



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: December 14, 2017
cc: EXT2017-0003 Sunset Station & Barnes Road PUD
Second Time Extension (CU2013-0003),
Subject: *Notice of Decision for a Second Time Extensions of Previously Approved Applications for Sunset Station & Barnes Road PUD.*

Please be advised that the decision for EXT2017-0003 Second Time Extension for Sunset Station & Barnes Road PUD has been issued and is available on the City's website at <http://apps.beavertonoregon.gov/DevelopmentProjects/>. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for EXT2017-0003 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:

- A. The case file number designated by the City.
- B. The name and signature of each appellant.
- C. Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- D. 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.
- E. 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.
- F. The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for EXT2017-0003 Second Time Extensions for Sunset Station & Barnes Road PUD is **4:30 p.m., Tuesday, December 26, 2017.**

The complete case file including findings, conclusions, and conditions of approval, if any, are available for review. The Director's Decision is available online at <http://apps.beavertonoregon.gov/DevelopmentProjects/>. The full case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building, 12725 SW Millikan Way between 7:30a.m. and 4:30p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jana Fox, Associate Planner, at (503) 526-3710.



NOTICE OF DIRECTOR'S DECISION

DATE: December 14, 2017

TO: All Interested Parties

FROM: Jana Fox, Associate Planner

PROPOSAL: EXT2017-0003 Sunset Station & Barnes Road PUD Second Time Extension

LOCATION: Generally North and South of Barnes Road from West of Cedar Hills Boulevard to Highway 217.
Washington County Tax Assessors Map 1S103AB Tax Lot 200, Map 1S103A0 Tax Lots, 1700 and 2200, Map 1S102B0 Tax Lot 500, Map 1S102CB Tax Lot 100, Map 1S102CA Tax Lots, 500 and 600, and Map 1S103AD Tax Lot 600.

SUMMARY: The applicant is seeking a second time extension for a previously approved Conditional Use-PUD application (file # CU2013-0003) that authorized an approximately 80 acre PUD, including residential and commercial uses. No physical development was approved with the PUD. No changes to the originally approved proposal are included with this time extension application. If approved, this time extension request will extend the expiration date of the prior approvals to November 5, 2019.

All critical facilities required for this development were evaluated during the review of the original applications. All conditions of approval still apply.

PROPERTY OWNER: J. Peterkort & Company, L.P
Lois D. Ditmars
9755 SW Barnes Road, Suite 690
Portland, OR 97225

APPLICANT'S REPRESENTATIVE: James P. Draudt, P.C
9755 SW Barnes Road, Suite 695
Portland, OR 97225

RECOMMENDATIONS: **APPROVAL of EXT2017-0003 Sunset Station & Barnes Road PUD Second Time Extension**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
EXT2017-0003	October 26, 2017	November 14, 2017	March 14, 2018	July 12, 2018

* 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.

Existing Conditions Table

Zoning	Urban High Density (R1), Corridor Commercial (CC), and Station Community-Sunset (SC-S)	
Current Development	Vacant	
Site Size & Location	79.4 Acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Urban High Density (R1) & Washington County TO:R40-80 & TO:R80-120 South: Highway 26 East: Washington County R-5 & Washington County TO:BUS West: Station Community-High Density Residential (SC-HDR) & Washington County TO:RC & TO:BUS	<u>Uses:</u> North: Natural Resource Areas South: Highway 26 East: Detached Housing & Commercial Office West: Vacant & Commercial

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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<u>Attachment B:</u> Conditions of Approval	8

Exhibits

Exhibit 1 - Public Comment

None Received

Exhibit 2 – Staff Exhibits

- Exhibit 2.1 CU2013-0003 Land Use Order
- Exhibit 2.2 EXT2015-0004 Land Use Decision
- Exhibit 2.3 APP2015-0003 Land Use Order

**ANALYSIS AND FINDINGS FOR
EXTENSION OF TIME FOR PREVIOUSLY APPROVED APPLICATIONS**

Section 50.93 Extension of a Decision

1. *An application to extend the expiration date of a decision made pursuant to this 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).*

Facts and Findings

The expiration date of CU2013-0003 is November 5, 2017. The applications for extension were filed on October 26, 2017.

Therefore, staff finds that this requirement is met.

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.*

Facts and Findings

This is an extension for a Conditional Use-Planned Unit Development application, which is not listed in Section 50.93.2 as an application not subject to extensions of time.

Therefore, staff finds that this requirement is met.

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

Facts and Findings

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

Therefore, staff finds that this requirement is met.

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.*

Facts and Findings

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

Therefore, staff finds that this requirement is met.

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.*

Facts and Findings

Public notice for this time extension was mailed to: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius (in accordance with Section 50.40.2), and all parties of record from the initial land use decision as well as the first time extension (EXT2015-0004).

Therefore, staff finds that this requirement is met.

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 notified in design, use, or conditions of approval.*

Facts and Findings

According to the applicant, "establishing a development plan must take into account impacts on traffic and significant offsite improvements as required by the conditions of approval." Additionally the applicant states they have been working on development planning for sites targeted as initial development sites, and having discussions with potential development partners. Given the extent of the work necessary for a project of this size it has been impracticable to commence development within the original approval period. Staff concurs that the complexity of the planning for projects of this scale makes it difficult to develop and receive land use entitlements for the master plan area within the time provided by the PUD approval, and make it not practicable to commence development within the time allowed by the approval of CU 2013-0003. In 2016 the applicant received approval for a three (3) lot partition of Lot 1, the R1 zoned property in

order to help facilitate future development of the site. As the partition did not involve any physical improvements the partition did not vest the PUD approval, however it does show progress toward commencing development.

Staff also finds that no significant changes have occurred to the applicable regulations that would result in the modification of the decision or the conditions of approval. The properties continue to be zoned Station Community-Sunset (SC-S), Urban High Density (R1), and Corridor Commercial (CC) and this request to extend the expiration date of the original approvals contains no proposals to make any changes to the approved plans. No other regulations have come into effect by the City's partner agencies such as Clean Water Services which would necessitate a new review of the previously approved PUD.

The applicant does not propose any changes or modifications to the previously approved Planned Unit Development, or conditions of approval.

Therefore staff finds that the approval criteria are met.

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the request for Extension of a Decision approval is supported within the approval criteria findings, noted above, for Chapter 50, Section 50.93 of the Development Code.

Staff has provided findings, and recommended conditions of approval to meet the necessary technical requirements identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, **EXT2017-0003 Sunset Station & Barnes Road PUD Second Time Extension** meets the requirements.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **EXT2017-0003 Sunset Station & Barnes Road PUD Second Time Extension** subject to the conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR EXT2017-0003

1. All construction shall be carried out in accordance with the plans submitted and approved with CU2013-0003. All conditions of approval from the original approval for the Sunset Station & Barnes Road PUD application remain in force and must be complied with before building permits, site development permits, or building occupancy permits, as applicable, can be obtained. No changes to the previously approved plans are permitted by this approval. Any changes to the approved plans will require new land use approval. (Planning Div/ JF)

2. This approval will expire November 5, 2019. (Planning Div/ JF)

SPACE RESERVED FOR WASHINGTON CO. RECORDERS USE

**BEFORE THE PLANNING COMMISSION
FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF)	ORDER NO. 2337
NEW CONDITIONAL USE APPROVAL TO INCLUDE)	CU2013-0003 ORDER APPROVING
ALLOCATION OF RESIDENTIAL UNITS AND)	SUNSET STATION & BARNES ROAD PUD
COMMERCIAL/OFFICE SQUARE FOOTAGES FOR)	CONDITIONAL USE
THE EIGHT IDENTIFIED PARCELS (SUNSET STATION)	
& BARNES ROAD PUD. J. PETERKORT & COMPANY,)	
APPLICANT.	

The matter came before the Planning Commission on October 30, 2013, on a request for approval of a New Conditional Use application to include allocation of residential units and commercial/office square footages for the eight identified parcels. No new development or physical improvements are proposed in conjunction with this Planned Unit Development. The project location is generally North and South of Barnes Road from West of Cedar Hills Boulevard to Highway 217, and is specifically identified on Washington County Tax Assessors Map 1S103AB Tax Lot 1200, Map 1S103A0 Tax Lots, 1700 and 2200, Map 1S102B0 Tax Lot 500, Map 1S102CB Tax Lot 100, Map 1S102CA Tax Lots 600 and 500, and Map 1S103AB Tax Lot 600.

