



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: July 5, 2024
Subject: LU22024-00304 Cedar Hills Apartments Extension

Please find attached the Notice of Decision for **LU22024-00304 Cedar Hills Apartments Extension (EXT22024-00300 / EXT22024-00301)**. 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 LU22024-00304 Cedar Hills Apartments Extension (EXT22024-00300 / EXT22024-00301) is 4:30 p.m., July 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.

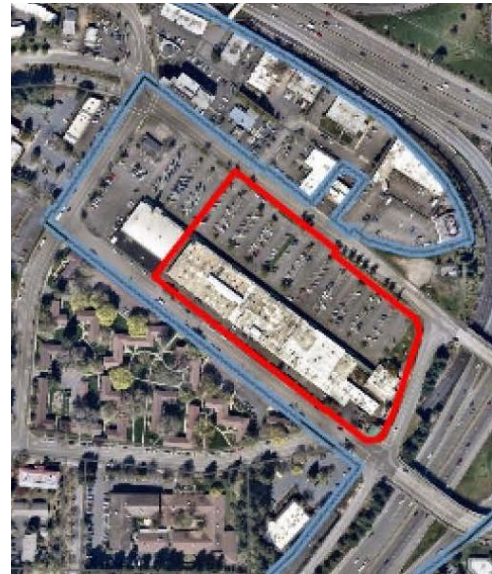
STAFF REPORT

Report date: July 3, 2024

Application: LU22024-00304 Cedar Hills Apartments Extension

Application Numbers: EXT22024-00300 / EXT22024-00301

Proposal: The applicant, High Street Residential, requests approval for a two-year extension for both of the Cedar Hills Apartments approved applications: DR2022-0030 and LD2022-0015. The Cedar Hills Apartments approval included Design Review Three (DR2022-0030) for a mixed-use development consisting of 4,700 square feet of ground floor commercial space and 400 attached dwelling units and Replat One (LD2022-0015) for the creation of a plat for land that has never been part of a previously recorded plat.



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 10180 SW Park Way, specifically identified as Tax Lot 02900 on Washington County Tax Assessor's Map 1S102CC.

Applicant: High Street Residential

Decision: APPROVAL of EXT22024-00300 / EXT22024-00301, 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: High Street Residential
Damin Tarlow
1300 SW 5th Avenue, Suite 3350
Portland, OR 97201

Applicant's Representative: LRS Architects
Julio Rocha
720 NW Davis Street
Portland, OR 97209

Property Owner: Cedar Hills II LLC
10180 SW Park Way
Portland, OR 97225

Existing Conditions

Zoning: Station Community – Multiple Use (SC-MU)

Site Conditions: The lot is currently developed with a one-story, 89,851 square foot shopping center with large surface parking lot and two wireless communication facility towers.

Site Size: 5.59 acres

Location: The subject site is located on the south side of SW Park Way between SW Marlow Avenue to the west and SW Frontage Road to the east. It is bound by SW Park Way to the north, SW Frontage Road to the east, and SW Wilshire Street to the south.

Neighborhood Association Committee: Central Beaverton

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Washington County Transit Oriented Business (TO:BUS); City of Beaverton Interim Washington County	Shopping Center; Medical Clinic; Temporary Living Quarters; Eating and Drinking Establishment; Wireless Communication Facility
South	Washington County TO:BUS; Washington County Transit Oriented Residential District 40-80 units/acre (TO:R40-80)	Shopping Center; Attached Dwellings
East:	Washington County TO:BUS	Shopping Center
West:	Station Community – Multiple Use (SC-MU)	Shopping Center

Application Information

Table 2: Application Summaries

Application	Application type	Proposal summary	Approval criteria location
EXT22024-00300	Extension of a Decision	Two-year extension for Cedar Hills Apartments approved application DR2022-0030	Development Code Section 50.93
EXT22024-00301	Extension of a Decision	Two-year extension for Cedar Hills Apartments approved application LD2022-0015	Development Code Section 50.93

