

Received
Planning Division
07/26/2021



Scholls Heights at South Cooper Mountain Modification – Northeast Phase

Beaverton, OR

Request for

Type 3 Modification of a Decision – Planned Unit Development

Type 2 Modification of a Decision – Preliminary Subdivision

Prepared for:
West Hills Land Development
3330 NW Yeon Avenue, Suite 200
Portland, OR 97210

Prepared By:
Otak, Inc.
808 SW Third Avenue, Suite 800
Portland, OR 97204

March 24, 2021
Revised July 22, 2021

19954.000

REQUESTS

Modification of a Decision for a Planned Unit Development (PUD) and Preliminary Subdivision approval is requested to split the Northeastern phase of Scholls Heights at South Cooper Mountain PUD into two phases: Phase NE – North and Phase NE – South. As reference, the Scholls Heights PUD was approved by Planning Commission Order No. 2569 (CU-2017-0010) and the Preliminary Subdivision (Small Lot) was approved by Planning Commission Order No. 2571 (LD2017-0009) with approved phasing modification by Planning Commission Order No. 2747 (CU2019-0012) and Order No. 2748 (LD2019-0032).

SITE INFORMATION

SUBJECT Scholls Heights at South Cooper Mountain PUD
PROPERTY: Northeast Phase is Lot 6, 7, and portion of Lot 5 of the Scholls Heights at South Cooper Mountain “large lot” plat
SITE AREA: 16.99 ac (Northeast Phase only)
ZONING DESIGNATION R4, R5,R7 (Northeast Phase)

APPLICANT/PROPERTY OWNER

APPLICANT West Hills Land Development
3330 NW Yeon Avenue, Suite 200
Portland, OR 97210

Contact: Dan Grimberg
503.726.7033
dan@westhillsdevelopment.com

OWNER: 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

Tax Lots: 2S2010003900; 2S2010004000; 2S2010004100;
2S2010004300; 2S2010004400
Plat: Scholls Heights at South Cooper Mountain Lots 8, 9, 10, 12, 13
Property Owner:
South Cooper Mountain Owner LLC (aka Taylor-Morrison)

PROJECT DEVELOPMENT TEAM

APPLICANT'S
REPRESENTATIVE: Otak, Inc.
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Appendices

- Appendix A – Plan Set dated March 3, 2021 (Otak)
- Appendix B - CWS Service Provider Letter 17-002438 (Amended March 3, 2020)
- Appendix C – CWS Letter of Consistency (CWS File 17-002438) dated February 22, 2021
- Appendix D – Tualatin Valey Fire & Rescue Update to Permit No. 2019-0030
- Appendix E – Tualatin Valey Fire & Rescue Permit No. 2019-0030 dated December 5, 2019
- Appendix F – City of Beaverton Water Service Provider Letter (pending)
- Appendix G – Preapplication Conference notes dated November 10, 2020
- Appendix H – Traffic Impact Analysis Update Memo dated February 10, 2021 (Kittelson)
- Appendix I – Stormwater Report dated May 4, 2021 (stamped and signed)

Plan Set

- P0.0 R – Cover Sheet
- P0.4 R – Overall Site Layout Plan
- P0.5 R – Phasing Plan
- P2.3 R – Preliminary Subdivision Plat
- P2.3 R-1 – Preliminary Subdivision Plat Comparison
- P3.0 R – Preliminary Site Layout & House Type Notes & Details
- P3.3 R – Preliminary Site Layout & House Type Plan
- P4.3 R – Preliminary Grading Plan
- P5.3 R – Preliminary Utility Plan
- L1.0 R – Open Space Areas

Phasing Plan Exhibits

- P0.5 ALL R – Site Phasing Plan – Overall
- P0.5NE(5) R – Site Phasing Plan – Northeast

Design Reference Sheets

- C1.30 (NE-S) Composite Utility Plan
- C1.40 (NE-N) Composite Utility Plan
- C1.40 (NE-S) Preliminary Plat

C1.40 (NE-N) Preliminary Plat
C2.00 (NE-S) Grading Plan
C2.00 (NE-N) Grading Plan
C2.30 (NE-N) Temporary Emergency Vehicle Access Grading
C3.14 (NE-N) Temporary Emergency Vehicle Access Wetland/Culvert Crossing
L1.00 (NE-S) Landscape Plan (pond planting)

I. Requests

Modification of a Decision for a Planned Unit Development (PUD) and Preliminary Subdivision approval is requested to split the Northeastern phase of Scholls Heights at South Cooper Mountain PUD into two phases: Phase NE – North and Phase NE – South. As reference, the Scholls Heights PUD was approved by Planning Commission Order No. 2569 (CU-2017-0010) and the Preliminary Subdivision (Small Lot) was approved by Planning Commission Order No. 2571 (LD2017-0009) with approved phasing modification by Planning Commission Order No. 2747 (CU2019-0012) and Order No. 2748 (LD2019-0032).

