



Community Development Department / Planning Division  
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## MEMORANDUM

TO: Planning Commission

FROM: Lauren Russell, Associate Planner and Elena Sasin, Associate Planner

DATE: May 5, 2021

SUBJECT: ADJ2021-0004 / DR2020-0008 / TP2020-0001 Scholls Ferry Apartments

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The applicant has requested to withdraw applications ADJ2021-0004, DR2020-0008 and TP2020-000. The project was noticed for the May 12, 2021 Planning Commission meeting. Please find attached the withdrawal request from the applicant.

**May 5, 2021**

**TO: Anna Slatinsky**

Pronouns: She/Her/Hers

Planning Division Manager | Community Development Department

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**From: Habib Matin, PE, PhD**

Scholls Development LLC

10475 SW Helenius St

Tualatin, OR 97062

**RE: Scholls Development 96 Units Apartments**

15584 SW Scholls Ferry Road, Beaverton, OR 97007

Dear Anna:

Thanks for reaching out and discussing the issues associated with Tree protection covenant that is currently in place through Trillium apartments on our access easement.

**Background**

We secured this property about June 2018 with feasibility study for future apartment development at our site located at 15584 SW Scholls Ferry Road in Beaverton. As part of feasibility study, I requested a pre-application meeting with City of Beaverton to get assurance on the access to our property. During the pre-application meeting I was assured by City staff and transportation engineer that City of Beaverton has secured easement and developed shadow plan with preliminary design to satisfy the access to our property. Based on this assurance we went ahead and acquired the property in December 2018 and started the planning and design process.

During this process we noticed that City of Beaverton has not provided the sewer stubs to our property when other surrounding developments were completed. I talked extensively with City staff and City planners to find a solution to sewer connection. Our design team went over several design options and finally through extensive negotiations with our neighboring properties we were able to secure the sewer easement for our project. This process took several months.

We received notice of completion on July 20, 2020 for our project and worked with City staff and our design team to provide all information necessary to achieve the project requirements. The last piece of information that was needed by City was consent from Trillium apartment to cut few trees in our secured access area which by mistake is dedicated as tree protection area under a covenant that was recorded by Trillium apartments.

At this time, we are scheduled for May 12<sup>th</sup>, 2021 for planning commission to review our proposed development. While staff are supportive of our project to be approved by planning commission, due to lack of authorization from Trillium apartments and existence of Tree protection covenant staff is going

to recommend the denial for our proposed development. At the same time City is under the time constraints to approve this project within 365 days per State law.

**In order to** accommodate City's timeline and to reach out a consensus with Trillium apartments removing the tree protection covenant, Scholls development is withdrawing their application for the proposed 96 units apartments with the following understanding:

1. City of Beaverton will facilitate a meeting with City's attorney before May 14<sup>th</sup>, 2021 in order to discuss how to go forward and steps needed to remove tree protection covenant immediately.
2. City of Beaverton planning will do their best to expedite the new application process and rescheduling the new date for planning commission avoiding further delays on our development approvals.
3. City of Beaverton will utilize all legal leverage to enforce consensus from Trillium apartments to revise the tree protection covenant avoiding any legal actions by parties.

Anna, as we discussed on the phone, we have suffered significant delays on this project due to issues that we should not be engaged with if the sewer line and access road issues were resolved while other development projects were approved. We are not here to blame anyone of these issues, and I trust your judgement and we will work with City of Beaverton with all our good faith to arrive at a mutually beneficial solution for another successful development in City of Beaverton. I am hopeful we will find the resolution quickly so we can proceed with our development. Thanks for your sincere cooperation on this matter

Regards,



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Habib Matin, PE, PhD  
Scholls Development LLC