



Community Development Department / Planning Division
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MEMORANDUM

TO: Planning Commission
FROM: Elena Sasin, Associate Planner
DATE: July 7, 2021
SUBJECT: SCM Blackbird Farms

This memo is intended to supplement the staff report dated June 16, 2021, for the proposed SCM Blackbird Farms (CPA2020-0008 / CU2020-0008 / CU2020-0009 / DR2020-0136 / DR2020-0137 / DR2020-0138 / DR2021-0044 / LD2020-0014 / LD2020-0015 / PD2020-0007 / TP2020-0009 / TP2020-0010 / ZMA2020-0008) scheduled for July 7, 2021. The memo incorporates additional exhibits, proposes to remove a SCM Main Street condition, provides updated transportation information, provides findings that demonstrate compliance with State Land Use Goal 10 and corrects typographical errors found in the staff report.

Exhibits

The following exhibits are being submitted to the record:

- Exhibit 4.3 Letter in support of the proposal from THPRD, dated July 2, 2021
- Exhibit 4.4 Fair Housing Council email dated June 25, 2021
- Exhibit 3.49 TIA Addendum, dated July 7, 2021

SCM Main Street - Conditions of Approval

The applicant has requested condition of approval no. 42, for the previously issued Design Review Three application associated with SCM Main Street (DR2020-0067) be removed. The condition erroneously requires that construction commence, prior to Site Development permit issuance. The Site Development permit is the permit that allows site construction to commence, creating an unfulfillable condition of approval where work must commence prior to the permit for said work being issued. Conditions related to construction and other physical improvements are outlined in subsequent sections, requiring the improvements be made prior to final occupancy and release of performance security. Therefore, staff concurs the condition is not needed and was included in error.

In response, staff are providing the following supplemental findings for the Modification of a Decision – Design Review Three (DR2020-0138) application (new text is underlined, deleted text is ~~stricken~~).

Page 196-197 of Staff Report dated June 16, 2021:

Section 40.20.15.3.C.1

Approval Criterion: *The proposal satisfies the threshold requirements for a Design Review Three application.*

FINDING:

The applicant proposes to modify conditions of approval of a previously approved development, SCM Main Street, DR2020-0067 through the Modification of a Decision process:

B. Prior to Issuance of Site Development Permits, the applicant shall:

[...]

41. Submit plans showing that the eastern leg and the southern leg of the SW Main Street and Street A intersection are designed to indicate the streets are private. Both Main Street and Street A are proposed as private streets. Future street extensions of Street A and Main Street could be required to be dedicated as public streets. As such, the entrances to the subject site's portion of both Street A and Main Street shall be designed with commercial driveway aprons, or as otherwise approved by the City Transportation Engineer, to indicate they are private streets. (BDC 60.55.10, and EDM 210.30) (Transportation / KM)

[...]

42. Have commenced construction of the site development improvements to provide minimum critical public services to each proposed lot (access graded, cored and rocked; wet utilities installed) as determined by the City Engineer and to allow for verification that the location and width of proposed rights of way and easements are adequate for the completed infrastructure, per adopted City standards. (Site Development Div. / SAS)

[...]

F. Prior to release of performance security, the applicant shall:

[...]

67. Substantially complete the construction of Street A, a private street intended for emergency vehicle access in Section H-H as shown on applicant's plans, and to serve local circulation in Sections I-I and J-J as shown on applicant's plans. (BDC 40.03.1, 60.55.10, and EDM Standard Drawing 200-4). Improvements include (Transportation/KM):

i. For Street A, Section H-H as shown on applicant's plans, construct a 20-foot wide paved drive aisle; and standard 0.5-foot curbs. On the east side of Street A, construct minimum 6-foot planter strip and 5-foot sidewalk consistent with Local Street Standard Drawing.

ii. For Street A, Sections I-I and J-J as shown on the applicant's plans, construct a 23-footwide paved drive aisle, and standard 0.5-foot curbs. On the east side of Street A, construct minimum 6-foot planter strip and 5-foot sidewalk consistent with Local Street Standard Drawing.

