



## MEMORANDUM

### City of Beaverton

#### Community Development Department

**To:** Interested Parties

**From:** City of Beaverton Planning Division

**Date:** June 4, 2021

**Subject:** Notice of Decision for EXT2021-0002 / EXT2021-0003 / EXT2021-0004 /  
EXT2021-0005 / LO2021-0002 Life Time Fitness First Time Extension &  
Loading Determination

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Please find attached the Notice of Decision for **EXT2021-0002 / EXT2021-0003 / EXT2021-0004 / EXT2021-0005 / LO2021-0002 Life Time Fitness First Time Extension & Loading Determination**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decisions for EXT2021-0002 / EXT2021-0003 / EXT2021-0004 / EXT2021-0005 / LO2021-0002 Life Time Fitness First Time Extension & Loading Determination 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 EXT2021-0002 / EXT2021-0003 / EXT2021-0004 / EXT2021-0005 / LO2021-0002, is 5:00 p.m., June 16, 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](mailto: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:** June 4, 2021

**Application/project name:** Life Time Fitness First Time Extension & Loading Determination

**Application Numbers:** EXT2021-0002 / EXT2021-0003 / EXT2021-0004 / EXT2021-0005 / LO2021-0002

**Proposal:** The applicant, Life Time Fitness, is seeking time extensions for previously approved Design Review Three (DR2018-0128), Lot Consolidation (LD2019-0008), Sidewalk Design Modification (SDM2018-0007), and Tree Plan Two (TP2018-0009) applications. The applicant has also applied for a Loading Determination application to reauthorize the previously approved Loading Determination which is not eligible for a Time Extension application. This is the first time extension request for the project. If approved the time extensions would extend the expiration date for the Design Review, Replat Lot Consolidation, Sidewalk Design Modification, and Tree Plan Two applications to August 13, 2023. No changes to the originally approved applications 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:** The primary site is located north of Highway 26, west of SW Cedar Hills Boulevard, and South of SW Barnes Road. The project site is also identified as Washington County Assessor's Map 1S103A, Tax Lot 1700. Limited street and utility work is proposed off-site on 165 SW Cedar Hills Boulevard (Washington County Assessor's Map 1S103AB, Tax Lot 200) and 11525 SW Choban Lane (Washington County Assessor's Map 1S103BA, Tax Lots 1300, 1400 and 2300).

**Applicant:** LTF Real Estate Company

**Recommendation:** APPROVAL of EXT2021-0002 / EXT2021-0003 / EXT2021-0004 / EXT2021-0005 / LO2021-0002 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: Dana Krawcuk  
Stoel Rives LLP  
760 SW Ninth Ave., Suite 3000  
Portland, OR 97205

Property owner/  
Applicant: LTF Real Estate Company, Inc.  
2902 Corporate Place  
Chanhassen, MN 55317

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

George & Anastasia Choban  
4245 NW 174<sup>th</sup> Ave  
Portland, OR 97229

## Existing conditions

**Zoning:** Corridor Commercial (CC), Washington County Interim (WACnty), Residential-Urban High Density (R1)

Site conditions: The existing main Life Time site is under construction with the Life Time facility. Minor work proposed on the site to the west, including removal of trees and construction of a public street, the site currently contains a restaurant. North across SW Barnes Road the site is currently vacant where a utility extension is proposed.