Pursuant to Ordinance 2050 (Development Code) Section 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

During the course of the hearing, the Commission expressed their concerns over the following issues:

- The current safety issues at the unsignalized intersection of the Eastbound off ramp of Highway 26 and Cedar Hills Boulevard and the desire to see the stop light put in with the earliest phase of development in order to mitigate for the intersection safety deficiencies. The City Transportation Engineer stated that development on the western sites would be likely to require the stop light as one of the first improvements.
- Pedestrian safety at the existing and proposed intersections crossing Barnes Road. The applicant's representatives testified that the applicant would be providing 5-lane crossings where possible to facilitate shorter crossings and that these design issues would be reviewed with future development proposals.

The Commission found that the responses to their concerns were acceptable and did not require additional conditions.

Public testimony was received by the Commission which generally included the following concerns:

- The proposal fails to provide safe and convenient access for area residents to the Sunset transit station and future uses on Barnes Road. A request was made that the Commission condition the applicant to provide a pedestrian overcrossing of Barnes Road from the north side of the street to the south to serve the transit center. Staff responded that such a condition was not merited at

this time because no specific impact is being created with this application. In the review of future development proposals, it may be determined that such a condition is relevant and proportional to a specific impact.

- The proposal would provide a street connection to Brookside Drive to the north of the proposed development and that a condition is required to prevent such connection. Staff responded that such a condition was not merited at this time because the Washington County Comprehensive Plan currently has a prohibition on connecting Brookside Drive to through vehicle traffic. Any future development of the subject parcels will be evaluated with the Plans and Codes in effect at that time, and any connection would be subject to those policies and regulations.
- The impact to wildlife that exists in the area today and the possibility for wildlife corridors. The staff responded that the current application does not include specific development so evaluating wildlife impacts are premature. However, future development proposals will look at factors such as Low Impact Design and Design Review standards which may benefit or reduce impact to wildlife.
- The impact of incremental transportation improvements to the roads in the study area and the affect on local residents. Staff responded that the City could only require mitigation be provided for impacts when those impacts were created. The full build-out of

the transportation improvements may take years but the majority of the transportation improvements will likely occur with the initial stages of the future development given the conclusions of the Transportation Impact Analysis.

- The impact of other development that is approved for the area or could be approved for the area in the case of underdeveloped or vacant parcels. The applicant and staff responded that the submitted Transportation Impact Analysis (TIA) included the trips generated by approved development including, but not limited to, the St. Vincent's development and the Touchmark Heights development on Barnes Road. The TIA also assumed the development of vacant or underdevelopment parcels such as the Choban properties.

The Commission found that the responses to the issues raised by the public were acceptable as findings and did not require additional conditions.

An item raised by the applicant at the hearing was the fact that the J. Peterkort Company had recently purchased a property within the SC-S zone that was located between two properties owned by the J. Peterkort Co. This parcel was previously owned by Peterkort Homestead. The applicant wished to note that this parcel would be made as a part of the Planned Unit Development application. Staff responded that including this parcel at the hearing would be acceptable since inclusion of the parcel would not modify public noticing requirements and that the submitted TIA included the parcel for future

development assumptions. The Planning Commission accepted the amendment to the Planned Unit Development application.

In deliberations the Commission expressed concern over the length of pedestrian crossings and encouraged the applicant to work on solutions to make the crossings easier. Commissioners also stated that wildlife would be addressed at the time of development review. The Commission found that the applicant provide a complete and thorough application which satisfactorily addressed all of the approval criteria.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated October 23, 2013, as amended, and the findings contained therein, as applicable to the approval criteria contained in Sections 40.03 and 40.15.15.4.C of the Development Code. The Commission further adopts, as relevant to the subject approval criteria, the Supplemental Staff Memorandums dated October 28, 29 and 30, 2013 and the supplemental findings contained in this land use order.

Therefore, **IT IS HEREBY ORDERED** that **CU2013-0003** is **APPROVED**, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated October 30, 2013, Supplemental Staff Memorandums dated October 28, 29 and 30, 2013, subject to the conditions of approval as follows:

A. Prior to Land Use Approval of each proposed physical development within the PUD area the applicant shall:

1. Provide a supplemental transportation analysis to assess consistency with the approved October 2013 Sunset Station & Barnes Road PUD TIA and

to identify which of the mitigation measures listed below in conditions 2 through 32 are triggered by the impacts of the proposed development phase. The identified improvements are anticipated to be constructed incrementally over multiple phases of development within the properties subject to this PUD approval.

2. At the intersection of Cedar Hills Boulevard and the eastbound Highway 26.

- a. New traffic signal, including interconnection with the traffic signals on Cedar Hills Boulevard from Butner Road to Barnes Road.
- b. On the northbound approach, widening Cedar Hills Boulevard to provide two through lanes and a northbound right-turn lane that extends from Butner Road to the intersection including construction of a pedestrian island at the southeast quadrant. Construct a northbound bike lane and a sidewalk on the east side of Cedar Hills Blvd. between Butner and US26 westbound off-ramp. Construct sidewalk behind bridge columns.
- c. On the southbound approach widening Cedar Hills Boulevard to provide two through lanes and two left-turn lanes with a minimum storage length of 175 feet for each left-turn lane. Construct a southbound bike lane and a sidewalk on the west side of Cedar Hills Blvd. from the Highway 26 westbound onramp to Butner Road. Construct sidewalk behind bridge columns.
- d. On Highway 26 eastbound off ramp approach, widening to provide an exclusive left-turn lane with a minimum storage length of 230 feet, a through/right-turn/left-turn lane and an exclusive right-turn lane with a minimum storage length of 230 feet.

3. At the intersection of Cedar Hills Boulevard and Butner Road.

- a. On the northbound approach, convert the existing northbound right-turn lane to a through/right-turn lane. Extend the northbound bike lane from its current terminus to the Butner Road intersection, subject to availability of right-of-way.
- b. On the eastbound approach, widening Butner Road to provide two left-turn lanes with a minimum storage length of 200 feet and a through/right-turn lane. Subject to availability of right-of-way construct eastbound and westbound bike lanes on each side of Butner Road.
- c. On the westbound approach, widening Butner Road to provide

a through/left-turn lane and a right-turn lane with a minimum storage length of 175 feet, and a bike lane, subject to availability of right-of-way.

- d. Modification of the traffic signal to accommodate the widening. Replace signal controller per Washington County standard. Implement split phasing for east-west approaches.

4. At the intersection of Cedar Hills Boulevard and the westbound Highway 26.

- a. On the northbound approach, widening Cedar Hills Boulevard to provide two through lanes, and a through/right turn lane to the Highway 26 westbound on ramp. Construct a northbound bike lane and an east sidewalk.
- b. On the southbound approach, construct an off-street bi-directional multi-use bike/ped facility between Barnes Road and the future crossing of the Highway 26 westbound on-ramp along the frontage of the Town Square Two site (Tax Lot 1S1 03A 01700).
- c. On the Highway 26 westbound off ramp approach, widening and island modification to provide a left turn lane, a shared left-right turn lane, and a right turn lane with a minimum storage length of 275 feet.
- d. Modification of the traffic signal to accommodate the widening.

5. At the intersection of Cedar Hills Boulevard and Barnes Road.

- a. For the northbound approach, widening Cedar Hills Boulevard to provide two through lanes, an exclusive right-turn lane that extends from Highway 26 westbound off ramp, two left turn lanes with a minimum storage of 445 feet, a bike lane and a sidewalk. Reconstruct the existing sign bridge. Construct two northbound receiving lanes extending to Celeste Lane.
- b. For the southbound approach, widening Cedar Hills Boulevard to provide a through lane, a through/right-turn lane, and two left turn-lanes with a minimum storage length of 130 feet, a bike lane, and a sidewalk. The two southbound through lanes shall extend from Celeste Lane.
- c. For the eastbound approach, widening of Barnes Road to provide two right-turn lanes with a minimum storage length of 350 feet, two through lanes, a left-turn lane with a minimum storage length of 185 feet, a bike lane, and a sidewalk.

