC Goal 5 exception. The applicant has not addressed the importance of this element in the application.

**TRAFFIC SAFETY ISSUES** – The applicant has not demonstrated that the approach road has adequate sight distance to not create a safety issue for the 85 percentile speed of traffic using SW 155<sup>th</sup> Avenue. The applicant has not provided a sight distance study. This study is a required component necessary to adequately demonstrate safe access to the street system, as required by BDC 60.55.35(1). Neighbors have commented about previous accidents near where the proposed side street will access SW 155<sup>th</sup> Avenue, and there is some concerns about some sight-line issues, especially turning left out of a steep and angled approach to 155<sup>th</sup> street, thus potentially putting vehicular traffic and pedestrians at risk.

**STORM WATER DRAINAGE**- The original lots in Murrayhill were laid out with optimum drainage in mind, and to minimize impact to downstream water quality and on neighboring properties. This is why this lot was maintained as a single house lot, instead of re-engineered for 2 or more houses by the original engineering and environmental team at Columbia Willamette (the original developer of Murrayhill). The extremely high percentage of hardscape proposed in this application on this steep slope on Lot 108 will capture water which is currently absorbed into the ground over a broad area and instead concentrate and accelerate these surface waters into channelized flows. The use of a rip rap outfall area will greatly increase channelized flow onto neighboring properties, in violation of BDC 40.03(1)(J). This application does not adequately define how the proposed partition and development will diffuse water to prevent erosion and impact on downstream water quality.

The partition proposal before you is inconsistent with the substantive provisions of code, State Laws, and underlying community values of the surrounding area that they represent. We urge the City to deny this application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Clay Moorhead", with a large, stylized flourish at the end.

Clay Moorhead, President  
Board of Directors  
Murrayhill Owners Association