**Site Size:** 8.56 acres (Life Time Fitness Site)

Location: At the southwest 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	R1	Vacant
South	Hwy 26	Hwy 26
East:	CC	Shopping Center
West:	WACnty	Restaurant

## Application information

**Table 2: Application summaries**

Application	Application type	Proposal summary	Approval criteria location
EXT2021-0002	Time Extension	First Time Extension (DR2018-0128)	Development Code Section 50.93
EXT2021-0003	Time Extension	First Time Extension (LD2019-0008)	Development Code Section 50.93
EXT2021-0004	Time Extension	First Time Extension (SDM2018-0007)	Development Code Section 50.93
EXT2021-0005	Time Extension	First Time Extension (TP2018-0009)	Development Code Section 50.93

Application	Application type	Proposal summary	Approval criteria location
LO2021-0002	Loading Determination	Reduce Loading Berths	Development Code Section 40.50.15.1

**Table 3: Key Application Dates**

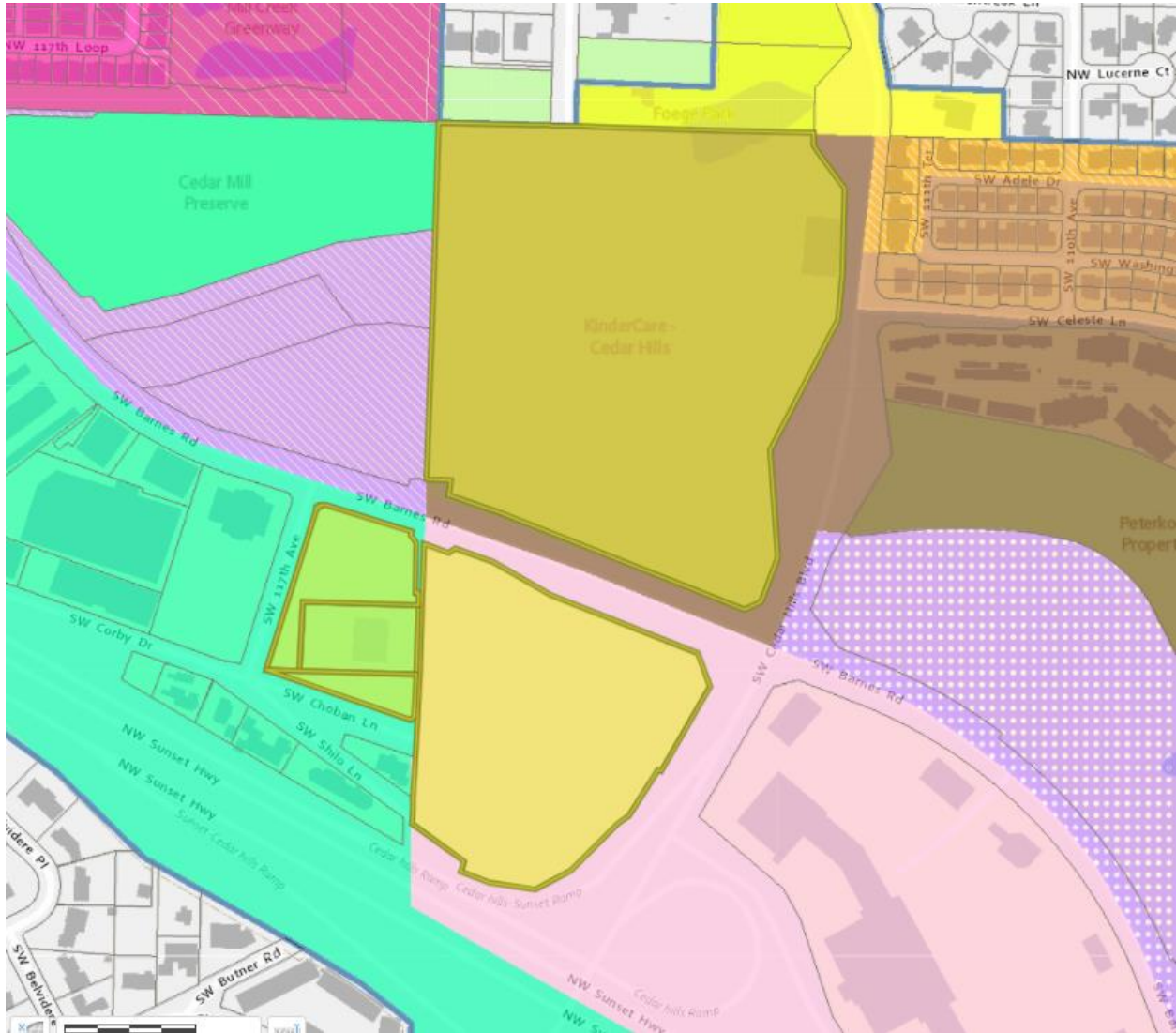
Application	Submittal Date	Deemed Complete	120-Day	365-Day*
EXT2021-0002	Apr. 4, 2021	Apr. 21, 2021	Aug. 19, 2021	Apr. 21, 2022
EXT2021-0003	Apr. 4, 2021	Apr. 21, 2021	Aug. 19, 2021	Apr. 21, 2022
EXT2021-0004	Apr. 4, 2021	Apr. 21, 2021	Aug. 19, 2021	Apr. 21, 2022
EXT2021-0005	Apr. 4, 2021	Apr. 21, 2021	Aug. 19, 2021	Apr. 21, 2022
LO2021-0002	Apr. 4, 2021	Apr. 21, 2021	Aug. 19, 2021	Apr. 21, 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 1.1: Vicinity Map