The applicant's proposal includes converting Street A, which is located between the subject site and SCM Main Street, from a private street to a public street. The modifications also include modifying the southern terminus of Street A from an emergency access connection to SW Scholls Ferry Road, into a cul-de-sac and public stormwater facility. The Blackbird Farms PUD proposes to connect to the northern end of Street A, extending it onto the Blackbird Farms site. This connection to the north, and modified terminus at the south also result in minor changes to the SCM Main Street Lot 2 size and landscaping. Condition of approval no. 42 requires erroneously requires that construction commence prior to Site Development permit issuance. Conditions related to construction and other physical improvements are outlined in subsequent sections, requiring the improvements be made prior to final occupancy and release of performance security. Therefore, the condition is not needed and is proposed to be removed.

Section 50.95.6. of the Development Code states that, "The process type for an application to modify a decision shall be based upon the thresholds for the

appropriate application listed in Chapter 40". The original request meets Threshold No. 9 of Design Review Type 3 which reads "A project meeting the Design Review Two thresholds which does not meet an applicable Design Standard."

Conclusion: Therefore, staff finds the proposal meets the criterion.

[...]

Page 201 of Staff Report dated June 16, 2021:

Section 50.95.1

Approval Criterion: *An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.*

FINDING:

The applicant has requested modifications to conditions of approval of the previously approved Design Review Three application (DR2020-0067) SCM Main Street PUD, a mixed-use development that abuts the Blackbird Farms site. The specific changes are to a condition of approval related to Street A, designating it as a private street. This modification proposes to change Street A from a private street to a public street. The modification also includes redesigning the southern terminus of Street A which was approved with an emergency vehicle access connection to SW Scholls Ferry Road, into a cul-de-sac. Additionally, the northern terminus of Street A is now proposed to connect to the Blackbird Farms site where previously it was approved to connect directly to a private parking lot north of Building 2 on Lot 2 of the SCM Main Street site. The changes to Street A modify the size of Lot 2 as well as small portions of the landscaping. A request is also being made to remove condition of approval no. 42 which requires construction commence on the site prior to Site Development permit issuance. This condition of approval was made in error and is not needed. Conditions related to construction requirements are outlined in subsequent conditions of approval for DR2020-0067. This modification is associated with a decision, originally approved through a Type 3 procedure. The applicant must return to the Planning Commission to request this modification.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

[...]

Page 203 of Staff Report dated June 16, 2021

Section 50.95.6

Approval Criterion: *The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in Chapter 40. In all cases, regardless of the thresholds listed in Chapter 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision-making authority determines any one of the following:*

- A. *The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.*

FINDING:

The applicant does not seek to demonstrate that a mistake of law or fact occurred. Conditions no. 41 and no. 67 are proposed to be modified as a result of site design changes and therefore this criterion is not applicable to those modifications. However, condition of approval no. 42 erroneously requires that construction commence on the site prior to Site Development permit issuance. The construction requirements identified in the condition should not occur until after the Site Development permit has been issued. Therefore, the condition was issued in error and is not needed.

Conclusion: Therefore, staff finds the criterion is ~~not applicable~~ met.

Goal 10 Findings

The following findings are intended to supplement the findings provided in the Staff Report dated June 16, 2021 starting on page 53:

Beaverton's Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true both for the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and

Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10. See Table 1 for the number of housing units projected to be needed.

Table 1: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	718	3,886

Source: Beaverton Housing Needs Analysis (part of the city's Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton's Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city's Buildable Lands Inventory (BLI) and Housing Needs Analysis, Beaverton updated its Comprehensive Plan's Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals.

