

Received
Planning Division
12/22/2021

SCHOLLS HEIGHTS at South Cooper Mountain
PHASE 1A/1B

PLANNED UNIT DEVELOPMENT MODIFICATION
SUBDIVISION MODIFICATION
DESIGN REVIEW 2 APPLICATION

December 22, 2021

Prepared for:
South Cooper Mountain Owner, LLC
703 Broadway, Suite 710
Vancouver, WA 98660

Prepared By:
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I. DEVELOPMENT SUMMARY INFORMATION

Applicant/Owner: South Cooper Mountain Owner LLC
c/o Taylor Morrison
703 Broadway St, Ste 710
Vancouver, WA 98660

Applicant's Representative: Standridge Inc.
Planner/Civil Engineer 703 Broadway St., Ste 610
Vancouver, WA 98660
(360) 597-9240

Request: Planned Unit Development Modification
Subdivision Modification
Design Review 2

Location: Scholls Heights Phase 1A/1B PUD
Tax Lots: 2S2010003900; 2S2010004000; 2S2010004100; 2S2010004300;
2S2010004400

Plat: Scholls Heights at South Cooper Mountain
Lots 8, 9, 10, 12, 13

Zoning Designation: R2, R4 & R5

OWNERS OF OTHER LOTS FROM THE ORIGINAL SCHOLL'S HEIGHTS PUD APPROVAL:

Tax Lots: 2S2010003200; 2S2010003300; 2S2010003301
Plat: Scholls Heights at South Cooper Mountain Lots 1, 2 (12150 SW Kobbe Drive)
Property Owner: John A. Bierly

Tax Lots: 2S2010003400; 2S20100034500; 2S2010004600
Plat: Scholls Heights at South Cooper Mountain Lot 3
Partition Plat 2020-012. Scholls Heights at South Cooper Mountain Lot 4, Parcels 1 and 2
Property Owners:
Hubert F. Bierly, Trustee; Jeanette H. Bierly, Trustee

Tax Lots: 2S2010003700; 2S2010003800; 2S2010004200; 2S2010004201; 2S2010004700; 2S2010004800
Plat: Scholls Heights at South Cooper Mountain Lots 6, 7, 11 Partition Plat 2020-013. Scholls Heights at South Cooper Mountain Lot 5, Parcels 1 and 2 (18865 SW Scholls Ferry Road, Beaverton, OR 97007)
Property Owners:
Carol A. Baumgartel; John A. Bierly; Lewis E. Bierly; Philip S. Bierly; Christine H. Cullen; Susan E. Thompson

II. PROPOSAL DESCRIPTION/REQUESTED REVIEW

This request is for a modification to the Decision for Planned Unit Development approval Order 2569; CU2017-0010 (PUD) and a modification to the Decision for Preliminary Subdivision approval Order 2571; LD2017-0009, affecting Scholls Heights at South Cooper Mountain Phases 1A and 1B only, as follows:

1. Replace 53 single family attached units with 35 single family attached and 10 single family detached units and convert Tract W10 into a single family lot. Modifications result in the reduction of 8 units.
2. Modifications to the setback requirements on 3 of single family detached homes and 6 of the single family attached homes.
3. A new phase line is requested in Phase 1A between Tracts J and K, and Tracts Z and M to split Phase 1A into Phase 1A1 and Phase 1A2.
4. A new phase line is requested along the southerly right-of-way line of Road 6A (Barrows Road) to split Phase 1B into Phase 1B1 and 1B2.

The Scholls Heights PUD site is within the South Cooper Mountain planning area to the northeast of the intersection of SW Tile Flat Road and SW Scholls Ferry Road. The subject site is currently located within the Beaverton city limits and is in residential and agricultural use. The original PUD and land division approval was for the project to be developed in seven phases.

This application requests modifications to the East and West phases, splitting the East phase (1A) into 1A1 and 1A2 phases and the West phase (1B) into 1B1 and 1B2 phases. Density, lot distribution and acreage would be as follows:

Table 1. Scholl's Heights Phase 1A and 1B Unit Summary

Phase	Single Family Detached (Proposed)	Duplex Units (Proposed)	Triplex Units (Proposed)	New Total	Total Approved PUD
1A1	141	0	0	141	141
1A2	31	4	12	47	55
1B1	51	12	0	63	62
1B2	60	4	3	67	68
Totals	283	20	15	318	326

Table 2 below, summarizes the acreage of each phase and the new open space requirements.

Table 2. Scholl's Heights Phase 1A and 1B Acreage and Open Space Summary

Phase	Acreage	Open Space Required	Open Space Provided	Active Open Space Required	Active Open Space Provided
1A1	23.49	2.24	2.85	0.56	0.74
1A2	8.81	0.75	5.13	0.19	0.59
1B1	9.76	1.00	0.56	0.25	0.15
1B2	13.10	1.06	3.21	0.27	0.18
Totals	55.16	5.05	11.75	1.27	1.66

The modification of the single family attached to duplex and triplex results in a net reduction of 8 units. The proposed phasing for 1B (the West phase) was originally required to provide 0.57 acres of active open space, and 2.28 acres of total open space. The bisection of 1B into two phases will unevenly distributes the opens space and both phases will not meet the minimum active open space requirement. However the excess active open space that will be constructed in the 1A phases will more than satisfy the requirement.

The proposed phasing revision does not affect the approved PUD's compliance with the policies of the Comprehensive Plan and the South Cooper Mountain Community Plan. No revisions to zoning boundaries, transportation or utility infrastructure, natural resource protection and mitigation, or site design are proposed.

III. CONFORMANCE WITH APPROVAL CRITERIA

COMPLIANCE WITH BEAVERTON CODE

Chapter 20 (LAND USES)

The following development standards apply to the subject development:

20.05.15 Residential Site Development Standards

<i>Superscript Refers to Footnotes</i>	<i>R2</i>	<i>R4</i>	<i>R5</i>
A. <u>Minimum Land Area</u> ¹ (square feet)	2,000	4,000	5,000
C. <u>Lot Dimensions</u> ¹⁶			
1. Minimum Width			
a. Interior	14	24 /40 ²	0
b. Corner	None	80	0
F. <u>Minimum Yard Setbacks</u> ^{4 16}			
1. Front	10	10	15
2. Side	0 or 5 or 10 ⁵	0 or 5 10 or 5 ⁶	5
3. Rear	15	15	20
4. Garage ⁷	5 or 18.5 ⁸	20	20
5. Garage Door to Rear ⁹	24	24	24
6. Minimum Between <u>Buildings</u> ¹⁰	6	6	6
G. <u>Reduced Yard Setbacks</u> ^{11 16}			
1. Front	N/A ¹⁷	10	10
2. Rear	N/A ¹⁷	5	5
3. Side	5 ¹²	5	5
4. Garage	N/A ¹⁷	20	20
H. <u>Building Height</u>			
1. Maximum	40	35	35

RESPONSE: Applicable development standards are met or requested to be modified through the Planned Unit Development process.

