

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.