

## NOTICE OF DIRECTOR'S DECISION

**Date:** February 15, 2024

**Application/project name:** LU22023-00844 Southridge Park Extension

**Application Numbers:** EXT22023-00836 / EXT22023-00837 / EXT22023-00838 / EXT22023-00839 / EXT22023-00840

**Proposal:** The applicant, Ray Hoy, requests approval for a two-year extension for Southridge Park Subdivision (ADJ2019-0018 / FS2019-0016 / LD2019-0025 / SDM2019-0012 / TP2019-0012). The Southridge Park Subdivision approval included: 1) a Preliminary Subdivision request to divide one lot into nine lots, 2) a Flexible Setback request to reduce the standard rear-yard setback of some lots, 3) a Minor Adjustment to reduce the standard lot size of selected lots, 4) a Tree Plan Type Two for the removal of Community Trees, and 5) a Sidewalk Design Modification to reduce the width of the standard planter strip for the proposed residential subdivision. No changes to the design of the previously approved land use decision are proposed with the two-year extension requests.

**Proposal location:** The site is located at 13335 SW Davies Road, Tax Lot 14600 on Washington County Tax Assessor's Map 1S128AB. The site is zoned Residential Mixed B (RMB) and is in the South Beaverton Neighborhood Association Committee area. At the time of original approval, the site was zoned R5 Residential Urban Standard Density District.

**Applicant:** Ray Hoy

**Decision:** APPROVAL of EXT22023-00836 / EXT22023-00837 / EXT22023-00838 / EXT22023-00839 / EXT22023-00840, subject to conditions identified at the end of this report.



**Contact information:**

City staff representative: Aaron Harris, Senior Planner  
503-616-8453  
aharris@BeavertonOregon.gov

Property owner/  
Applicant: Ray & Tamiko Hoy  
13335 SW Davies Road  
Beaverton, OR 97008

Applicant Representative: Pioneer Design Group  
9020 SW Washington Square Road, STE 170  
Portland, OR 97226

**Existing conditions**

**Zoning:** RMB – Residential Mixed B

**Site conditions:** Existing detached dwelling with accessory structures.

**Site Size:** 1.24 acres.

**Location:** 13335 SW Davies Road. Located on the north side of SW Davies Road, and specifically identified as Tax Lot 14600 of Washington County’s Tax Assessors Tax Map 1S128AB.

**Neighborhood Association Committee:** South Beaverton NAC

**Table 1: Surrounding uses**

<b>Direction</b>	<b>Zoning</b>	<b>Uses</b>
North	Residential Mixed B (RMB)	Residential
South	Residential Mixed C (RMC)	Residential
East:	Residential Mixed B (RMB)	Park
West:	Residential Mixed B (RMB) and Residential Mixed C (RMC)	Residential

## Application information

**Table 2: Application summaries**

<b>Application</b>	<b>Application type</b>	<b>Proposal summary</b>	<b>Approval criteria location</b>
EXT22023-00836	Time Extension	Two-Year Extension (LD2019-0025)	Development Code Section 50.93
EXT22023-00837	Time Extension	Two-Year Extension (FS2019-0016)	Development Code Section 50.93
EXT22023-00838	Time Extension	Two-Year Extension (TP2019-0012)	Development Code Section 50.93
EXT22023-00839	Time Extension	Two-Year Extension (SDM2019-0012)	Development Code Section 50.93
EXT22023-00840	Time Extension	Two-Year Extension (ADJ2019-0018)	Development Code Section 50.93

