



MEMORANDUM

TO: Planning Commission
FROM: Lauren Russell, AICP, Associate Planner
DATE: May 20, 2020
SUBJECT: SC-MU Zone Footnote Clarification Text Amendment (TA2020-0003) Supplemental Memorandum

Staff received the attached public testimony regarding SC-MU Zone Footnote Clarification Text Amendment application after the staff report dated May 13, 2020, was published. This memorandum provides additional findings for Statewide Planning Goal 10.

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. The following table contains the number of housing units projected to be needed.

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

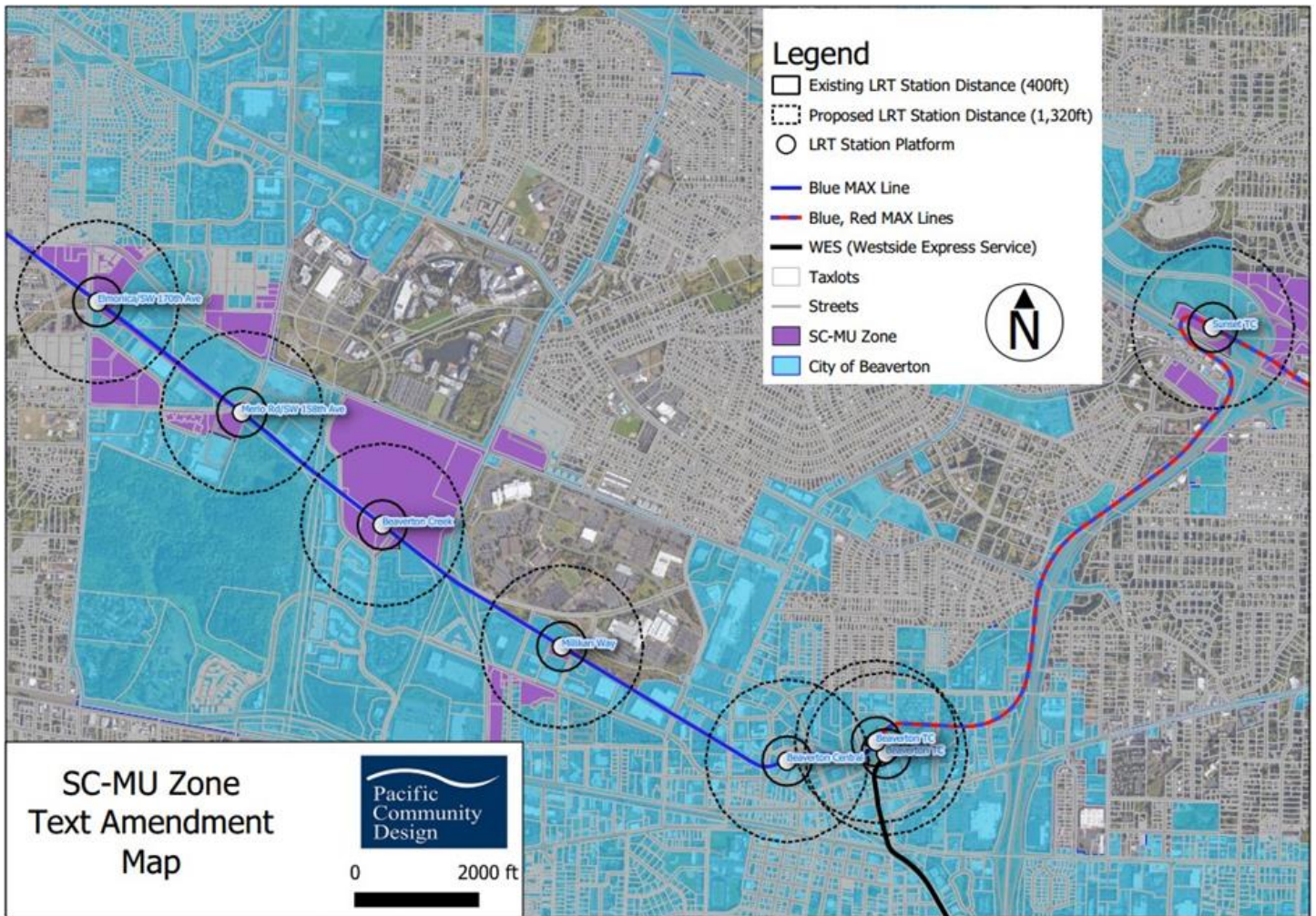
	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	718	3,886

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 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 staff report for the original SC-MU Zone Text Amendment (TA2019-0001) dated October 16, 2019, included the following findings:

“The applicant has provided the following map of the SC-MU areas affected by the proposed Text Amendment. There are currently five LRT [Light Rail Transit] stations within the City of Beaverton that abut SC-MU zoned properties: Elmonica/SW 170th Avenue; Merlo Road/SW 158th Avenue; Beaverton Creek; Millikan Way; and the Sunset Transit Center. This map compares the existing 400-foot distance versus the 1,320-foot (one-quarter mile) distance proposed. The existing 400-foot distance only affects four tax lots. By increasing the distance to 1,320 feet, 24 tax lots would be eligible to apply the new rules upon redevelopment, subject to approval of Design Review and other required Land Use application review, as applicable.”



The 20 additional tax lots eligible for increased FAR and building height total approximately 63 acres. With approximately 63 acres of SC-MU zoned land that can be developed with residential or mixed-use residential projects with a maximum FAR of 2.0 instead of 1.0 and a maximum building height of 100 feet instead of 60 feet, many more units of needed housing, including duplexes, three or four attached units, and five or more attached units, can be developed within Beaverton’s Station Communities. Adding the phrase “for sites” to these footnotes, which DLCDC found consistent with the Statewide Planning Goals (DLCDC file Beaverton – Amendment 008-19), will make the Development Code easier to understand and utilize. Staff concludes that the SC-MU Zone Footnote Clarification Text Amendment is consistent with Goal 10, Housing, because the available it will enhance the ability of the City to meet its share of the housing needs of citizens of the State.

Exhibit 2. Public Comment

Exhibit 2.1 Letter from Louise Dix, Fair Housing Council of Oregon AFFH Specialist, received May 20, 2020

May 20, 2020

City of Beaverton Planning Commission
12725 SW Millikan Way
Beaverton, OR 97005

Re: The City proposes to amend the Beaverton Development Code (BDC) to clarify code language to make the Code easier to understand and apply in file TA2020-0003

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for local file number TA2020-0003 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "the proposal will enhance the ability of the City to meet its share of the housing needs of citizens of the State" they comply with Goal 10. However, the findings neither quantifies what the City meeting "its share" of housing needs entails, nor the amount of housing the amendments have the ability to facilitate/produce. For example, what amount of land in the SC-MU zone is within 1,320 feet of a Light Rail Transit station platform, and how many more housing units will



the increases in FAR make permissible? Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, the City should reference its HNA and BLI in order to provide an adequate factual basis for Goal 10 findings. For example, Goal 10 findings should contain what type and quantity of housing is needed by the City, and how many units the amendments have the potential to provide. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through local planning file number TA2020-0003.

HLA and FHCO urge the Commission to defer approval of local file number TA2020-0003 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar
Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Peter Livingston (plivingston@beavertonoregon.gov)