The subject properties are currently vacant and buildable, and already have a Comprehensive Plan Map designation that was approved by the City Council and acknowledged by the State of Oregon. The Comprehensive Plan designation for the subject site is Neighborhood Residential – High Density (NR-HD). The proposed zoning map amendment implements the Neighborhood Residential – High Density Comprehensive Plan designation on proposed Lots 1-5. According to Beaverton's Comprehensive Plan, the R1, Residential Urban High Density zoning district implements and is consistent with that Comprehensive Plan Designation, according to the Comprehensive Plan and Zoning District Matrix found in the Land Use Element:

Comprehensive Plan and Zoning District Matrix

Comprehensive Plan Designation	Implementing Zoning Districts
High Density Neighborhoods	R1, Residential Urban High Density District (1,000)

This zone change facilitates the development of attached and detached dwellings such as Single-Family Detached, Single-Family Attached, Duplexes, 3 or 4 units, and 5 or more units. The zone will allow a maximum of 44 units per acre. In addition, this Zoning Map Amendment is associated with several Land Use Applications for a development that includes a total of 373 multi-family units on Lots 1-5 (totaling approximately 10.68

acres), part of a Planned Unit Development, of which 145 units are proposed to be affordable to households earning between 30 and 60 percent of area median income (AMI). While the proposed development consists of 373 homes in buildings of five or more units, the R1 zone permits the construction of the following residential categories: single-family detached and attached, duplex, three to 4 unit, and five or more unit developments. Each of the categories are identified as needed housing types in the Beaverton Housing Needs Analysis.

The applicant also proposes to amend the current land use designation on a portion of the subject site. The applicant has submitted a Comprehensive Plan Amendment (CPA2020-0008) to request a change to the land use designation of Lot 6 from Neighborhood Residential – High Density to Community Commercial. According to Beaverton’s Comprehensive Plan, the following zoning districts implement and are consistent with that Comprehensive Plan Designation, as stated in the Comprehensive Plan and Zoning District Matrix found in the Land Use Element:

Comprehensive Plan and Zoning District Matrix

Comprehensive Plan Designation	Implementing Zoning Districts
Community Commercial	CC, Corridor Commercial
	CS, Community Service
	C-WS, Washington Square Regional Center – Commercial District*

The applicant's Zoning Map Amendment request also includes applying the Corridor Commercial zoning district to Lot 6. The Corridor Commercial zoning districts allows for a variety of commercial uses and residential uses, including attached and detached dwellings. The zone allows a maximum of 44 units per acre. The specific development on Lot 6 is not yet known, however, Lot 6 is approximately 1.64 acres in size which could accommodate 57 to 71 units.

The subject site is part of the South Cooper Mountain Community Plan (SCMCP) area which was not included in the BLI analysis. However, expected units identified in the Housing Strategies Report for this area were calculated based on the SCMCP and assumed a total of 3,421 units, with 1,129 of those units as multi-family residential. The SCMCP also includes capacity estimates for housing types in South Cooper Mountain (SCM). These potential yields are approximate to reflect that the net buildable area of SCM would not be known until site specific resources assessments and road layouts were evaluated. Table 2 within the SCMCP outlines land use designations and capacity estimates. The total maximum unit count identified within Table 2, is 3,530 units and the minimum is 2,900 units across all housing types. For the High Density land use designation, the maximum capacity is estimated at 1,090 units and the minimum at 950 units. A total of 859 multifamily units have been entitled in the community plan area, not

including the 164 units approved on the adjoining Main Street site, zoned Neighborhood Service. The subject proposal will add 373 units, bringing the total to 1,232 units (1,396 if including Main Street) which exceeds the estimated housing capacity range for high density multifamily residential in the SCMCP and the BLI.

Conclusion: The proposed amendment is consistent and compatible with Statewide Planning Goal 10.

TIA Addendum dated July 7, 2021

The applicant has submitted a Traffic Impact Analysis (TIA) addendum (Exhibit 3.49) to correct some information provided in the TIA dated April 9, 2021. The April 9, 2021 TIA assumed fewer lanes at the SW Scholls Ferry Road and SW 175th Avenue intersection. The applicant's addendum updates the analysis to reflect the current lane configuration.

