

## NOTICE OF DIRECTOR'S DECISION

**Date:** November 8, 2023

**Application/project name:** LU22023-00616 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension

**Application Numbers:** EXT22023-00612 / EXT22023-00613 / EXT22023-006124/ EXT22023-00615

**Proposal:** The applicant, Washington County, is seeking a time extension for the previously approved Design Review Compliance Letter (DR2019-0063), Tree Plan Two (TP2019-0002), Sidewalk Design Modification (SDM2019-0002) and Public Transportation Facility Two (PTF2019-0001). This request for a time extension, if approved, would extend the expiration date of the original approval by an additional two (2) years, to September 11, 2025. 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:** The site is located along NW Walker Road east of SW 185<sup>th</sup> Avenue and west of SW 173<sup>rd</sup> Avenue. The site is zoned Residential Mixed A (RMA) Residential Mixed B (RMB), Residential Mixed C (RMC), and Neighborhood Service (NS) Station Community and is within the boundaries of the Five Oaks/Triple Creek NAC.

**Applicant:** Washington County, Capital Project Management Division

**Decision:** APPROVAL of EXT22023-00612 / EXT22023-00613 / EXT22023-00614/ EXT22023-00615, subject to the conditions of approval at the end of this report.

Please find attached the statement of facts and conditions of approval for **LU22023-00616 NW Walker Road Extension 173<sup>rd</sup> – 185<sup>th</sup> (EXT22023-00612, EXT22023-00613, EXT22023-00614, and EXT22023-00615)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for **LU22023-00616 NW Walker Road Extension 173<sup>rd</sup> – 185<sup>th</sup> (EXT22023-00612, EXT22023-00613, EXT22023-00614, and EXT22023-00615)** 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 EXT22023-00612, EXT22023-00613, EXT22023-00614, and EXT22023-00615 is 4:30 p.m., November 20, 2023.***

The complete case file including findings, conclusions, and conditions of approval, if any, are available for review. The case file may be reviewed by contacting the project planner, Brett Cannon at [bcannon@beavertonoregon.gov](mailto:bcannon@beavertonoregon.gov) or at <https://apps2.beavertonoregon.gov/DevelopmentProjects/>

**Contact information:**

City staff representative: Brett Cannon, Associate Planner  
503-350-4038  
bcannon@BeavertonOregon.gov

Property owner/  
Applicant: Washington County  
Attn: Matthew Costigan  
1400 Walnut Street, MS #18  
Hillsboro, OR 97123

## Existing conditions

**Zoning:** Residential Mixed A (RMA) Residential Mixed B (RMB), Residential Mixed C (RMC), and Neighborhood Service (NS) Station Community

**Site conditions:** Existing Right of Way

**Location:** The site is located along NW Walker Road east of SW 185<sup>th</sup> Avenue and west of SW 173<sup>rd</sup> Avenue

**Neighborhood Association Committee:** Five Oaks / Triple Creek NAC

**Table 1: Surrounding uses**

Direction	Zoning	Uses
North	Neighborhood Service (NS), Residential Mixed A (RMA), Residential Mixed B (RMB) and Residential Mixed C (RMC)	Residential and Commercial
South	Residential Mixed A (RMA) Residential Mixed B (RMB) and Residential Mixed C (RMC)	Residential and Commercial
East:	Residential Mixed C (RMC)	Right of Way
West:	City of Hillsboro Zone: C-G and UC-OR	Right of Way

## Application information

**Table 2: Application summaries**

Application	Application type	Proposal summary	Approval criteria location
EXT22023-00612	Time Extension	First Time Extension (PTF2019-0001)	Development Code Section 50.93
EXT22023-00613	Time Extension	First Time Extension (SDM2019-0002)	Development Code Section 50.93

Application	Application type	Proposal summary	Approval criteria location
EXT22023-00614	Time Extension	First Time Extension (TP2019-0002)	Development Code Section 50.93
EXT22023-00615	Time Extension	First Time Extension (DR2019-0063)	Development Code Section 50.93

**Table 3: Key Application Dates**

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
EXT22023-00612	Sept. 6, 2023	Sept. 20, 2023	Jan. 4, 2024	Sept. 19, 2024
EXT22023-00613	Sept. 6, 2023	Sept. 20, 2023	Jan. 4, 2024	Sept. 19, 2024
EXT22023-00614	Sept. 6, 2023	Sept. 20, 2023	Jan. 4, 2024	Sept. 19, 2024
EXT22023-00615	Sept. 6, 2023	Sept. 20, 2023	Jan. 4, 2024	Sept. 19, 2024

\* 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.

