



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

MEMORANDUM

City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: June 4, 2024
Subject: LU22023-00941 Herzog Meier VW Volvo Service Extension

Please find attached the Notice of Decision for **LU22023-00941 Herzog Meier VW Volvo Service Extension (EXT22023-00935 / EXT22023-00936 / EXT22023-00939 / EXT22023-00940)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision is final, unless appealed within 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 LU22023-00941 Herzog Meier VW Volvo Service Extension (EXT22023-00935 / EXT22023-00936 / EXT22023-00939 / EXT22023-00940) is 4:30 p.m., June 17, 2024.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Lauren Russell at lrussell@beavertonoregon.gov.

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30am – 4:30pm.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Lauren Russell by calling 503-278-0318 or email lrussell@beavertonoregon.gov.

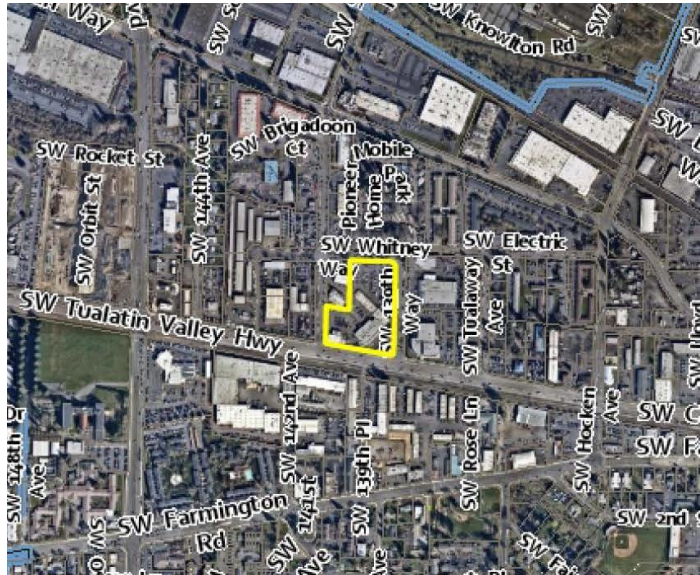
STAFF REPORT

Report date: June 4, 2024

Application: LU22023-00941 Herzog Meier VW Volvo Service Extension

Application Numbers: EXT22023-00935 / EXT22023-00936 / EXT22023-00939 / EXT22023-00940

Proposal: The applicant, AXIS Design Group, requests approval for a two-year extension for four of the six Herzog Meier Expansion approved applications: CU2020-0006, DR2020-0079 as amended by APP2021-0002 and modified by DR2022-0083, SDM2020-0007 as amended by APP2021-0003, and TP2020-0005. The other two approved applications, LO2020-0003 and PD2020-0005, cannot be extended.



The Herzog Meier Expansion approval included: a Major Modification of a Conditional Use (CU2020-0006) for the expansion of an existing conditionally permitted Major Automotive Service use; Design Review Three (DR2020-0079 as amended by APP2021-0002) to partially demolish 5,703 square feet of the existing automotive service building, construct a new 24,900 square foot, one-story automotive service building containing service bays and manual carwash with rooftop storage for inventory vehicles, and reconfigure the on-site vehicle circulation and parking areas; a Loading Determination (LO2020-0003) to reduce the required off-street loading spaces from three to two; a Parking Requirement Determination (PD2020-0005) to establish an off-street parking ratio for an automotive dealership; a Sidewalk Design Modification (SDM2020-0007 as amended by APP2021-0003) to modify the sidewalk and planter strip widths for a portion of the sidewalk; and a Tree Plan Two (TP2020-0005) to remove eight Community Trees. The design of the new automotive service building was then modified by DR2022-0083 to reduce the building footprint and remove the rooftop inventory vehicle storage and the associated vehicle ramp.

No changes to the design of the previously approved land use decision are proposed with the two-year extension requests.

