



MEMORANDUM

Community Development Department

To: City of Beaverton Planning Division
From: City of Beaverton Site Development Division
Date: 04/03/2023
Subject: DR2022-0098 Organic Milk Exchange Appeal

Background:

This site was initially issued a site development permit, SD2019-0021, for construction following the land use approval of DR2018-0162. The site development permit was issued on 12/06/2019. The project proceeded through construction and then halted due to the coronavirus pandemic in early 2020.

In 2022 following the pandemic, the applicant sought to modify the site layout in a way that triggered a new land use approval. A pre-application meeting for the site changes was held on 03/16/2022, in which the applicant was informed this project was to be processed by the site development division as a revision to the SD2019-0021 permit. The site development permit was reissued on 4/13/2022, as the site still had a valid land use approval under DR2018-0162.

DR2022-0098 Conditions of Approval:

The standard procedure for staff preparing conditions of approval for a land use application includes the requirement that a site development permit be obtained before building permit issuance. This is to ensure the proposed building construction will continue to meet all land use conditions of approval and not trigger or impact existing and proposed public infrastructure. For a site seeking a new land use approval where there is an existing valid land use approval, it is common to address the requirements from the original land use approval in the new set of conditions.

Condition #24 of the staff report for DR2022-0098 includes the following requirement:

Prior to building permit issuance, the applicant shall:

Submit a complete site development permit and obtain the issuance of site development permit revision from the Site Development Division. (Site Development Div. / KJ).

The conditions of approval for DR2018-0162 includes a similar requirement that states:

Prior to building permit issuance, the applicant shall:

Submit a complete site development application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div. / TDM).

This condition is standard for when a land use application is triggering a site development permit and a building permit. It is included as a site's layout and public facilities are subject to change during the review process in site development.

Appeal and Justification:

This appeal seeks to move the condition for obtaining the issuance of the site development permit revision before building permit issuance, and instead move the requirement before the final inspection and final occupancy of the building permit.

This project from the site development division's perspective is seen as an overall reduction in scope from the DR2018-0162 proposal. The project no longer includes an approximately 24,500 square-foot building addition and instead is proposing no change in the building area through the remodeling of the existing building.

Existing on-site public utilities are not impacted by the building permit.

Recommendation:

The site plan compared to the previous approval shows a minimal or next to no impact on public infrastructure.

The site development division recommends support of the appeal to update the condition to state:

Prior to final inspection/occupancy of any building permit, the applicant shall:

Obtain the issuance of site development permit revision from the Site Development Division. (Site Development Div. / KJ).