

NOTICE OF DIRECTOR'S DECISION

Date: February 16, 2021

Application/project name: Peterkort Sunset Subdivision First Time Extension

Application Numbers: EXT2020-0006

Proposal: A time extension for a previously approved Preliminary Subdivision (LD2019-0004). The approval for the Preliminary Subdivision would have expired on June 24, 2021. The request for a time extension, if approved, would extend the expiration date of the original approval by two (2) years, to June 24, 2023. This is the first time extension request. No changes to the originally approved application are being proposed.



Proposal location: The site is generally located adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Station access road. Tax Lot 100 on Washington County Tax Assessor's Map 1S102CB, Tax Lots 500 and 600 on Washington County Tax Assessor's Map 1S102CA.

Applicant: J. Peterkort Company

Recommendation: APPROVAL of EXT2020-0006 subject to conditions identified at the end of this report.

Contact information:

City staff representative: Jana Fox, Current Planning Manager
503-526-3710
jfox@BeavertonOregon.gov

Applicant representative: Atwell LLC
9755 SW Barnes Road, Suite 150
Portland, OR 97225

Property owner/
Applicant: J. Peterkort Company
9755 SW Barnes Road, Suite 690
Portland, OR 97225

Existing conditions

Zoning: Station Community – Sunset (SC-S)

Site conditions: Existing uses on site include a paid parking lot which is currently under construction. The remainder of the site is vacant.

Site Size: 26.52 acres

Location: Adjacent to the Sunset Transit Center, south of SW Barnes Road, west of the Highway 217 off-ramp, north of Highway 26, and east of the Sunset Station access road.

Neighborhood Association Committee: Beaverton Central NAC

Table 1: Surrounding uses

Direction	Zoning	Uses
North	SC-S/SC-MU	Vacant, Office
South	Hwy 26	Hwy 26
East:	SC-MU	Hwy 26/Hwy 217 Interchange
West:	SC-S	Vacant

Application information

Table 2: Application summaries

Application	Application type	Proposal summary	Approval criteria location
EXT2020-0006	Time Extension	First Time Extension	Development Code Section 50.93

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
EXT2020-0006	Dec. 10, 2020	Jan. 5, 2021	May 5, 2021	Jan. 5, 2022