## 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
Exhibit 2.1	Email from Jay Freyensee, dated May 15, 2021
Exhibit 3.	Materials submitted by the Applicant
Exhibit 3.1	Submittal Package

# Attachment A: EXTENSION OF A DECISION EXT2021-0002

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Life Time Fitness First Time Extension & Loading Determination

**Recommendation:** APPROVAL of EXT2021-0002

**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 the Life Time Fitness application DR2018-0128 is August 13, 2021. The applications for extension were filed on April 4, 2021, prior to the expiration of the decision. This is the first time extension request for Life Time Fitness.

**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:

The applicant request time extensions for a Design Review Three application. This application is not listed in Section 50.93.2 as an application 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 first 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 first 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 following: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius of the subject site (in accordance with Section 50.40), and all parties who submitted written testimony for the previously approved Life Time Fitness project.

**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:

The applicant states that on March 8, 2020 Governor Brown issued a state of emergency due to the COVID-19 outbreak, shortly thereafter the World Health Organization declared the outbreak and pandemic and the United States declared a national emergency. As of the date of this report the COVID-19 pandemic and associated disaster orders remain effective. As a result of the COVID 19 pandemic the United States entered into a recession. Given social distancing and stay-at-home orders the fitness industry was greatly impacted by the pandemic and subsequent recession. Likewise the pandemic has affected the construction and development sectors of the economy through job site constraints as well as material shortages and/or price increases and logistical challenges.

Life Time states that their ability to commence development on the project was hindered by the broad consequences of the COVID-19 pandemic on the national economy. In particular, the concentrated effects of the pandemic on the fitness/health and construction/development sectors of the economy which made it infeasible for Life Time to commence development. Upon re-engaging subcontractors on the project, Life Time has experienced substantial cost increase and procurement lead times for required construction materials including lumber, fencing, steel reinforcements, resin-based materials and precast concrete structures. In addition, Life Time's consultants and development team have had delays due to the difficulties of scheduling on-site meetings, caused by social distancing restrictions, school closures, and inefficiencies associated with the remote working environment.

Life time is proceeding with construction on the project, but due to the COVID-19 pandemic slowdown and the reasons described above, which are beyond Life Time's reasonable power to guide or manage, Life Time may not be able to complete the level of construction necessary for vesting prior to their August 13, 2021 expiration date. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

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 Corridor Commercial (CC), Washington County Interim (WACnty), and 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. As the previously approved Loading Determination application is not eligible for a time extension the applicant has applied concurrently for the exact same approval which was previously granted which, if approved would lead to no change to the project overall. Staff recommends a condition of approval on the time extension applications that the Loading Determination be approved.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the criterion is met.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, the Director Approves EXT2021-0002 Life Time Fitness First Time Extension & Loading Determination, subject to the applicable conditions identified in Attachment F.