**Table 3: Key Application Dates**

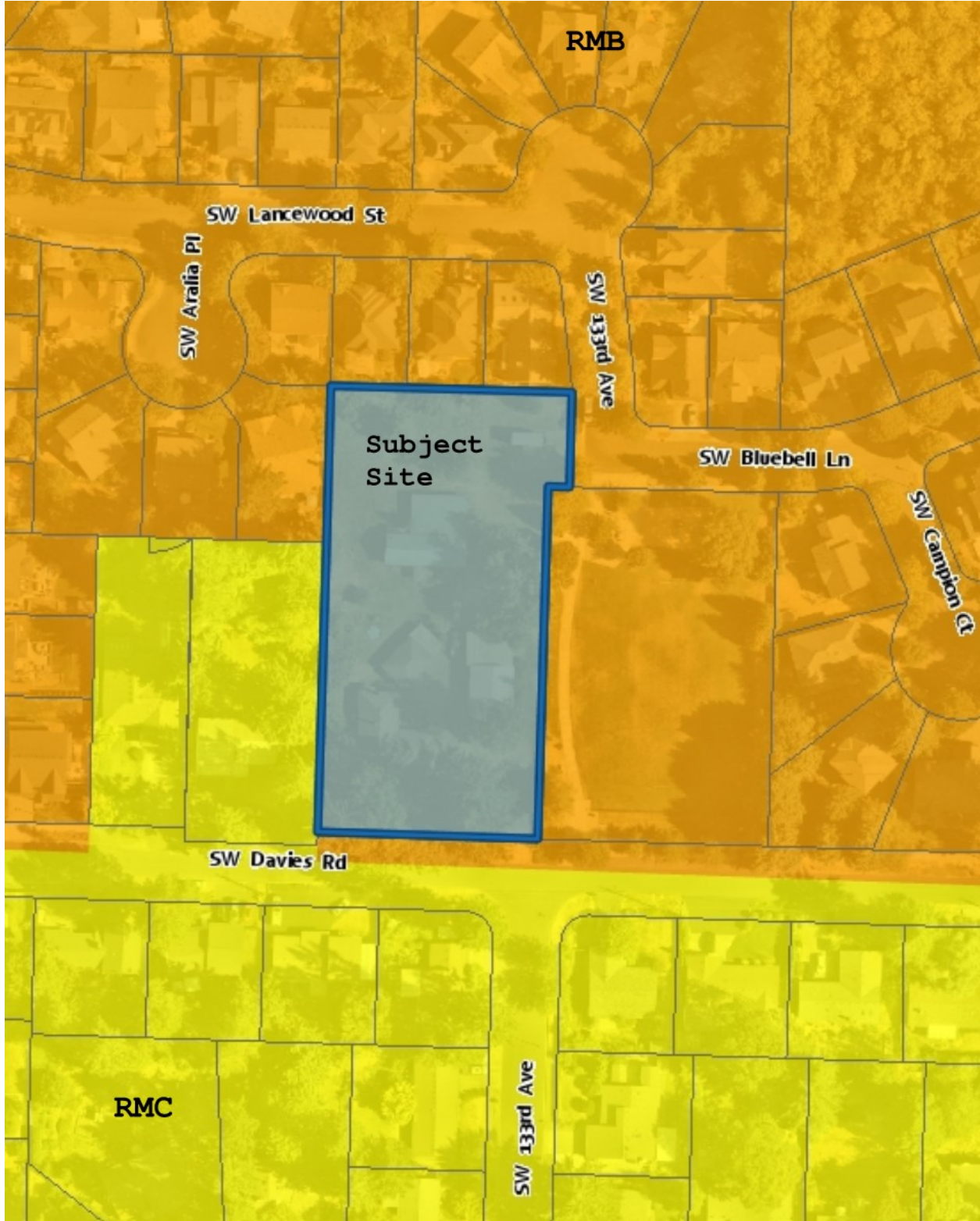
<b>Application</b>	<b>Submittal Date</b>	<b>Deemed Complete</b>	<b>120-Day</b>	<b>365-Day*</b>
EXT22023-00836	November 22, 2023	Dec. 22, 2023	Apr. 20, 2024	Dec. 22, 2024
EXT22023-00837	November 24, 2023	Dec. 22, 2023	Apr. 20, 2024	Dec. 22, 2024
EXT22023-00838	November 24, 2023	Dec. 22, 2023	Apr. 20, 2024	Dec. 22, 2024
EXT22023-00839	November 24, 2023	Dec. 22, 2023	Apr. 20, 2024	Dec. 22, 2024
EXT22023-00840	November 24, 2023	Dec. 22, 2023	Apr. 20, 2024	Dec. 22, 2024