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Exhibit 1.1: Vicinity Map



Exhibit 1.2: Vicinity Map

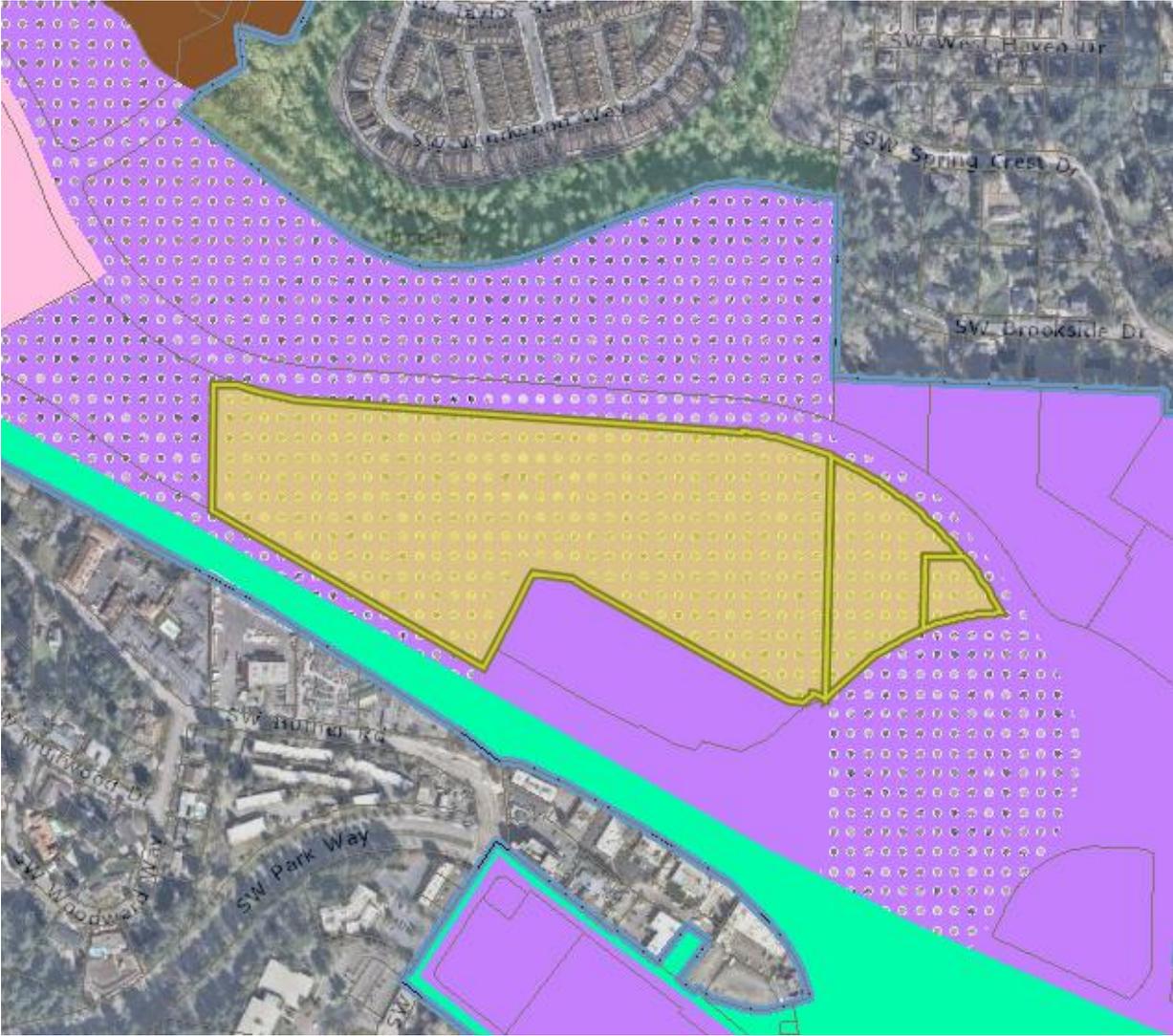


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Exhibits

Exhibit 1.	Materials submitted by Staff
Exhibit 1.1	Vicinity Map (page 3 of this report)
Exhibit 1.2	Zoning Map (page 4 of this report)
Exhibit 2.	Public Comment
	None Received
Exhibit 3.	Materials submitted by the Applicant
Exhibit 3.1	Submittal Package

Attachment A: EXTENSION OF A DECISION EXT2020-0006

ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

Application: Peterkort Sunset Subdivision First Time Extension

Recommendation: APPROVAL EXT2020-0006

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

Section 50.93 Extension of a Decision

Section 50.93.1

An application to extend the expiration date of a decision made pursuant to the Development Code may be filed only before the decision expires as provided in Section 50.90 or before the decision expires as provided in the appropriate subsection of the specific application contained in Chapter 40 (Applications).

Finding:

The expiration date of LD2019-0004 is June 24, 2021 per condition of approval 29 which states “submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 2 years after preliminary plat approval, unless a time extension is approved.” The applicant is requesting a time extension. The application for time extension was filed on December 10, 2020, prior to the expiration date of June 24, 2021.

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

Section 50.93.2

The following land use decisions are not subject to extensions of time: Director's Interpretation (Section 40.25.), Home Occupation (Section 40.40.), Loading Determination (Section 40.50.), Parking Requirement Determination (Section 40.55.15.1.), Shared Parking (Section 40.54.15.2.), Use of Excess Parking (Section 40.54.15.3.), Sign (Section 40.60.), Solar Access (Section 40.65.), Temporary Mobile Sales (Section 40.80.15.1.), Temporary Non-Mobile Sales (Section 40.80.15.2.), and all Zoning Map Amendment (Section 40.97.) applications.

FINDINGS:

This is an extension for a Preliminary Subdivision application, which is not listed in Section 50.93.2 as applications not subject to extensions of time.

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

Section 50.93.3

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

FINDINGS:

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

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

Section 50.93.4

Extension of a land use decision for an application not listed in Section 50.93.2. may be granted for a period of time not to exceed two (2) years, will be subject to a Type 2 review procedure, and must be found to be consistent with the approval criteria listed in Section 50.93.6.

FINDINGS:

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

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

Section 50.93.5

Extension requests shall provide mailed public notice to those parties identified in Section 50.40.2. In addition, the notice shall be mailed to the parties of record contained in the initial land use decision and any prior extension of time decision.

FINDINGS:

Public notice for this time extension was mailed to: the applicant/property owner, Central Beaverton NAC Chair, all property owners within a three hundred foot radius (in accordance with Section 50.40. There were no additional parties of record from the initial land use decision as no public comment was received.

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

Section 50.93.6

In order to approve an extension of time application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

- A. It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.
- B. There has been no change in circumstances or the applicable regulations or Statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.
- C. The previously approved land use decision is not being modified in design, use, or conditions of approval.

FINDINGS:

According to the applicant the COVID 19 pandemic has delayed the commencement of development due to governmental closures, reduced staffing levels and employment limitations for consultants and delays in submittal reviews at some agencies. The applicant notes that the COVID 19 pandemic and associated delays are beyond the control of the applicant. Staff concurs that the COVID 19 pandemic has caused delays which are outside the reasonable control of the applicant.

Staff finds that no significant changes have occurred to the applicable regulations that would result in the modification of the decision or the conditions of approval. The properties continue to be zoned Station Community-Sunset (SC-S) and this request to extend the expiration date of the original approval contains no proposals to make any changes to the approved plans. No other regulations have come into effect by the City's partner agencies which would necessitate a new review of the previously approved applications.

The applicant does not propose any changes or modifications to the previously approved project or conditions of approval.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT2020-0006 Peterkort Sunset Subdivision First Time Extension, subject to the applicable conditions identified in Attachment B.

Attachment B: CONDITIONS OF APPROVAL

Extension of a Decision (EXT2020-0006)

A. General Conditions, the applicant shall:

1. All construction shall be carried out in accordance with the plans submitted and approved with Preliminary Subdivision (LD2019-0004). All conditions of approval from the original approval for the Peterkort Sunset Subdivision remain in force and must be complied with prior to submittal of the Final Plat application. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / JF)
2. This approval will expire June 24, 2023 unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code or recordation of the Final Plat. One additional time extension may be granted for Preliminary Subdivision (LD2019-00004), pursuant to Section 50.93. (Planning / JF)