# Attachment B: EXTENSION OF A DECISION EXT2021-0003

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Life Time Fitness First Time Extension & Loading Determination

**Recommendation:** APPROVAL of EXT2021-0003

**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 the Life Time Fitness applications LD2019-0008 is August 13, 2021. The applications for extension were filed on April 4, 2021, prior to the expiration of the decision. This is the first time extension request for Life Time Fitness.

**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:

The applicant request time extensions for a Replat One application. This application is not listed in Section 50.93.2 as an application 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 first 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 first 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 following: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius of the subject site (in accordance with Section 50.40), and all parties who submitted written testimony for the previously approved Life Time Fitness project.

**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:

The applicant states that on March 8, 2020 Governor Brown issued a state of emergency due to the COVID-19 outbreak, shortly thereafter the World Health Organization declared the outbreak and pandemic and the United States declared a national emergency. As of the date of this report the COVID-19 pandemic and associated disaster orders remain effective. As a result of the COVID 19 pandemic the United States entered into a recession. Given social distancing and stay-at-home orders the fitness industry was greatly impacted by the pandemic and subsequent recession. Likewise the pandemic has affected the construction and development sectors of the economy through job site constraints as well as material shortages and/or price increases and logistical challenges.

Life Time states that their ability to commence development on the project was hindered by the broad consequences of the COVID-19 pandemic on the national economy. In particular, the concentrated effects of the pandemic on the fitness/health and construction/development sectors of the economy which made it infeasible for Life Time to commence development. Upon re-engaging subcontractors on the project, Life Time has experienced substantial cost increase and procurement lead times for required construction materials including lumber, fencing, steel reinforcements, resin-based materials and precast concrete structures. In addition, Life Time's consultants and development team have had delays due to the difficulties of scheduling on-site meetings, caused by social distancing restrictions, school closures, and inefficiencies associated with the remote working environment.

Life time is proceeding with construction on the project, but due to the COVID-19 pandemic slowdown and the reasons described above, which are beyond Life Time's reasonable power to guide or manage, Life Time may not be able to complete the level of construction necessary for vesting prior to their August 13, 2021 expiration date. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

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 Corridor Commercial (CC), Washington County Interim (WACnty), and 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. As the previously approved Loading Determination application is not eligible for a time extension the applicant has applied concurrently for the exact same approval which was previously granted which, if approved would lead to no change to the project overall. Staff recommends a condition of approval on the time extension applications that the Loading Determination be approved.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the criterion is met.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, the Director Approves EXT2021-0003 Life Time Fitness First Time Extension & Loading Determination, subject to the applicable conditions identified in Attachment F.

# Attachment C: EXTENSION OF A DECISION EXT2021-0004

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Life Time Fitness First Time Extension & Loading Determination

**Recommendation:** APPROVAL of EXT2021-0004

**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 the Life Time Fitness application SDM2018-0007 is August 13, 2021. The applications for extension were filed on April 4, 2021, prior to the expiration of the decision. This is the first time extension request for Life Time Fitness.

**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:

The applicant request time extensions for a Sidewalk Design Modification application. This application is not listed in Section 50.93.2 as an 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 first 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 first 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 following: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius of the subject site (in accordance with Section 50.40), and all parties who submitted written testimony for the previously approved Life Time Fitness project.

**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:

The applicant states that on March 8, 2020 Governor Brown issued a state of emergency due to the COVID-19 outbreak, shortly thereafter the World Health Organization declared the outbreak and pandemic and the United States declared a national emergency. As of the date of this report the COVID-19 pandemic and associated disaster orders remain effective. As a result of the COVID 19 pandemic the United States entered into a recession. Given social distancing and stay-at-home orders the fitness industry was greatly impacted by the pandemic and subsequent recession. Likewise the pandemic has affected the construction and development sectors of the economy through job site constraints as well as material shortages and/or price increases and logistical challenges.