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

**Exhibit 1.1: Vicinity Map**



## Exhibit 1.2: Zoning Map



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## Exhibits

- Exhibit 1. Materials submitted by Staff
  - Exhibit 1.1 Vicinity Map (page 4 of this report)
  - Exhibit 1.2 Zoning Map (page 5 of this report)
- Exhibit 2. Materials submitted by the Applicant
  - Exhibit 2.1 Application Forms
  - Exhibit 2.2 Written Narrative
  - Exhibit 2.3 Email Correspondence with Staff
  - Exhibit 2.4 Approved Plans
- Exhibit 3. Public Comment
  - Exhibit 3.1 Testimony from Tamer Kiykioglu
  - Exhibit 3.2 Testimony from Darlene Welch
  - Exhibit 3.3 Testimony from Bryan M
  - Exhibit 3.4 Testimony from Matt. S.
  - Exhibit 3.5 Testimony from Cheryl Warren
  - Exhibit 3.6 Testimony from Steve Henderson
  - Exhibit 3.7 Testimony from Shawn & Kara Landon

- Exhibit 3.8 Testimony from Daniel Chen
- Exhibit 3.9 Testimony from Mengyi Chen
- Exhibit 3.10 Testimony from Mike Woydziak
- Exhibit 3.11 Testimony from Amber Hoyt
- Exhibit 3.12 Testimony from Sarah King
- Exhibit 3.13 Testimony from Lynn Fredricks
- Exhibit 3.14 Testimony from Kasia Iwan
- Exhibit 3.15 Testimony from Rickie Marchant

## **Public Comment Response**

Staff has identified the following as themes or issues raised in public testimony and addresses those issue herein, and/or refers to the portion(s) of the staff report and record in which those issue are addressed.

### **Site Size, Site Location, Subdivision Layout, and Number of Lots Proposed**

Public comments express concern about the suitability of the proposal due to the site's size, the site's location, the proposed subdivision layout, and the number of lots proposed. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Traffic Circulation, Street Width, and Parking**

Public comments express concern about safe traffic circulation, the proposed street width, and both on-street and off-street parking. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Sidewalk Modification**

Public comments express concern about the proposed sidewalk modification, including the width of the associated planter strip. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Quality of Life and Property Values**

Public comments express concern about the proposal's impact on quality of life and property values. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Tree Removal**

Public comments express concern about the removal of existing on-site trees. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Yard Setbacks**

Public comments express concern about the proposal's setbacks. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.



### **Lot Sizes**

Public comments express concern about the proposal's lot sizes. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Flooding**

Public comments express concern about flooding associated with the development. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Obstruction of Views**

Public comments express concern about the proposal obstructing views from existing homes. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Noise**

Public comments express concern about noise associated with the development. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Waste and Recycling Collection**

Public comments express concern about waste and recycling collection associated with the development. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

### **Verbal Agreement**

Public comments express concern about a spoken agreement that the property owner would not redevelop the subject site. Staff analysis concludes that the comments do not address an applicable review criterion for an Extension of a Decision approval per BDC Section 50.93.

# Attachment A: EXTENSION OF A DECISION

## EXT22023-00836

### ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Southridge Park Extension

**Decision:** APPROVAL of EXT22023-00836

**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 the Southridge Park Subdivision Land Division approval (LD2019-0025) was December 10, 2023. The application for extension was filed on November 22, 2023, prior to the expiration of the decision. This is the first extension request for Southridge Park Subdivision.

**Conclusion:** Staff finds that the criterion is met.

### Section 50.93.2

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

#### FINDINGS:

The applicant's requested time extension is for a Land Division application. This application is not listed in Section 50.93.2 as an application not subject to extensions of time.

**Conclusion:** Staff 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 extension request for LD2019-0025.

**Conclusion:** Staff 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:** Staff 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 those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

**Conclusion:** Staff 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, it was not practicable to commence development within the time allowed due to economic constraints and challenges posed by the Covid-19 pandemic. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

According to the applicant, 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. The applicant cites ORS 92.040(2) which reads:

*After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*

Staff concurs that ORS 92.040 applies to the land use decision. Therefore, only the BDC standards in effect at the time of the original Southridge Park Subdivision apply to the proposal. Staff finds that there are no change in circumstances or the applicable regulations or Statutes that necessitate modification of the original decision or the conditions of approval since the effective date of the decision for which the extension is sought.

The applicant does not propose any changes or modifications to the previously approved land use decision. No changes are proposed to the project's design, use, or conditions of approval.