- d. For the westbound approach, widening Barnes Road to provide an exclusive right-turn lane with a minimum storage length of 350 feet, two through lanes, two left-turn lanes with a minimum storage of 345 feet for the inside lane and the outside lane continuous to the Town Square West access intersection, and a bike lane.
 - e. Modification of the traffic signal to accommodate the widening.
- 6. At the intersection of Barnes Road and site access roadway (116th Avenue).**
- a. New traffic signal, including interconnection with the traffic signal at Cedar Hills Boulevard and Barnes Road.
 - b. For the eastbound approach, widening Barnes Road between 117th Avenue and 116th Avenue to provide a through lane, a through/right-turn lane, and a left turn lane with a minimum storage of 75 feet. Construct a bike lane and a sidewalk, subject to available right-of-way.
 - c. For the westbound approach, widening Barnes Road to provide a through lane, a through/right turn-lane, two left-turn lanes with a minimum storage length of 200 feet and a bike lane. Extend a continuous westbound side-by-side left turn lane from 116th Avenue to 117th Avenue. Extend a second westbound receiving lane. Construct a bike lane and sidewalk from 116th Avenue to 117th Avenue, subject to available right-of-way.
 - d. For the northbound approach construct a through/left-turn lane and a right turn-lane with a minimum storage length of 175 feet. Design traffic signal with a northbound right turn overlap signal phase.
 - e. For the southbound approach, construct a through/right-turn lane, and a left-turn-lane with a minimum storage length of 75 feet.
- 7. At the intersection of Barnes Road and Town Square West/Parcel 7 access roadway.**
- a. For the northbound approach maintain the existing double left turn lane configuration. Convert the existing right turn lane into a shared through/right-turn lane.
 - b. For the southbound approach, construct a through/right-turn lane and a left turn-lane with a minimum storage length of 75 feet.

- c. For the eastbound approach, widening Barnes Road to provide two through lanes, a right-turn lane with a minimum storage length of 100 feet, a left-turn lane with a minimum storage of 100 feet and a bike lane.
 - d. For the westbound approach, widening Barnes Road to provide two through lanes, a through/right turn-lane, a left-turn lane with a minimum storage length of 130 feet, a bike lane, and a sidewalk.
 - e. Modification of the traffic signal to accommodate the widening.
- 8. At the intersection of Cedar Hills and Celeste Lane.**
- a. For the northbound approach, widen Cedar Hills Boulevard to provide a left-turn lane with a minimum storage length of 100 feet, a through lane and a through/right-turn Lane. Extend the second northbound lane 300 feet beyond Celeste Lane before tapering back to match existing.
 - b. For the southbound approach, widen Cedar Hills Boulevard to provide a left-turn lane with a minimum storage length of 100 feet, a through lane and a through right-turn lane. Provide a minimum of 200 feet approach lane length for the second through lane.
- 9. At the new Parcel 7 and Parcel 12 site access to Valeria View Drive.**
- a. For the northbound approach, re-stripe Valeria View Drive to provide a left-turn lane with a minimum storage of 75 feet, a through/right-turn lane and a bike lane.
 - b. For the southbound approach, re-stripe Valeria View Drive to provide a southbound left-turn lane with a minimum storage length of 50 feet.
- 10. At the intersection of Barnes Road and Highway 217.**
- a. For the northbound approach widen Highway 217 off ramp to provide three through lanes with a storage length of 240 feet, two right turn lanes with a storage length of 240 feet. Install vehicle detection sensors to identify excessive northbound queue spillback and integrate to an advance warning sign for the OR 217/Barnes Road off-ramp to slow speeds approaching the ramp.
 - b. Pay ODOT \$250,000 as a contribution towards a variable message sign/variable speed sign to be installed by ODOT on OR 217 northbound between SW Walker Road and the Barnes Road off-ramp.

- c. For the southbound approach, widening Barnes Road to provide a through lane, a through/right-turn lane (right turn signed for bus only), and two left-turn lanes with a minimum storage length of 400 feet for the inside left turn lane and the outside left turn lane continuous from Lois Lane, and a bike lane.
- d. For the westbound approach, widening Barnes Road to provide two right-turn lanes with the outside lane providing a minimum storage length of 160 feet and the inside right turn lane beginning at the Baltic Avenue intersection, a through lane extending from the Baltic Avenue intersection, two left-turn lanes extending from the Baltic intersection, and a bike lane.
- e. Signal modification to accommodate the widening and signaling the northbound right-turn movement.

11. At the intersection of Barnes Road and Baltic Avenue.

- a. For the northbound approach, widening Baltic Avenue to provide three lanes and a multi-use bike/pedestrian facility (behind the curb) from the US26 westbound off-ramp extending north to Barnes Road with the westerly a trap lane to westbound Barnes; the central lane as a through lane at Barnes, and the easterly lane a through/right-turn lane at Barnes Road. Construct a right turn lane with a minimum storage length of 360 feet and an inside second left turn lane with a minimum storage of 240 feet.
- b. For the southbound approach, widening of Baltic Road/St. Vincent Hospital access to provide a through lane, a through/right turn-lane with a minimum storage of 200 feet, a right-turn lane with a minimum storage length of 200 feet, a left turn lane with a minimum storage length of 200 feet, a bike lane, and a sidewalk.
- c. For the eastbound approach, widening Barnes Road to provide one through lane, a through/right-turn lane, a right turn lane with a minimum storage length of 250 feet, two left turn lanes with a minimum storage length of 150 feet and a bike lane.
- d. For the westbound approach, widening of Barnes Road to provide two through lanes, a through/right-turn lane, two left-turn lanes with a minimum storage length of 200 feet, a bike lane, and a sidewalk. Widen south bound Baltic Avenue to provide two receiving lanes for a distance of 225 feet before tapering to match existing.

- e. Reconstruct the ODOT sign bridge across Barnes Road.
- f. Modification of the traffic signal to accommodate the widening.

12. At the intersection of Barnes Road and St. Vincent Hospital Middle Access.

- a. For the eastbound approach, widening Barnes Road to provide a through lane, a through/right-turn lane a median designed to accommodate a future left-turn lane with a minimum storage length of 100 feet, and a bike lane.
- b. For the westbound approach, widening of Barnes Road to provide two through lanes that extend from the St. Vincent Hospital east access, one through lane (the outside lane to convert to a through/right-turn lane with Hospital Master Plan expansion) with a minimum storage length of 250 feet, a left turn lane with a minimum storage length of 100 feet, a bike lane, and a sidewalk.
- c. Modification of the traffic signal to accommodate the widening.

13. At the intersection of Barnes Road and St. Vincent Hospital East Access.

- a. For the eastbound approach, widening of Barnes Road to provide a through lane, a through/right-turn lane, and widen the median to accommodate a future inside second left-turn lane with a minimum storage length of 200 feet and an outside left-turn lane with a minimum storage length of 250 feet, and a bike lane.
- b. For the westbound approach, widening of Barnes Road to re-align the through lane, through/right turn lane, and a bike lane with the three receiving lanes located west of the Hospital access. Reconstruct the displaced sidewalk.
- c. Modification of the traffic signal to accommodate the widening.

14. At the intersection of Barnes Road and Valeria View Drive.

- a. For the westbound approach, re-stripe Barnes Road to provide three through lanes, a left turn lane with a minimum storage length of 200 feet, a right turn-lane with a minimum storage length of 300 feet, and a bike lane. The new through lane shall extend from the new Parcel 12 (Tax Lot 1S1 02B 00500) access to the east.
- b. Modification of the traffic signal to accommodate the widening.

15. At the new Parcel 12 site access to Barnes Road.

- a. New traffic signal, including interconnection with the traffic signals on Barnes Road and Valeria View Drive and with the signal on Barnes Road and the Transit Center access.
- b. For the eastbound approach, re-stripe Barnes Road to provide two through lanes, a left turn lane with a minimum storage of 100 feet and a bike lane.
- c. For the southbound approach construct a right-turn lane and a left-turn lane with a minimum storage of 100 feet.

16. At the intersection of Barnes Road and Sunset Transit Center Drive.

- a. For the northbound approach, widening Sunset Transit Center Drive to provide a left-turn Lane and a shared left-turn/right-turn lane with a minimum storage length of 300 feet.
- b. Modification of the traffic signal to accommodate the widening including interconnection with the signals on the two new signalized accesses to the east and west.

17. At the Parcel 17 Holly Site and Sunset Station new full access to Barnes Road east of the Sunset Transit Center Drive.