Setback reduction requests are discussed in the Planned Unit Development section of this narrative, summarized here:

1. For lots 40-41 of the approved PUD, a reduction from 20' to 15' for decks 30 inches above ground
2. For lots 155 and 283, a reduced street side yard setback to 8-foot.
3. For lots 218 and 220, a reduced street side yard setback to 6-foot.
4. Reduction to a 5-foot sideyard setback on lot 221.
5. For lot 7, a rear yard setback reduced to 5-feet to allow deck footings and a reduced front yard setback to 10-feet to allow porch footings

No adjustment to the 30-foot height limit requirement is requested.

The proposed phasing will bisect Phase 1A (originally called the East phase) into two phases (1A1 and 1A2) and bisect Phase 1B (originally called the West phase) into two phases (1B1 and 1B2).

20.25.05 Density Calculations

RESPONSE: The original approval and subsequent modifications for Scholls Heights PUD determined that the minimum density for the overall development is 826 units, and the maximum is 2,107 units. The original approval was for a maximum of 892 units, within the R-1, R-2, R-4, R-5, and R-7 zones on the site, meeting the minimum and maximum densities. This new proposal for modifications results in a reduction to 8 units from the original approved 892, which is still within the overall minimum and maximum densities for the affected R-2, R-4 and R-5 zones on the site.

Chapter 40 (PERMITS & APPLICATIONS)

40.03 Facilities Review Committee

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three and applicable Land Division applications:

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.*

RESPONSE: The critical facilities originally approved are not proposed to be modified. The addition of the phases within 1A (East) and 1B (West) will not impact the proposed utility locations (horizontal or vertical) and sizes. The addition of phases will require the previous phase to be constructed in order to connect to utility services as follows:

Domestic Water

Phase 1A1 will be served by the Ridge (Lolich Farms) development, already constructed. The project stubs a 16-inch water line to the new phase, which will branch off and serve the lots. This phase will provide a mainline to 1A2. The mainline will extend through 1A2 and serve 1B1 and 1B2. The phases will be constructed in the order required to provide service. Additionally, service provider letters are included with this application from the City of Beaverton indicating water service is available

Sanitary Sewer

Phase 1A1 will be served by the Ridge (Lolich Farms) development, already constructed. The project stubs a 24-inch sanitary line to the new phase, which will branch off and serve the lots. This phase will provide a mainline to 1A2. The mainline will extend through 1A2 and serve 1B1 and 1B2. The phases will be constructed in the order required to provide service. Clean Water Services has also provided a service provider letter showing compliance with their standards.

Stormwater Treatment and Detention

Phase 1A1 is treated and detained in Ponds 4 and 5. Both ponds are being constructed with phase 1A1, and no additional stormwater improvements are required to serve that phase. Phase 1A2 is entirely treated and detained in Pond 7, which will be constructed with that phase. Phase 1B1 is entirely treated and detained in Pond 7 also, which will have been constructed prior to 1B1. Phase 1B2 is treated and detained in Pond 1, which will be constructed with that phase. A portion of Barrows Road will be treated and detained in Pond 7, constructed with phase 1A2.

Transportation

No modifications to the roads are proposed. Phase 1A1 will have multiple accesses from NW Strobel Road. Phase 1A2 will have access from phase 1A1 and also from Tile Flat Road. Phase 1B1 will have access from phase 1A2 (Street A) and also Street K off Tile Flat. Phase 1B2 will have access from phase 1B1 and also from Tile Flat Road (Barrows).

Fire Protection

Service provider letters are included with this application from Tualatin Valley Fire & Rescue indicating fire and life safety services are available.

B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

RESPONSE: The proposed unit type modifications do not alter the previously documented availability of essential facilities. The required essential services of schools, parks, pedestrian ways, police and transit are not proposed to change, and are identical to the original PUD approval.

- C. *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).*

RESPONSE: The proposed development was approved as the Scholls Heights PUD. Modifications proposed are consistent with Chapter 20 and no changes to applicable provisions are proposed.

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.*

RESPONSE: The development remains consistent with the applicable provisions of Chapter 60, and documentation of compliance with the special requirements included in Chapter 60 is provided below.

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.*

RESPONSE: Modifications to the approved PUD will continue to provide for maintenance of common facilities and areas. No changes are proposed to the common facilities and areas.

- F. *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

RESPONSE: Changes to the approved vehicular and pedestrian circulation patterns are not proposed.

- G. *The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.*

RESPONSE: Changes to the approved vehicular and pedestrian circulation systems are not proposed.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

RESPONSE: Infrastructure improvements were approved with the Scholls Heights PUD. Existing and approved utilities will remain. As shown on the utility plan, some sanitary laterals and water meters will be adjusted, and the stormwater main in Street N will be adjusted.

I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

RESPONSE: All development will be constructed in accordance with city standards. Street lights are proposed to provide protection from crime and accident, as well as signage, multiple accesses to the site, and provisions of essential services, such as police.

J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

RESPONSE: No changes to grading and drainage are proposed, and the previous approval accommodates the proposed uses.

K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.

RESPONSE: No change to the site design is proposed that would impact accommodating the physically handicapped.

L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code.

RESPONSE: All required materials have been included with this submittal.

40.15.15.6.C PLANNED UNIT DEVELOPMENT APPROVAL CRITERIA

1. The proposal satisfies the threshold requirements for a PUD application.

RESPONSE: The proposal is a modification to an approved PUD of a site greater than 10-acres and located within the South Cooper Mountain Community Plan Area, therefore it meets the threshold per 40.15.15.6.A.1.3.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

RESPONSE: All fees will be paid as requested.

3. The proposal meets the Site Development Requirement for setbacks within the applicable zoning district for the perimeter of the parent parcel unless otherwise provided by Section 60.35.03.

RESPONSE: Setbacks are met for the perimeter of the parent parcel, which is larger than the subject modification request.

4. The proposal complies with the applicable policies of the Comprehensive Plan.

RESPONSE: The approved Scholls Heights PUD was found to be consistent with the Comprehensive Plan. Minor modifications to the unit types and the addition of phasing are proposed with this application. As discussed later in this narrative, the proposal continues to comply with the Comprehensive Plan and specifically the South Cooper Mountain Community Plan.

5. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

RESPONSE: The proposal modifies an existing approved PUD with installed infrastructure ready to accommodate further development.

6. The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.

RESPONSE: The site is within an approved planned unit development intended for a mix of residential uses. Infrastructure to serve the development is in the process of, or has already been installed. Fewer dwelling units are proposed than originally approved, and the street layout is the same as the previous approval. There will be no functional difference in the proposed development from what was originally approved.

7. The width of proposed lots or staggering of building setbacks within detached residential developments vary so as to break up the monotony of long blocks and provide for a variety of home shapes and sizes, while giving the perception of open spaces between homes.

RESPONSE: No long blocks of buildings are proposed, and house facade variety is incorporated into the design.

8. The lessening of the Site Development Requirements results in significant benefits to the enhancement of site, building, and structural design, preservation of natural features and the surrounding neighborhood as outlined in Section 60.35.15.

RESPONSE: The subject site is part of a larger approved planned unit development. This project was able to provide significant benefits such as open space and natural area preservation, as well as infrastructure improvements beneficial to the surrounding community. These benefits are not proposed to change.

9. The proposal provides improved open space that is accessible and usable by persons living nearby. Open space meets the following criteria unless otherwise determined by the Planning Commission through Section 60.35.15.:

a) The dedicated land forms a single parcel of land except where the Planning Commission determines two (2) parcels or more would be in the public interest and complement the overall site design.

b) The shape of the open space is such that the length is not more than three (3) times the width the purpose of which is to provide usable space for a variety of activities except where the Planning Commission determines a greater proportioned length would be in the public interest and complement the overall site design.

c) The dedicated land(s) is located to reasonably serve all lots for the development, for which the dedication is required.

RESPONSE: The subject site is part of a larger approved PUD that included the creation of open space tracts. No reduction to open space is proposed, and requirements will continue to be met with the proposed phasing as detailed later in this narrative.

10. For proposals within the SC-S (Station Community-Sunset) zoning district, the requirements identified in Sections 20.20.40.2. and 20.20.40.3. are satisfied.

RESPONSE: The site is not within the SC-S zoning district.

11. *If the application proposes to develop the PUD over multiple phases, the decision-making authority may approve a time schedule of not more than five (5) years for the multiple development phases. If a phased PUD has been approved, development applications for the future phases of the PUD shall be filed within five (5) years unless the PUD has received an extension approval pursuant to Section 50.93. of the Development Code.*

RESPONSE: The PUD is approved to be developed over multiple phases. The addition of phasing does not alter the approved timeline.

12. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

RESPONSE: Applications will be submitted as needed.

40.45.15.5.C SUBDIVISION APPROVAL CRITERIA

1. *The application satisfies the threshold requirements for a Preliminary Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met.*

RESPONSE: The application is a modification to an approved subdivision and the parent parcels are not subject to a Legal Lot Determination.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

RESPONSE: All fees will be paid as needed.

3. *The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.*

RESPONSE: The proposed development is consistent with previous approvals.

4. *Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot.*

RESPONSE: The revised single family lots (lots 155-164) are proposed to be less than 3900 square feet in area. The lots with multiple units will not be considered oversized, since the limit of 3900 SF per unit within the zoning districts will not be exceeded. See Table 3:

Table 3. Attached Unit Lot Area Summary

<i>Lot Number</i>	<i>Number of Units</i>	<i>Maximum Lot Size Allowed (SF)</i>	<i>Proposed Lot Size</i>	<i>Meets Requirement?</i>
165	3	11,700	8828	Yes
166	3	11,700	7137	Yes
167	3	11,700	7137	Yes
168	3	11,700	7137	Yes
169	2	7,800	4044	Yes
170	2	7,800	4564	Yes
218	2	7,800	4238	Yes
219	2	7,800	4045	Yes
220	2	7,800	4484	Yes
221	2	7,800	5707	Yes
222	2	7,800	5188	Yes
223	2	7,800	5577	Yes
278	3	11,700	8578	Yes
279	2	7,800	4318	Yes
280	2	7,800	4701	Yes

5. *If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.*

RESPONSE: Two modifications to the approved phasing plan are proposed.

A new phase line is requested between Tracts J and K, and Tracts Z and M to split Phase 1A into Phase 1A1 and Phase 1A2.

Additionally, a new phase line is requested along the northerly right-of-way line of Road 6A (Barrows Road) to split Phase 1B into Phase 1B1 and 1B2.

The proposed phasing plan and public improvements for each phase are included in the plans. No modification to the previously approved streets and utilities that will serve the phases are proposed.

6. *Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following:*

RESPONSE: The project has been approved as a planned unit development, which is now subject to modification. Lot averaging is not proposed.

- 7. If lot area averaging standards are proposed pursuant to Section 20.05.15.D, no further applications for Adjustment or Variance from this standard are required or permitted.*

RESPONSE: Not applicable since lot averaging was not used.

- 8. For proposals which create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district.*

RESPONSE: No lot with more than one zoning designation is proposed.

- 9. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.*

RESPONSE: Applications and documents will be provided as requested.

40.20.15.2.A.1. DESIGN REVIEW TWO THRESHOLD

- 3. New construction of attached residential dwellings in any zone where attached dwellings are a Permitted or Conditional Use.*

RESPONSE: The proposal meets the above threshold for design review two.

40.20.15.2.C. DESIGN REVIEW TWO APPROVAL CRITERIA

- 1. The proposal satisfies the threshold requirements for a Design Review Two application.*

RESPONSE: As documented above, the proposal meets threshold #3.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.*

RESPONSE: All fees associated with this application have been submitted.

- 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

RESPONSE: All application requirements have been provided with this submittal.

4. *The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30.*

RESPONSE: As shown below, all standards have been met.

5. *For additions to or modifications of existing development...*

RESPONSE: This standard does not apply.

6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.

RESPONSE: All requested documents have been provided.

CHAPTER 50 (PROCEDURES)

50.95 Modification of a Decision – PLANNED UNIT DEVELOPMENT

1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.

RESPONSE: The applicant proposes to modify a decision for a Planned Unit Development to change product type in response to market demand and add phasing in order to deliver completed housing on shorter timelines. Infrastructure to serve the residences has been or is in the process of being installed, which will leave the site ready for development. The proposal does not reduce open space associated with the original approval. In summary, this application proposes to:

1. Change the attached townhome product to triplex and duplex product. This results in the adjustment of a few of the internal lot lines, utility lateral locations, driveway locations and water meter locations only in the affected area.
2. Bisect Phase 1A (East) into two phases (1A1 and 1A2).
3. Bisect Phase 1B (West) into two phases (1B1 and 1B2).