Life Time states that their ability to commence development on the project was hindered by the broad consequences of the COVID-19 pandemic on the national economy. In particular, the concentrated effects of the pandemic on the fitness/health and construction/development sectors of the economy which made it infeasible for Life Time to commence development. Upon re-engaging subcontractors on the project, Life Time has experienced substantial cost increase and procurement lead times for required construction materials including lumber, fencing, steel reinforcements, resin-based materials and precast concrete structures. In addition, Life Time's consultants and development team have had delays due to the difficulties of scheduling on-site meetings, caused by social distancing restrictions, school closures, and inefficiencies associated with the remote working environment.

Life time is proceeding with construction on the project, but due to the COVID-19 pandemic slowdown and the reasons described above, which are beyond Life Time's reasonable power to guide or manage, Life Time may not be able to complete the level of construction necessary for vesting prior to their August 13, 2021 expiration date. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

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 Corridor Commercial (CC), Washington County Interim (WACnty), and 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. As the previously approved Loading Determination application is not eligible for a time extension the applicant has applied concurrently for the exact same approval which was previously granted which, if approved would lead to no change to the project overall. Staff recommends a condition of approval on the time extension applications that the Loading Determination be approved.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the criterion is met.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, the Director Approves EXT2021-0004 Life Time Fitness First Time Extension & Loading Determination, subject to the applicable conditions identified in Attachment F.

# Attachment D: EXTENSION OF A DECISION EXT2021-0005

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Life Time Fitness First Time Extension & Loading Determination

**Recommendation:** APPROVAL of EXT2021-0005

**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 the Life Time Fitness application TP2018-0009 is August 13, 2021. The application for extension were filed on April 4, 2021, prior to the expiration of the decision. This is the first time extension request for Life Time Fitness.

**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:

The applicant request time extensions for a Tree Plan Two application. This application is not listed in Section 50.93.2 as an 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 first 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 first 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 following: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius of the subject site (in accordance with Section 50.40), and all parties who submitted written testimony for the previously approved Life Time Fitness project.

**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:

The applicant states that on March 8, 2020 Governor Brown issued a state of emergency due to the COVID-19 outbreak, shortly thereafter the World Health Organization declared the outbreak and pandemic and the United States declared a national emergency. As of the date of this report the COVID-19 pandemic and associated disaster orders remain effective. As a result of the COVID 19 pandemic the United States entered into a recession. Given social distancing and stay-at-home orders the fitness industry was greatly impacted by the pandemic and subsequent recession. Likewise the pandemic has affected the construction and development sectors of the economy through job site constraints as well as material shortages and/or price increases and logistical challenges.

Life Time states that their ability to commence development on the project was hindered by the broad consequences of the COVID-19 pandemic on the national economy. In particular, the concentrated effects of the pandemic on the fitness/health and construction/development sectors of the economy which made it infeasible for Life Time to commence development. Upon re-engaging subcontractors on the project, Life Time has experienced substantial cost increase and procurement lead times for required construction materials including lumber, fencing, steel reinforcements, resin-based materials and precast concrete structures. In addition, Life Time's consultants and development team have had delays due to the difficulties of scheduling on-site meetings, caused by social distancing restrictions, school closures, and inefficiencies associated with the remote working environment.

Life time is proceeding with construction on the project, but due to the COVID-19 pandemic slowdown and the reasons described above, which are beyond Life Time's reasonable power to guide or manage, Life Time may not be able to complete the level of construction necessary for vesting prior to their August 13, 2021 expiration date. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

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 Corridor Commercial (CC), Washington County Interim (WACnty), and 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. As the previously approved Loading Determination application is not eligible for a time extension the applicant has applied concurrently for the exact same approval which was previously granted which, if approved would lead to no



change to the project overall. Staff recommends a condition of approval on the time extension applications that the Loading Determination be approved.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the criterion is met.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, the Director Approves EX2021-0005 Life Time Fitness First Time Extension & Loading Determination, subject to the applicable conditions identified in Attachment F.

