



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: April 30, 2021
Subject: Notice of Decision for EXT2021-0001 Peterkort Lot 1 Partition Second Time Extension

Please find attached the Notice of Decision for **EXT2021-0001 Peterkort Lot 1 Partition Second Time Extension**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for EXT2021-0001 Peterkort Lot 1 Partition Second Time Extension 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 EXT2021-0001, is 5:00 p.m., April 12, 2021.

The complete case files including findings, conclusions, and conditions of approval, are available for review. For more information about the case file, please contact Jana Fox, Current Planning Manager, at jfox@beavertonoregon.gov or (503) 526-3710. **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.

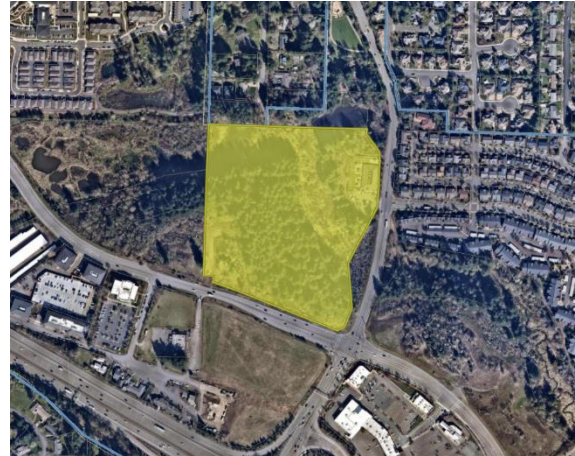
NOTICE OF DIRECTOR'S DECISION

Date: April 30, 2021

Application/project name: Peterkort Lot 1 Partition Second Time Extension

Application Numbers: EXT2021-0001

Proposal: The applicant, J. Peterkort Company, is seeking a time extension for a previously approved Preliminary Partition (LD2016-0027). The approval for the Preliminary Partition has received one previous time extension which extended the expiration date to March 20, 2021. The request for a time extension, if approved, would extend the expiration date of the



original approval by two (2) years, to March 20, 2023. This is the second and final time extension request. 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 applications referenced above. All conditions of approval still apply.

Proposal location: At the northwest corner of the intersection of SW Cedar Hills Boulevard and SW Barnes Road. Lot 200 of Washington County Assessor's Map 1S103AB.

Applicant: J. Peterkort Company

Recommendation: APPROVAL of EXT2021-0001 subject to conditions identified at the end of this report.

Contact information:

City staff representative: Jana Fox, Current Planning Manager
503-526-3710
jfox@BeavertonOregon.gov

Applicant representative: James P. Draudt
9755 SW Barnes Road, Suite 695
Portland, OR 97225

Property owner/
Applicant:

J. Peterkort & Company
9755 SW Barnes Road, Suite 690
Portland, OR 97225

Existing conditions

Zoning: Urban High Density (R1)

Site conditions: Existing uses on site include a childcare facility in the northeast corner of the site. The remainder of the site is vacant.

Site Size: 20.16 acres

Location: At the northwest corner of the intersection of SW Cedar Hills Boulevard and SW Barnes Road.

Neighborhood Association Committee: Beaverton Central NAC

Table 1: Surrounding uses

Direction	Zoning	Uses
North	R7	THPRD Park
South	CC	Vacant
East:	R1, R2, R4, SC-S	Single Family, Multi-Family, Resource Area, and Vacant Land
West:	SC-HDR	Vacant

Application information

Table 2: Application summaries

Application	Application type	Proposal summary	Approval criteria location
EXT2021-0001	Time Extension	Second Time Extension	Development Code Section 50.93

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
EXT2021-0001	Mar. 4, 2021	Mar. 31, 2021	Jul. 29, 2021	Mar. 31, 2022