- a. New Traffic Signal, including interconnection with the signals at Lois Lane to the east and the Sunset Transit Center Drive to the west.
- b. For the northbound approach, construction of a new site access with a left-turn lane with a minimum storage length of 125 feet, a through /right-turn lane and sidewalks.
- c. For the southbound approach, construction of a new site access with a left-turn lane with a minimum storage length of 100 feet, a through /right-turn lane and sidewalk.
- d. For the eastbound approach, widen Barnes Road to provide a through lane, a through/right-turn lane, a left turn lane with a minimum storage of 100 feet, a bike lane and sidewalk.
- e. For the westbound approach widen Barnes Road to provide two through lanes, a left-turn lane with a minimum storage length of 200 feet, a right-turn lane that extends from the new right-in/right-out access to the east, a bike lane and a sidewalk.

18. At the Parcel 17 Holly Site right-in/right-out new access to Barnes Road west of Lois Lane.

- a. Construction of a median barrier to restrict access to right-in/right-out.
- b. For the westbound approach, widen Barnes road to provide two through lanes, a through/right turn lane that extends from Lois Lane to the east and a bike lane and a sidewalk.

19. At the Sunset Station new right-in/right-out access to Barnes Road west of Lois Lane.

- a. Construction of a median barrier to restrict access to right-in/right-out.

20. At the Sunset Station new right-in/right-out access to Barnes Road east of Sunset Transit Center Drive.

- a. Construction of a median barrier to restrict access to right-in/right-out.
- b. For the eastbound approach, widen Barnes Road to provide a right turn deceleration lane with 150 feet of storage, a bike lane, and a sidewalk.

21. At the Intersection of Barnes Road and Lois Lane.

- a. Construction of a northbound approach with a shared left/through lane, a right turn lane with a minimum storage length of 100 feet, and a receiving lane. Operate the right turn lane with overlap signal phasing.
- b. Re-stripe the existing southbound approach to provide a shared left/through lane and a right turn lane. Operate the right turn lane with overlap signal phasing.
- c. For the eastbound approach, widen Barnes Road to provide two through lanes and a through/right-turn lane extending from the right-in/right-out access to the west, a left turn lane with a minimum storage length of 150 feet, a bike lane and a sidewalk.
- d. For the westbound approach widen Barnes Road to provide two through lanes, a through/right-turn lane that extends to the intersection of Barnes Road and Highway 217 to the east, a left turn lane with a minimum storage length of 350 feet, a bike lane and sidewalk.
- e. Modification of the traffic signal to accommodate the widening including interconnection to the signals to the east and to the west.

22. Provide half street improvements along the frontage on Barnes Road to five lane arterial standards with bike lanes and sidewalks along Parcel 1 (Tax Lot 1S1 03AB 00200), Town Square Two (Tax Lot 1S1 03A 01700), Parcel 7 (Tax Lot 1S1 03A 02200), Parcel 12/17 (Tax Lot 1S1 02B 00500), Sunset Station (Tax Lots 1S1 02CB 00100, 1S1 02CA 00500 & 1S1 02CA 00600), and Hillside (Tax Lot 1S1 03AD 00600).
23. Half street improvements along the frontage of Parcel 7 (Tax Lot 1S1 03A 02200) and Parcel 12 (Tax Lot 1S1 02B 00500) on Valeria View Drive to three lane collector standards including sidewalks.
24. Half street improvements along the frontage of Town Square Two (Tax Lot 1S1 03A 01700), Parcel 7 (Tax Lot 1S1 03A 02200), and Parcel 1 (Tax Lot 1S1 03AB 00200, between Celeste Lane and Barnes Road) on Cedar Hills Boulevard to a minimum of five lane arterial standards including sidewalks.
25. Interconnection of traffic signals along Barnes Road between Highway 217 and Leahy Road with a plan approved by the County Engineer.
26. Pay Washington County \$195,000 as a contribution toward the future construction of a traffic signal on 107th Avenue and Cornell Road. In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by the County Engineer.
27. Pay Washington County \$232,000 as a contribution toward the future improvements to the intersection of Cornell Road and 143rd Avenue. (Widen Cornell Road to 5 lanes and re-align 143rd Avenue)
28. Pay Washington County \$500,000 as a contribution toward the future construction of a bike/pedestrian pathway undercrossing at the westbound on-ramp to Highway 26. In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by ODOT and the County Engineer.
29. Pay Washington County \$232,900 as a contribution toward the future improvements to the intersection of Cornell Road and Cedar Hills Boulevard. (Widen Cornell Road to 5 lanes at the intersection). In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by the County Engineer.
30. Pay Washington County \$600,000 as a contribution toward the future improvements to the intersection of Barnes Road and Miller Road. (Widen Barnes Road to 5 lanes within 500 feet east and west of the intersection and modify Miller to provide a southbound left-turn lane, a through/left-turn lane, and a right turn lane). In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the

improvements as directed by the County Engineer.

31. Pay Washington County \$166,500 as a contribution toward the future improvements to the intersection of Cornell Road and Trail Street. (Widen Cornell Road to 5 lanes)
32. Pay Washington County \$600,000 as a contribution toward the future improvements to the intersection of Barnes Road and Leahy Road. (Widen Leahy Road to 5 lanes). In lieu of paying the contribution towards the improvements, applicant at their own discretion may choose to construct the improvements as directed by the County Engineer.
33. For condition 10.b and conditions 26 through 32 above which require roughly proportional share payments, the dollar amounts specified in the conditions apply if payments are made prior to July 1, 2015. On July 1, 2015 and on the first day of July of each succeeding year, the amount of the payment shall be adjusted and the adjusted payment requirement shall apply to any payment received by Washington County or the Oregon Department of Transportation after that date. The adjusted payment requirement shall be calculated by applying the percentage increase/decrease adopted each year by the Board of County Commissioners for adjustment in Transportation Development Tax in accordance with the Washington County Code.
34. For each of the above improvements, the design shall be in accordance with the design standards of the road authority having jurisdiction of the roadway and shall include illumination to the standards of the road authority having jurisdiction.
35. Dedicate right-of-way along the site frontages as needed to accommodate the improvements required by Conditions 2 through 32. Should a Land Division application precede an application for physical development on any given parcel, that Land Division application shall record a reservation or tract for the necessary future road dedication to accommodate the improvements required in Conditions 2 through 35 for that parcel. Dedication across the public street frontages of individual parcels shall occur with the first phase of development within that parcel.
36. Revisions to striping, signing, signals and sign bridges as necessary to accommodate the capacity improvements required in Conditions 2 through 32.
37. Provide pedestrian connections throughout the PUD which connect parcels and transit opportunities in conformance with Section 60.55 of the Development Code, which may include, but are not limited to, grade separated crossings, multiple use paths, and/or enhanced transit facilities.

B. Prior to Site Development Permit Issuance of each proposed physical development within the PUD area the applicant shall:

38. Obtain the necessary approvals to begin on-site work from all governmental agencies and public utilities having jurisdiction over associated improvements and impacts.

C. General Conditions:

39. For any improvements required by Conditions of Approval 2 through 32 which have not been completed and accepted by the agency having jurisdiction by the date of issuance of the final certificate of occupancy due to circumstance beyond the applicants control the applicant shall provide financial guarantees to the City of Beaverton. Financial guarantees may be in the form of a letter of credit, performance bond, or other method approved by the City Attorney for the full estimated costs, as determined by the City Engineer and County Engineer, of the associated improvements remaining to be constructed.
40. At the time of development for each parcel, all overhead utilities within and along the parcel street frontage(s) shall be undergrounded in accordance with Development Code Chapter 60 requirements and to the standards within the City's Engineering Design Manual and Standard Drawings (Ordinance 4471). Site Development permit plans shall reflect utility undergrounding. (Site Development/JD)
41. Prior to the issuance of a certificate of occupancy for greater than 1,093,600 square footage of non-residential development for the entire SC-S area a minimum of 1,899 residential units in the SC-S zone must receive a certificate of occupancy. (Planning/JF)
42. In accordance with Section 50.90.1 of the Development Code, Planned Unit Development approval shall expire 2 years after the date of approval unless, prior to that time, a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension has been filed, pursuant to Section 50.93 of the Development Code, or authorized development has otherwise commenced in accordance with Section 50.90.3.B of the Development Code. (Planning/JF)
43. To accommodate the open space requirements of Section 60.35.15 of the Development code, at the time of development of residential uses, the applicant must provide the required open space in conformance with Section 60.35.15 of the Development Code. Future open space must meet the specified width, length, size, and accessibility requirements of Chapter 60. (Planning/JF)

Motion **CARRIED**, by the following vote:

AYES: Doukas, Maks, Kiene, Nye, Winter, and Overhage.
NAYS: None.
ABSTAIN: None.
ABSENT: Stephens.