## Summary of Public Comment

Exhibit 3.1 Email from Alan Lian, 17330 NW Bernard Place, Beaverton, inquiring whether the project will require him to move from his residence.

**Staff response:** Mr. Lian will not be forced to move from his residence because of the NW Walker Road widening project.

Exhibit 3.2 E-mail from Arlen Keup, 18161 NW Stonehedge Court, Beaverton, requesting the project be completed ahead of schedule and below budget.

**Staff response:** Staff acknowledges the desire to move the project forward to ensure the NW Walker Road project is completed in a timely manner. However, the applicant has stated that the Covid 19 pandemic emergency put significant strain on Washington County's Capital Improvement budget and there was an exodus of staff from the Capital Improvement Division. Additional analysis can be found in the findings for Section 50.93.5 in Attachments A, B, C and D.

Exhibit 3.3 Email from Kathleen and Stephen Shaw, 445 NW 170<sup>th</sup> Drive, Beaverton, inquiring whether their property will be impacted by the proposed improvements.

**Staff response:** The proposed project scope is to the west of the Shaw residence, no direct impacts to their property is proposed with the widening of NW Walker between NW 173<sup>rd</sup> Avenue and NW 185<sup>th</sup> Avenue.

Exhibit 3.4 Email from Raoul Russ, 520 NW 176<sup>th</sup> Court, Beaverton, inquiring whether the addition of a sound wall along the northside of Walker Road had been considered.

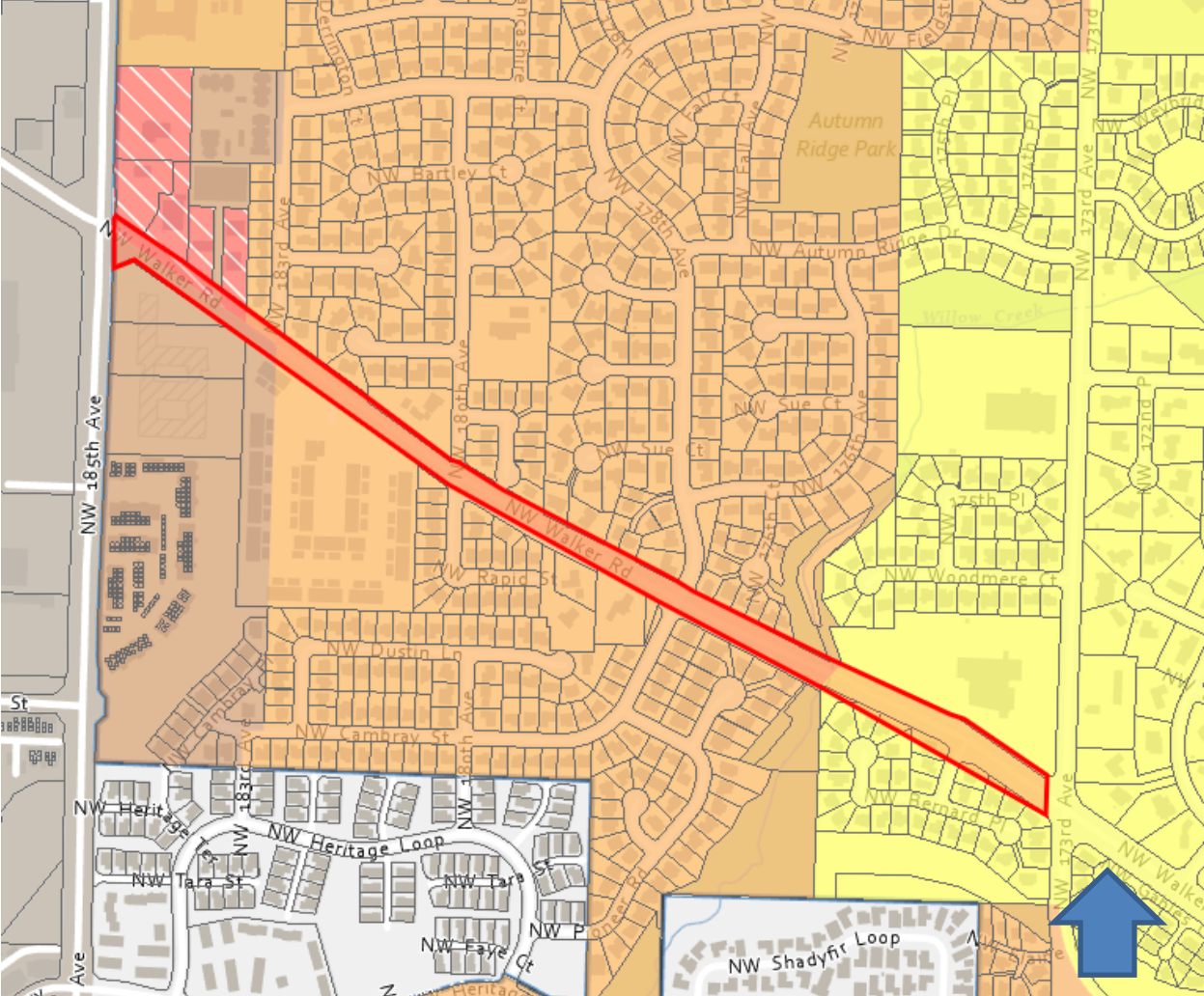
**Staff response:** The applicant states that no additional traffic noise analysis will be performed along NW Walker Road and that the addition of a sound wall will not be part of the project. According to Washington County's noise mitigation policy, the installation of noise mitigation must meet two thresholds, whether current or future noise levels create a need for a sound mitigation wall and whether the property existed prior to a road being classified as an arterial, only when these two thresholds can be answered in the affirmative will noise mitigation be considered for a property. In the case of Mr. Russ' property, the subdivision and property were constructed after NW Walker Road was classified as an arterial and therefore doesn't meet the threshold for installation of a sound wall.