2. *An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.*

RESPONSE: A pre-application conference has been held for this proposal.

3. *An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.*

RESPONSE: No extensions are being requested.

4. *Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.*

RESPONSE: The previous planned unit development application was approved.

5. *An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.*

RESPONSE: The Director has determined this is a Type 3 procedure.

6. *The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in CHAPTER 40. In all cases, regardless of the thresholds listed in CHAPTER 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:*

- A. *The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.*
- B. *The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.*
- C. *The circumstances have changed to the extent that the condition is no longer needed or warranted.*
- D. *A new or modified condition would better accomplish the purpose of the original condition.*

RESPONSE: Since this application was originally a Type 3 process, the same process applies. The only modification to the Conditions of Approval being requested with this application is Condition B.5 of CU2019-0032:

Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space constructed in excess of that required in previous phases may be used to meet the open space requirements for subsequent phases. The open space requirements are approximately 173 square feet of active and 691 square feet of total open space per dwelling unit.

- a. East: 0.78 acres active open space and 3.11 acres total open space.*
- b. West: 0.57 acres of active open space and 2.28 acres of total open space.*
- c. Northwest: 0.39 acres of active open space and 1.57 acres of total open space.*
- d. Central: 0.32 acres of active open space and 1.27 acres of total open space.*
- e. Northeast: 0.51 acres of active open space and 2.05 acres of total open space.*
- f. North: 0.11 acres of active open space and 0.45 acres of total open space.*
- g. South: 0.85 acres of active open space and 3.42 acres of total open space.*

With the phasing of the West and the East phases, the open space summary is:

Table 2. Scholl's Heights Phase 1A and 1B Acreage and Open Space Summary

Phase	Acreage	Open Space Required	Open Space Provided	Active Open Space Required	Active Open Space Provided
1A1	23.49	2.24	2.85	0.56	0.74
1A2	8.81	0.75	5.13	0.19	0.59
1B1	9.76	1.00	0.56	0.25	0.15
1B2	13.10	1.06	3.21	0.27	0.18
Totals	55.16	5.05	11.75	1.27	1.66

Therefore, the condition needs to be rewritten as:

“Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space constructed in excess of that required in previous phases may be used to meet the open space requirements for subsequent phases. The open space requirements are approximately 173 square feet of active and 691 square feet of total open space per dwelling unit.

- ~~a. East: 0.78 acres active open space and 3.11 acres total open space.~~
- b. 1A1: 0.56 acres of active open space and 2.24 acres of total open space.**
- c. 1A2: 0.19 acres of active open space and 0.75 acres of total open space.**
- ~~b. West: 0.57 acres of active open space and 2.28 acres of total open space.~~
- c. 1B1: 0.25 acres of active open space and 1.00 acres of total open space.**
- d. 1B2: 0.27 acres of active open space and 1.06 acres of total open space.**
- e. Northwest: 0.39 acres of active open space and 1.57 acres of total open space.*
- f. Central: 0.32 acres of active open space and 1.27 acres of total open space.*
- e. g. Northeast: 0.51 acres of active open space and 2.05 acres of total open space.*
- f. h. North: 0.11 acres of active open space and 0.45 acres of total open space.*
- g. i. South: 0.85 acres of active open space and 3.42 acres of total open space.”*

50.95 Modification of a Decision –SUBDIVISION

1. An applicant or successor in interest may file with the Director an application to modify a prior decision that was the subject of a Type 1, Type 2 or Type 3 procedure. In addition to other requirements, such an application to modify a prior decision shall describe the nature of the proposed change to the original decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application type necessary to modify the prior decision. Such an application to modify a prior decision shall be subject to the approval criteria and development regulations in effect when the Director receives a complete application for the modification.

RESPONSE: The applicant proposes to modify a decision for a Subdivision to change product type in response to market demand. Infrastructure to serve the residences has been installed leaving the site ready for development. The proposal does not reduce open space associated with the original approval.

2. An application for modification is subject to pre-application conference and completeness review; provided, the Director shall only require an application for modification to contain information that is relevant or necessary to address the requested change or the facts and regulations on which it is based. An application for modification is not subject to the neighborhood review meeting requirement.

RESPONSE: A pre-application conference has been held for this proposal.

3. An application for modification does not extend the deadline for filing an appeal and does not stay appeal proceedings. An application for modification is subject to the 120 day requirement pursuant to ORS 227.178.

RESPONSE: No extensions are being sought.

4. Only a decision that approves or conditionally approves an application can be modified. A decision denying an application cannot be modified. Refer to Section 50.99.

RESPONSE: The previous planned unit development application was approved.

5. An application for modification shall be subject to a Type 1, Type 2, or Type 3 procedure as determined by the Director.

RESPONSE: The Director has determined this is a Type 3 procedure.

6. *The process type for an application to modify a decision shall be based upon the thresholds for the appropriate application listed in CHAPTER 40. In all cases, regardless of the thresholds listed in CHAPTER 40, when a proposed modification involves a condition of approval, that condition of approval can be modified or removed only by the same decision making authority that issued the original decision and through the same procedure that was followed to establish the condition to be modified. Modification or removal of a condition of approval shall only be granted if the decision making authority determines any one of the following:*

- A. *The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of the condition to correct the mistake.*
- B. *The condition could not be implemented for reasons beyond the control of the applicant and the modification will not require a significant modification of the original decision.*
- C. *The circumstances have changed to the extent that the condition is no longer needed or warranted.*
- D. *A new or modified condition would better accomplish the purpose of the original condition.*

RESPONSE: Since this application was originally a Type 3 process, the same process applies. One modification to the Conditions of Approval is being requested with this submittal (Condition B.5) and relates to the phased requirements for open space as outlined above.

CHAPTER 60 (SPECIAL REGULATIONS)

60.05. DESIGN REVIEW

60.05.15. Building Design and Orientation Standards. Unless otherwise noted, all standards apply in all zoning districts.

1. Building articulation and variety.

- A. *Attached residential buildings in Residential zones shall be limited in length to two hundred (200) feet.*

RESPONSE: All buildings are less than 200 feet in length.