Proposal location: The site is located at 4180 SW 141st Avenue, specifically identified as Tax Lot 03300 on Washington County Tax Assessor's Map 1S116BB.

Applicant: AXIS Design Group

Decision: APPROVAL of EXT22023-00935 / EXT22023-00936 / EXT22023-00939 / EXT22023-00940, subject to the conditions of approval identified at the end of this report.

Contact information:

City Staff Representative: Lauren Russell, AICP, Associate Planner
503-278-0318 / lrussell@BeavertonOregon.gov

Applicant: AXIS Design Group
Erin Upham
11104 SE Stark Street
Portland, OR 97216

Property Owner: Herzog Properties LLC
4275 SW 139th Way
Beaverton, OR 97005

Existing Conditions

Zoning: General Commercial (GC)

Site Conditions: The lot is currently developed with two automotive dealerships: Herzog Meier Volkswagen and Herzog Meier Volvo. The Volvo showroom and service reception building is located at the southwest corner of the site. The Volkswagen showroom and service reception building is located near the southeast corner of the site. The Volkswagen and Volvo parts and service building is located to the northeast of the Volkswagen showroom. The majority of the surface parking areas are located to the north of the buildings, except for several spaces at the southeast corner of the site.

Site Size: 4.52 acres

Location: North of SW Tualatin Valley Highway, west of SW 139th Way, south of SW Whitney Way, and east of SW 141st Avenue.

Neighborhood Association Committee: Central Beaverton

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Station Community – High Density (SC-HDR)	Manufactured and Mobile Homes Parks and Subdivisions
South	General Commercial (GC)	Automotive Sales and Major Automotive Service
East:	General Commercial (GC)	Automotive Sales and Major Automotive Service
West:	General Commercial (GC)	Automotive Sales and Major Automotive Service

Application Information

Table 2: Application Summaries

Application	Application type	Proposal summary	Approval criteria location
EXT22023-00935	Extension of a Decision	Two-year extension for Herzog Meier Expansion approved application CU2020-0006	Development Code Section 50.93
EXT22023-00936	Extension of a Decision	Two-year extension for Herzog Meier Expansion approved application DR2020-0079, as amended by APP2021-0002 and modified by DR2022-0083	Development Code Section 50.93
EXT22023-00939	Extension of a Decision	Two-year extension for Herzog Meier Expansion approved application SDM2020-0007, as amended by APP2021-0003	Development Code Section 50.93
EXT22023-00940	Extension of a Decision	Two-year extension for Herzog Meier Expansion approved application TP2020-0005	Development Code Section 50.93