Based on this request, the following are proposed as part of the Type 3 Modification of Decision:

1. Lot configuration modifications within the NE Phase – no change to NE Phase boundary, no net change in lot count;
2. Open space modifications within the NE Phase – no change to NE Phase boundary, no net change in overall open space requirements for NE Phase;
3. Construction of stormwater facility (Pond 3) and associated outfall to service upper portion of NE Phase;
4. Construction of emergency fire access road, including drainage culverts (headwalls not required with NE Phase);
5. Modifications to grading for some roadways and lots (greater than 4 feet vertical from approved); and
6. For single family detached homes in the entire Scholls Heights PUD with rear setbacks adjacent to open space, reduction of rear setbacks from 15 feet to 5 feet for decks greater than 30-inches above the ground.

II. Project Description

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 private Strobel Road forms the eastern boundary of the site and SW Scholls Ferry Road forms the southern boundary of the site. SW Tile Flat Rd makes up the western boundary. 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, as shown in Table 1 below.

Table 1. Previously-Approved Lots and Housing Type (LD2017-0009, LD2019-0032)

Development Phase*	Detached Single Family Lots	Attached Single Family Lots	Multi-Family (Future Development)	Lots Per Phase
East	162	34	0	196
West	116	19	0	135
Northwest	76	32	0	108
Central	5	75	0	80
Northeast	84	45	0	129
North	28	0	0	28
South	0	0	1	1
TOTAL	471	205	1	677

*Not representative of sequencing.

This application requests modification to the Northeast phase, splitting the phase into Northeast-North phase (98 lots) and Northeast-South phase (31 lots). This modification would continue to provide 129 single-family attached and detached lots on approximately 16.99 acres of land, as currently provided in the Northeast phase, with redistribution of lots and associated acreage as follows:

- Northeast-North phase
 - The number of detached single-family lots will be 53
 - The number of attached single-family lots will be 45
 - The total land area will be 12.79 acres
- Northeast-South phase

- The number of detached single-family lots will be 31
- The total land area will be 4.20 acres

Because the number of units in each phase of the original decision will not change, the amount of required and proposed open space and active open space for the two phases will also not change. Those changes are explained in detail later in this narrative.

Significant Natural Resource Areas (SNRA)

Some development is proposed within Significant Natural Resource Areas (SNRA) with this application. The proposed temporary fire access easement and associated culvert are within a SNRA, as reviewed and approved under the original land use application and associated Clean Water Services (CWS) Service Provider Letter (SPL). This proposal for land use modifications has been recently reviewed and approved by CWS to ensure that no modifications or encroachment into additional SNRA areas are proposed. Other natural resource areas on the overall site reviewed and approved under the original SPL are located within a recorded easement and will not be affected by the proposed modification. See Exhibits B and C for details on CWS reviews and approvals.

III. Compliance with the Comprehensive Plan and South Cooper Mountain Community Plan

Response: 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.

IV. Compliance with Chapter 20 Land Uses

A. 20.05. Residential Land Use Districts

20.05.15. Site Development Standards

Response: The table at Subsection 20.05.15 provides Site Development Standards for the residential zoning districts. The proposed phasing revision will revise the Northeast phase into two phases, Northeast-North phase and Northeast-South phase. This revision will result in 98 lots totaling 12.79 acres in the Northeast-North phase and 31 lots totaling 4.20 acres in the Northeast-South phase, all within the R5, R6 or R7 zones. This does not change the overall area of the R5, R6 or R7 zones, the number of lots, or the size of most of the of the approved lots.

B. 20.25 Density Calculations

20.25.05. Minimum Residential Density

1. *New residential development in all Residential, Commercial, and Multiple Use districts which permit residential development must achieve at least the minimum density for the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required. [...]*

Response: The subject site is located in the R2, R4 and R7 districts. As approved through the original PUD and recent Modification to allow changes to phasing boundaries, including the subsequent replat of the site to implement Scholls Heights at South Cooper Mountain PUD, the current plan meets the minimum density requirements of the R2, R4 and R7 zoning districts, as well as the South Cooper Mountain Community Plan. No change in zoning district boundaries, zoning district areas or lot counts are proposed with this application; therefore, the proposed density remains at the same level of those approved through the approvals and conditions of approval in CPA2017-0006, ZMA2017-0005, CU2017-0010, DR2017-0052, LD2017-0009, LD2017-0017, SDM2017-0007, and TP2017-0008 (Scholls Heights at South Cooper Mountain PUD), as well

as through recent modification approvals LD2017-0009, LD2019-0032. As reference, see Sheet P2.3 R of the Plan Set.

V. Compliance with Chapter 40 Applications

A. 40.03. Facilities Review Committee

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

Response: The proposal is for a Modification of a Decision for a Conditional Use – Planned Unit Development and a Modification of a Decision - Preliminary Subdivision. These provisions are applicable.

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: Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. Necessary critical facilities and services to the subdivision will be provided by The Ridge at South Cooper Mountain to the east of Strobel Road and the proposed East Phase of Scholls Heights PUD (aka Phase 1A pending SD Permit). Critical facilities and services to the PUD are either in place or will be at the time of completion of development, as specifically described below and as depicted in Sheets P5.3Rof the Plan Set, as well as prescribed through the approvals and conditions of approval in CPA2017-0006, ZMA2017-0005, CU2017-0010, DR2017-0052, LD2017-0009, LD2017-0017, SDM2017-0007, and TP2017-0008 (Scholls Heights at South Cooper Mountain PUD).