# Attachment E: LOADING DETERMINATION LO2021-0002

## ANALYSIS AND FINDINGS FOR LOADING DETERMINATION APPROVAL

**Application:** Life Time Fitness First Time Extension & Loading Determination

**Recommendation:** APPROVAL of LO2021-0002

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

### Section 40.50.05 Purpose

*The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off-street loading spaces or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action.*

*This Section is carried out by the approval criteria listed herein.*

### Decision Making Authority Standards for Approval

Section 40.50.15.1.C of the Development Code provides standards to govern the decisions of the decision-making authority as they evaluate and render decisions on Loading Determination applications. The decision-making authority will determine whether the application as presented meets the Loading Determination approval criteria. The decision-making authority may choose to adopt, not adopt, or modify staff's findings. In this attachment to the staff report, staff evaluates the application in accordance with the approval criteria for Loading Determination applications.

*In order to approve a Loading Determination 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:*

#### Section 40.50.15.1.C.1

The proposal satisfies the threshold requirements for a Loading Determination application.

#### Finding:

The applicant proposes to reduce the number of loading berths required for the proposed development from five (5) Type B berths to two (2). The applicant's request to reduce the number of required loading spaces meets Threshold 2 for a Loading Determination application:

*Threshold 2: A request to modify the total number of off-street loading spaces from the required number listed in Section 60.25 (Off-Street Loading) of this code.*

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

## **Section 40.50.15.1.C.2**

All City application fees related to the application under consideration by the decision making authority have been submitted.

### **FINDINGS:**

The applicant paid the required fee associated with a Loading Determination application.

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

## **Section 40.50.15.1.C.3**

The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.

### **FINDINGS:**

The applicant states that the project can successfully operate with two loading berths. The applicant maintains numerous facilities throughout the county that accommodate loading needs through two type B loading berths. Café deliveries occur 2-3 times per week and typically occur with box trucks. Pool chemicals are delivered in small quantities at a frequency ranging from monthly to quarterly depending on the season. Beyond typical garbage service these are the only services that require loading for the building on a regular basis.

Staff concurs that given the limited delivery needs, on-site facilities and applicant control of delivery times, the proposed loading space can adequately serve the proposed development without adverse impacts.

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

## **Section 40.50.15.1.C.4**

There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.

### **FINDINGS:**

The applicant states that the loading berth is served by an internal service road, providing safe, efficient vehicle movements away from the primary building entrances. No pedestrian connections will be obstructed by the loading berths. The Director concurs that the loading berths are located in a way to allow for safe circulation patterns.

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

## **Section 40.50.15.1.C.5**

The proposal will be able to reasonably accommodate the off-street loading needs of the structure.

### **FINDINGS:**

Staff cites the conceptual schedule identified in the response to criteria three. The loading needs can be met with two loading berths through coordinated delivery schedules.

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

## **Section 40.50.15.1.C.6**

The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that the improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.

### **FINDINGS:**

The applicant proposes this Loading Determination to re-entitle the exact same approval which was granted as part of the Life Time Fitness approval in 2019. This application is made in association with four (4) requests for a time extension for the other applications associated with the Life Time Fitness project. Loading Determinations are specifically not eligible for Time Extension request and therefore the applicant must reapply for the Loading Determination. The applicant does not propose any changes to the previously approved Loading Determination or Time Extension applications. The 2019 City Staff Report which evaluated compliance with Chapter 60 standards is provided by the applicant for reference and finds that all applicable sections of Chapter 60 are met by the proposal. The only portions of Chapter 60 which are applicable to this request are those related to Loading Berths. The applicant proposes to modify the number of loading berths required but

complies with the required loading berth dimensions. Therefore, staff finds that the proposal complies with the applicable Chapter 60 criteria.

