

Notice: The Order No. 2761 mailed on May 19, 2020 contains language concerning the appeal process that is incorrect. That scrivener's error has been remedied in this *corrected* Order, which matches the Notice of Decision mailed earlier and replaces the previously mailed Order.



NOTICE OF DECISION

May 19, 2020

To Whom It May Concern:

The Beaverton **PLANNING COMMISSION** has issued a decision of **DENIAL** of **APP2020-0002 (Appeal of Southridge Park Subdivision)**, thereby affirming the Director's Decision **APPROVING ADJ2019-0018 (Southridge Park Subdivision)** at the Commission's May 13, 2020 meeting. The Land Use Order summarizing the Commission's decision can be viewed and downloaded at <https://apps2.beavertonoregon.gov/DevelopmentProjects/>. You may contact the project planner identified below to have a copy of the land use order mailed or emailed to you.

The Planning Commission decision is final. Any appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.805 through ORS 197.860. A notice of intent to appeal shall be filed not later than 21 calendar days after notice of decision is mailed or otherwise submitted to parties entitled to notice. Mailing of notice on May 19, 2020, results in an appeal deadline of **June 9, 2020**.

The complete case file is available for electronic review by contacting Elena Sasin, the project planner at esasin@BeavertonOregon.gov or (503)526-2494.

Sincerely,

Elena Sasin
Associate Planner

cc: Jody Yates
Jabra Kasho
Matt Scott
Darlene Welch
Lynn Fredricks
Julia Wallner
Ardith Bowman
David C Stewart

Kimberly McArthur
Christine and Joe Carrey
Cristina Tomkins
Dave and Marva Keefer
Olivia Stone
Alexandra Litt & Family
Barbara Pyle

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
12725 SW Millikan Way
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL) ORDER NO. 2761
OF AN APPEAL OF A MINOR ADJUSTMENT) APP2020-0002 ORDER DENYING
APPLICATION FOR SOUTHRIDGE PARK) THE APPEAL OF A MINOR ADJUSTMENT
SUBDIVISION.) (ADJ2019-0018) APPLICATION.

The matter came before the Planning Commission on April 8, 2020, and on May 13, 2020 on a request to appeal the Director’s decision to approve a Minor Adjustment application to reduce the standard size of four lots (6, 7, 8 and 9) associated with the Southridge Park Subdivision. The subject site is located at 13335 SW Davies Road, Tax Lot 14600 on Washington County Tax Assessor’s Map 1S128AB.

The appellant contended that the reduced lot sizes were not compatible with the established surrounding neighborhood, that the proposal was inconsistent with the Comprehensive Plan and that the proposed through street (extension of SW 133rd Avenue) would be unsafe. The applicant rebutted that the appeal failed to satisfy Beaverton Development Code Section 50.65.2.E, which requires that the appeal identify “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.” The applicant also explained that compatibility

and the Comprehensive Plan were not applicable approval criteria for a Minor Adjustment application. Addressing the safety of the street concerns, City of Beaverton Transportation Engineer, Jabra Khasho, stated during the April 8, 2020 hearing that high speeds are not expected on the extension of SW 133rd Avenue because it will be a narrow street and stop-controlled at both ends.

Pursuant to Ordinance 2050 (Development Code) Section 50.80, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated February 20, 2020, Supplemental Staff Memorandum dated April 1, 2020, Supplemental Staff Memorandum dated April 7, 2020, Supplemental Staff Memorandum dated April 8, 2020 and Supplemental Staff Memorandum dated May 6, 2020 and the findings contained therein, as applicable to the approval criteria contained in Section 40.10.15.1.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **APP2020-0002** is **DENIED**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated February 20, 2020, Supplemental Staff Memorandum dated April 1, 2020, Supplemental Staff Memorandum dated April 7, 2020, Supplemental Staff Memorandum dated April 8, 2020 and Supplemental Staff Memorandum dated May 6, 2020.

Motion **CARRIED**, by the following vote:

AYES: Lawler, Uba, Nye, Overhage, Saldanha, Winter.
NAYS: None.
ABSTAIN: None.
ABSENT: Brucker.

Dated this 19th day of May, 2020.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2761 an appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.805 through ORS 197.860. A notice of intent to appeal shall be filed not later than 21 calendar days after notice of decision is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Mailing of notice on May 19, 2020 results in an appeal deadline of June 9, 2020.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



Digitally signed by Elena Sasin
DN: C=US,
E=esasin@beavertonoregon.gov,
O=City of Beaverton, OU=Planning
Division - CDD, CN=Elena Sasin

ELENA SASIN
Associate Planner

APPROVED:



Digitally signed by
Jennifer Nye
Date: 2020.05.19
17:16:45-07'00'

JENNIFER NYE
Chair

Anna Slatinsky

Digitally signed by Anna Slatinsky
DN: C=US, E=aslatinsky@beavertonoregon.gov,
O=City of Beaverton, OU=CDD Planning Division,
CN=Anna Slatinsky
Reason: I am approving this document
Date: 2020.05.19 19:38:15-0700'

ANNA SLATINSKY
Planning Division Manager