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Exhibit 1.2: Vicinity Map

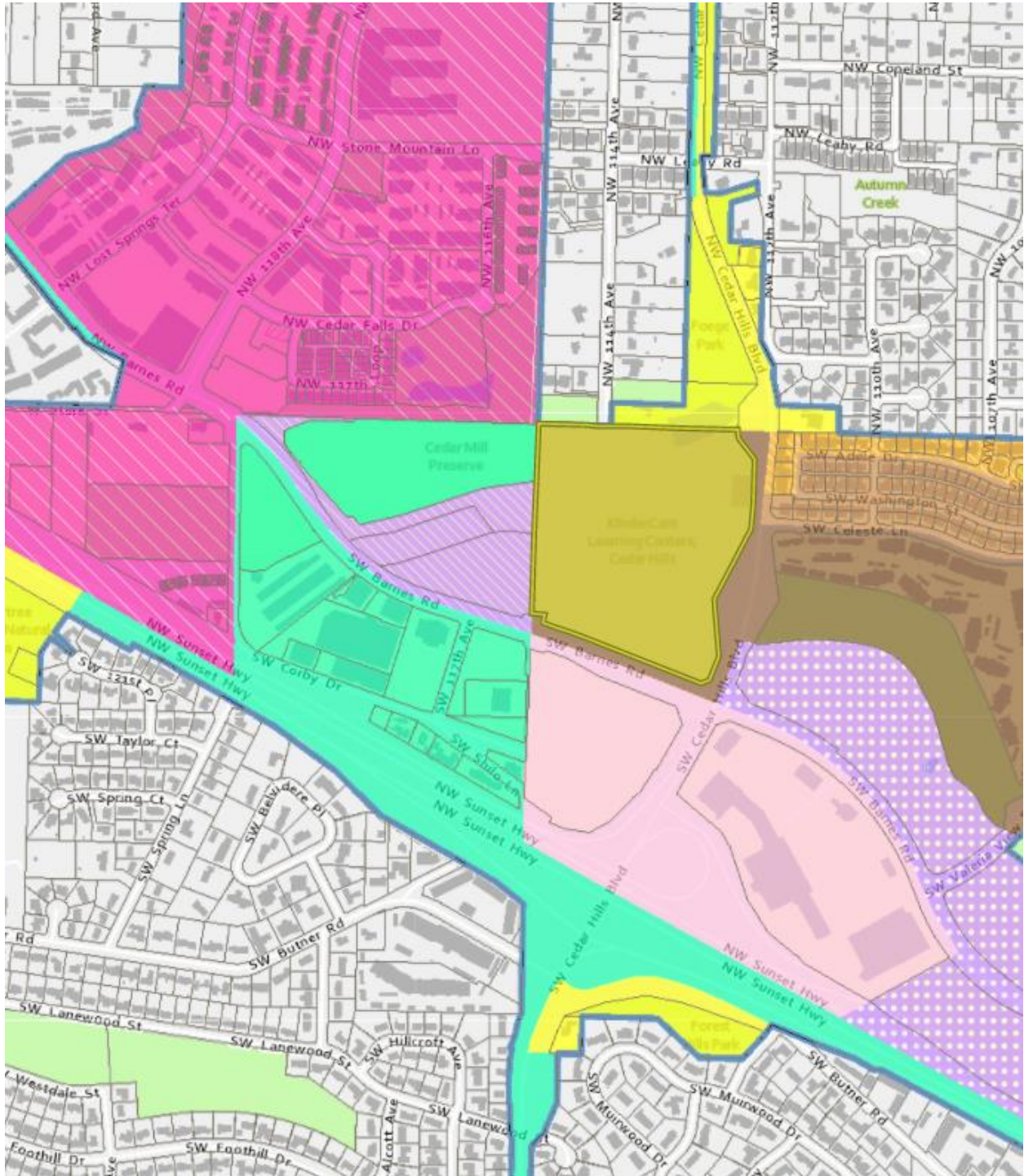


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Exhibits

Exhibit 1.	Materials submitted by Staff
Exhibit 1.1	Vicinity Map (page 3 of this report)
Exhibit 1.2	Zoning Map (page 4 of this report)
Exhibit 2.	Public Comment
	None Received
Exhibit 3.	Materials submitted by the Applicant
Exhibit 3.1	Submittal Package

Attachment A: EXTENSION OF A DECISION EXT2021-0001

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Application: Peterkort Lot 1 Partition Second Time Extension

Recommendation: APPROVAL EXT2021-0001

Finding: The Director finds the applicable Time Extension approval criteria have been met subject to the conditions identified at the end of the report.