As part of this Modification application, some minor changes to critical facilities are proposed. These changes are all related to the critical facilities that have been previously reviewed and approved; the applicant does not propose the reduction or elimination of any critical facilities. These changes include the following:

- Construction of a stormwater facility (Pond 3) in Central Phase and associated outfall to service upper portion of NE Phase; and
- Construction of emergency fire access road, including drainage culverts (headwalls not required)

Public Water

Public water supply for the site will be provided by the City of Beaverton. The applicant has provided a copy of the Service Provider Letter from the City of Beaverton Water Department (Engineering) that indicates that the changes proposed in the application do not affect the prior reviews and approvals, and that the subject site can be adequately served by the City of Beaverton water system. The pending Phase 1A Site Development permit plans show the extension of the public water from Strobel to the NE Phase.

Public Sanitary Sewer

No revisions to the approved public sanitary sewer are proposed with this application and associated changes. Public sanitary sewer for the site will be provided by the City of Beaverton, and will extend from the existing CWS sanitary sewer manhole in Scholls Ferry Road and be routed through the proposed Ridge at South Cooper Mountain to provide a 24-inch stub at SW Strobel Road, north of Scholls Ferry Road, for extension to service the majority of the Scholls Heights at South Cooper Mountain project. The pending Phase 1A Site Development permit plans show the extension of the public sewer from Strobel to the NE Phase.

Stormwater Drainage, Treatment, and Detention

Some revisions to the timing of the approved stormwater facilities are proposed as part of this application; however, the overall stormwater plans for the site have not changed from prior approvals. Pond 3, located in the Central Phase of the Scholls Heights PUD in the approved Stormwater Master Plan, is now proposed to be constructed as part of the Northeast-South phase. This pond will service new impervious area in the NE-S and NE-N phases. The pending Phase 1A Site Development permit plans show the extension of the public storm for the northern portion of the NE-S phase, including stormwater management facilities.

Transportation

The transportation system serving the site has been approved under prior land use decisions, with the approved transportation system plan. No overall changes to the transportation system are proposed and all streets within the site are designed to continue with development of adjacent sites.

The proposed modifications in this application will split the Northeast phase of Scholls Heights at South Cooper Mountain PUD into two phases: Northeast-North and Northeast-South but not change the local street pattern/alignments approved in the original PUD. The Northeast-North and Northeast-South phases will be primarily served by Road 8B through the connection with Strobel Road and local street extensions for the pending Phase 1A Site Development permit. An interim emergency fire access to the proposed NE-S and NE-N phases will be along the future Barrows Road alignment (Alignment 6 of the TSP) from Tile Flat Road to the NE corner of the Scholls Heights PUD.

Fire Protection

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue District (TVF&R). Fire hydrants will be installed as directed by City of Beaverton and TVF&R. TVF&R has provided an SPL, which is included as Appendix D.

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: Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way. Essential facilities and services are either in place or will be in place at the time of completion of development as described below.

Police Protection

The site will be served by the City of Beaverton Police Department.

Schools

The site is located within the Beaverton School District (BSD) and will be served by Scholls Heights Elementary School at 16400 SW Loon Drive; Conestoga Middle School at 12250 SW Conestoga Drive; and Mountainside High School at 12500 SW 175th Avenue.

Per the service provider letter dated April 28, 2017, the Beaverton School District has provided comments addressing the anticipated impacts of the subject project to the District. In summarizing their comments, the District has indicated that the proposal will result in a moderate impact to schools in the area and anticipates sufficient capacity to accommodate new students from the proposed PUD project. No additional lots are proposed with this modification; therefore, no Service Provider Letter is required from the District.

Transit Improvements

The site is not currently served by transit, and no transit facilities are proposed within the planned development. The nearest TriMet bus line is Route 92, the South Beaverton Express, which stops at the intersection of SW Scholls Ferry Road/SW Teal Boulevard/SW Horizon Boulevard. The standards of this section are not applicable.

Pedestrian and Bicycle Facilities in the Public Right-of-Way

The applicant proposes dedication of right-of-way to match approved cross-sections for SW Barrows Road (Alignment 6) adjacent to the Northeast Phase limits, as well as Streets V, W, X, Y and Z. The previously recorded Scholls Heights at South Cooper Mountain plat dedicated sufficient right-of-way to accommodate the desired 5-lane arterial cross-section for SW Scholls Ferry Road and the desired 3-lane arterial cross-section for SW Tile Flat Road. No revisions to these facilities are proposed as part of this modification application.

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 remains consistent with all applicable provisions of Chapter 20 as adjusted through the Planned Unit Development process and through the provisions of 40.30. No changes to the approved development and the applicable provisions of Chapter 20, including use regulations, 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 proposed development remains consistent with all applicable provisions of Chapter 60. No change to the approved development and the applicable provisions of Chapter 60 is proposed.

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: Continued periodic maintenance and necessary normal replacement of the private common facilities listed above will be provided for by a homeowner's association that will be formed as the lots in the PUD are developed and occupied.