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

### **Section 40.50.15.1.C.7**

Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities not subject to periodic maintenance by the City or other public agency.

#### **FINDINGS:**

The applicant states that the site will be maintained as required. Staff finds nothing in the design or layout of the common facilities that would preclude adequate maintenance of the site.

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

### **Section 40.50.15.1.C.8**

The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

#### **FINDINGS:**

The applicant has submitted all documents related to this request for Loading Determination approval. The application was submitted on April 4, 2021 and deemed complete on April 21, 2021.

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

### **Section 40.50.15.1.C.9**

Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.

#### **FINDINGS:**

The applicant has submitted all documents related to this request for Loading Determination approval. Four Time Extension applications are being processed concurrently with the subject request for a Loading Determination. The Loading Determination application is dependent upon approval of the Time Extension applications. Staff recommend a condition of approval which states that approval of the Loading

Determination application is subject to approval of the Time Extension applications.

**Conclusion:** Therefore, the Committee finds that by meeting the conditions of approval the criterion is met.

## **CONCLUSION & RECOMMENDATION**

Based on the facts and findings presented, the Director Approves LO2021-0002 Life Time Fitness First Time Extension & Loading Determination, subject to the applicable conditions identified in Attachment C.

## **Attachment F: CONDITIONS OF APPROVAL**

### **Extension of a Decision (EXT2021-0002)**

#### A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Life Time Fitness project (DR2018-0128). All conditions of approval from the original approval for Life Time Fitness remain in force and must be complied with. 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 August 13, 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. (Planning / JF)
3. The associated Loading Determination application (LO2021-0002) must be approved. (Planning / JF)

### **Extension of a Decision (EXT2021-0003)**

#### A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Life Time Fitness project (LD2019-0008). All conditions of approval from the original approval for Life Time Fitness remain in force and must be complied with. 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 August 13, 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. (Planning / JF)
3. The associated Loading Determination application (LO2021-0002) must be approved. (Planning / JF)

### **Extension of a Decision (EXT2021-0004)**

#### A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Life Time Fitness project (SDM2018-0007). All conditions of approval from the original approval for Life Time Fitness remain in force and must

be complied with. 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 August 13, 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. (Planning / JF)
3. The associated Loading Determination application (LO2021-0002) must be approved. (Planning / JF)

## **Extension of a Decision (EXT2021-0005)**

### **A. General Conditions:**

1. All construction shall be carried out in accordance with the plans submitted and approved with the Life Time Fitness project (TP2018-0009). All conditions of approval from the original approval for Life Time Fitness remain in force and must be complied with. 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 August 13, 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. (Planning / JF)
3. The associated Loading Determination application (LO2021-0002) must be approved. (Planning / JF)

## **Loading Determination (LO2021-0002)**

### **A. General Conditions:**

1. The associated Time Extension applications (EXT2021-0002/ EXT2021-0003 / EXT2021-0004 / EXT2021-0005) must be approved. (Planning / JF)



**Jana Fox**

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**From:** J Freyensee <why2jjj@gmail.com>  
**Sent:** Saturday, May 15, 2021 10:18 AM  
**To:** Jana Fox  
**Subject:** Life Time Fitness Extension

As the city leadership has moved to more of a conservation/heal-the-planet focus, I hope there is renewed focus on how much water this place will use. I believe the fitness center wants 3 pools to begin with? Our water rates and fees jump every year and officially Portland metro is in drought conditions:

<https://www.drought.gov/states/oregon>

I hope the city council delays the extension for a review and changes of water consumption and conservation policy with respect to this gym and new developments moving forward. We need water conservation policy similar to what areas like Los Angeles has to preserve the rainforest ecosystem the NW has.

Regards,  
Jay Freyensee  
306 SW 105th Terrace, Portland, OR 97225