



MEMORANDUM

TO: Planning Commission
FROM: Jana Fox, Associate Planner
DATE: May 18, 2016
SUBJECT: Appeal of Sunset Station & Barnes Road PUD Time Extension (APP2015-0003) Revised Land Use Order Findings

History

The matter came before the City of Beaverton 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 & Barnes Road PUD (CU2013-0003) to extend the expiration date of the prior approval to November 5, 2017. 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 & Barnes Road PUD First Time Extension on February 4, 2016.

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. At the request of the applicant, J. Peterkort & Company, on March 22, 2016 (Agenda Bill No. 16063), the Beaverton City Council withdrew the city's decision in this matter, as permitted by ORS 197.830(13) and OAR 661-010-0021. As such a new revised Land Use Order must be adopted as the Final Decision by the City of Beaverton.

Action

The attached Land Use Order contains revised findings of fact and conclusions of law pertaining to the Appeal of Sunset Station & Barnes Road PUD Time Extension (APP2015-0003). The withdrawal of the City's decision allows the Planning Commission to adopt revised findings related to APP2015-0003 drawn from the existing land use record that do not include additional testimony. The public record should not be reopened, nor should written or oral testimony be accepted. The Planning Commission may vote on the Land Use Order or direct staff to correct any errors or items the Commission does not find to be an accurate representation of the previously established record.

Recommendation

Staff recommends adopting the revised Land Use Order.