



## MEMORANDUM

### City of Beaverton

#### Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** July 15, 2020  
**Subject:** Notice of Decision for EXT2020-0003 Extension of Cornell Home Center

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Please find attached the Notice of Decision for **EXT2020-0003 Extension of Cornell Home Center**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for EXT2020-0003 Extension of Cornell Home Center 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 EXT2020-0003, is 5:00 p.m., July 27, 2020.***

The complete case files including findings, conclusions, and conditions of approval, are available for review. For more information about the case file, please contact Elena Sasin, Associate Planner, at [esasin@beavertonoregon.gov](mailto:esasin@beavertonoregon.gov) or (503) 526-2494. **NOTE:** The City of Beaverton has declared a State of Emergency due to COVID-19 and the Community Development Division is closed to the public until further notice. The Community Development Department is evaluating temporary changes to processes and procedures to respond appropriately to the COVID-19 State of Emergency and is committed to ensuring that the land use review process continues to fulfill the requirements of state and local law while protecting the health and wellbeing of the community.

# STAFF REPORT

DATE: July 15, 2020

TO: All Interested Parties

FROM: Elena Sasin, Associate Planner

PROPOSAL: EXT2020-0003 Extension of Cornell Home Center

LOCATION: 17235 NW Corridor Court  
The site is also described as Tax Lots 700 on the Washington County Tax Assessor's Map 1N130DC

SUMMARY: The applicant, Cornell Home Court, LLC, requests an extension of the Director's decision to approve a Preliminary Fee Ownership Partition (LD2018-0019). The previously approved Preliminary Fee Ownership Partition permitted the creation of two lots and a common tract on one site. The original decision is set to expire on September 19, 2020.

No changes to the originally approved designs are proposed with this application. All critical facilities required for this development were evaluated during the review of the original Preliminary Partition application LD2018-0019. All conditions of approval still apply.

PROPERTY OWNER/APPLICANT: Cornell Home Court, LLC  
10695 S Bremer Road  
Canby, OR 97013

DECISION: **APPROVAL of EXT2020-0003 Extension of Cornell Home Center**, subject to conditions identified at the end of this report.

## Key Application Dates

| <u>Application</u> | <u>Submittal Date</u> | <u>Deemed Complete</u> | <u>120-Day*</u>    | <u>365-Day**</u> |
|--------------------|-----------------------|------------------------|--------------------|------------------|
| EXT2020-0003       | March 24, 2020        | June 1, 2020           | September 29, 2020 | June 1, 2021     |

\* 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 subsection 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>              | CS (Community Service)  |   |
| <b>Current Development</b> | This property is currently developed with two (2) detached commercial buildings.  |   |
| <b>Site Size</b>           | Approximately 3.54 acres  |   |
| <b>NAC</b>                 | Five Oaks / Triple Creek  |   |
| <b>Surrounding Uses</b>    | <u>Zoning:</u><br>North: CS (Community Service) and WAcnty (Washington County Interim)<br>South: CS (Community Service)<br>East: CS (Community Service)<br>West: CS (Community Service) | <u>Uses:</u><br>North: Right-of-way (Highway 26)<br>South: Medical Clinic / Office<br>East: Child Care - Preschool<br>West: Retail and Place of Worship |

## Exhibits

### **Exhibit 1. Materials Submitted by Staff**

Exhibit 1.1 Zoning and Vicinity Map (page 6 of this report)

### **Exhibit 2. Materials Submitted by the Applicant**

Exhibit 2.1 Submittal Package

### **Exhibit 3. Public Comments**

Exhibit 3.1 Email received from Jacob Tabor with Shepherd of the Valley Lutheran Church on July 1, 2020