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

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: Development on the Northeast Phase is proposed as part of this application. The vehicular and pedestrian patterns and connections that were reviewed and approved as part of the original PUD decision will not be altered as part of this request. Only minor grading changes to existing roads are requested as part of this application.

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: All structures and public facilities serving the site will be designed in accordance with City codes and standards. Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Fire hydrants will be installed as directed by City of Beaverton and the Tualatin Valley Fire and Rescue District. TVF&R has provided an SPL, which is included as Appendix B.

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 structures and public facilities serving the site will be designed in accordance with City codes and standards. The subdivision includes streetlights, which will provide adequate protection from crime and accidents. Development permits will be submitted for life and safety review prior to site development.

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: Proposed grading and contouring of the site were reviewed and approved through the previous land division/PUD application. Minor changes to grading and contouring is proposed as part of this application. For reference and details of proposed grading changes, see Sheet P4.3 R – PRELIMINARY GRADING PLAN. The proposed changes include:

- Minor changes to the vertical alignment for Streets V and Y in order to accommodate housing types and comply with street grade requirements.
- Grading and wall changes for daylight and garage-under lots to accommodate housing types. In most instances, the grading at these lots has been altered to decrease wall heights or eliminate rear-yard walls altogether.
- At daylight lots, upper pad benches have been extended horizontally to facilitate garage slab and foundation construction.
- Side-yard walls of less than 4 feet in height proposed between lots fronting on steep streets (Street Y and Street W) to facilitate stepping grades between lot pads and comply with street grade requirements.
- Rear-yard walls of less than 4 feet in height proposed at rear of daylight lots fronting on Street W to facilitate rear-yard and wall drainage system.
- Minor change to side-yard wall configuration and wall height at Lot 551 to accommodate housing type.
- Short grading tie-in wall along north property line has been removed. Recording of access and utility easement, per *Fox Hollow Estates, Doc. No. 2018-086946*, allows roadway grading to catch into existing ground across north property line.
- No grading changes are proposed at the east boundary of the project.

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: The street network and facilities have been designed in accordance with the City's Engineering Design Manual to provide required accessibility. Any required on-site pedestrian routes will meet the standards of the Americans with Disabilities Act (ADA). ADA ramps will be provided within the development to facilitate accessible travel. This modification request will not change access or facilities related to accessibility.

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

Response: This application package contains all required submittal materials, as specified in Section 50.25.1.

B. 40.15. Conditional Use

40.15.15. Application.

There are four (4) Conditional Use applications which are as follows: Minor Modification of a Conditional Use, Major Modification of a Conditional Use, New Conditional Use, and Planned Unit Development.

[...]

4. *Planned Unit Development. [ORD 4432; April 2007]*

A. *Threshold. A Planned Unit Development is an application process which: [ORD 4578; March 2012]*
[...]

3. *Is required for proposed residential development of a site that is equal to or greater than 10 acres, including all phases, and located within the South Cooper Mountain Community Plan Area. [ORD 4654; March 2015]*

[...]

C. *Approval Criteria. In order to approve a PUD application, the Planning Commission shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

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

Response: The Scholls Heights at South Cooper Mountain PUD occupies 132.15 acres of land and is located within the South Cooper Mountain Community Plan Area. The threshold requirements of 4.A.3 and 4.C.1 have been met.

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

Response: All required fees have been submitted with this application.

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 60.35.10.03.*

Response: Minor revisions to the approved setbacks are proposed with this modification application. Per 60.35.10, the applicant proposes that for those detached single family lots adjacent to open space in the entire Scholls Heights PUD, a reduction of rear setbacks is allowed. This reduction is proposed for decks more than 30 inches above ground, from the current 15 feet that is permitted to a reduced deck setback of 5 feet. Also see Section 60.35.10, addressed below. The proposed reduced setback for detached single family homes is to be applied to the overall PUD, with the following specific lots proposed for reduced rear setbacks:

- Lots 56 through 78;
- Lots 117 through 137;
- Lots 166 through 170;
- Lots 310 through 319;
- Lots 329 through 335;
- Lots 520 through 524; and
- Lots 539 through 570

Condition / Product	Front loaded townhomes	Front loaded single family detached	Rear loaded townhomes without driveway parking	Rear loaded townhomes with driveway parking
Zone	R2	R4, R5, R7	R2	R2
Front building setback	12'	12'	10'	10'
Front garage setback	20'	20'	NA	NA
Porch setback	10'	10'	NA	NA
Side building setback	0' (5' for end lots)	3' (6' for corner lots)	0' (5' for end lots)	0' (5' for end lots)
Rear building setback	15'	15'	4'	20'
Rear building setback for decks over 30 inches high for lots abutting Open Space	N/A	5'	N/A	N/A
Rear garage setback	NA	NA	4'	20'

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

Response: As outlined in Section III, the revised phasing continues to comply with the applicable policies of the Comprehensive 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: No significant physical revisions to the approved proposal are proposed. The revisions associated with the modification application will not change or impact the ability of the site to accommodate the proposed PUD.

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: No significant physical revisions to the approved proposal are proposed. The phasing revisions will not change the location, size or functional characteristics of the site or its compatibility with the surrounding area.

