



## MEMORANDUM

### City of Beaverton

#### Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** December 6, 2018  
**Subject:** Notice of Decision for EXT2018-0003 7440 SW 78th Ave Subdivision  
Time Extension

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Please find attached the notice of decision for EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for EXT2018-0003 is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- 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 appeal fee of \$250.00, as established by resolution of the City Council.

**The appeal closing date for EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension is 4:30 p.m., December 18, 2018.**

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Current Planning Division, Community Development Department, 4<sup>th</sup> Floor, City Hall, 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m. Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.

# NOTICE OF DIRECTOR'S DECISION

DATE: December 6, 2018

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension

LOCATION: 7440 SW 78th Avenue  
The site is also described as Tax Lots 3500 on the Washington County Tax Assessor's Map 1S124CA

SUMMARY: The applicant, Integral LLC, is seeking a time extension for a previously approved 6-Lot Subdivision (LD2016-0007) authorizing the preliminary subdivision of a lot in the R7 zone, located at 7440 SW 78th Avenue. The applicant is requesting a time extension due to logistical engineering factors between the City of Beaverton and Washington County at the start of the project, combined with storm water issues that arose during construction. The approvals for the land division would have expired on September 22, 2018. This request for the land division, will extend the expiration date of the original approval by two (2) years, to September 22, 2020.

No changes to the originally approved application are being proposed. All critical facilities required for this development were evaluated during the review of the original Preliminary Subdivision application LD2016-0007. All original conditions of approval still apply.

PROPERTY OWNER: Integral LLC  
Attn: Marsha and Gene Rakhlin  
7711 SW Capital Highway #314  
Portland, OR 97219

APPLICANT'S REPRESENTATIVE: Integral LLC  
Attn: Marsha and Gene Rakhlin  
7711 SW Capital Highway #314  
Portland, OR 97219

DECISION: **APPROVAL of EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension**, subject to Conditions of Approval identified herein.

**Key Application Dates**

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day*</u>	<u>365-Day**</u>
EXT2018-0003	September 17, 2018	October 17, 2018	February 14, 2019	June 14, 2019

\* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to Section 50.25.9 or unless State law provides otherwise.

\*\* The total of all extensions may not to exceed 365 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

**Existing Conditions Table**

<b>Zoning</b>	Residential Urban Standard Density District (R7)	
<b>Current Development</b>	Vacant Lot. One detached single family home was demolished in 2016.	
<b>Lot Size</b>	Approximately 1.07 acres	
<b>NAC</b>	Denney Whitford/Raleigh West	
<b>Surrounding Uses</b>	<u>Zoning:</u> North: Unincorporated Washington County R5 Residential  South: Unincorporated Washington County R5 Residential  East: Unincorporated Washington County R5 Residential  West: Unincorporated Washington County R5 Residential	<u>Uses:</u> North: Single Family Residential  South: Single Family Residential  East: Single Family Residential  West: Single Family Residential

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<b><u>Exhibit 1:</u> Public Comments</b>	
1.1 Letter received November 8, 2018 from Don and Lorraine Larson of 7285 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.2 Email received November 9, 2018 from James Vandehey of 7170 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.3 Email received November 11, 2018 from Terri Harbaugh of 7230 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.4 Email received November 11, 2018 from Deborah Kelly a resident of SW 77 <sup>th</sup> Avenue (exact address was not provided), expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.5 Email received November 13, 2018 from Steve Bailey of 7225 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.6 Email received November 13, 2018 from KJ Doyle, a resident of SW 77 <sup>th</sup> Avenue (exact address was not provided), expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.7 Email received November 14, 2018 from Karen and Jared Molis of 7380 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	
1.8 Letter received November 14, 2018 from Mary Rigg, a resident of SW 77 <sup>th</sup> Avenue (exact address was not provided), expressing concern over the condition of and access limitations on SW 77 <sup>th</sup> Avenue.	
1.9 Letter received November 15, 2018 from Cliff and Catherine Peru of 7097 SW 77 <sup>th</sup> Avenue, Portland, OR 97223, expressing concern over the condition of the SW 77 <sup>th</sup> Avenue.	

**Public Comment Response**

The public comment received related to this application focused on frustrations with the condition of SW 77<sup>th</sup> Avenue and SW 78<sup>th</sup> Avenue during construction of the subdivision. The condition of streets during construction is not a land use issue reviewable under the approval criteria for a time extension application. However, the City of Beaverton's Site Development Division has been working diligently with the applicant and Washington County to make sure that the condition of both SW 77<sup>th</sup> Avenue and SW 78<sup>th</sup> Avenue remain safe during construction. The Site Development inspector visits the site often, as do I, the land use planner, to ensure that all City requirements are being met for both the land use and site development permits. We will continue to do so until the applicant is able to obtain a final inspection and move forward with recording their subdivision plat with Washington County and ultimately obtaining building permits for the proposed single family homes. Specific safety concerns should be reported to Thu Mai, Site Development Inspector at [tmai@beavertonoregon.gov](mailto:tmai@beavertonoregon.gov).

**ANALYSIS AND FINDINGS FOR  
7440 SW 78TH AVE SUBDIVISION TIME EXTENSION  
EXT2018-0003**

**Section 50.93 Extension of a Decision**

1. ***It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.***

**Facts and Findings**

The applicant states that logistical engineering factors between the City of Beaverton and Washington County at the start of the project combined with storm water issues that arose during construction, are the primary reasons beyond the reasonable control of the applicant, for the delay of the project. The applicant was required to obtain permits with both the City of Beaverton and Washington County for work in both rights-of-way and has found that the reality of working with and coordinating two separate jurisdictions to be challenging while also adding additional time and delays to the project.

**Therefore, staff finds the proposal meets the criterion for approval.**

2. ***There has been no change in circumstances or the applicable regulations or Statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.***

**Facts and Findings**

Staff concurs with the applicant's statement, that no changes to the applicable regulations or statutes that would necessitate a modification of the original decision or conditions of approval have occurred.

**Therefore, staff finds the proposal meets the criterion for approval.**

3. ***The previously approved land use decision is not being modified in design, use, or conditions of approval.***

**Facts and Findings**

The applicant states that there are no proposed modifications to the previously approved land use decision. All conditions of approval of the original decision (LD2016-0007) remain effective for the proposed development. No modifications are approved with this Time Extension application.

**Therefore, staff finds the proposal meets the criterion for approval.**

## **SUMMARY OF FINDINGS**

For the reasons identified above, staff finds that the request for Extension of a Decision approval is supported within the approval criteria findings, noted above, for Section 50.93 of the Development Code.

Staff has provided findings, and recommended conditions of approval that show how this proposal meets the necessary technical requirements identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, **EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension meets all the requirements.**

## **DECISION**

Based on the facts and findings presented, staff **APPROVES EXT2018-0003 7440 SW 78th Ave Subdivision Time Extension** subject to the applicable conditions identified in Section B, herein.

**CONDITIONS OF APPROVAL  
7440 SW 78TH AVE SUBDIVISION TIME EXTENSION  
EXT2018-0003**

1. All construction shall be carried out in accordance with the plans submitted and approved with LD2016-0007. All conditions of approval from the original approval for LD2016-0007 - 7440 SW 78th Ave Subdivision permit remain in force and must be complied with prior to submittal of the Final Plat application. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / JST)
  
2. This approval shall expire September 22, 2020 unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. If necessary, one additional time extension may be granted for LD2016-0007 if applied for prior to September 22, 2020. (Planning / JST)