- B. *Buildings visible from and within 200 feet of an adjacent public street shall have a minimum portion of the street-facing elevation(s) and the elevation(s) containing a primary building entrance or multiple tenant entrances devoted to permanent architectural features designed to provide articulation and variety. These permanent features include, but are not limited to windows, bays and offsetting walls that extend at least eighteen inches (18"), recessed entrances, loading doors and bays, and changes in material types. Changes in material types shall have a minimum dimension of two feet and minimum area of 25 square feet. The percentage of the total square footage of elevation area is:*

1. *Thirty (30) percent in Residential zones, and all uses in Commercial and Multiple Use zones.*
2. *Fifty (50) percent in Commercial zones where glazing is less than thirty five (35) percent pursuant to Section 60.05.15.8.A.3.*
3. *Fifteen (15) percent in Industrial zones. [ORD 4462; January 2008] In Industrial zones, where the principal use of the building is manufacturing, assembly, fabricating, processing, packing, storage, wholesale or distribution activities, the above standards shall apply only to elevations visible from and within 100 feet of an adjacent public street, and elevations that include a primary building entrance or multiple tenant entrances.*

RESPONSE: Permanent architectural features including windows, offset walls, recessed entrances, and changes in colors and materials are provided over greater than 30% of all street-facing facades.

C. *The maximum spacing between permanent architectural features shall be no more than:*

1. *Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.*
2. *Sixty (60) feet in Industrial zones.*
3. *Fifteen (15) feet in detached residential developments in Multiple Use zones for walls facing streets, common greens, and shared courts.*

RESPONSE: As shown on the attached plans, buildings vary in width, with some being greater than 40' in length. Architectural features including windows, balconies, changes in materials, a recessed entrance, and off-set walls are provided throughout the façades.

D. *In addition to the requirements of Section 60.05.15.1.B. and C., detached and attached residential building elevations facing a street, common green or shared court shall not consist of undifferentiated blank walls greater than 150 square feet in area. Building elevations shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays.*

RESPONSE: As shown on the attached elevations, elevations facing streets do not contain undifferentiated black walls greater than 150 square feet in area. Architectural features include windows, porches and balconies.

2. Roof forms.

- A. *All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.*
- B. *Sloped roofs on residential uses in residential zones and on all uses in multiple use and commercial zones shall have eaves, exclusive of rain gutters, that must project from the building wall at least twelve (12) inches. [ORD 4584; June 2012]*
- C. *All roofs with a slope of less than 4/12 pitch shall be articulated with a parapet wall that must*

project vertically above the roof line at least twelve (12) inches or architecturally treated, such as with a decorative cornice.

D. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.

E. Smaller feature roofs are not subject to the standards of this section

RESPONSE: Roof forms include a minimum 4/12 pitch. Eaves will extend at 12" from the building wall.

3. Primary building entrances.

A. Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least six (6) feet wide and four (4) feet deep.

Response: All primary building entrances contain covered entries meeting this requirement.

4. Exterior building materials.

A. For attached residential uses in Residential zones and all residential uses in Multiple Use zones, a minimum of seventy-five (75) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances shall be double wall construction.

RESPONSE: Double wall construction is proposed to meet the requirements of the code.

B. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones (except detached residential uses fronting streets, common greens and shared courts), a maximum of thirty (30) percent of each elevation that is visible from and within 200 feet of a public street or a public park, public plaza or other public open space, and on elevations that include a primary building entrance or multiple tenant entrances may be plain, smooth, unfinished concrete, concrete block, plywood and sheet pressboard. The remaining elevation area for all applicable uses in all applicable zones shall be architecturally treated. Appropriate methods of architectural treatment shall include, but are not limited to, scoring, changes in material texture, and the application of other finish materials such as wood, rock, brick or tile wall treatment.

RESPONSE: This standard does not apply

C. For Conditional Uses in Residential zones and all uses in Commercial and Multiple Use zones, plain, smooth, exposed concrete and concrete block used as foundation material shall not be more than three (3) feet above the finished grade level adjacent to the foundation wall, unless pigmented, textured, or both. In Industrial districts, foundations may extend up to four (4) feet above the finished grade level.

RESPONSE: This standard does not apply.

5. Roof-mounted equipment.

A. All roof-mounted equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways:

1. A parapet wall; or

2. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building; or

3. Setback from the street-facing elevation such that it is not visible from the public street(s).

B. The vertical measuring distance for required screening shall be measured at five (5) feet above the finished or existing grade of the property line or public right-of-way abutting the development site's front yard setback for a distance of one hundred (100) lineal feet measured outward from the development site's front property line. Once the vertical measuring distance is established for the site's front yard, this same vertical measuring distance shall be applied to all sides of the development site's perimeter property lines.

C. Solar panels, dishes/antennas, pipes, vents, and chimneys are exempt from this standard.

RESPONSE: No roof mounted equipment is proposed.

6. Building location and orientation along streets in Commercial and Multiple Use zones.

RESPONSE: This standard is not applicable.

7. Building scale along Major Pedestrian Routes.

A. The height of any portion of a building at or within 20 feet of the property line as measured from the finished grade at the property line abutting a Major Pedestrian Route shall be a minimum of twenty-two (22) feet and a maximum of sixty (60) feet. Building heights greater than sixty (60)

feet are allowed if the portion of a building that is greater than sixty (60) feet in height is at least twenty (20) feet from the property line that abuts the Major Pedestrian Route. In all cases, building height shall meet the requirement of Section 20.20.50. for the specific zoning district.

RESPONSE: Building heights comply with height standards. The proposed triplex buildings along Tile Flat Road are set back from the right-of-way and are 30 feet in height.

B. Detached residential dwellings are exempt from the minimum height standard in Section 60.05.15.7.A. Building heights shall meet the requirements of Section 20.20.20. for the specific zoning district.

RESPONSE: Not applicable.

C. The maximum heights specified in Section 20.20.50. shall not be exceeded, unless separately authorized through an adjustment or variance application, or where credits are earned for height increase through Habitat Friendly Development Practices, as described in Section 60.12.40.4.B.2.

RESPONSE: The maximum height is not exceeded.

8. Ground floor elevations on commercial and multiple use buildings.

Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street, Major Pedestrian Route, or a public park, public plaza or other public open space, and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.

RESPONSE: Not applicable

A. Except those used exclusively for residential use, ground floor elevations that are located on a Major Pedestrian Route, sidewalk, or other space where pedestrians are allowed to walk shall provide weather protection to the following minimum percent of the length of those elevations.

RESPONSE: Not applicable.

60.05.20. Circulation and Parking Design Standards. Unless otherwise noted, all standards apply in all zoning districts.

1. Connections to the public streets system.

A. Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation system and adjacent existing and planned streets as specified in Tables 6.1 through 6.6

and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element.

Response: No changes to the circulation system are proposed beyond that approved with the PUD.

2. Loading areas, solid waste facilities and similar improvements.

A. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.

RESPONSE: The disposal and recycling containers are located within the garage areas out of sight from the street and will be rolled out on pickup day.

B. Except for manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts, all loading docks and loading zones shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.