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 significant physical revisions to the approved proposal are proposed. The phasing revision does not revise the number of the approved lots, with minor changes to lot dimensions on majority of lots and a reconfiguration of lots between Streets W and Street Z in the NE-North phase. Original lot 604 was deleted in area between Street Z and Street W, and the lot added back in as lot 618-2 off Street W. The proposal will continue to provide staggering and variation of setbacks and a variety of housing type. See Sheets P2.3R and P3.3R of the Plan Set.

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 only lessening of the Site Development Requirements is related to the reduction of rear setbacks for decks of detached single family lots with rear lot lines abutting open space. This allows greater development of decks with views and access to open space, while still preserving the natural features of the open space areas. This will benefit residents with lots abutting opens space, while affecting no impact on the surrounding neighborhood.

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 revisions proposed in the modification application do not affect the amount of open space provided, nor does it change the location or shape of the approved open space. The open space requirements per phase will change slightly due to further breakdown of the NE Phase into NE-S and NE-N. Those changes are discussed later in this narrative. All open space requirements will continue to be met with this requested phasing modification. Additional details on Open Space requirements are addressed below.

10. *[ORD 4578; March 2012] 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. This criterion is not applicable.

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. [ORD 4654; March 2015]*

Response: As approved, the PUD will be developed over multiple phases. This application proposes a revision to the Northeast phase by bifurcating the Phase into Northeast-North and Northeast-South; however, this proposed revision does not alter any other aspects of the proposed phasing.

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: This application includes this Modification of Decision application. No additional required applications have been identified at this time.

C. 40.45. Land Division and Reconfiguration

40.45.15.5 Preliminary Partition

[...]

5. Preliminary Subdivision.

A. *Threshold. An application for Preliminary Subdivision shall be required when the following threshold applies:*

1. *The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year.*

Response: The proposal is to modify the Northeast phase, by bifurcating the Phase into Northeast-North and Northeast-South; however, this proposed revision does not alter any other partitioning aspects of the proposed phasing. This represents a revision to the PUD subdivision conditions of approval approved by Final Order No. LD2017-0009 PUD. Per 50.95 Modification of a Decision, a modification of a condition of a Type 2 decision is subject to the Type 2 process. The approved PUD subdivision was approved as a Type 2 decision and is subject to Type 2 review and approval. However, the PUD Decision is also being modified and the PUD Modification and LD Modification will be reviewed concurrently; therefore, both of the applications will be reviewed under the Type 3 procedure.

C. *Approval Criteria. In order to approve a Preliminary Subdivision 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:*

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 approved PUD preliminary subdivision created 677 lots. The parent parcels are not subject to a pending Legal Lot Determination. This criterion is met.

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

Response: All required fees have been submitted with this application.

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: There is an existing PUD preliminary subdivision approval for this site (LD2017-0009 PUD) as well as an existing Conditional Use – Planned Unit Development and related applications (CU2017-0010 et al). This application is a modification to these prior 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: No new lots are proposed with this phasing modification request.

- 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: The approved PUD is proposed to be developed in 7 phases. This modification splits the Northeast phase into Northeast-North and Northeast-South, so there are now 8 proposed phases of development. The proposed revised phasing plan and associated public improvements for each phase are shown on Sheet P0.5R. The appropriate development applications will be submitted within 5 years of PUD approval or an extension will be filed within that time frame. This criterion is met.

- 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 approved PUD requested a reduction to minimum lot sizes through the PUD process rather than the lot averaging standards of Section 20.05.15.D. This criterion is not applicable.

- Applications that apply the lot area averaging standards of Section 20.05.50.1.B do not require further Adjustments or Variance for the Land Division.*

Response: The approved PUD requested a reduction to minimum lot sizes through the PUD process rather than the lot averaging standards of Section 20.05.15.D. This criterion is not applicable.

- The proposal does not create a parcel which will have more than one (1) zoning designation.*

Response: No changes to the approved lots are proposed. This criterion is met.

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

Response: All required applications and documents have been submitted. Additional applications and documents will be submitted as required. This criterion is met.

VI. Compliance with Chapter 50 Procedures

A. 50.95. Modification of a Decision.

Planned Unit Development

- 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: This application modifies two prior decisions (CU2017-0010 and LD2017-0009 PUD) which were approved through the Type 3 process. The proposed modifications impact LD2017-0009 and CU2017-0010 PUD; therefore, this request is subject to the provisions of this section. Overall, the proposed changes are described below:

1. Lot configuration modifications within the NE Phase – no change to NE Phase boundary, no net change in lot count;
2. Open space modifications within the NE Phase – no change to NE Phase boundary, no net change in overall open space requirements for NE Phase;
3. Construction of a stormwater facility (Pond 3) and associated outfall to service upper portion of NE Phase;

4. Construction of emergency fire access road, including drainage culverts (headwalls not required);
5. Modifications to grading for some roadways and lots (greater than 4 feet vertical from approved); and
6. For single family detached homes in the entire Scholls Heights PUD with rear setbacks adjacent to open space, reduction of rear setbacks from 15 feet to 5 feet for decks greater than 30-inches above the ground.