# Exhibit 1.1: Vicinity Map



### Exhibit 1.2: Zoning Map





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## Exhibits

### **Exhibit 1: Materials submitted by Staff**

Exhibit 1.1 Vicinity Map (page 5 of this report)

Exhibit 1.2 Zoning Map (page 6 of this report)

### **Exhibit 2: Materials submitted by the Applicant**

Exhibit 2.1 Submittal Package

### **Exhibit 3: Public Comment**

Exhibit 3.1 Email from Alan Liang

Exhibit 3.2 Email from Arlen Keup

Exhibit 3.3 Email from Kathleen Shaw

Exhibit 3.4 Email from Raoul Russ

# Attachment A: EXTENSION OF A DECISION EXT22023-00612

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** LU22023-00616 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension

**Recommendation:** APPROVAL of EXT22023-00612

**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 NW Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup> PTF2019-0001 is September 11, 2023. The application for extension was filed on September 6, 2023, prior to the expiration of the decision. This is the first time extension request for Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup>.

**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's requested time extension is for a Public Transportation Facility 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 time extension request for PTF2019-0001. One additional time extension will be available after 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, Five Oaks/Triple Creek NAC Chair, all property owners within a three-hundred-foot radius of the subject site (in accordance with Section 50.40), Washington County Department of Land Use and Transportation, and all parties who submitted written testimony for the previously approved Walker Road Improvements 173rd to 185<sup>th</sup> 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 due to reasons associated with COVID-19 pandemic, they have not been able to move the project forward. Specifically, the applicant refers to government staffing issues that led to a significant number of right of way staff terminating employment, consulting engineering firms dealing with staffing shortages and increasing material costs. Due to the staffing shortages and increasing costs the county was tasked with re-prioritizing its projects and because the NW Walker project hadn't commenced it became a low priority project to ensure those projects that were in process had adequate funding and staffing to be completed.

Staff concurs that the COVID-19 pandemic, 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 right of way continues to be zoned Neighborhood Service (NS), Residential Mixed A (RMA), Residential Mixed B (RMB) and Residential Mixed C (RMC) 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 by meeting the conditions of approval the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00612 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension, subject to the applicable conditions identified in Attachment E.

# Attachment B: EXTENSION OF A DECISION EXT22023-00613

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** LU22023-00616 Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension

**Recommendation:** APPROVAL of EXT22023-00613

**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 Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup> SDM2019-0002 is September 11, 2023. The application for extension was filed on September 6, 2023, prior to the expiration of the decision. This is the first time extension request for Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup>.

**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's requested time extension is for a Sidewalk Design Modification 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 time extension request for SDM2019-0002. No other time extensions will be granted 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, Five Oaks/Triple Creek NAC Chair, all property owners within a three-hundred-foot radius of the subject site (in accordance with Section 50.40), Washington County Department of Land Use and Transportation, and all parties who submitted written testimony for the previously approved Walker Road Improvements 173rd to 185<sup>th</sup> 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 due to reasons associated with COVID-19 pandemic, they have not been able to move the project forward. Specifically, the applicant refers to government staffing issues that led to a significant number of right of way staff terminating employment, consulting engineering firms dealing with staffing shortages and increasing material costs. Due to the staffing shortages and increasing costs the county was tasked with re-prioritizing its projects and because the NW Walker project hadn't commenced it became a low priority project to ensure those projects that were in process had adequate funding and staffing to be completed.