Typographical Errors

The following corrections are proposed to the Staff Report dated June 16, 2021 (new text is underlined, deleted text is ~~stricken~~).

Page 36, second paragraph:

The applicant states the site contains 486 trees. To accommodate development on the site, the applicant is proposing the removal of 41 trees, including 6 trees that straddle the property line between the subject site and Mountainside High School to the east, and 6 on The Ridge/Lolich Farms property to the ~~east~~ west.

Page 59, second paragraph:

The TIA demonstrates that the intersections that would not be expected to meet mobility targets under the 2035 Horizon Year Intersection Performance Summary were previously identified in the TSP as already degraded. ~~They~~ These intersections will be improved with projects included in the Community Plan; their performance will be unchanged or improved rather than degraded.

Page 74, last sentence:

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends that the Planning Commission recommend APPROVAL of CPA2020-0008 to City Council.

Page 309, last sentence:

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends that the Planning Commission recommend APPROVAL of ZMA2020-0008, subject to the condition of approval in Attachment O, to City Council.



Received
Planning Division
07/02/2021

July 2, 2021

Ms. Terry Lawler, Chair
City of Beaverton Planning Commission
12725 SW Millikan Way, PO Box 4755
Beaverton, OR 97076

**Re: THPRD Letter in Support of the South Cooper Mountain Blackbird Farms Development -
Casefile: CPA2020-0008 / CO2020-0008 / CU2020-0009 / DR2020-0136 / DR2020-0137 /
DR2020-0138 / DR2021-0044 / LD2020-0014 / LD2020-0015 / PD2020-0007 / TP2020-0009 /
TP2020-0010 / ZMA2020-0008**

Dear Chair Lawler,

Please accept the following comments from the Tualatin Hills Park & Recreation District (THPRD).

THPRD supports the applicant's South Cooper Mountain development proposal for Blackbird Farms and urges the Planning Commission to advance the project. The Blackbird Farms development will provide needed affordable housing within a new and rapidly developing area of the City of Beaverton, helping ensure South Cooper Mountain is affordable for all and addressing regional affordable housing supply challenges.

Additionally, THPRD appreciates the partnership formed with the applicant, Wishcamper Development Partners, who were instrumental in helping the district craft its new affordable housing waiver policy. This policy influenced the district's 2020 System Development Charge (SDC) fee update study that contributes to affordable housing production through SDC fee waivers, as well as incentivizing the inclusion of public open space through SDC credits. Also, THPRD appreciates that Wishcamper included the district in early conversations on its South Cooper Mountain development proposals, including Blackbird Farms, providing the time necessary to thoughtfully plan park amenities and gain internal approvals from THPRD staff and leadership.

Finally, THPRD appreciates City of Beaverton staff for continuing to involve us in the development review process. This involvement allows THPRD to verify that proposed developments align with THPRD plans, ensuring quality community recreation space is protected and prioritized.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Swinton".

Peter Swinton
Planner II

C: Jeannine Rustad, JD, Planning Manager

From: [Samuel Goldberg](#)
To: [Elena Sasin](#)
Cc: [Courtney Anderson](#)
Subject: CPA2020-0008 & ZMA2020-0008
Date: Friday, June 25, 2021 5:09:52 PM

EXHIBIT 4.4

Hello Elena,

I'm the coordinator for the PAPAs project, a collaborative between the Fair Housing Council of Oregon (FHCO) and Housing Land Advocates (HLA). In reviewing that staff report for CPA2020-0008 & ZMA2020-0008, we've found that the Goal 10 findings do a good job of describing how much housing is anticipated to be created should the amendments be passed. Equally important however, is a reference to the housing units allocated to this site by Beaverton's buildable lands inventory and the numbers of units allowed currently and how those units are allocated (e.g., single-family attached and detached, townhouses, multi-family etc.). Without that information, which can be found in your most recent HNA and BLI, we don't have a factual basis to say Goal 10 is met because we don't have anything to compare it to. We're asking for supplemental findings which contain that those numbers.