The nature of the proposed changes and the basis for the proposed changes are described and addressed in the findings in this narrative, and are focused on compliance with both Chapters 20 and 40 (above) and Chapter 60 (below). These findings specifically address the applicable approval criteria and development regulations within those Chapters. Modifications to a specific condition related to open space are addressed below.

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 was held on November 10, 2020. See Appendix G. No neighborhood review meeting was required, per City staff, and no meeting was held.

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: This application does not extend the deadline for filing an appeal.

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 original decision approved the application and is eligible for modification.

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 application for modification of LD2017-0009 PUD is subject to Type 2 review, and the application for modification of CU2017-0010 is subject to Type 3 review. Because the applications are being reviewed concurrently, they are subject to Type 3 review.

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:*

[...]

- D. *A new or modified condition would better accomplish the purpose of the original condition.*

Response: There is only one Condition of Approval being requested for Modification. By revising the approved phasing, this application specifically modifies Condition of Approval #B.5 of CU2019-0032 related to the amount of open space required for each phase:

“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.”

The previously approved phasing modification required 2.05 acres of total open space and 0.51 acres of active open space for the Northeast phase (129 lots). Breaking the Northeast Phase into two separate phases will break down Northeast Phase active open space/open space requirements as follows:
 Northeast – South (31 lots) : 0.50 acres open space, 0.12 acres active open space
 Northeast – North (98 lots): 1.55 acres open space, 0.39 acres active open space

Since the proposed Northeast-South only contains 0.15 acres of open space, we are including the proposed storm easement to build Pond 3 with the Northeast-South phase that is located in the future Central Phase. This open space area will also be included in the Northeast-North cumulative open space area so it will keep the total in the two Northeast phases above the previously approved.

Table 3 below and Sheet L1.0R demonstrate how the revised phasing of the Northeast Phase continues to meet and exceed the open space and active open space requirements.

Table 3. Modification to Approved Open Space by Phase

Phase	Open Space Required	Open Space Provided	Active Open Space Required	Active Open Space Provided
East	3.11	8.62	0.78	1.13
West	2.28	5.4	0.57	0.30
Northwest	1.57	1.19	0.39	0.44
Central*	1.27	9.32	0.32	0.29
Northeast	2.05	4.15	0.51	1.05
Northeast-S*	0.50	1.02	0.12	0.15
Northeast-N**	1.55	1.05	0.39	0.92
North	0.45	5.13	0.11	1.01
South	3.42	0	0.85	0.75
Total	14.14	31.73	3.54	4.97

*Approximately 0.92 acres of open space in Central Phase will be included in Northeast-South phase with dedication of storm easement.

** The Northeast-N phase will use the excess open space from Northeast-S phase to keep the cumulative above the previously approved Northeast Phase.

Land Division

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: This application modifies two prior decisions (CU2017-0010 and LD2017-0009 PUD) which were approved through the Type 3 process. The proposed modifications impact LD2017-0009 and CU2017-0010

PUD; therefore, this request is subject to the provisions of this section. Overall, the proposed changes are described below:

1. Lot configuration modifications within the NE Phase – no change to NE Phase boundary, no net change in lot count;
2. Open space modifications within the NE Phase – no change to NE Phase boundary, no net change in overall open space requirements for NE Phase;
3. Construction of a stormwater facility (Pond 3) and associated outfall to service upper portion of NE Phase;
4. Construction of emergency fire access road, including drainage culverts (headwalls not required);
5. Modifications to grading for some roadways and lots (greater than 4 feet vertical from approved); and
6. For single family detached homes in the entire Scholls Heights PUD with rear setbacks adjacent to open space, reduction of rear setbacks from 15 feet to 5 feet for decks greater than 30-inches above the ground.

The nature of the proposed changes and the basis for the proposed changes are described and addressed in the findings in this narrative, and are focused on compliance with both Chapters 20 and 40 (above) and Chapter 60 (below). These findings specifically address the applicable approval criteria and development regulations within those Chapters. Modifications to a specific condition related to open space are addressed above.

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 was held on November 10, 2020. See Appendix G. No neighborhood review meeting was required, per City staff, and no meeting was held.

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: This application does not extend the deadline for filing an appeal.

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 original decision approved the application and is eligible for modification.

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 application for modification of LD2017-0009 PUD is subject to Type 2 review, and the application for modification of CU2017-0010 is subject to Type 3 review. Because the applications are being reviewed concurrently, they are subject to Type 3 review.

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:*

[...]

- D. A new or modified condition would better accomplish the purpose of the original condition.*

Response: There is only one Condition of Approval being requested for Modification, and no conditions of approval under the Land Division are being proposed. This application only modifies Condition of Approval #B.5 of CU2019-0032 related to the amount of open space required for each phase, which is addressed above.

