Beaverton
OREGON

Community Development Department | Planning Division
12725 SW Millikan Drive | PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

NOTICE OF DECISION

November 23, 2016

To Whom It May Concern:

The Beaverton **PLANNING COMMISSION** has issued a decision of **APPROVAL** of **CU2016-0010 B-Fit Gyms Extended Hours of Operation** at the Commission's November 9, 2016, meeting. The Land Use Order summarizing the Commission's decision can be viewed and downloaded at http://apps.beavertonoregon.gov/DevelopmentProjects/. You may contact the staff planner identified below to have a copy of the land use order mailed to you.

The **PLANNING COMMISSION** decision is final, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **4:00 p.m., Thursday, December 1, 2016.** Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

1. The case file number designated by the City.
2. The name and signature of each appellant.
3. Reference to the oral or written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
4. 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.
5. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
6. The appeal fee, as established by resolution of the City Council.

The appellate decision making authority on appeal of Type 3 decisions shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is $1,472.00. The fee amount depends upon the action being appealed and the number of appeals being filed. Furthermore, pursuant to Section 50.70.5.E if the appeal is requested to be on the record, a fee to cover the cost of preparing a transcript of the decision-making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision-making authority's proceedings within five (5) days after the Director estimates the cost of the transcript. Within ten (10) days of the notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. If the estimate exceeds the cost, the balance shall be refunded.

The complete case file is available for review at the Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Avenue. Hours of operation are 7:30 a.m. to 4:00 p.m., Monday through Friday, except for holidays. For more information about the project, please contact **Scott Whyte, AICP, Senior Planner** at **(503) 526-2652**.

Sincerely,

Sandra Freund. AICP
Planning Manager

cc: Seth Alford
Bill Righter
Naomi Vogel
Brad Roast
Project File
Mark Person
Jim Duggan
Ken Rencher
Annie Molteni