Feel free to reach out to me if you have any questions.

Thank you,

Samuel Goldberg
Program and Administrative Assistant

Fair Housing Council of Oregon

1221 SW Yamhill St. #305

Portland, Oregon 97205

(503) 223-8197 ext. 104

Preferred Pronouns: He/Him/His



Fair Housing Council Hotline - Fridays 9:00 a.m. to 12:00 p.m.

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MEMORANDUM

Received
Planning Division
07/07/2021

EXHIBIT 3.49

DATE: July 7, 2021
TO: City of Beaverton
 Washington County
FROM: Dana Beckwith, PE, PTOE
 Richard Martin, EIT

SUBJECT: South Cooper Mountain Blackbird Farms TIA Addendum 2

P20-010

This memorandum serves as an addendum to the Traffic Impact Analysis (TIA) submitted for the South Cooper Mountain Blackbird Farms Development on April 9, 2021¹. Since submittal of the TIA, it was identified the lane configuration at the intersection of SW Scholls Ferry Road at SW 175th Avenue is different than was shown in the original TIA. The lane configurations used in the original TIA and the updated lane configuration is shown in Figure 1.

HCM results for all analysis scenarios have been updated to reflect the current lane configuration and are provided in Table 1. Although the V/C ratios improve in comparison to what was identified in the original TIA, they still fall below City standards by the 2023 Background Scenario. It should be noted that the volumes used in the analysis are conservative with increases for future year scenarios based on continuous growth rate applied on an annual basis. This method of applying growth is different than would have been applied to the original South Cooper Mountain Concept Planning documents that would have utilized travel demand forecast models and take into account future roadway connectivity anticipated to be developed in the South Cooper Mountain area, but are not currently present. It is anticipated once the transportation system network is built with all connections identified in the South Cooper Mountain Concept Plan, traffic will redistribute providing future V/C ratios that are better than those shown in Table 1.

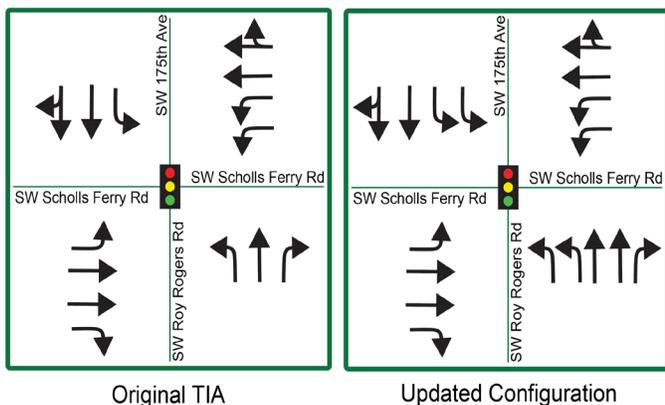


Figure 1: Lane Configurations

¹ 20210409 SCM Blackbird Farms TIA, submitted by Global Transportation Engineering April 9, 2021.

Table 1: Intersection Performance Summary

SW Scholls Ferry Road / SW 175th Avenue / SW Roy Rogers Road	Mobility Targets	Peak Hour	HCM Results		
			Delay (Sec) ¹	Level of Service	V/C
Signalized					
2021 Existing Conditions	V/C < 0.98 Delay < 65 sec	AM	35.9	D	0.91
		PM	48.0	D	0.72
2023 Background Conditions		AM	63.9	E	1.03
		PM	84.9	F	1.04
2023 Buildout Conditions		AM	64.6	E	1.03
		PM	77.8	E	1.05
2025 Background Conditions		AM	65.8	E	1.04
		PM	87.8	F	1.06
2025 Buildout Conditions		AM	72.0	E	1.06
		PM	99.6	F	1.10
2035 Buildout Conditions		AM	78.4	E	1.10
		PM	99.3	F	1.15

Notes: ¹Delay is reported as the average total delay of the intersection, **Bold** = does not meet mobility target