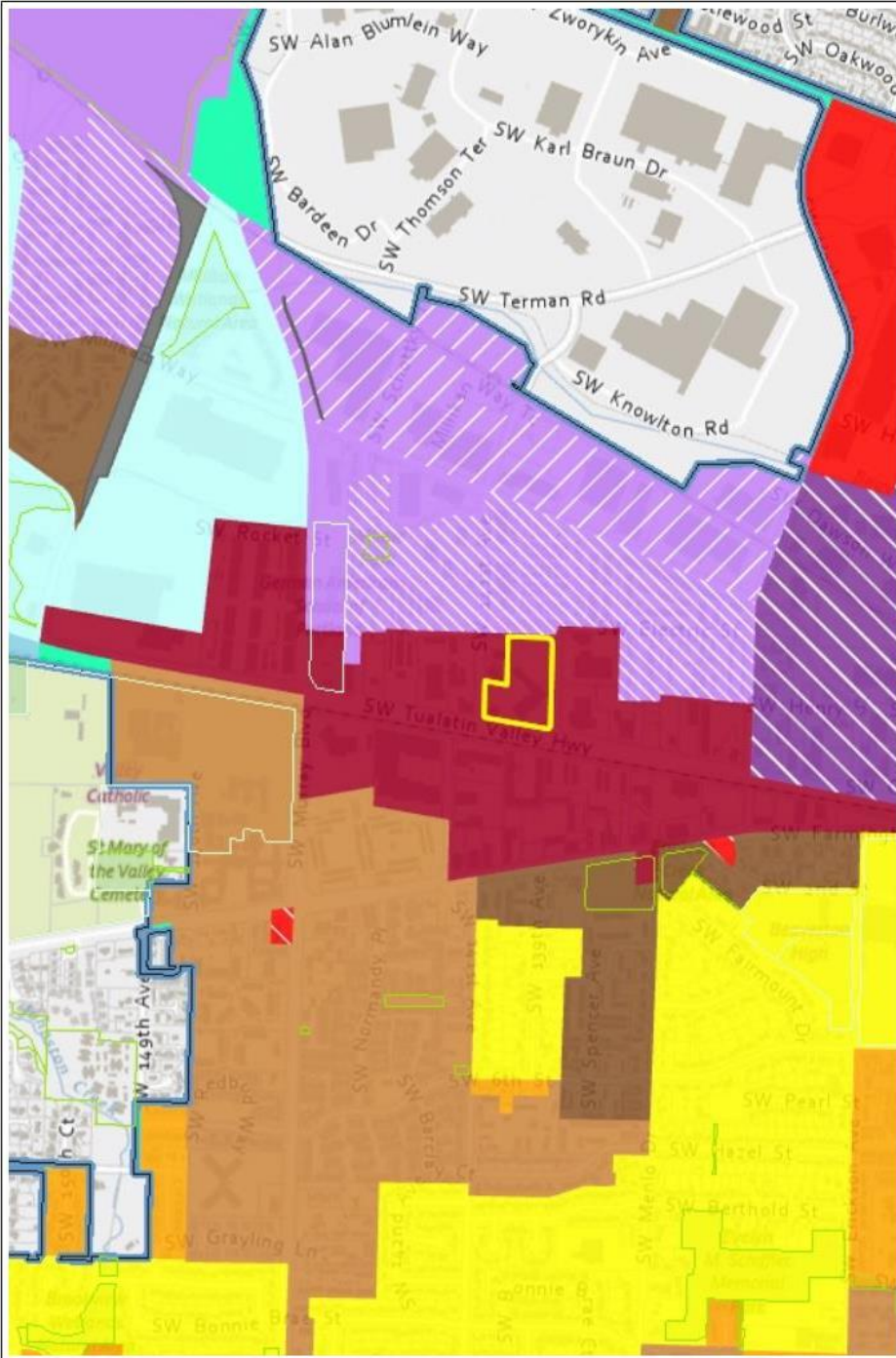
Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
EXT22023-00935	December 28, 2023	February 27, 2024	June 26, 2024	February 26, 2025
EXT22023-00936	December 28, 2023	February 27, 2024	June 26, 2024	February 26, 2025
EXT22023-00939	December 28, 2023	February 27, 2024	June 26, 2024	February 26, 2025
EXT22023-00940	December 28, 2023	February 27, 2024	June 26, 2024	February 26, 2025

* 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.