VII. Compliance with Chapter 60 Special Requirements

A. 60.15. Land Division Standards

60.15.10. Grading Standards.

1. *Applicability. The on-site surface contour grading standards specified in Section 60.15.10.3. are applicable to all land use proposals where grading is proposed, including land division proposals and design review proposals, as applicable. This Section does not supersede Section 60.05.25. (Design Review) and the exemptions listed in Section 60.15.10.2. will apply equally to design review proposals.*

Response: Proposed grading and contouring of the site were reviewed and approved through the previous land division/PUD application. Minor changes to grading and contouring is proposed as part of this application. For reference and details of proposed grading changes, see Sheet P4.3 R – PRELIMINARY GRADING PLAN. The proposed changes include:

- Minor changes to the vertical alignment for Streets V and Y in order to accommodate housing types and comply with street grade requirements.
- Grading and wall changes for daylight and garage-under lots to accommodate housing types. In most instances, the grading at these lots has been altered to decrease wall heights or eliminate rear-yard walls altogether.
- At daylight lots, upper pad benches have been extended horizontally to facilitate garage slab and foundation construction.
- Side-yard walls of less than 4 feet in height proposed between lots fronting on steep streets (Street Y and Street W) to facilitate stepping grades between lot pads and comply with street grade requirements.
- Rear-yard walls of less than 4 feet in height proposed at rear of daylight lots fronting on Street W to facilitate rear-yard and wall drainage system.
- Minor change to side-yard wall configuration and wall height at Lot 551 to accommodate housing type.
- Short grading tie-in wall along north property line has been removed. Recording of access and utility easement, per *Fox Hollow Estates, Doc. No. 2018-086946*, allows roadway grading to catch into existing ground across north property line.
- No grading changes are proposed at the east boundary of the project.

B. 60.35. Planned Unit Development

60.35.10. Modification of Base Zoning Standards.

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.*

Response: Minor revisions to the approved setbacks are proposed with this modification application. Per 60.35.10, the applicant proposes that for those detached single family lots adjacent to open space in the Scholls Heights PUD, a reduction of rear setbacks is allowed. This reduction is proposed for decks more than 30 inches above ground, from the current 15 feet that is permitted to a reduced deck setback of 5 feet. See above for table referencing rear setbacks for decks over 30 inches high.

C. 60.55. Transportation Facilities

60.55.10. General Provisions.

1. *All transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies.*

Response: Development is proposed with this modification request. The transportation facilities proposed for Scholls Heights at South Cooper Mountain reflect the South Cooper Mountain Community Plan and are designed in accordance with the City of Beaverton's Engineering Design Manual and standard drawings.

The proposed development abuts SW Scholls Ferry Road and SW Tile Flat Road, both of which are Washington County transportation facilities, and the Urban Growth Boundary (UGB). As per 60.55.10(1) it is understood that the City will condition the development to obtain permits required by Washington County. This application proposes adherence to the current conditions of approval related to Scholls Ferry Road and Tile Flat Road frontage improvements.

- 2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development.*

Response: This application proposes adherence to the current conditions of approval related to Scholls Ferry Road and Tile Flat Road frontage improvements. Overall, the transportation system serving the site has been approved under prior land use decisions, with the approved Transportation System Plan. No overall changes to the transportation system plan are proposed and all streets within the site are designed to continue with development of adjacent sites.

The proposed modifications in this application will split the Northeast phase of Scholls Heights at South Cooper Mountain PUD into two phases: Northeast-North and Northeast-South. The Northeast-North and Northeast-South phases will be primarily served by Road 8B through the connection with Strobel Road and local street extensions for the pending Phase 1A Site Development permit. An interim emergency fire access to the proposed NE-S and NE-N phases will be along the future Barrows Road alignment from Tile Flat Road to the NE corner of the Scholls Heights PUD (Alignment 6 of the TSP).

- 3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.*

Response: Development is proposed in the Northeast Phase with this modification request and the threshold criteria of Section 60.55.20 is met. Therefore, a Traffic Impact Analysis is required. The applicant has provided a TIA update as Appendix H.

- 4. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000....*

Response: The Traffic Impact Analysis provided with the previously-approved applications utilized the Highway Capacity Manual 2000 for analysis and employed the City's standards above. It resulted in a series of recommendations for improvements to roadways, access and capacity. The applicant has also provided a TIA update as Appendix H, which is reflective of the proposed modifications and revisions to the conditions of approval.

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

Response: Development is proposed in the Northeast Phase with this modification request and the threshold criteria of Section 60.55.20 is met. Therefore, a Traffic Impact Analysis is required. The applicant has provided a TIA update as Appendix H.

60.55.25. Street and Bicycle and Pedestrian Connection Requirements.

- 1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.*

Response: All proposed streets provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians and transit. Bicycle and pedestrian connections shall provide for safe and efficient

circulation and access for bicycles and pedestrians. No changes are proposed to the approved plans for access, circulation and connectivity for vehicles and bicycles.

- 2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future Potential Street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.*

Response: As part of the Transportation System Plan, the South Cooper Mountain Community Plan and prior land use approvals, the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 were used to identify ultimate right-of-way width and future Potential Street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. No changes are proposed to the standards and locations of these facilities as part of this modification request.

- 3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.*

Response: Development and an internal street network is proposed with this modification request. The transportation network was planned in accordance with the South Cooper Mountain Community Plan, including proposed connections to existing and planned street, bicycle, and pedestrian facilities. No changes are proposed to the standards and locations of these facilities as part of this modification request.