**Conclusion:** Staff finds that the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00836 Southridge Park Extension, subject to the applicable conditions identified in Attachment F.

# **Attachment B: EXTENSION OF A DECISION EXT22023-00837**

## **ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL**

**Application:** Southridge Park Extension

**Decision:** APPROVAL of EXT22023-00837

**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 the Southridge Park Subdivision Flexible Setback approval (FS2019-0016) was December 10, 2023. The application for extension was filed on November 24, 2023, prior to the expiration of the decision. This is the first extension request for Southridge Park Subdivision.

**Conclusion:** Staff finds that the criterion is met.

#### **Section 50.93.2**

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

##### **FINDINGS:**

The applicant's requested time extension is for a Flexible Setback Permit application. This application is not listed in Section 50.93.2 as an application not subject to extensions of

time.

**Conclusion:** Staff 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 extension request for FS2019-0016.

**Conclusion:** Staff 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:** Staff 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 those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

**Conclusion:** Staff 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, it was not practicable to commence development within the time allowed due to economic constraints and challenges posed by the Covid-19 pandemic. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

According to the applicant, 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. The applicant cites ORS 92.040(2) which reads:

*After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*

Staff concurs that ORS 92.040 applies to the land use decision. Therefore, only the BDC standards in effect at the time of the original Southridge Park Subdivision apply to the proposal. Staff finds that there are no change in circumstances or the applicable regulations or Statutes that necessitate modification of the original decision or the conditions of approval since the effective date of the decision for which the extension is sought.

The applicant does not propose any changes or modifications to the previously approved land use decision. No changes are proposed to the project's design, use, or conditions of approval.

**Conclusion:** Staff finds that the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00837 Southridge Park Extension, subject to the applicable conditions identified in Attachment F.

# Attachment C: EXTENSION OF A DECISION EXT22023-00838

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Southridge Park Extension

**Decision:** APPROVAL of EXT22023-00838

**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 the Southridge Park Subdivision Tree Plan Type Two Permit (TP2019-0012) was December 10, 2023. The application for extension was filed on November 24, 2023, prior to the expiration of the decision. This is the first extension request for Southridge Park Subdivision.

**Conclusion:** Staff finds that the criterion is met.

#### Section 50.93.2

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

#### FINDINGS:

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



of time.

**Conclusion:** Staff 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 extension request for TP2019-0012.

**Conclusion:** Staff 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:** Staff 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 those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

**Conclusion:** Staff 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, it was not practicable to commence development within the time allowed due to economic constraints and challenges posed by the Covid-19 pandemic. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

According to the applicant, 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. The applicant cites ORS 92.040(2) which reads:

*After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*

Staff concurs that ORS 92.040 applies to the land use decision. Therefore, only the BDC standards in effect at the time of the original Southridge Park Subdivision apply to the proposal. Staff finds that there are no change in circumstances or the applicable regulations or Statutes that necessitate modification of the original decision or the conditions of approval since the effective date of the decision for which the extension is sought.

The applicant does not propose any changes or modifications to the previously approved land use decision. No changes are proposed to the project's design, use, or conditions of approval.

**Conclusion:** Staff finds that the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00838 Southridge Park Extension, subject to the applicable conditions identified in Attachment F.

# Attachment D: EXTENSION OF A DECISION EXT22023-00839

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Southridge Park Extension

**Decision:** APPROVAL of EXT22023-00839

**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 the Southridge Park Subdivision Conditional Use Permit (SDM2019-0012) was December 10, 2023. The application for extension was filed on November 24, 2023, prior to the expiration of the decision. This is the first extension request for Southridge Park Subdivision.

**Conclusion:** Staff finds that the criterion is met.

#### Section 50.93.2

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

#### FINDINGS:

The applicant's requested time extension is for a Sidewalk Design Modification Permit application. This application is not listed in Section 50.93.2 as an application not subject

to extensions of time.

**Conclusion:** Staff 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 extension request for SDM2019-0012.

**Conclusion:** Staff 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:** Staff 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 those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

**Conclusion:** Staff 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, it was not practicable to commence development within the time allowed due to economic constraints and challenges posed by the Covid-19 pandemic. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

According to the applicant, 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. The applicant cites ORS 92.040(2) which reads:

*After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*

Staff concurs that ORS 92.040 applies to the land use decision. Therefore, only the BDC standards in effect at the time of the original Southridge Park Subdivision apply to the proposal. Staff finds that there are no change in circumstances or the applicable regulations or Statutes that necessitate modification of the original decision or the conditions of approval since the effective date of the decision for which the extension is sought.