Dated this 5th day of November, 2013.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2337 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton's Community and Economic Development Department's office by no later than 5:00 p.m. on Friday, November 5 2013.

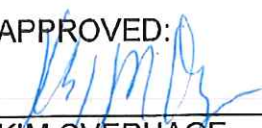
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



JANA FOX
Associate Planner

APPROVED:



KIM OVERHAGE
Chair



STEVEN A. SPARKS, AICP
Planning Division Manager



MEMORANDUM

City of Beaverton

Community Development Department

EXHIBIT 2.2

To: Interested Parties
From: City of Beaverton Planning Division
Date: December 11, 2015
cc: EXT2015-0004 Sunset Station & Barnes Road PUD
First Time Extension (CU2013-0003),
Subject: *Notice of Decision for Time Extensions of Previously Approved Applications for Sunset Station & Barnes Road PUD.*

Please be advised that the decision for EXT2015-0004 Time Extension for Sunset Station & Barnes Road PUD has been issued and is available on the City's website at <http://apps.beavertonoregon.gov/DevelopmentProjects/>. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for EXT2015-0004 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:

- A. The case file number designated by the City.
- B. The name and signature of each appellant.
- C. Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- D. 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.
- E. 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.
- F. The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for EXT2015-0004 Time Extensions for Sunset Station & Barnes Road PUD is **4:00 p.m., Wednesday, December 23, 2015.**

The complete case file including findings, conclusions, and conditions of approval, if any, are available for review. The Director's Decision is available online at <http://apps.beavertonoregon.gov/DevelopmentProjects/>. The full case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building, 12725 SW Millikan Way between 7:30a.m. and 4:00p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jana Fox, Associate Planner, at (503) 526-3710.

NOTICE OF DIRECTOR'S DECISION

DATE: December 11, 2015

TO: All Interested Parties

FROM: Jana Fox, Associate Planner

PROPOSAL: EXT2015-0004 Sunset Station & Barnes Road PUD Time Extension

LOCATION: Generally North and South of Barnes Road from West of Cedar Hills Boulevard to Highway 217.
Washington County Tax Assessors Map 1S103AB Tax Lot 1200, Map 1S103A0 Tax Lots, 1700 and 2200, Map 1S102B0 Tax Lot 500, Map 1S102CB Tax Lot 100, Map 1S102CA Tax Lot 600, and Map 1S103AD Tax Lot 600.

SUMMARY: The applicant is seeking a first time extension for a previously approved Conditional Use-PUD application (file # CU2013-0003) that authorized an approximately 80 acre PUD, including residential and commercial uses. No physical development was approved with the PUD. No changes to the originally approved proposal are included with this time extension application. If approved, this time extension request will extend the expiration date of the prior approvals to November 5, 2017.

No changes to the originally approved designs are proposed with these applications. All critical facilities required for this development were evaluated during the review of the original applications. All conditions of approval still apply.

PROPERTY OWNER: J. Peterkort & Company, L.P
Lois D. Ditmars
9755 SW Barnes Road, Suite 690
Portland, OR 97225

APPLICANT'S REPRESENTATIVE: James P. Draudt, P.C
9755 SW Barnes Road, Suite 695
Portland, OR 97225

RECOMMENDATIONS: **APPROVAL of EXT2015-0004 Sunset Station & Barnes Road PUD Time Extension**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
EXT2015-0004	October 30, 2015	October 30, 2015	February 27, 2015	June 26, 2015

* 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.

Existing Conditions Table

Zoning	Urban High Density (R1), Corridor Commercial (CC), and Station Community-Sunset (SC-S)	
Current Development	Vacant	
Site Size & Location	79.4 Acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Urban High Density (R1) & Washington County TO:R40-80 & TO:R80-120 South: Highway 26 East: Washington County R-5 & Washington County TO:BUS West: Station Community-High Density Residential (SC-HDR) & Washington County TO:RC & TO:BUS	<u>Uses:</u> North: Natural Resource Areas South: Highway 26 East: Detached Housing & Commercial Office West: Vacant & Commercial

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
<u>Attachment A:</u> Facts and Findings for EXT2015-0004 Sunset Station & Barnes Road PUD Time Extension.	6-8
<u>Attachment B:</u> Conditions of Approval	9

Public comments:

- Exhibit 1.1 Email Received November 17, 2015, from Lynn M. Heider
- Exhibit 1.2 Letter & Petition, Received December 2, 2015, from Virginia Bruce and others
- Exhibit 1.3 Letter from Bruce Bartlett, Received December 2, 2015
- Exhibit 1.4 Letter from Patrick Gaston, Received December 2, 2015
- Exhibit 1.5 Letter & Petition from Jake Mintz, Received December 2, 2015

Public Comment Response:

Staff has received correspondence and petitions concerning the proposed extension of time application and those items are listed above. The correspondence and petitions consist of many pages and address a range of topics. Staff have reviewed each of the comments and have concluded that the comments can be summarized in the following five (5) major themes; Highway 26 eastbound off-ramp at Cedar Hills, Sidewalk connections in the area, 95th Avenue trail connection, Traffic in the area, and Parking Capacity at the Sunset Transit Center Parking Garage. Staff addresses each of these concerns below:

Highway 26 Eastbound Off-Ramp at Cedar Hills

Condition of Approval 2 of CU2013-0003 (Sunset Station & Barnes Road PUD) requires intersection improvements to the intersection of Cedar Hills Boulevard and Eastbound Highway 26 off-ramp when a specific, physical development is approved on a parcel within the boundary of the PUD. The application is not proposing to change the approved PUD or the conditions of approval with this time extension application. Therefore, the applicant will be required to improve the subject intersection, and construct other transportation improvements in the area as specified by the PUD conditions of approval when warranted by physical development within the PUD area.

Improvement to this specific intersection is not solely the responsibility of the applicant. It is possible that this specific improvement could be constructed by another party proposing to develop separately from the approved PUD. If it is determined through the land use development review process of that potential separate development application that the development proposal is creating an impact to this specific intersection, that potential development would need to mitigate that impact. Furthermore, if no development proposal takes place and constructs the improvement to the specific intersection, it is possible that a public agency, such as Washington County and/or Oregon Department of Transportation, may construct the identified improvements to this specific intersection.

Sidewalk Connections

Numerous conditions, of approval for CU2013-0003 (Sunset Station & Barnes Road PUD) require sidewalk improvements when development of specific parcels within the PUD parcels

takes place. As noted above, the applicant does not propose to change the approved PUD or the conditions of approval. Therefore, the conditions of approval concerning the sidewalks contained in the PUD approval will be fulfilled when warranted by physical development within the PUD area.

95th Avenue Trail

The area of the trail is located on a parcel that is not within the boundaries of the approved PUD. Further, the trail was not a part of the PUD decision made by the City Council in November, 2013. While the trail is a concern for the neighborhood, the subject is outside the scope of this request for a time extension and is not relevant to this application.

Traffic Concerns

Numerous conditions of approval for CU2013-0003 (Sunset Station & Barnes Road PUD) require street improvements to address vehicular capacity and pedestrian safety in the vicinity of the PUD. These improvements will be constructed when development of specific parcels within the boundary of the PUD is approved. As noted previously, the applicant does not propose any changes to the approved PUD or the conditions of approval. Therefore, the conditions of approval concerning the street system within the PUD are will be fulfilled when warranted by physical development within the PUD area.

Sunset Transit Center Parking Capacity & Safety

The Sunset Transit Center is a Tri-Met facility and is not located within the boundary of the approved PUD. Because the garage is not owned by the applicant and is not located within the approved PUD, this subject is outside the scope of this request for a time extension and is not relevant to this application. Concerns about Sunset Transit Center should be directed to TriMet.

Conditions of approval for the PUD (CU2013-0003) are not modified by approval of the Time Extension application. Time Extension requests do not allow modifications to previously approved development applications, as such no modifications are being considered with this proposal.

**ANALYSIS AND FINDINGS FOR
EXTENSION OF TIME FOR PREVIOUSLY APPROVED APPLICATIONS**

Major Issues

No major issues were identified.