** The original 120-day final decision date can be extended 245 days.

Exhibit 1.1 Zoning and Vicinity Map

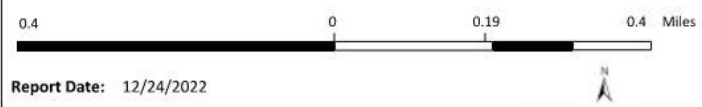


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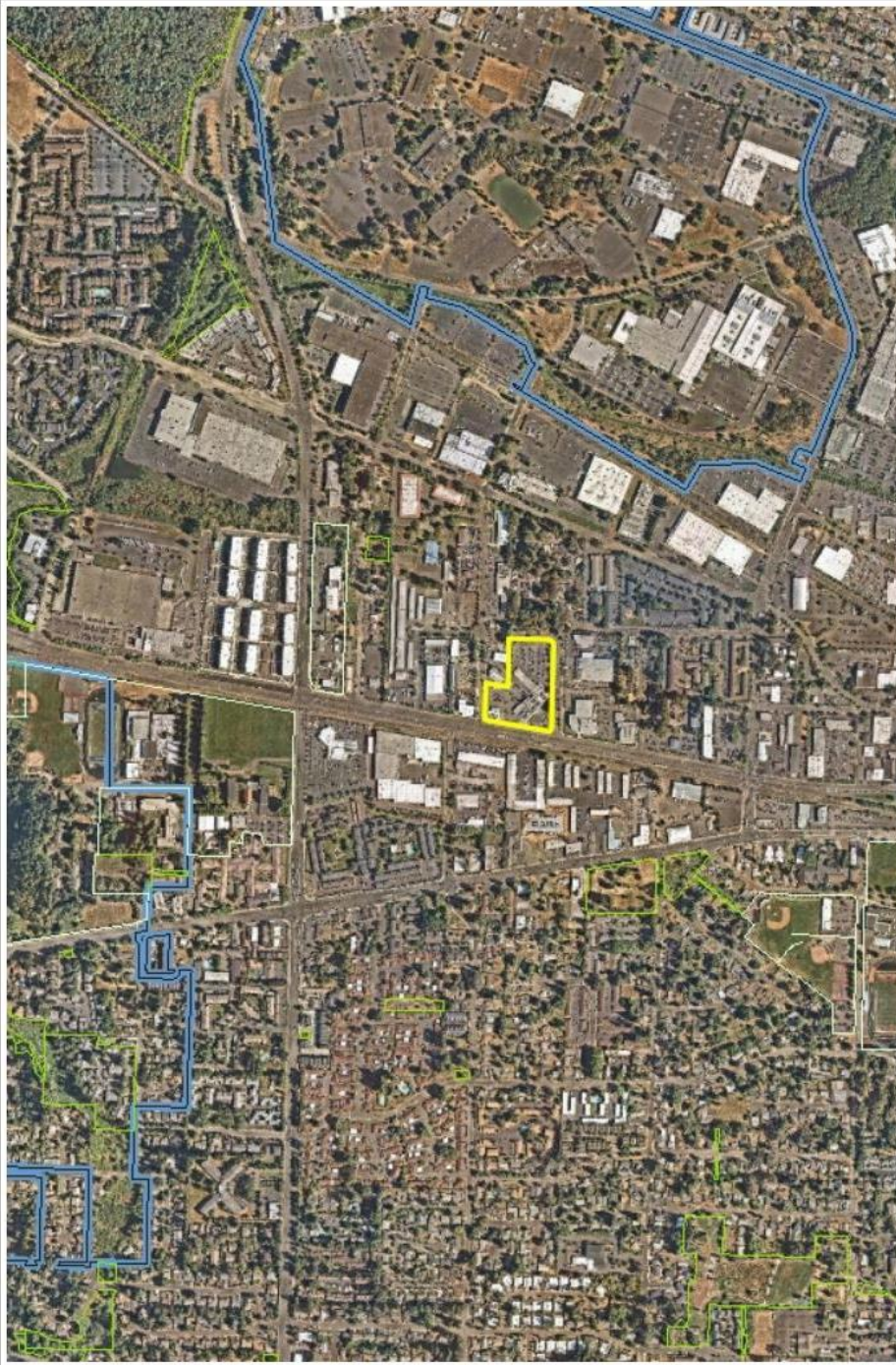
- Washington County Taxlots
- Park and School Boundaries
 - Parks
 - School Land
- Beaverton City Limits
- County Line
- UGB
- Zoning**
 - Residential Mixed C (RMC)
 - Residential Mixed B (RMB)
 - Residential Mixed A (RMA)
 - Multi-Unit Residential (MR)
 - Neighborhood Service Center (NS)
 - Community Service (CS)
 - Corridor Commercial (CC)
 - General Commercial (GC)
 - Station Community - SC-S
 - Station Community - High Density Reside
 - Station Community - Employment
 - Station Community - Multiple Use
 - Town Center - High Density Reside
 - Town Center - Multiple Use (TC-MI)
 - Regional Center - Old Town (RC-C)
 - Regional Center - East (RC-E)
 - Regional Center - Beaverton Centr
 - Regional Center - Downtown Trans
 - Regional Center - Multiple Use (RC
 - Commercial - Washington Square
 - Office Industrial - Washington Squa
 - Office Industrial (OI)
 - OI-NC
 - Industrial (IND)
 - Interim Washington County Zoning
 - Unzoned/ ROW
- Stream_Labels
- CityLimits_Line
- County_Line
- Taxlots - Washington County