RESPONSE: No loading dock or loading zone is proposed.

C. Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be fully sight-obscuring, shall be constructed a minimum of one foot higher than the feature to be screened, and shall be accomplished by one or more of the following methods:

- 1. Solid screen wall constructed of primary exterior finish materials utilized on primary buildings,*
- 2. Solid hedge wall with a minimum of ninety-five (95) percent opacity within two (2) years.*
- 3. Solid wood fence*

RESPONSE: The recycling and waste containers are located in the buildings and fully screened.

D. Screening from public view by chain-link fence with or without slats is prohibited.

RESPONSE: The recycling and waste containers are located in the building, there are no outside storage areas.

3. Pedestrian circulation.

A. Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities as specified in Tables 6.1 through 6.6 and Figures 6.1 through 6.23 of the Comprehensive Plan Transportation Element, and to the abutting public street system and on-site buildings, parking areas, and other facilities where pedestrian access is desired. Pedestrian connections shall be provided except when one or more of the following conditions exist:

- 1. Where physical or topographic conditions, such as a grade change of ten (10) feet or more at a property line to an adjacent pedestrian facility, make connections impractical,*
- 2. Where uses including manufacturing, assembly, fabricating, processing, packing, storage and wholesale and distribution activities which are the principle use of a building in Industrial districts occur,*
- 3. Where on-site activities such as movement of trucks, forklifts, and other large equipment would present potential conflicts with pedestrians, or*
- 4. Where buildings or other existing development on adjacent lands physically preclude a connection now or in the future.*

RESPONSE: No change to pedestrian circulation is proposed beyond that approved with the Scholls Heights PUD.

B. A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.

RESPONSE: Each primary building entrance directly connects with the street system.

C. A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage or for every eight aisles of vehicle parking if parking is located between the building and the street. A reasonably direct walkway shall also be provided to any access way abutting the site. This standard may be waived when topographic conditions, man-made features, natural areas, etc. preclude walkway extensions to adjacent properties.

RESPONSE: Direct pedestrian walkways are provided from building entrances to the street system.

D. Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting, if not otherwise provided in the parking lot design.

RESPONSE: No changes to the pedestrian circulation system are proposed beyond that approved with the PUD.

E. Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.

RESPONSE: No changes to pedestrian circulation are proposed beyond that approved with the PUD.

F. Pedestrian walkways shall have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials. In the event that the Americans with Disabilities Act (ADA) contains stricter standards for any pedestrian walkway, the ADA standards shall apply.

Response: Pedestrian walkways comply with ADA requirements.

4. Street frontages and parking areas.

A. Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards:

A. A minimum six (6)-foot wide planting strip between the right-of-way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be planted at a minimum 2 1/2 inch caliper at a maximum of thirty (30) feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch high screen and fifty (50) percent opacity within two years. The maximum height shall be maintained at no more than thirty-six (36) inches. Areas not covered by trees or hedge shall be landscaped with live ground cover. Bumper overhangs which intrude into the planting strip shall not impact required trees or hedge; or

B. A solid wall or fence 30 to 36 inches in height parallel to and not nearer than four (4) feet from the right-of-way line. The area between the wall or fence and the street line shall be walkways and vehicular driveways may cross the wall or fence.

RESPONSE: No surface parking area abuts a public street, therefore this standard does not apply.

5. Parking area landscaping.

A. Landscaped planter islands shall be required according to the following:

- 1. Residential uses in residential zones, one for every eight (8) contiguous parking spaces.*
- 2. All uses in Commercial and Multiple Use zones, one for every ten (10) contiguous parking spaces.*
- 3. All Conditional Uses in Residential zones one for every twelve (12) contiguous parking spaces.*
- 4. All uses in Employment / Industrial zones, one for every twelve (12) contiguous parking spaces.*

RESPONSE: No changes to parking areas are proposed.

B. The island shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to protect landscaping. The landscaped island shall be planted with a tree having a minimum mature height of 20 feet. If a pole-mounted light is proposed to be installed within a landscaped planter island, and an applicant demonstrates that there is a physical conflict for siting the tree and the pole-mounted light together, the decision-making authority may waive the planting of the tree, provided that at least seventy-five (75) percent of the required islands contain trees. Landscaped planter islands shall be evenly spaced throughout the parking area.

RESPONSE: No landscape islands are required.

C. Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site building(s) may be counted towards the total required number of landscaped islands, provided that all of the following is met:

- 1. Trees are spaced a maximum of 30 feet on center on a minimum of one side of the sidewalk.*
- 2. The minimum unobstructed sidewalk width is five feet.*
- 3. The sidewalk is separated from the parking area by curbs, bollards, or other means on both sides.*
- 4. Trees are located in planting area with groundcover or planted in covered tree wells.*
- 5. Trees within the linear sidewalk area shall constitute no more than 50 percent of the total required number of trees within required landscaped planter islands. All*

remaining required trees shall be located within landscaped planter islands.

RESPONSE: No linear raised sidewalk is proposed, therefore this standard does not apply.

D. Trees planted within required landscaped planter islands or the linear sidewalk shall be of a type and species identified by the City of Beaverton Street Tree List or an alternative approved by the City Arborist.

RESPONSE: No planter islands or linear sidewalks are proposed beyond the original approval, therefore this standard does not apply.

60.05.25. Landscape, Open Space and Natural Areas Design Standards.

3. Minimum landscape requirements for residential developments consisting of eight (8) or more units of Attached Housing or Compact Detached Housing.

A. Common open space shall consist of active, passive, or both open space areas, and shall be provided as follows:

1. A minimum of 15% of the gross site area shall be landscaped as defined in Section 60.05.25.4.

2. For developments that are part of a Planned Unit Development, provisions of Section 60.35.15.4. shall apply.

RESPONSE: The minimum landscape requirements have been met as part of the overall previously approved Planned Unit Development. No reduction is proposed.

4. Additional minimum landscape requirements for Attached Housing and Compact Detached Housing.

A. All front yard areas and all required open space areas not occupied by structures, walkways, driveways, plazas or parking spaces shall be landscaped.

RESPONSE: As shown on the attached landscape plans, all front yard areas not otherwise occupied are to be landscaped.

B. Landscaping shall include live plants or landscape features such as fountains, ponds or other landscape elements. Bare gravel, rock, bark and similar materials are not a substitute for plant cover, and shall be limited to no more than twenty-five (25) percent of the landscape area.

RESPONSE: Live plants will be used for all landscaped areas.

C. For the purposes of this Section, vehicular circulation areas and parking areas, unless provided as part of a shared court, shall not be considered landscape area.