Section 50.93 Extension of a Decision

1. *An application to extend the expiration date of a decision made pursuant to this 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).*

Facts and Findings

The expiration date of CU2013-0003 is November 5, 2015. The applications for extension were filed on October 30, 2015.

Therefore, staff finds that this requirement is met.

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.*

Facts and Findings

This is an extension for a Conditional Use-Planned Unit Development application, which is not listed in Section 50.93.2 as an application not subject to extensions of time.

Therefore, staff finds that this requirement is met.

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

Facts and Findings

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

Therefore, staff finds that this requirement is met.

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.*

Facts and 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.

Therefore, staff finds that this requirement is met.

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.*

Facts and Findings

Public notice for this time extension was mailed to: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius (in accordance with Section 50.40.2), and all parties of record from the initial land use decision.

Therefore, staff finds that this requirement is met.

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 notified in design, use, or conditions of approval.*

Facts and Findings

According to the applicant, "establishing a development plan must take into account impacts on traffic and significant offsite improvements as required by the conditions of approval." Additionally the applicant states they have been working on development planning for sites targeted as initial development sites, and having discussions with potential development partners. Given the extent of the work necessary for a project of this size it has been impracticable to commence development within the original approval period. Staff concurs that the complexity of the planning for projects of this scale makes it difficult to develop and receive land use entitlements for the master plan area within the two years provided by the PUD approval, and make it not practicable to commence development within the time allowed by the approval of CU 2013-0003.

Staff also finds that no significant changes have occurred to the applicable regulations that would result in the modification of the decision or the conditions of approval. The properties continue to be zoned Station Community-Sunset (SC-S), Urban High Density (R1), and Corridor Commercial (CC) and this request to extend the expiration date of the original approvals contains no proposals to make any changes to the approved plans. No other regulations have come into effect by the City's partner agencies such as Clean Water Services which would necessitate a new review of the previously approved PUD.

The applicant does not propose any changes or modifications to the previously approved Planned Unit Development, or conditions of approval.

Therefore staff finds that the approval criteria are met.

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the request for Extension of a Decision approval is supported within the approval criteria findings, noted above, for Chapter 50, Section 50.93 of the Development Code.

Staff has provided findings, and recommended conditions of approval to meet the necessary technical requirements identified in Section 40.03 of the Development Code. Based on the facts and findings presented, the Director concludes that the proposal, **EXT2015-0004 Sunset Station & Barnes Road PUD Time Extension** meets the requirements.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **EXT2015-0004 Sunset Station & Barnes Road PUD Time Extension** subject to the conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR EXT2015-0004

1. All construction shall be carried out in accordance with the plans submitted and approved with CU2013-0003. All conditions of approval from the original approval for the Sunset Station & Barnes Road PUD application remain in force and must be complied with before building permits, site development permits, or building occupancy permits, as applicable, can be obtained. No changes to the previously approved plans are permitted by this approval. Any changes to the approved plans will require new land use approval. (Planning Div/ JF)

2. This approval will expire November 5, 2017. (Planning Div/ JF)

SPACE RESERVED FOR WASHINGTON CO. RECORDERS USE

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR APPROVAL OF AN APPEAL)	ORDER NO. 2449
OF A TIME EXTENSION FOR A PREVIOUSLY APPROVED LAND)	APP2015-0003 ORDER DENYING
USE APPLICATION (APPEAL OF SUNSET STATION and BARNES)	APPEAL OF SUNSET STATION and BARNES ROAD PUD FIRST
ROAD PUD FIRST TIME EXTENSION). J. PETERKORT and)	TIME EXTENSION
COMPANY, APPLICANTS. JAKE MINTZ, APPELLANT.)	

The matter came before the Planning Commission on January 27, 2016, on an Appeal of a Director's Decision to approve a Time Extension (EXT2015-0004) request for Sunset Station and Barnes Road PUD (CU2013-0003) to extend the expiration date of the prior approval to November 5, 2017. The subject site is generally North and South of Barnes Road from West of Cedar Hills Boulevard to Highway 217. Washington County Tax Assessors Map 1S103AB Tax Lot 200, Map 1S103A0 Tax Lots, 1700 and 2200, Map 1S102B0 Tax Lot 500, Map 1S102CB Tax Lot 100, Map 1S102CA Tax Lots 500 and 600, and Map 1S103AD Tax Lot 600.

Pursuant to Ordinance 2050 (Development Code) Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission unanimously issued an Order Denying Appeal of Sunset Station and Barnes Road PUD First Time Extension on February 4, 2016 (the "Order").

Appellants Jake Mintz and Neighbors for Smart Growth timely appealed the Order to the State of Oregon Land Use Board of Appeals (LUBA), as provided in ORS 197.805 through ORS 197.860 and as articulated in Land Use Order No. 2449.

On March 22, 2016 (Agenda Bill No. 16063), the Beaverton City Council withdrew the city's decision in this matter to allow revised findings, as permitted by ORS 197.830(13) and OAR 661-010-0021.

The Commission now adopts the following revised **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**, as applicable to the approval criteria contained in Section 50.93 of the Development Code:

FINDINGS OF FACT

1. The property owner and applicant, J. Peterkort and Company, L.P., filed an application on October 30, 2015, seeking a first-time extension pursuant to Section 50.93 of the Beaverton Development Code for a previously approved Conditional Use – PUD application (case file no. CU2013-0003) that authorized a 79.4-acre PUD, known as the Sunset Station and Barnes Road PUD.
2. Numerous issues were raised in public comments on CU2013-0003, including but not limited to alleged impacts to regional trails; transportation, bicycle and pedestrian impacts; and impacts on trails and transit. Comments were received from the Appellant herein, Jake Mintz, as well as Washington County, Oregon Department of Transportation, and TriMet, among others.
3. The Sunset Station and Barnes Road PUD was approved by the Planning Commission on October 30, 2013, and the Land Use Order was issued on November 5, 2013. The approval includes 44 conditions of approval. The

conditions of approval are intended to mitigate, among other things, transportation, bicycle and pedestrian impacts, and impacts on trails and transit identified by commenting agencies and interested persons and supported by evidence in the record, including the Facilities Review Committee Technical Review and Recommendations and the Traffic Impact Analysis (TIA) prepared in October 2013 by The Transpo Group and Transportation Consulting Group.

4. The decision to approve the Sunset Station and Barnes Road PUD was not appealed.
5. Conditional Use approvals in the City of Beaverton are valid for a two-year period unless vested pursuant to the Development Code, or unless an extension is requested under the provisions of Section 50.93 of the Development Code.
6. The application for time extension was timely filed prior to the Conditional Use-PUD approval expiring on November 5, 2015. The extension application is for the same property for which approval of CU2013-0003 was issued. The case file for the extension request is EXT 2015-0004.
7. The City processed the extension application under its Type 2 review procedure, which is set forth in Section 50.65 of the Development Code.
8. The City mailed public notice of the extension application to the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three-hundred foot radius and all parties of record for CU2013-0003.
9. The location of the subject property for which approval of CU2013-0003 was issued is generally north and south of Barnes Road from West of Cedar Hills Boulevard to Highway 217, and includes Washington County Tax Assessors Map

1S103AB Tax Lot 200, Map 1S103A0 Tax Lots, 1700 and 2200, Map 1S102B0 Tax Lot 500, Map 1S102CB Tax Lot 100, Map 1S102CA Tax Lots 500 and 600, and Map 1S103AD Tax Lot 600. The boundaries of the PUD are shown in Exhibit 1.1 and Exhibit 1.2 to the October 23, 2013 Staff Report. These circumstances have not changed from the date of approval of CU2013-0003 to approval of the time extension application.

10. Zoning of the subject property is Urban High Density (R1), Corridor Commercial (CC), and Station Community-Sunset (SC-S). The NAC designation is Central Beaverton. The property is currently vacant. These circumstances have not changed from the date of approval of CU2013-0003 to approval of the time extension application.

11. To the north of the subject property are natural resource uses zoned Urban High Density (R1) and Washington County TO:R-40-80 and TO:R80-120. To the south of the subject property is Highway 26. To the west of the subject property are vacant and commercial uses zoned Station Community-High Density Residential (SC-HDR) and Washington County TO:RC and TO:BUS. To the east of the subject property are detached housing and commercial office uses zoned Washington County R-5 and City of Beaverton SC-MU. The commercial offices to the east of the subject property were annexed to the City and provided with City of Beaverton SC-MU zoning after the approval of CU2013-0003. No development or physical modifications to the site or uses were proposed or approved as part of the annexation and subsequent application of City of Beaverton zoning. The zoning of

the remaining properties has not changed from the date of approval of CU2013-0003 to approval of the time extension application.