Notes

Subject site outlined in yellow



The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

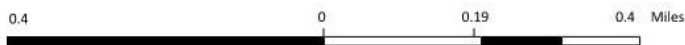


Legend

- Washington County Taxlots
- Park and School Boundaries
- Parks
- School Land
- Beaverton City Limits
- County Line
- UGB

Notes

Subject site outlined in yellow



Report Date: 12/24/2022



The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

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Exhibits:

Exhibit 1. Materials Submitted by Staff

- Exhibit 1.1 Zoning and Vicinity Map (page 7 of this report)
- Exhibit 1.2 Aerial Map (page 8 of this report)

Exhibit 2. Public Comment

None received

Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.1 Property Owner Authorization
- Exhibit 3.2 Pre-Application Conference Hold Harmless Agreement
- Exhibit 3.3 Written Statement

Exhibit 4. Agency Comment

None received

Attachment A: EXT22023-00935 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT22023-00935, subject to the conditions of approval identified in Attachment E.

Director Standards for Approval

Section 50.93 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Extension of a Decision applications. The Director will determine whether the application as presented meets the Extension of a Decision approval criteria.

Section 50.93.1

Approval Criterion: *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 Herzog Meier Expansion Major Modification of a Conditional Use (CU2020-0006) approval was December 31, 2023. The application for extension was filed on December 28, 2023, prior to the expiration of the decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.2

Approval Criterion: *The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Expedited Land Division (Section 40.45.15.9.), Preliminary Middle Housing Land Division (Section 40.45.15.10.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Bicycle Parking (Section 40.54.15.2.), Sign (Section 40.60.), 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.*

FINDING:

The applicant's request time extension is for a Major Modification of a Conditional Use application. This application is not listed in Section 50.93.2 as an application that is not subject to extensions of time.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.3

Approval Criterion: *A land use decision may be extended no more than two times.*

FINDING:

This is the first extension request for the Herzog Meier Expansion Major Modification of a Conditional Use (CU2020-0006) decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.4

Approval Criterion: *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.*

FINDING:

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, staff finds that the proposal meets the approval criterion.

Section 50.93.5

Approval Criterion: *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.*

FINDING:

Public notice for this time extension was mailed to those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.6

Approval Criterion: *In order to approve an extension of time application, the Director 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.*

FINDING:

The applicant states that it was not practicable to commence development within the time allowed because the project as originally designed and approved has become cost prohibitive to construct due to a number of factors beyond the reasonable control of the applicant. These factors included inflation and labor and material cost escalation.

The applicant states that there have been no code or Statute changes that are applicable to the proposal that would necessitate a modification of the decision or the conditions of approval. Staff concurs that there have been no changes that impact the Major Modification of a Conditional Use approval or its conditions of approval.

The applicant states that there are no proposed changes to the approved design, use, or conditions of approval of the Major Modification of a Conditional Use application.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES EXT22023-00935**, subject to the conditions of approval in Attachment E.

Attachment B: EXT22023-00936 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT22023-00936, subject to the conditions of approval identified in Attachment E.