Staff concurs that the COVID-19 pandemic, 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 right of way continues to be zoned Neighborhood Service (NS), Residential Mixed A (RMA), Residential Mixed B (RMB) and Residential Mixed C (RMC) 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 by meeting the conditions of approval the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00613 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension, subject to the applicable conditions identified in Attachment E.

# Attachment C: EXTENSION OF A DECISION EXT22023-00614

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** LU22023-00616 Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension

**Recommendation:** APPROVAL of EXT2021-00614

**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 Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup> TP2019-0002 is September 11, 2023. The application for extension was filed on September 6, 2023, prior to the expiration of the decision. This is the first time extension request for Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup>.

**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's requested time extension is for a Tree Plan Two 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 time extension request for TP2019-0002. One additional time extension will be available after 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, Five Oaks/Triple Creek NAC Chair, all property owners within a three-hundred-foot radius of the subject site (in accordance with Section 50.40), Washington County Department of Land Use and Transportation, and all parties who submitted written testimony for the previously approved Walker Road Improvements 173rd to 185<sup>th</sup> 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 due to reasons associated with COVID-19 pandemic, they have not been able to move the project forward. Specifically, the applicant refers to government staffing issues that led to a significant number of right of way staff terminating employment, consulting engineering firms dealing with staffing shortages and increasing material costs. Due to the staffing shortages and increasing costs the county was tasked with re-prioritizing its projects and because the NW Walker project hadn't commenced it became a low priority project to ensure those projects that were in process had adequate funding and staffing to be completed.

Staff concurs that the COVID-19 pandemic, 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 right of way continues to be zoned Neighborhood Service (NS), Residential Mixed A (RMA), Residential Mixed B (RMB) and Residential Mixed C (RMC) 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 by meeting the conditions of approval the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00614 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension, subject to the applicable conditions identified in Attachment E.



# Attachment D: EXTENSION OF A DECISION EXT22023-00615

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** LU22023-00616 Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension

**Recommendation:** APPROVAL of EXT2021-00615

**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 Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup> DR2019-0063 is September 11, 2023. The application for extension was filed on September 6, 2023, prior to the expiration of the decision. This is the first time extension request for Walker Road Improvements 173<sup>rd</sup> to 185<sup>th</sup>.

**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's requested time extension is for a Design Review Compliance Letter 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 time extension request for DR2019-0063. One additional time extension will be available after 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, Five Oaks/Triple Creek NAC Chair, all property owners within a three-hundred-foot radius of the subject site (in accordance with Section 50.40), Washington County Department of Land Use and Transportation, and all parties who submitted written testimony for the previously approved Walker Road Improvements 173rd to 185<sup>th</sup> 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 due to reasons associated with COVID-19 pandemic, they have not been able to move the project forward. Specifically, the applicant refers to government staffing issues that led to a significant number of right of way staff terminating employment, consulting engineering firms dealing with staffing shortages and increasing material costs. Due to the staffing shortages and increasing costs the county was tasked with re-prioritizing its projects and because the NW Walker project hadn't commenced it became a low priority project to ensure those projects that were in process had adequate funding and staffing to be completed.

Staff concurs that the COVID-19 pandemic, 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 right of way continues to be zoned Neighborhood Service (NS), Residential Mixed A (RMA), Residential Mixed B (RMB) and Residential Mixed C (RMC) 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 by meeting the conditions of approval the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00615 NW Walker Road 173<sup>rd</sup>-185<sup>th</sup> Extension, subject to the applicable conditions identified in Attachment E.

# **Attachment E: CONDITIONS OF APPROVAL**

## **Extension of a Decision (EXT22023-00612)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the NW Walker Road Improvements 173rd to 185th (PTF2019-0001). All conditions of approval from the original approval for NW Walker Road Improvements 173rd to 185th 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 / BC)
2. This approval will expire September 11, 2025 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 / BC)

## **Extension of a Decision (EXT22023-00613)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the NW Walker Road Improvements 173rd to 185th (SDM2019-0002). All conditions of approval from the original approval for NW Walker Road Improvements 173rd to 185th 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 / BC)
2. This approval will expire September 11, 2025 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 / BC)

## **Extension of a Decision (EXT22023-00614)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the NW Walker Road Improvements 173rd to 185th (TP2019-0002). All conditions of approval from the original approval for NW Walker Road Improvements 173rd to 185th 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 / BC)
2. This approval will expire September 11, 2025 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 / BC)

## **Extension of a Decision (EXT22023-00615)**

### A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the NW Walker Road Improvements 173rd to 185th (DR2019-0063). All conditions of approval from the original approval for NW Walker Road Improvements 173rd to 185th 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 / BC)
2. This approval will expire September 11, 2025 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 / BC)