12. Since approval of CU2013-0003, the applicant has proposed no changes in the approved development plans, and there is no contrary evidence in the record.
13. Since approval of CU2013-0003, no new regulations or statutes applicable to the PUD have been adopted that necessitate modification of the decision or conditions of approval, as set forth in more detail in Findings 22-25 herein. No regulations have been adopted by the City's partner agencies, such as Clean Water Services, which would necessitate a new review of the previously approved PUD.
14. Since approval of CU2013-0003, there has been no change in circumstances that necessitates modification of the decision or conditions of approval, as set forth in more detail in Findings 15, 18, 19, 20, 21, 22, 26 and 27 herein.
15. The Peterkort Centre and St. Vincent Hospital are private properties, which are not within the boundaries of the PUD approved in CU2013-0003. The owner of the Peterkort Centre property is Peterkort Centre III, LLC. This is a different entity from the applicant and different from the owner of the subject property in APP2015-0003. The applicant has no known ownership or control over the Peterkort Centre property, and there is no title, corporate registration or other documentary evidence in the record to suggest otherwise. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.
16. The applicant has been unable to commence development within the two-year time period allowed for CU2013-0003 for the following reasons: (1) establishing a

development plan must take into account impacts on traffic and significant offsite improvements as required by the conditions of approval; (2) the applicant has been working on development planning for sites targeted as initial development sites and having discussions with potential development partners; and (3) given the extent of the work necessary for a project of this size, it has been impracticable to commence development within the original approval period.

17. Five public comments were received on the application for time extension. In the Director's Decision December 11, 2015 decision approving the extension, Staff identified five major topics: (1) Highway 26 eastbound off-ramp at Cedar Hills; (2) Sidewalk connections in the area; (3) 95th Avenue trail connection; (4) Traffic in the area; and (5) Parking Capacity at the Sunset Transit Center Parking Garage.

18. Highway 26 Eastbound Off-Ramp at Cedar Hills: Condition of Approval 2 of CU2013-0003 requires improvements to the intersection of Cedar Hills Boulevard and Eastbound Highway 26 off-ramp to mitigate traffic impacts identified in the TIA. The applicant does not propose any changes to the PUD or conditions of approval. These intersection improvements will be constructed, and the condition of approval satisfied, when development of specific parcels within the boundary of the PUD is approved. Construction of the intersection improvements has not yet been warranted by any physical development within the PUD area. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

19. Construction of improvements to the intersection of Cedar Hills Boulevard and Eastbound Highway 26 is not solely the responsibility of the applicant. If another

party proposing to development property separately from the approved PUD is determined to create an impact to the specified intersection, that potential development will be required to mitigate the impact. If no development proposal takes place, a public agency such as Washington County and/or the Oregon Department of Transportation may construct the identified improvements to the specific intersection. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

20. Sidewalk Connections: The following conditions of approval for CU2013-0003 require sidewalk improvements to mitigate impacts identified in the TIA: 17-19, 22-24 and 28. The applicant does not propose any changes to the PUD or conditions of approval. These sidewalk improvements will be constructed, and the conditions of approval satisfied, when development of specific parcels within the boundary of the PUD is approved. Construction of the sidewalk improvements has not yet been warranted by any physical development within the PUD area. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

21. 95th Avenue Trail: If constructed, the proposed 95th Avenue Trail will be located on a parcel that is not within the boundaries of the PUD. It will be approximately 800 feet northeast of the subject property at its closest point, as shown on Exhibit 4.1 to the Staff Report prepared on the extension application, and there is no evidence in the record to the contrary. Being 800 feet away, the proposed future 95th Avenue Trail will not be "immediately adjacent" to the subject property. The trail has not been established and does not exist except as a plan for a possible

future trail. There are no changes in circumstances that necessitate modification of the subject PUD decision or conditions of approval.

22. The Pedestrian System Map in the Washington County Transportation System Plan (TSP) identifies general locations for trails. Specific location of trails will be identified at the time of development. A 2014 TSP Update was adopted after approval of CU2013-0003 which, among other things, indicates a future regional trail location on the border of the Peterkort Centre and St. Vincent Hospital (the 95th Avenue Trail) and those properties are not within the subject PUD area. There is no evidence in the record to the contrary. If Peterkort Centre and/or St. Vincent Hospital propose new development or redevelopment in the future, the identified future trail connection in the Washington County TSP would be considered at that time. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

23. Washington County A-Engrossed Ordinance No. 783 was adopted in 2014, after approval of CU2013-0003. This ordinance updates the Washington County TSP. It does not include any provisions that establish new trails within the boundaries of the PUD area, and there is no contrary evidence in the record. Therefore it does not constitute a new regulation or statute applicable to the PUD that is likely to necessitate modification of the decision or conditions of approval.

24. Washington County A-Engrossed Ordinance No. 799 was adopted in 2015, after approval of CU2013-0003. Paragraph 501-7.1.B states that regional trails identified on the TSP pedestrian system map are "essential services." There are no mapped existing or proposed regional trails within the boundaries of the PUD

area, and there is no contrary evidence in the record. Therefore it does not constitute a new regulation or statute applicable to the PUD that is likely to necessitate modification of the decision or conditions of approval.

25. An inter-governmental agreement between the City of Beaverton and Washington County requires that the City acknowledge and implement regional trail designations. The inter-governmental agreement is not a new regulation or statute, and there is no contrary evidence in the record. In addition, there are no mapped existing or proposed regional trails within the boundaries of the PUD area, and therefore the agreement does not constitute a new regulation or statute applicable to the PUD that is likely to necessitate modification of the decision or conditions of approval.

26. Traffic Concerns: The following conditions of approval for CU2013-0003 require street improvements to address vehicular capacity and pedestrian safety in the vicinity of the PUD, as evidenced by the TIA: 2-38 and 43. The applicant does not propose any changes to the PUD or conditions of approval. These improvements will be constructed, and the conditions of approval satisfied, when development of specific parcels within the boundary of the PUD is approved. Construction of the improvements has not yet been warranted by any physical development within the PUD area. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

27. Sunset Transit Center Parking Capacity and Safety: The Sunset Transit Center is a Tri-Met facility and is not located within the boundary of the approved PUD, and its capacity and safety are not relevant to the approval criteria for the PUD

extension. The garage is not owned or operated by the applicant. There are no changes in circumstances that necessitate modification of the decision or conditions of approval.

28. On December 11, 2015, a Director's Decision approving time extension request EXT2015-0004 was issued. Staff concurred with the applicant that the complexity of the planning for projects of the scale approved in CU2013-0003 makes it difficult to develop and receive land use entitlements for the master plan area within the two years provided by the PUD approval and make it not practicable to commence development within the time allowed by the approval of CU2013-0003, meeting the criterion set forth in Section 50.93.6.A. The Decision found that no changes to the originally approved designs, uses or conditions of approval were proposed with the application, meeting the criterion set forth in Section 50.93.6.C. It stated that all conditions of approval remain in force and must be complied with before building permits, site development permits, or building occupancy permits, as applicable, can be obtained. The Decision stated all critical facilities required for the development were evaluated during the review of the original applications. Staff determined no new regulations or Statutes applicable to the PUD have been adopted that are likely to necessitate modification of the decision or conditions of approval, meeting the criteria set forth in Section 50.93.6.B. The Decision states that no changes to the previously approved plans are permitted. Any changes to the approved plans will require new land use approval. It approved the time extension request extends the expiration date of the prior approvals for a two-year period, to November 5, 2017.

29. On December 23, 2015, Jake Mintz, as representative of Neighbors for Smart Growth, a party of record to the decision, filed a timely appeal of the Director's Decision, pursuant to Section 50.40.11.E of the Development Code. Appellant challenged the approval of the time extension as violating Section 50.93.6.B, regarding change in circumstance and applicable regulations, focusing on alleged impacts to 95th Avenue Trail. Appellant argued that: (1) the Washington County 2014 TSP Update, which identifies a pedestrian connection from 95th Avenue to Barnes Road, is a change in an applicable regulation; (2) Washington County Ordinance 799, paragraph 501-7.1.B states that regional trails are essential services; (3) the owner of the Peterkort Centre has blocked access to a path across its property, which constitutes blocking the 95th Avenue Trail connection and a change in circumstances; and (4) residents northeast of the subject property desire to use the 95th Avenue Trail for pedestrian access to the Sunset Transit Center, which is a change in circumstances.