RESPONSE: Vehicular circulation and parking areas are not considered landscaped area.

D. All street-facing building elevations shall have landscaping along their foundation, excluding buildings that are placed at the property line or setback less than 12-inches from the property line. When a porch obstructs a foundation, landscaping shall be installed along the outer edge of the porch. This landscaping requirement shall not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or for plazas adjacent to the building. The foundation landscaping shall meet the following minimum standards

- 1. The landscaped area shall be at least three (3) feet wide; and,*
- 2. For every three (3) lineal feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; and,*
- 3. Groundcover plants shall be planted in the remainder of the landscaped area.*

RESPONSE: All street-facing facades have a 3' landscaped area along the foundation that includes shrubs and groundcover. Evergreen shrubs are located at least every three lineal feet, accented with larger deciduous shrubs and trees.

Groundcover is provided throughout the remainder of the landscaped area.

E. The following minimum planting requirements for required landscaped areas shall be complied with. These requirements shall be used to calculate the total number of trees and shrubs to be included within the required landscape area:

- 1. One (1) tree shall be provided for every eight hundred (800) square feet of required landscaped area. Evergreen trees shall have a minimum planting height of six (6) feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting.*
- 2. One (1) evergreen shrub having a minimum mature height of forty-eight (48) inches shall be provided for every four hundred (400) square feet of required landscaped area.*

3. *Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than twenty-five (25) percent of the required landscape area.*

RESPONSE: No reduction in the landscape or open space area approved with the Planned Unit Development is proposed. These areas will continue to have trees, shrubs and ground cover.

F. *A hard surface pedestrian plaza or combined hard surface and soft surface pedestrian plaza, if proposed shall be counted towards meeting the minimum landscaping requirement, provided that the hard-surface portion of the plaza shall not exceed twenty-five (25) percent of the minimum landscaping requirement. When a shared court is utilized in a residential development in a Multiple Use zone, hard surface areas shall not exceed seventy-five (75) percent of the minimum landscaping requirement. A hard surface area shall be comprised of the following:*

1. *Brick pavers, or stone, scored, or colored concrete; and,*
2. *One (1) tree having a minimum mature height of twenty (20) feet for every three hundred (300) square feet of plaza square footage; and,*
3. *Street furniture including but not limited to benches, tables, chairs, and trash receptacles; and,*
4. *Pedestrian scale lighting consistent with the City's Technical Lighting Standards.*

RESPONSE: No hard surface plaza is proposed, therefore these standards do not apply.

8. *Retaining walls. Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet...*

RESPONSE: No new retaining walls are proposed, therefore this criterion does not apply.

13. Landscape buffering and screening.

RESPONSE: This standard states that it is applicable to property lines between zoning districts. The limits of the subject modifications are surrounded by other areas of Planned Unit Development approvals, therefore the buffering standards should not be applicable.

60.05.30. Lighting Design Standards. *Unless otherwise noted, all standards apply in all zoning districts.*

1. Adequate on-site lighting and minimal glare on adjoining properties.

A. *Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.*

B. *Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.*

C. Lighting shall be provided in pedestrian plazas, if any developed.

D. Lighting shall be provided at building entrances.

E. Canopy lighting shall be recessed so that the bulb or lens is not visible from a public right-of-way.

RESPONSE: Lighting will be provided in accordance with the city's standards. Lighting is provided for the drive aisle, parking, and at the building entrance. All lighting will be shielded to prohibit trespass on adjoining properties beyond the city standard of 0.5 foot-candles. See the photometric analysis provided in the plans.

2. Pedestrian-scale on-site lighting.

A. Pole-mounted luminaires shall comply with the City's Technical Lighting Standards, and shall not exceed a maximum of:

1. Fifteen (15) feet in height for on-site pedestrian paths of travel.

2. Twenty (20) feet in height for on-site vehicular circulation areas for residential uses in Residential zoning districts.

3. Thirty (30) feet in height for on-site vehicular circulation areas in non-residential zoning districts.

4. Fifteen (15) feet for the top deck of non-covered parking structures.

5. The height of the poles for on-site pedestrian ways and onsite vehicular circulation areas shall be measured from the site's finished grade.

6. The height of the poles on the top deck of non-covered parking structures shall be measured from the finished floor elevation off the top deck.

7. The poles and bases for pole-mounted luminaires shall be finished or painted a non-reflective color.

B. Non-pole-mounted luminaires shall comply with the City's Technical Lighting Standards.

C. Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.

RESPONSE: Pedestrian-scale lighting is provided on the shared walks from the buildings and meets the mounting height requirement of 15 feet.

60.15 LAND DIVISION STANDARDS

60.15.10. GRADING STANDARDS.

2. *Exemptions. The following improvements will be exempted from the on-site surface contour grading standards specified in Section 60.15.10.3.*

- A. *Public right-of-way road improvements such as new streets, street widening, sidewalks, and similar related improvements.*
 - B. *Storm water detention facilities subject to review and approval of the City Engineer.*
 - C. *On-site grading where the grading will take place adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way, provided such grading is subject to approval of the City Engineer, who may require appropriate erosion and sediment control measures.*
3. *On-site surface contouring. When a grading site is within twenty-five feet of a property line within or abutting any residentially zoned property, the onsite surface contours shall observe the following:*
- A. *0 to 5 feet from the property line: Maximum of two foot slope differential from existing or finished elevation of abutting property, whichever is applicable.*

RESPONSE: Very minor grading is proposed for the future housing sites. As shown on the attached plans, slope differential between adjacent lots will be less than two feet, and less than 0.5 feet in most cases.

60.30. OFF-STREET PARKING.

60.30.05. Off-Street Parking Requirements. *Parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building or use which is erected, enlarged, altered, or maintained in accordance with the requirements of Sections 60.30.05. to 60.30.20.*

1. Availability. *Required parking spaces shall be available for parking operable passenger automobiles and bicycles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for parking of trucks used in conducting the business or use.*

RESPONSE: Parking will be for serviceable vehicles and not storage.

2. Vehicle Parking. *Vehicle parking shall be required for all development proposed for approval after November 6, 1996 unless otherwise exempted by this ordinance. The number of required vehicle parking spaces shall be provided according to Section 60.30.10.5.*

RESPONSE: Parking will be provided for each unit within garages.

Bicycle Parking. *Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and the Engineering Design Manual.*

RESPONSE: Each unit will have long-term bicycle parking available indoors.