The applicant does not propose any changes or modifications to the previously approved land use decision. No changes are proposed to the project's design, use, or conditions of approval.

**Conclusion:** Staff finds that the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00839 Southridge Park Extension, subject to the applicable conditions identified in Attachment F.

# Attachment E: EXTENSION OF A DECISION EXT22023-00840

## ANALYSIS AND FINDINGS FOR EXTENSION OF A DECISION APPROVAL

**Application:** Southridge Park Extension

**Decision:** APPROVAL of EXT22023-00840

**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 the Southridge Park Subdivision Minor Adjustment Permit (ADJ2019-0018) was January 1, 2024. The application for extension was filed on November 24, 2023, prior to the expiration of the decision. This is the first extension request for Southridge Park Subdivision.

**Conclusion:** Staff finds that the criterion is met.

### Section 50.93.2

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

#### FINDINGS:

The applicant's requested time extension is for a Minor Adjustment permit application. This application is not listed in Section 50.93.2 as an application not subject to extensions

of time.

**Conclusion:** Staff 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 extension request for ADJ2019-0018.

**Conclusion:** Staff 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:** Staff 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 those parties identified in Section 50.40.2, in addition to the parties of record contained in the initial land use decision.

**Conclusion:** Staff 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, it was not practicable to commence development within the time allowed due to economic constraints and challenges posed by the Covid-19 pandemic. Staff concurs that the COVID-19 pandemic and subsequent recession, construction delays, and cost increases show it was not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

According to the applicant, 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. The applicant cites ORS 92.040(2) which reads:

*After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.*

Staff concurs that ORS 92.040 applies to the land use decision. Therefore, only the BDC standards in effect at the time of the original Southridge Park Subdivision apply to the proposal. Staff finds that there are no change in circumstances or the applicable regulations or Statutes that necessitate modification of the original decision or the conditions of approval since the effective date of the decision for which the extension is sought.

The applicant does not propose any changes or modifications to the previously approved land use decision. No changes are proposed to the project's design, use, or conditions of approval.

**Conclusion:** Staff finds that the criterion is met.

## CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, the Director Approves EXT22023-00840 Southridge Park Extension, subject to the applicable conditions identified in Attachment F.



# **Attachment F: CONDITIONS OF APPROVAL**

## **Extension of a Decision (EXT22023-00836)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the Southridge Park Subdivision project (LD2019-0025). All conditions of approval from the original approval for Southridge Park Subdivision remain in force and must be complied with. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / AH)
2. This approval will expire February 15, 2026, unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / AH)

## **Extension of a Decision (EXT22023-00837)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the Southridge Park Subdivision project (FS2019-0016). All conditions of approval from the original approval for Southridge Park Subdivision remain in force and must be complied with. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / AH)
2. This approval will expire February 15, 2026, unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / AH)

## **Extension of a Decision (EXT22023-00838)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the Southridge Park Subdivision project (TP2019-0012). All conditions of approval from the original approval for Southridge Park Subdivision remain in force and must be complied with. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / AH)

2. This approval will expire February 15, 2026, unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / AH)

## **Extension of a Decision (EXT22023-00839)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the Southridge Park Subdivision project (SM2019-0012). All conditions of approval from the original approval for Southridge Park Subdivision remain in force and must be complied with. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / AH)
2. This approval will expire February 15, 2026, unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / AH)

## **Extension of a Decision (EXT22023-00840)**

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

1. All construction shall be carried out in accordance with the plans submitted and approved with the Southridge Park Subdivision project (ADJ2019-0018). All conditions of approval from the original approval for Southridge Park Subdivision remain in force and must be complied with. No changes to the previously approved plans are permitted with this approval. Any changes to the approved plans will require new land use approval. (Planning / AH)
2. This approval will expire February 15, 2026, unless the approvals are enacted through issuance of a full Site Development permit and adequate construction, pursuant to Section 50.90 of the City of Beaverton Development Code. (Planning / AH)