30. Appellant requests that the PUD approval be modified to add a condition of approval requiring the re-opening of trail access at Peterkort Centre. He requests that the applicant be required to remove fencing and other obstacles from the 95th Avenue trail to allow free passage by pedestrians.

31. Appellant argues that the Traffic Impact Analysis that was conducted along collectors, arterials and state highways should be updated to cover essential public access and that the conditions of approval must be modified to reflect the essential nature of the 95th Avenue regional trail and ensure full access to it and other pedestrian services. He requests that the originally approved development

plan maps be amended to show the 95th Avenue trail and that the applicant be required to construct the trail in the future Sunset Station PUD development application(s).

32. Appellant argues that without the 95th Avenue trail, the walking distance from Westhaven's Transit Oriented designated Pedestrian District to Sunset Transit Station would increase significantly and reduce the Transit Oriented community's ability to access Sunset Transit Station, negatively impact the station's functionality and undermine the previous Traffic Impact Analysis for the Barnes Road vicinity. In turn, Appellant argues this will increase auto impacts and create higher demand on Sunset Transit Station's over-burdened parking facility. Appellant argues that the conditions of approval should be modified to require the applicant to protect the 95th Avenue trail and enhance pedestrian access to transit in the Transit Oriented community.

33. Appellant argues that approximately 14 of the 44 conditions of approval for the PUD require improvements to intersections and other areas outside of the boundaries of the PUD and that the fact the 95th Avenue trail is not within the PUD is irrelevant.

34. Appellant argues that the 95th Avenue trail is a "well-established" public trail corridor that may be subject to the common law doctrine of prescription. Appellant also argues that the 95th Avenue trail is directly connected to the PUD and protection of its services would not require any immediate investment by the City or the developer. Appellant also argues that the City can create a trail under ORS 105.668.

35. The Planning Commission reviewed the record, including materials submitted by Appellant, and finds that the facts do not support Appellant's arguments.

CONCLUSIONS OF LAW

1. Under Section 50.93.1 of the Development Code, an application to extend the expiration date of a decision made pursuant to the Beaverton 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). As a matter of law, the application to extend CU2013-0003 was timely filed.
2. A conditional use-planned unit development application is not listed in Section 50.93.2 as a land use decision not subject to extensions of time. As a matter of law, the application to extend CU2013-0003 is allowed by the Development Code.
3. Section 50.93.3 states that a land use decision may be extended no more than two times. As a matter of law, this first request to extend the expiration date for CU2013-0003 is allowed by the Development Code.
4. Section 50.93.4 provides that an 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 years, will be subject to a Type 2 review procedure, and must be found consistent with the approval criteria listed in Section 50.93.6. As a matter of law, these requirements are met as set forth in Findings of Fact 5, 6, 7, 12, 13, 14, 16 and 28, and Conclusions of Law 8-20 herein.

5. Extension requests shall provide mailed public notice to those parties identified in Section 50.40.2. Section 50.93.5. Section 50.40.2 requires notice to all property owners within a three-hundred foot radius. As a matter of law, this requirement is met as set forth in Finding of Fact 8.
6. Public notice of extension requests shall also be mailed to the parties of record contained in the initial land use decision. Section 50.93.5. As a matter of law, this requirement is met as set forth in Finding of Fact 8.
7. Section 50.93.6.B sets forth approval criteria for an extension application. All of the following criteria must be satisfied: (A) It is not practicable to commence development within the time allowed or 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; and (C) The previously approved land use decision is not being modified in design, use, or conditions of approval. As a matter of law, these requirements are met as set forth in Findings of Fact 12, 13, 14, 16 and 28, and Conclusions of Law 8-20 and 22.
8. Washington County A-Engrossed Ordinance No. 783 is not a change in regulations that necessitates modification of the decision or conditions of approval, because it does not change the County TSP regarding the area within the approved PUD.
9. Washington County A-Engrossed Ordinance No. 799 is not a change in regulations that necessitates modification of the decision or conditions of approval, because it does not change the County TSP regarding the area within the approved PUD.

10. The intergovernmental agreement between the City and the County is not a new regulation or statute. It does not affect the subject property because no trail is designated within the area of the approved PUD. Therefore it does not constitute a change in circumstances that necessitates modification of the decision or conditions of approval.
11. The addition of the 95th Avenue Trail to the Washington County TSP as a regional trail located at least 800 feet northeast of the subject property does not constitute a change in applicable regulations or a change in circumstances which would require modification of the original PUD approval.
12. Changes in the area of the planned 95th Avenue Trail do not constitute a change in circumstances that necessitates modification of the decision or conditions of approval. The owner of the Peterkort Centre's choice to fence its property is a private legal matter not addressed by the criteria applicable to this application.
13. Parking capacity and safety at the Sunset Transit Center do not constitute a change in circumstances that necessitates modification of the decision or conditions of approval because the Sunset Transit Center is not owned or operated by the applicant and is outside the boundary of the approved PUD.
14. A dispute regarding the legal status of the proposed 95th Avenue Trail and an unauthorized trail outside the boundary of the approved PUD is not relevant to extension of the approved PUD and does not constitute a change in circumstances that necessitates modification of the decision or conditions of approval.

15. The City has no legal authority to require any new conditions of approval for CU2013-0003 as a condition to approving a request for an extension. Specifically, the City lacks authority to:

- Require the applicant to take action regarding property it does not own or control.
- Require the applicant to prepare an updated TIA for CU2013-0003.
- Require the applicant to take any action with respect to the proposed 95th Avenue Trail where impacts from the PUD on the proposed trail and pedestrian circulation system have not been established and the trail is far outside the boundaries of the PUD.

16. Appellant's appeal is an improper collateral attack on the City's initial land use decision to approve CU2013-0003, because it demands that new conditions for off-site improvements be added to that approval in the absence of any change in the development plans.

17. The City lacks authority to deny the extension application based on a change in regulations that may affect other property outside the boundary of the CU2013-0003 approval.

18. The City lacks authority to take private property that is not within the area of the CU2013-0003 approval as a condition of approval for the extension of that approval when there is no change in the development proposed.

19. The Director's December 11, 2015 Decision is supported by substantial evidence in the record.

20. There is no substantial evidence in the record of a change in circumstances or any new applicable regulations or statutes likely to necessitate modification of the decision or conditions of approval since the 2013 PUD decision for which the extension was requested.

21. The Planning Commission reviewed the record, including materials and legal argument submitted by Appellant, and concludes the appeal is neither well-founded in law nor based on factually supported information.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Director's Decision dated December 11, 2015, Staff Memoranda dated January 20, 2016 and January 26, 2016, and the findings of fact and conclusions of law identified in this land use order (Order No. 2449) as applicable to the approval criteria contained in Section 50.93 of the Development Code.

Therefore, **IT IS HEREBY ORDERED THAT APP2015-0003 is DENIED** based on the testimony, reports and exhibits and evidence presented during the public hearings on the matter and based on the foregoing **FINDINGS OF FACT** and **CONCLUSIONS OF LAW**, Director's Decision dated December 11, 2015 and Staff Memoranda dated January 20, 2016 and January 26, 2016, and this Land Use Order.

Motion **CARRIED**, by the following vote:

AYES:	Wilson, Kroger, Winter, Nye, Overhage, and Sajadpour.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Doukas.

Dated this 26th day of May, 2016.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2449 an appeal of this decision should be made to the State of Oregon Land Use Board of Appeals (LUBA) as provided in ORS 197.805 through ORS 197.860. A notice of intent to appeal shall be filed not later than 21 calendar days after notice of decision is mailed or otherwise submitted to parties entitled to notice under ORS 197.615. Mailing of notice on May 31, 2016, results in an appeal deadline of June 21, 2016.

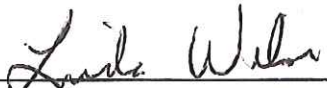
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:



JANA FOX
Associate Planner



LINDA WILSON
Chair



SANDRA FREUND
Current Planning Manager