Director Standards for Approval

Section 50.93 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Extension of a Decision applications. The Director will determine whether the application as presented meets the Extension of a Decision approval criteria.

Section 50.93.1

Approval Criterion: *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 Herzog Meier Expansion Design Review Three (DR2020-0079 as amended by APP2021-0002 and modified by DR2022-0083) approval was December 31, 2023. The application for extension was filed on December 28, 2023, prior to the expiration of the decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.2

Approval Criterion: *The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Expedited Land Division (Section 40.45.15.9.), Preliminary Middle Housing Land Division (Section 40.45.15.10.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Bicycle Parking (Section 40.54.15.2.), Sign (Section 40.60.), 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.*

FINDING:

The applicant's request time extension is for a Design Review Three application. This application is not listed in Section 50.93.2 as an application that is not subject to extensions of time.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.3

Approval Criterion: *A land use decision may be extended no more than two times.*

FINDING:

This is the first extension request for the Herzog Meier Expansion Design Review Three (DR2020-0079 as amended by APP2021-0002 and modified by DR2022-0083) decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.4

Approval Criterion: *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.*

FINDING:

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, staff finds that the proposal meets the approval criterion.

Section 50.93.5

Approval Criterion: *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.*

FINDING:

Public notice for this time extension was mailed to those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.6

Approval Criterion: *In order to approve an extension of time application, the Director 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.*

FINDING:

The applicant states that it was not practicable to commence development within the time allowed because the project as originally designed and approved has become cost prohibitive to construct due to a number of factors beyond the reasonable control of the applicant. These factors included inflation and labor and material cost escalation.

The applicant states that there have been no code or Statute changes that are applicable to the proposal that would necessitate a modification of the decision or the conditions of approval. Staff concurs that there have been no changes that impact the Design Review Three approval or its conditions of approval.

The applicant states that there are no proposed changes to the approved design, use, or conditions of approval of the Design Review Three application.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES EXT22023-00936**, subject to the conditions of approval in Attachment E.

Attachment C: EXT22023-00939 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT22023-00939, subject to the conditions of approval identified in Attachment E.

Director Standards for Approval

Section 50.93 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Extension of a Decision applications. The Director will determine whether the application as presented meets the Extension of a Decision approval criteria.

Section 50.93.1

Approval Criterion: *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 Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007 as amended by APP2021-0003) approval was December 31, 2023. The application for extension was filed on December 28, 2023, prior to the expiration of the decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.2

Approval Criterion: *The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Expedited Land Division (Section 40.45.15.9.), Preliminary Middle Housing Land Division (Section 40.45.15.10.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Bicycle Parking (Section 40.54.15.2.), Sign (Section 40.60.), 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.*

FINDING:

The applicant's request time extension is for a Sidewalk Design Modification application. This application is not listed in Section 50.93.2 as an application that is not subject to extensions of time.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.3

Approval Criterion: *A land use decision may be extended no more than two times.*

FINDING:

This is the first extension request for the Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007 as amended by APP2021-0003) decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.4

Approval Criterion: *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.*

FINDING:

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, staff finds that the proposal meets the approval criterion.

Section 50.93.5

Approval Criterion: *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.*

FINDING:

Public notice for this time extension was mailed to those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.6

Approval Criterion: *In order to approve an extension of time application, the Director 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.*

FINDING:

The applicant states that it was not practicable to commence development within the time allowed because the project as originally designed and approved has become cost prohibitive to construct due to a number of factors beyond the reasonable control of the applicant. These factors included inflation and labor and material cost escalation.

The applicant states that there have been no code or Statute changes that are applicable to the proposal that would necessitate a modification of the decision or the conditions of approval. Staff concurs that there have been no changes that impact the Sidewalk Design Modification approval or its conditions of approval.