60.30.10. Number of Required Parking Spaces. *Except as otherwise provided under Section 60.30.10.11., off-street vehicle, bicycle, or both parking spaces shall be provided as follows:*

Detached dwelling units: 1.0 spaces per unit

Attached dwelling units with 3 or more bedrooms: 1.75 spaces per unit

RESPONSE: The applicant is proposing three single family detached dwelling units and 41 attached dwelling units with three or more bedrooms.

Each detached dwelling will have a two-car garage. They will also in most cases have parking for two cars in their driveways. Therefore the requirement for detached dwellings is met.

The attached dwelling units will have either a two car garage or a one car garage. The two car garages will have parking available for two cars in their driveways. The one car garages will have parking available for one car in their driveways. This exceeds the requirement for 1.75 spaces per unit. Therefore the requirement for attached dwellings is met.

60.35 PLANNED UNIT DEVELOPMENT

60.35.10.1 Permitted Uses –

- A. *The Uses in a PUD shall comply with the Permitted and Conditional Use requirements of the zoning district.*

RESPONSE: Single family detached and attached dwelling are both permitted uses in the R2 and R4 zoning districts. Reduced setbacks are the only modification proposed in the R5 zoning district.

- B. *Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density requirements.*

RESPONSE: Both detached and attached dwelling units are proposed.

60.35.10.2 Density and Lot Dimensions

B. Residential Lot Sizes –

- 1. Minimum lot size may be reduced to 50 percent of the minimum land area of the applicable zoning district(s), except as permitted in 60.35.10.3.B.2*
- 2. Minimum lot size proposed between 25 percent and 50 percent shall meet Compact Detached Housing standards*
- 3. Maximum lot size may not exceed 195 percent of the minimum land area of the applicable zoning district(s) unless designated for a future phase.*

RESPONSE: The original approval for Scholls Heights PUD determined that the minimum density for the overall development is 826 units, and the maximum is 2,107 units. The original approval was for a maximum of 892 units, within the minimum and maximum densities. This new proposal for modifications results in a loss of 12 units from the original approved 892, which is still within the minimum and maximum densities

The maximum lot size is met on the proposed duplex and triplex lots because these lots are intended to contain attached units that will be condominium platted. The maximum lot size is not exceeded on a per unit basis for these lots.

60.35.10.3 Setbacks

A. The dimensional standards for the applicable zoning district as listed in CHAPTER 20 may be modified through approval of a Planned Unit Development, except for the following situations:

1. For proposed lots abutting the perimeter of the property, the required setbacks shall comply with the standard front and rear setbacks of the parent parcel.

a) Where the side yard of the parent parcel abuts existing development the setback for new development shall not be reduced, except by meeting 60.35.10.3.A.1.b below.

b) By meeting the Development Bonus and Development Incentive Options in Section 60.35.30 the setbacks of proposed perimeter parcels may be reduced by up to ten (10) percent upon approval of the Planning Commission.

2. Where standard modifications would not promote pedestrian or bicycle connection to the street; support storm water management; or meet fire and building codes.

RESPONSE: The dimensional standards of Chapter 20 will be met in most cases. The exceptions are to modify the following:

- For lots 40-41 of the approved PUD, a reduction from 20' to 15'.
- For lots 155 and 283, a reduced street side yard setback to 8-foot.
- For lots 218 and 220, a reduced street side yard setback to 6-foot.
- Reduction to a 5-foot sideyard setback on lot 221.
- For lot 7, a rear yard setback reduced to 5-feet to allow deck footings and a reduced front yard setback to 10-feet to allow porch footings

B. Front Setbacks.

The following shall apply to all lots within a proposed residential development(s); except lots proposed along the perimeter of the subject site, which shall be consistent with Section 60.35.10.3.A.1.

1. Front setbacks for a residential structure, interior to a Planned Unit Development may be reduced, excluding the garage where the garage door faces the front property line. Structures shall not encroach into a public utility easement.

2. All single-family attached and detached garages that face a public or private street shall be setback a minimum of twenty (20) feet from property line. Attached and detached garage door façade(s) shall be set back a minimum of four (4) additional feet from the set back of the front of the building, not including porches, when facing a public or private street. All other garage and carport entrances must be set back a minimum of two (2) additional feet when the set back of the front of the building is at least twenty (20) feet

RESPONSE: For Lot 7, a reduction to the front yard setback is requested to allow porch footings.

C. Rear setbacks.

1. Rear setbacks shall be the same as the designated zone for the parent parcel for lots abutting the perimeter of the proposed development excepting alley accessed lots for which rear setbacks may be reduced to four (4) feet for alley-accessed lots with no less than a 20-foot alley width.

2. Garages and carports accessed from both sides of an alley shall be setback a minimum of four (4) feet with no less than 28-feet between garage doors.

RESPONSE: Rear yard setbacks for lots 40-41 are proposed to allow decks 30 inches above ground. For Lot 7, a reduction to the rear yard is requested to allow deck footings. This will not result in reductions beyond those described in the requirements.

D. Side setbacks. Except for zero-lot line development, side setbacks internal to the Planned Unit Development, shall be a minimum of three (3) feet with a total of six (6) feet between two buildings. In no case shall a building encroach into a Public Utility Easement (PUE). All zero-lot line development shall have side yard setbacks of 10 feet on one side of the dwelling unit and no setback required on the opposite side.

RESPONSE: For Lot 155 and 283, a reduction to the side yard setback is requested to 8-foot. Lots 218 and 220 sideyard will be reduced to 6 feet, and lot 221 sideyard reduced to 5 feet.

60.35.25 South Cooper Mountain Community Plan

1. *Proposals within the South Cooper Mountain Community Plan area shall demonstrate compliance with the following applicable South Cooper Mountain Community Plan policies and figures:*

A. Land Use:

2. *Neighborhood and Housing Policy 2: Residential developments shall provide a variety of housing types consistent with the permitted uses of the applicable zones.*
 - a. *Residential developments in the South Cooper Mountain Community Plan area shall provide a variety of housing types, as identified below, for sites:*
 - i. *Up to 15 acres, a minimum of one housing type*
 - ii. *Greater than 15 acres and up to 30 acres, a minimum of two housing types*
 - iii. *Greater than 30 acres, a minimum of three housing types*

RESPONSE: This proposal includes three housing types – single family attached, single family detached and multi-family dwellings. This proposal modifies the unit types in the larger Scholls Heights PUD approval. Below is a comparison of the original approved units vs. proposed units, along with a percentage of each unit type proposed.

Description	Approved Units	Proposed Units	% of Scholls Heights PUD
Single Family Attached	205	187	21%
Single Family Detached	471	481	54%
Multi-Family	216	216	24%
	892	884	

IV. CONCLUSION

The applicant has met the burden of proof for approval of the required applications. The proposal meets all relevant criteria.