



NOTICE OF DECISION

September 18, 2020

To Whom It May Concern:

The Beaverton **Planning Commission** has issued a decision of **DENIAL** of **APP2020-0004** thereby **AFFIRMING** the Community Development Director's decision and **APPROVING EXT2020-0002 (Time Extension of Verizon Facility at 7400 SW Scholls Ferry Road)**, at the Commissioner's August 19, 2020 meeting. The Final Order summarizing the Commission's decision can be viewed and downloaded at <http://apps.beavertonoregon.gov/DevelopmentProjects/> and has been attached.

The Planning Commission's 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 under ORS 197.615. Mailing of notice on Friday, September 18, 2020, results in an appeal deadline of Friday, October 9, 2020.

The complete case file is available for review at the Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Avenue and can be provided by the project Planner upon request. For more information about the project, please contact **Sambo Kirkman, Senior Planner** at **(503) 526-2557** or skirkman@beavertonoregon.gov.

Sincerely

Sambo Kirkman
Senior Planner

cc: Jeff and Kelly Diephuis
Kim Allen
Bryan Adams
Meridee Pabst
Craig Brunkenhoefer
Project File

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

IN THE MATTER OF AN APPEAL OF THE)	ORDER NO. 2774
DIRECTOR'S DECISION TO APPROVE EXT2020-)	APP2020-0004 APPEAL OF THE TIME
0002 TIME EXTENSION OF THE VERIZON)	EXTENSION OF VERIZON FACILITY AT 7400 SW
FACILITY AT 7400 SW SCHOLLS FERRY ROAD,)	SCHOLLS FERRY ROAD (EXT2020-0002)
VELOCITEL, REPRESENTING VERIZON)	
WIRELESS, APPLICANT.)	

The matter came before the Planning Commission on August 19, 2020, on an appeal of the July 10, 2020 Director's decision to approve the applicant's Time Extension application (EXT2020-0002). The appellant asked the Commission to reverse the Director's decision and deny EXT2020-0002 Time Extension of the Verizon Facility at 7400 SW Scholls Ferry Road. The applicant proposes a time extension to the Variance application associated with the new Wireless Facility on the property owned by the Spirit of Grace Church.

The subject site is located at 7400 SW Scholls Ferry road, specifically identified as Tax Lot 3700 on Washington County Tax Accessor Map 1S123DB. The site is zoned Residential Urban Standard Density 7,000 square feet (R-7).

Pursuant to Ordinance 2050 (Development Code) Section 50.65 and 50.80 through 50.83, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. The appeal hearing was "de novo," meaning that the Commission could consider evidence and arguments not already raised in the Director's Decision.

The appellant made two assertions of error, the first is the applicant did not provide evidence that it is not practicable to comment development within the time allowed beyond the reasonable control of the applicant and that the second being the Director's decision was not based on adequate findings that the criterion under Section 50.93.6 had been met. The applicant clarified that the funding mechanism through the national organization are outside the control of the regional offices that obtained the land use approval. The Commission finds that the reasoning is sufficient to satisfy Criterion 50.93.6.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Director's Decision dated July 10, 2020, supplemental Staff Memorandum dated August 12, 2020, and the findings contained therein, as applicable to the approval criteria contained in Section 50.93 of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that **APP2020-0004** 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 Director's Decision, dated July 10, 2020 and the supplemental Staff Memorandum dated August 12, 2020.

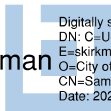
Motion **CARRIED**, by the following vote:

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

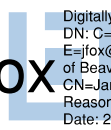
Dated this 18th day of September, 2020.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:


 Digitally signed by Sambo Kirkman
DN: C=US,
E=skirkman@beavertonoregon.gov,
O=City of Beaverton, OU=CDD,
CN=Sambo Kirkman
Date: 2020.09.17 16:18:28-07'00'

SAMBO KIRKMAN
Senior Planner

 Digitally signed by Jana Fox
DN: C=US,
E=jfox@beavertonoregon.gov, O=City
of Beaverton, OU=Planning Division,
CN=Jana Fox
Reason: Approve Additional Items
Date: 2020.09.17 16:08:50-07'00'

JANA FOX
Current Planning Manager

APPROVED:

 Digitally signed by
Jennifer Nye
Date: 2020.09.17
11:42:57-07'00'

JENNIFER NYE
Chair