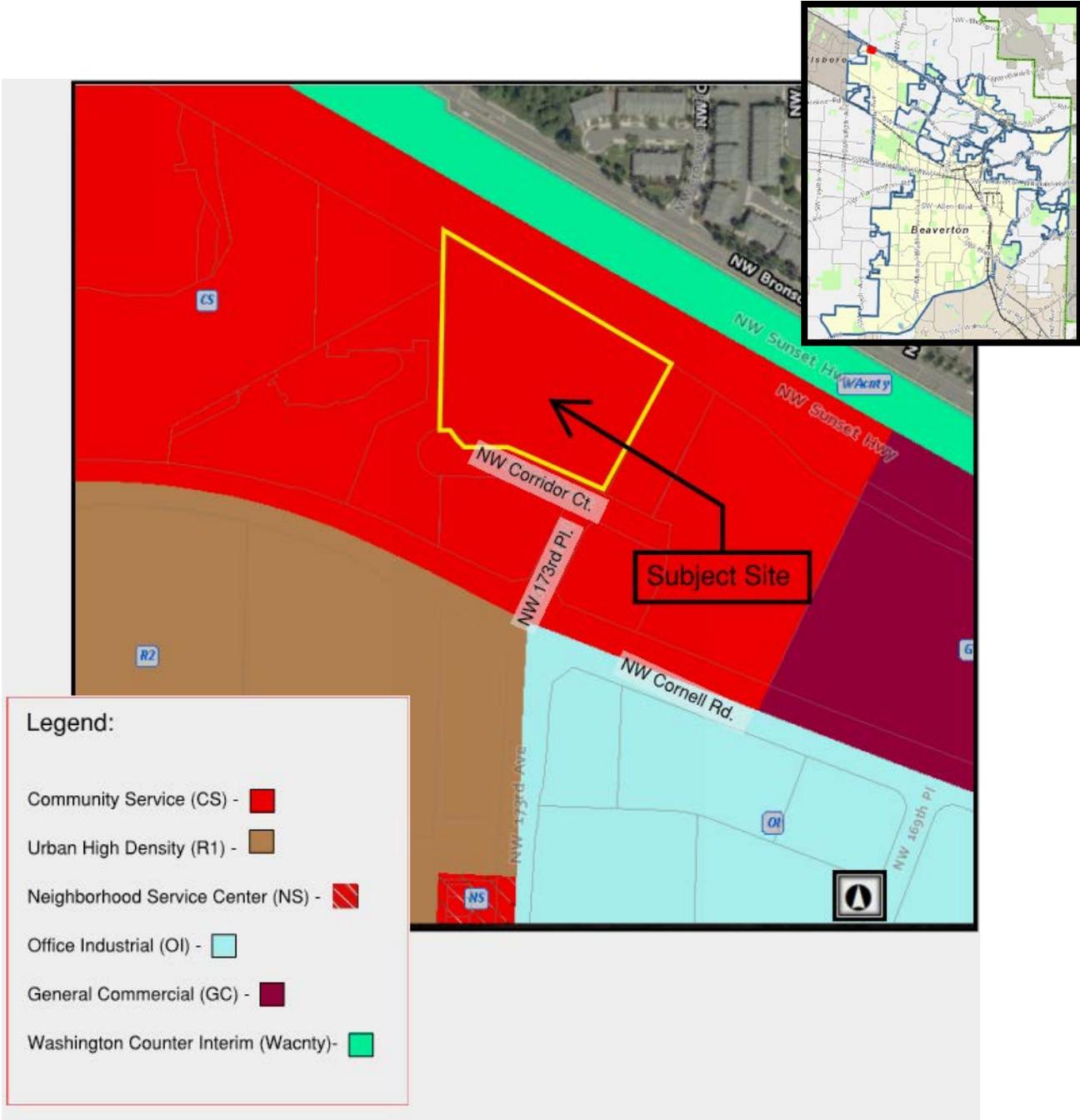
### **Agency Comment**

No agency comments received

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# Exhibit 1.1 Zoning and Vicinity Map



**Legend:**

- Community Service (CS) - ■
- Urban High Density (R1) - ■
- Neighborhood Service Center (NS) - ▨
- Office Industrial (OI) - ■
- General Commercial (GC) - ■
- Washington Counter Interim (Wacnty)- ■

## Public Comment Summary

### Exhibit 3.1:

In an email received from Jacob Tabor of Shepherd of the Valley Lutheran Church, Mr. Tabor shared concerns about the Cornell Home Center (CHC) site. Specifically, Mr. Tabor asserts that the site is not designed to accommodate the use of semi-trucks and, therefore, does not meet the requirements under Section 40.03.1(F) and (G). Mr. Tabor also adds that as a result, these trucks are blocking the street causing delays and safety issues as vehicles attempt to get past them.

### Director's Response:

An application for a Time Extension is limited in scope to approval criteria found in Section 50.93.6. A re-review of the proposal is not required unless the proposal has changed. Therefore, Facilities Review criteria found in Section 40.03, are not applicable to a request for a Time Extension.

**ANALYSIS AND FINDINGS FOR  
EXTENSION OF CORNELL HOME CENTER  
EXT2020-0003**

**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 the refinancing of the property was completed in January of 2017 but that the lender was bought out and merged with a larger lender in mid-2018. The applicant explains that the new lender has imposed financial requirements on the partition of the property that make it financially impossible to complete. The applicant further states that a new lender will be acquired, and the center will again be refinanced and that the partition will proceed as originally planned at that point. Staff concurs with the applicant that financial constraints are reasons beyond the reasonable control of the applicant.

**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**

The applicant states that they are not aware of any change in applicable regulations or statutes that necessitate modification of the decision or conditions of approval. Staff finds that no changes to applicable regulations or statutes have been made that would necessitate a modification of the original decision or conditions of approval.