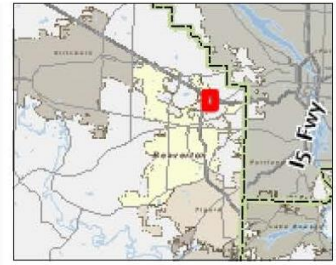
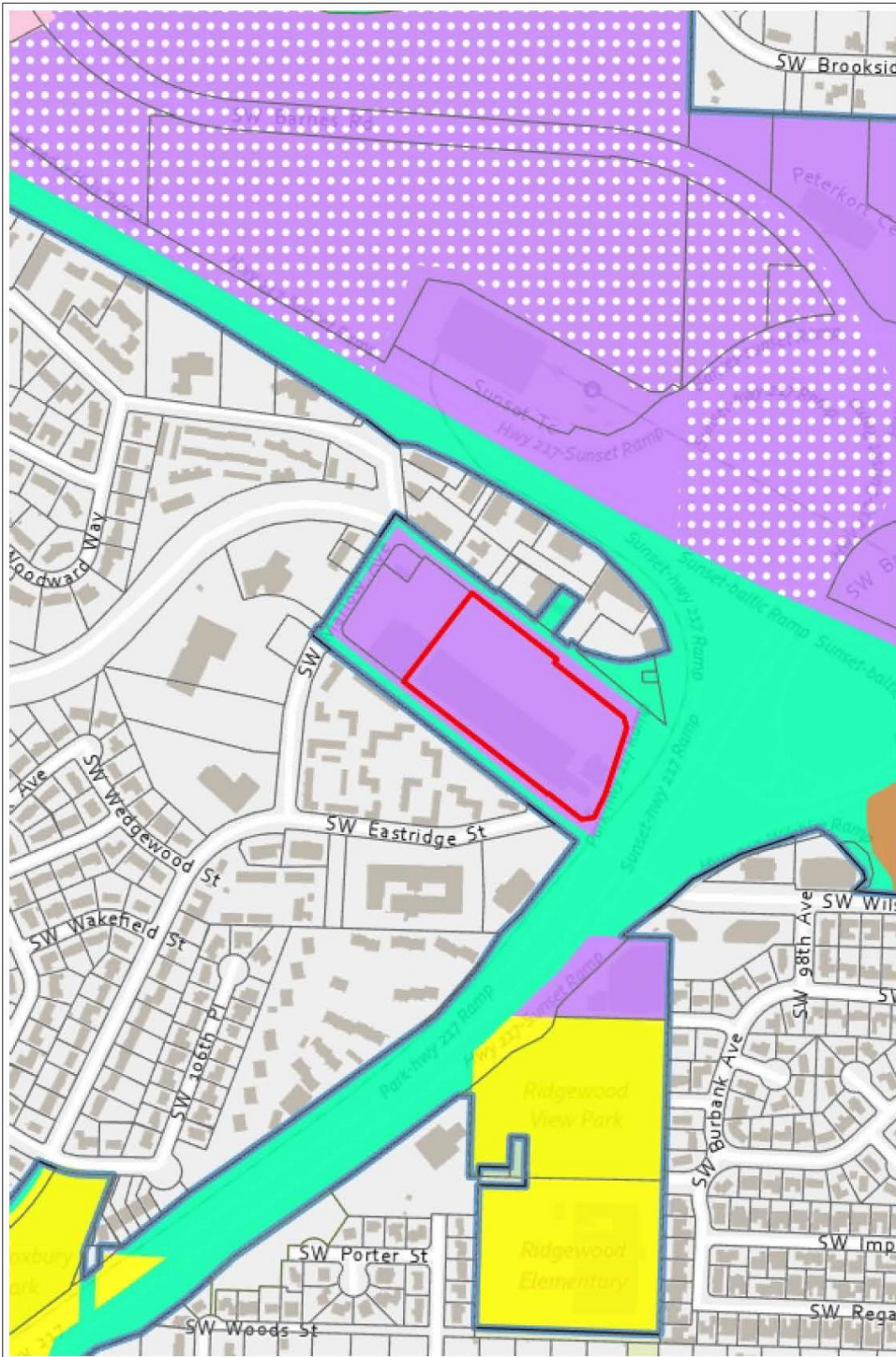
Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day*	365-Day**
EXT22024-00300	April 10, 2024	April 10, 2024	August 8, 2024	April 10, 2025
EXT22024-00301	April 10, 2024	April 10, 2024	August 8, 2024	April 10, 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

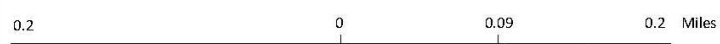


Legend

- 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 (
 - Station Community - Employment (
 - Station Community - Multiple Use (
 - Town Center - High Density Reside
 - Town Center - Multiple Use (TC-M)
 - Regional Center - Old Town (RC-O)
 - 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

Note: Subject site outlined in red.



Report Date: 08/25/2022



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.



Legend

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

Note: Subject site outlined in red.



Report Date: 08/25/2022



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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 3.4 Site Plans

Exhibit 4. Agency Comment

None received

Attachment A: EXT2024-00300 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT2024-00300, subject to the conditions of approval identified in Attachment C.

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 Cedar Hills Apartments Design Review Three (DR2022-0030) approval is September 15, 2024. The application for extension was filed on April 10, 2024, 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 requested 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 Cedar Hills Apartments Design Review Three (DR2022-0030) 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 problematic financial climate of the past several years has made it difficult for the developer to secure the necessary funding required for the project. Additionally, there have been challenges in relocation or buy-outs of existing leases of the shopping center's many tenants.

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 EXT2024-00300**, subject to the conditions of approval in Attachment C.

Attachment B: EXT22024-00301 Extension of a Decision

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Decision: APPROVAL OF EXT22024-00301, 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 Cedar Hills Apartments Replat One (LD2022-0015) approval is September 15, 2024. The application for extension was filed on April 10, 2024, 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 Replat One 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 Cedar Hills Apartments Replat One (LD2022-0015) 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 problematic financial climate of the past several years has made it difficult for the developer to secure the necessary funding required for the project. Additionally, there have been challenges in relocation or buy-outs of existing leases of the shopping center's many tenants.

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 Replat One 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 Replat One 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 EXT22024-00301**, subject to the conditions of approval in Attachment C.

Attachment C: Conditions of Approval

Application: LU22024-00304 Cedar Hills Apartments Extension

Decision: APPROVE EXT22024-00300 / EXT22024-00301

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

Extension of a Decision (EXT22024-00300)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with the Cedar Hills Apartments Design Review Three (DR2022-0030) 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 September 15, 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 (EXT22024-00301)

A. General Conditions:

1. All construction shall be carried out in accordance with the plans submitted and approved with Cedar Hills Apartments Replat One (LD2022-0015) 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 September 15, 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)