The applicant states that there are no proposed changes to the approved design, use, or conditions of approval of the Sidewalk Design Modification application.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES EXT22023-00939**, subject to the conditions of approval in Attachment E.

Attachment D: EXT2023-00940 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT2023-00940, subject to the conditions of approval identified in Attachment E.

Director Standards for Approval

Section 50.93 of the Development Code provides standards to govern the decisions of the Director as they evaluate and render decisions on Extension of a Decision applications. The Director will determine whether the application as presented meets the Extension of a Decision approval criteria.

Section 50.93.1

Approval Criterion: *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 Herzog Meier Expansion Tree Plan Two (TP2020-0005) approval was December 31, 2023. The application for extension was filed on December 28, 2023, prior to the expiration of the decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.2

Approval Criterion: *The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Expedited Land Division (Section 40.45.15.9.), Preliminary Middle Housing Land Division (Section 40.45.15.10.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Bicycle Parking (Section 40.54.15.2.), Sign (Section 40.60.), 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.*

FINDING:

The applicant's request time extension is for a Tree Plan Two application. This application is not listed in Section 50.93.2 as an application that is not subject to extensions of time.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.3

Approval Criterion: *A land use decision may be extended no more than two times.*

FINDING:

This is the first extension request for the Herzog Meier Expansion Tree Plan Two (TP2020-0005) decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.4

Approval Criterion: *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.*

FINDING:

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, staff finds that the proposal meets the approval criterion.

Section 50.93.5

Approval Criterion: *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.*

FINDING:

Public notice for this time extension was mailed to those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Section 50.93.6

Approval Criterion: *In order to approve an extension of time application, the Director 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.*

FINDING:

The applicant states that it was not practicable to commence development within the time allowed because the project as originally designed and approved has become cost prohibitive to construct due to a number of factors beyond the reasonable control of the applicant. These factors included inflation and labor and material cost escalation.

The applicant states that there have been no code or Statute changes that are applicable to the proposal that would necessitate a modification of the decision or the conditions of approval. Staff concurs that there have been no changes that impact the Tree Plan Two approval or its conditions of approval.

The applicant states that there are no proposed changes to the approved design, use, or conditions of approval of the Tree Plan Two application.

Conclusion: Therefore, staff finds that the proposal meets the approval criterion.

Conclusion and Recommendation

Based on the facts and findings presented above, the Director **APPROVES EXT22023-00940**, subject to the conditions of approval in Attachment E.

Attachment E: Conditions of Approval

Application: LU22023-00941 Herzog Meier VW Volvo Service Extension

Decision: APPROVE EXT22023-00935 / EXT22023-00936 / EXT22023-00939 / EXT22023-00940

Finding: The Director finds that the proposal complies with all approval criteria, subject to the following conditions of approval:

Extension of a Decision (EXT22023-00935)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Herzog Meier Expansion Major Modification of a Conditional Use (CU2020-0006) application. All conditions of approval from the original approval 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 / LR)
2. This approval will expire on June 3, 2026, unless the approval is enacted through a change in use to the subject property as allowed by the approval, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / LR)

Extension of a Decision (EXT22023-00936)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Herzog Meier Expansion Design Review Three (DR2020-0079 as amended by APP2021-0002 and modified by DR2022-0083) application. All conditions of approval from the original approval 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 / LR)
2. This approval will expire on June 3, 2026, unless the approval is 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 / LR)

Extension of a Decision (EXT22023-00939)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Herzog Meier Expansion Sidewalk Design Modification (SDM2020-0007 as amended by APP2021-0003) application. All conditions of approval from the original approval 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 / LR)
2. This approval will expire on June 3, 2026, unless the approval is 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 / LR)

Extension of a Decision (EXT22023-00940)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Herzog Meier Expansion Tree Plan Two (TP2020-0005) application. All conditions of approval from the original approval 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 / LR)
2. This approval will expire on June 3, 2026, unless the approval is 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 / LR)