**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's materials do not propose any changes to design, use, or conditions of approval. All conditions of approval of the original decision (LD2018-0019) remain effective for the proposed development. No modifications are approved with this Time Extension (LD2020-0003) 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, **EXT2020-0003 Extension of Cornell Home Center meets all the requirements.**

## **DECISION**

Based on the facts and findings presented, staff **APPROVES EXT2020-0003 Extension of Cornell Home Center** to the applicable conditions identified in Section B, herein.

**CONDITIONS OF APPROVAL  
EXTENSION OF CORNELL HOME CENTER  
EXT2020-0003**

1. All conditions of approval from the original approval of LD2018-0019 remain in effect 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 / ES)

## EXHIBIT 3.1

**From:** [SOV President](#)  
**To:** [Elena Sasin](#)  
**Subject:** EXT2020-0003/Extension of Cornell Home Center  
**Date:** Tuesday, June 30, 2020 8:27:18 PM  
**Attachments:** [SOV Letter RE Cornell Home Center EXT2020-0003.pdf](#)

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Hi Elena,

Please find attached letter on behalf of Shepherd of the Valley Lutheran Church regarding the extension request of Cornell Home Center.

Best,

--

**Jacob Tabor**

*Council President*

CELL: 503.953.2604

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**Shepherd of the Valley  
Lutheran Church**

17625 NW Cornell Road

Beaverton, OR 97006

503.645.4994

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**Reaching Up, Out, In**

[sovlutheran.com](http://sovlutheran.com)



Shepherd of the Valley Lutheran Church  
17625 NW Cornell Road Beaverton, Oregon  
(503) 645-4994  
sovlutheran.com

**Received**  
**Planning Division**  
07/01/2020

June 30, 2020

Elena Sasin  
Associate Planner  
City of Beaverton  
Community Development Department  
12725 SW Millikan Way  
PO Box 4755  
Beaverton, OR 97076

Sent via email: [esasin@beavertonoregon.gov](mailto:esasin@beavertonoregon.gov)

Re: EXT2020-0003/ Extension of Cornell Home Center

Dear Elena:

Over the past several years, we have encountered many issues with semi-tractor-trailer trucks delivering goods to Cornell Home Center (CHC) tenants.

The CHC site design does not appear to accommodate the use of semi-trucks. There are two loading berths on the CHC property located in very close proximity to the north side of each building. The loading berths are parallel to the buildings and are accessed by a drive lane between the two buildings. The area by the loading berths is insufficient to allow a semi-truck to turn around so these trucks must back down the drive lane to access the loading berths.

In addition, the parking lot design leading into the drive lane does not appear to be compatible with semi-trucks using the loading berths. Without exception, we have witnessed that semi-trucks will perform the following maneuver to access the loading berths:

1. a semi-truck will drive west on Corridor Ct., go past CHC, enter our parking lot at the end of the cul-de-sac, pull a tight U-turn on our lot, and then re-enter Corridor Ct. heading east;
2. the truck will then block Corridor Ct. as it backs onto the CHC property; and
3. the truck will back across the entire north-south distance of the CHC parking lot, back down the drive lane between the two buildings, and then back into the loading berth.

It is quite apparent that semi-trucks cannot maneuver onto CHC by approaching from the east so they are using our property to turn around to gain the proper angle to CHC's entrance from the street. The U-turns occur on an older portion of our parking lot that was not designed for heavy trucks and has caused significant damage both to the base and the pavement. We have our entrance posted that trucks are not allowed, but the

drivers ignore the signs. We have also asked them politely to not use our property because of the damage it causes and have been ignored and sometimes threatened.

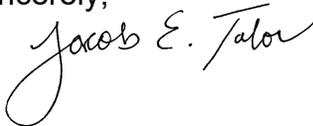
Because of the tight maneuver on Corridor Ct. and the steady traffic in the CHC parking lot, it is not uncommon for a truck to block Corridor Ct. for 15 minutes. Many times, this occurs on Sunday mornings causing delays for our members to and from church service. We have provided some pictures of trucks on our property performing the maneuver below.

We have spoken with CHC's tenant employees and were told they can't control what the truck drivers do. We have left a phone message with CHC and never been contacted.

While we have no issue with CHC's desire to partition the property, we strongly believe that the site is not designed to accommodate the use of semi-trucks and, therefore, does not meet the requirements under Section 40.03.1(F) and (G). The entrances to CHC were not designed for semi-trucks to use the loading berths. As a result, these trucks are blocking the street causing delays and safety issues as vehicles attempt to get past them. The parking lot design causes safety issues as semi-trucks must back the entire length of the CHC parking lot to access the loading berths with vehicular and pedestrian traffic maneuver behind and around it.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jacob E. Tabor". The signature is written in black ink and is positioned below the word "Sincerely,".

Jacob Tabor, President  
Shepherd of the Valley Lutheran Church





