

Elena Sasin

From: jeff wittstock <jeffwittstock@yahoo.com>
Sent: Tuesday, August 23, 2016 2:24 PM
To: Elena Sasin
Subject: Development Proposal

EXHIBIT

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Hello.

I received a Notice of Development Proposal, SW 155th 3-lot Partition, Case file: LD2016-0002 TP2016-0003 FS2016-000, and this letter is to inform you of my strong objection to this proposal and project. My objection is based on three issues that are outlined below, and I trust it will be echoed in this community and denial of this project will be taken into serious consideration:

Objection 1 – If the development is to occur, it will cause undo inconvenience and noise pollution, as well as destroy our natural landscape. The noise, construction, obstructions, tearing down of trees and other natural resources for no reason, is in direct conflict with the purpose and the Murray Hill community as a whole. The HOA clearly states that our guiding principles are defined as “The Community was planned to preserve the rich topography and natural resources of the area”.

Objection 2 – I personally made multiple requests to the Murray Hill HOA, and the Beaverton township (currently working with Cyndy Heisler), to allow me removal of only a few branches of a tree. The HOA declined my request. They had a lawyer send me a letter stating that I can not alter or touch a single tree. In order to demonstrate consistency and integrity, the HOA/Township does not seem to be in any position to approve the removal of multiple healthy trees that cause no harm or danger. Any approval of this development project by the HOA will be contrary to previous decisions and show a bias and prejudice, thus nullify their decision to deny my own request. .

Objection 3 – This proposal sends an undesirable precedent, in that it can cause over-population, as well as send a message we can all build sub-structures on our land and tear down all trees and natural resources at will. Birds, deer, and other animals are impacted by these decisions and Oregon prides itself on preservation, not destruction.

Thank you for your time and consideration. I will send hard copy of this message with the other documents. I can be reached if you wish to further discuss this matter.

Sincerely,

Jeff Wittstock

10550 SW Shearwater PL.
908-902-0209

To: Elena Sasin, Beaverton OR planning division

From: Jeff Wittstock

Date: August 23, 2016

Re: SW 155th 3-lot Partition, Case file: LD2016-0002 TP2016-0003 FS2016-0001

Hello.

I received a Notice of Development Proposal, and this letter is to inform you of my strong objection to this proposal and project. My objection is based on three issues that are outlined below, and I trust it will be echoed in this community and denial of this project will be taken into serious consideration:

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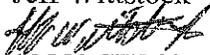
Objection 2 – I personally made multiple requests to the Murray Hill HOA, and the Beaverton township (currently working with Cyndy Heisler), to allow me removal of only a few branches of a tree. The HOA declined my request. They had a lawyer send me a letter stating that I can not alter or touch a single tree. I have attached the request as well as the lawyers response. In order to demonstrate consistency and integrity, the HOA/Township does not seem to be in any position to approve the removal of multiple healthy trees that cause no harm or danger. Any approval of this development project by the HOA will be contrary to previous decisions and show a bias and prejudice, thus nullify their decision to deny my own request. .

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Sincerely,

Jeff Wittstock



10550 SW Shearwater PL.

908-902-0209

To: Murray Hill HOA

From: Jeffrey Wittstock, 10550 SW Shearwater pl

RE: Removal of dangerous tree

Date: May 20, 2016

My request

Background Summary

In August of 2014 I moved to 10550 SW Shearwater pl in Murray Hill. I currently occupy this property with my wife and two children (ages 6 and 8):

- **Within the first several months of moving here we had 3 rain storms with wind. This resulted in many branches from a fern tree crashing onto my roof with a very loud bang.**
- **In the subsequent months we had several moderate storms, all of which resulted in many tree branches coming onto my roof causing loud bangs and needing constant repair and removal (at \$700 per year).**

While living under these conditions, I fear constant threats to my property, as well as the well-being and safety of my family. It is common knowledge that trees cause loss of life and sever damage in Oregon. This tree is an obvious accident that has cause damage and will do in the future.

Location

This tree is located in the common area maintained by Murray Hill HOA. It is approximately 30 feet from my house:

- The tree branches grow directly onto my roof, directly above the roof of our bedrooms and living room, and grow directly into the siding and windows of my house.
- Pictures are available but I prefer to give the HOA a personal tour if you have not already done so. Taking time to stop by this location is preferred.

Past Maintenance

From my observation, there have been at least 30-40 branches cut off this tree over the years, occurring before my arrival and most likely under the guidance of the HOA and previous home owners:

- The HOA may have records of this as it is obvious that this tree is a dangerous nuisance that has caused a threat in the past to previous home owners.
- It appears that a "patch work" approach has been attempted. HOWEVER, as this tree continues to grow this approach does not seem to be a long-term solution.
- I assume the HOA can shed more insight into the past according to their records and I welcome the opportunity for the HOA to share all previous activity and records with me to speed up the process.

- I had a similar tree removed last year (for causing damage to my driveway) and it was approved very easily with no resistance. This is in the HOA records, as I followed the process asked of my by the HOA.

Request and Recommendation

I am requesting removal of this tree due to the safety hazards I see as immanent dangers to property and/or life. In addition, the arborist report does not address any of my concerns nor is the intent of the arborist to apply any opinion of safety issues or property damage. This is unfortunate. I recommend the report be ignored for lack of value and having no relevance to this matter.

I look forward to your reply. I have attempted resolution 7 times (and counting) with no answers or response. As a home owner in good standing, I do expect the minimum at the least. Thank you for taking time to review and take action on my request.

Sincerely,

Jeffrey Wittstock

August 3, 2016

HOA Response to Single Tree

Mr. Jeff Wittstock
10550 SW Shearwater Place
Beaverton, OR 97007

Re: Murrayhill Owners Association / Tree Removal Request

Dear Mr. Wittstock:

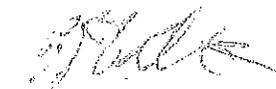
This letter is sent on behalf of Murrayhill Owners Association in reply to your recent emails asking for a history of previous branch removal from several fir trees in the neighborhood, and for an explanation why the Board declined your request to remove a particular tree from common area land near your home. You also sent the Association a bill for several hundred dollars for costs you expect to incur cleaning your property from branches, needles and other debris falling from the tree.

The Association has previously declined to remove the tree located on common area adjacent to your home. The arborist retained by the Association reports that the tree is healthy and in good condition and does not pose an unreasonable hazard.

You do not have authority or permission to remove any branches from that tree, or otherwise to prune, trim or alter the tree in any way whatsoever.

The Association declines to prepare a report you requested describing what branches from various trees in the neighborhood have been removed. The Murrayhill Board of Directors understands that you are disappointed in the Association's decision not to remove this tree. Your disappointment has been noted. Every homeowner, including every MOA director, appreciates the expense and effort involved in home maintenance, including work occasioned by neighboring trees.

Very truly yours,



P. Stephen Russell III, P.C.

/dk

cc: Board of Directors
Murrayhill Owners Association
c/o Nancy LaVoie (via email)
Community Management, Inc.