Section 50.93 Extension of a Decision

Section 50.93.1

An application to extend the expiration date of a decision made pursuant to the Development Code may be filed only before the decision expires as provided in Section 50.90 or before the decision expires as provided in the appropriate subsection of the specific application contained in Chapter 40 (Applications).

Finding:

The expiration date of LD2016-0027 is March 20, 2019. The applications for extension were filed on March 4, 2021, prior to the expiration of the decision. This is the second and final time extension request for LD2016-0027.

Conclusion: Therefore, the Committee finds that the criterion is met.

Section 50.93.2

The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Parking (Section 40.54.15.2.), Use of Excess Parking (Section 40.54.15.3.), Sign (Section 40.60.), Solar Access (Section 40.65.), Temporary Mobile Sales (Section 40.80.15.1.), Temporary Non-Mobile Sales (Section 40.80.15.2.), and all Zoning Map Amendment (Section 40.97.) applications.

FINDINGS:

This is an extension for a Preliminary Partition application, which is not listed in Section 50.93.2 as applications not subject to extensions of time.

Conclusion: Therefore, the Committee finds that the criterion is met.

Section 50.93.3

A land use decision may be extended no more than two (2) times.

FINDINGS:

This is the second request to extend the expiration date for this application.

Conclusion: Therefore, the Committee finds that the criterion is met.

Section 50.93.4

Extension of a land use decision for an application not listed in Section 50.93.2. may be granted for a period of time not to exceed two (2) years, will be subject to a Type 2 review procedure, and must be found to be consistent with the approval criteria listed in Section 50.93.6.

FINDINGS:

This is the second application for a time extension and has been processed according to the procedure for a Type 2 application, as specified in Chapter 50 of the City of Beaverton Development Code.

Conclusion: Therefore, the Committee finds that the criterion is met.

Section 50.93.5

Extension requests shall provide mailed public notice to those parties identified in Section 50.40.2. In addition, the notice shall be mailed to the parties of record contained in the initial land use decision and any prior extension of time decision.

FINDINGS:

Public notice for this time extension was mailed to: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius (in accordance with Section 50.40, and the three parties who submitted written testimony for the previously approved Time Extension (EXT2019-0006).

Conclusion: Therefore, the Committee finds that the criterion is met.

Section 50.93.6

In order to approve an extension of time application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

- A. It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.
- B. 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.
- C. The previously approved land use decision is not being modified in design, use, or conditions of approval.

FINDINGS:

According to the applicant, buffer easements are required on a portion of the subject property from the creek and sensitive areas. These easement are being prepared but are not yet complete. Washington County requires that the easements be established in separate documents rather than recorded on the plat. The easements must benefit Clean Water Services and the applicant is currently negotiating with CWS as to necessary language. The applicant also notes that numerous staff who previously worked with the consulting firm who is doing the work have left the firm which has caused interruptions to the work. Staff concurs that the additional time that is needed to get the easements in place and work with CWS make it not practicable to commence development within the time allowed. The applicant notes that a final plat has recently been submitted to the County Survey for review.

Staff finds that no significant changes have occurred to the applicable regulations that would result in the modification of the decision or the conditions of approval. The properties continue to be zoned Urban High Density (R1) and this request to extend the expiration date of the original approval contains no proposals to make any changes to the approved plans. No other regulations have come into effect by the City's partner agencies which would necessitate a new review of the previously approved applications.

The applicant does not propose any changes or modifications to the previously approved project or conditions of approval.

Conclusion: Therefore, the Committee finds that the criterion is met.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT2021-0001 Peterkort Lot 1 Partition Second Time Extension, subject to the applicable conditions identified in Attachment B.

Attachment B: CONDITIONS OF APPROVAL

Extension of a Decision (EXT2021-0001)

A. General Conditions, the applicant shall:

1. All construction shall be carried out in accordance with the plans submitted and approved with Preliminary Partition (LD2016-0027). All conditions of approval from the original approval for the Peterkort Sunset Subdivision 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 / JF)
2. This approval will expire March 20, 2023 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 or recordation of the Final Plat. No additional time extensions may be granted for Preliminary Subdivision (LD2019-00004), pursuant to Section 50.93. (Planning / JF)