- 4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.*

Response: Development and an internal street network is proposed with this modification request. The transportation network was planned in accordance with the South Cooper Mountain Community Plan, including proposed connections to existing and planned street, bicycle, and pedestrian facilities. Proposed access and utility easements have been provided with the large lot subdivision plat to connect to adjacent developments. No changes are proposed to the standards and locations of these facilities as part of this modification request.

- 5. Whenever existing streets and bicycle and pedestrian connections adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.*

Response: SW Scholls Ferry Road and SW Tile Flat Road are adjacent to the development site, and additional right-of-way has been dedicated with Scholls Heights at South Cooper Mountain "large lot" plat per City and County standards.

- 6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.*

Response: Development and an internal street network is proposed with this modification request. The transportation network was planned in accordance with the South Cooper Mountain Community Plan, including proposed connections to existing and planned street, bicycle, and pedestrian facilities. Proposed access and utility easements have been provided with the large lot subdivision plat to connect to adjacent developments. No changes are proposed to the standards and locations of these facilities as part of this modification request.

- 7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.*

Response: Development and an internal street network is proposed with this modification request. The transportation network was planned in accordance with the South Cooper Mountain Community Plan, including proposed connections to existing and planned street, bicycle, and pedestrian facilities. Proposed access and utility easements have been provided with the large lot subdivision plat to connect to adjacent developments. No changes are proposed to the standards and locations of these facilities as part of this modification request.

8. *To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.*

Response: The applicant is not proposing a special setback line, and none is required.

9. *Access ways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in Section 60.55.25.13. An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.*

Response: As part of the Transportation System Plan, the South Cooper Mountain Community Plan and prior land use approvals, the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 were used to identify ultimate right-of-way width and future Potential Street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. These provisions also include accessways. The previously approved pedestrian connections (tracts with stairways from the intersection of Street W/Street Z down to future Road 8B) were modified slightly with lot reconfiguration and grading changes in the NE Phase, but they are essentially in the same approximate locations and make the same connection.

10. *Pedestrian Circulation.*

Response: As part of the Transportation System Plan, the South Cooper Mountain Community Plan and prior land use approvals, the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 were used to identify ultimate right-of-way width and future Potential Street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. The previously approved pedestrian connections (tracts with stairways from the intersection of Street W/Street Z down to future Road 8B) were modified slightly with lot reconfiguration and grading changes in the NE Phase, but they are essentially in the same approximate locations and make the same connection.

11. *Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:[...]*

Response: There are no Major Transit Stops within or near the project. This standard is not applicable.

12. *Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.[...]*

Response: No development in resource areas is proposed with this modification request.

13. *New construction of bicycle and pedestrian connections along residential rear lot lines is discouraged unless no comparable substitute alignment is possible in the effort to connect common trip origins and destinations or existing segment links.*

Response: New construction of bicycle and pedestrian connections along residential rear lot lines is not proposed.

60.55.35. Access Standards.

1. *The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved*

Response: As part of the Transportation System Plan, the South Cooper Mountain Community Plan and prior land use approvals, the Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 were used to identify ultimate right-of-way width and future Potential Street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel. No changes are proposed to the standards and locations of these facilities as part of this modification request.

2. *No more than 25 dwelling units may have access onto a closed-end street system unless the decision-making authority finds that identified physical constraints preclude compliance with the standard and the proposed development is still found to be in compliance with the Facilities Review criteria of Section 40.03.*

Response: The proposed modifications allow for compliance with the street system that was approved as part of the original PUD. The addition of the NE-N and NE-S phases and associated boundaries provides for a temporary (interim) closed end street at the north end of the NE-S Phase. This closed end street includes a hammerhead turnaround. As part of future and subsequent development, there will be no closed end streets.

3. *Intersection Standards.*

- A. *Visibility at Intersections. All work adjacent to public streets and accessways shall comply with the standards of the Engineering Design Manual except in Regional and Town Centers.[...]*

Response: No changes have been made to the approved public street alignments in the NE Phase from the approved Scholls Heights at South Cooper Mountain PUD. The applicant requested clarification on the circulation and intersection sight distance measurements at the intersection of Street W and Street Z.

- B. *Intersection angles and alignment and intersection spacing along streets shall meet the standards of the Engineering Design Manual and Standard Drawings.*

1. *Local street connections at intervals of no more than 330 feet should apply in areas planned for the highest density multiple use development.[...]*

Response: No changes have been made to the approved public street alignments in the NE Phase from the approved Scholls Heights at South Cooper Mountain PUD. The applicant requested clarification on the circulation and intersection sight distance measurements at the intersection of Street W and Street Z.

60.55.40. Transit Facilities.

Transit routes and transit facilities shall be designed to support transit use through provision of transit improvements. These improvements shall include passenger landing pads, accessways to the transit stop location, or some combination thereof, as required by TriMet and the City, and may also include shelters or a pad for a shelter. In addition, when required by TriMet and the City, major industrial, institution, retail, and office developments shall provide either a transit stop on site or a pedestrian connection to a transit stop adjacent to the site.

Response: No transit facilities are present within the site or within the South Cooper Mountain plan area. These standards are not applicable.

C. 60.60. Trees and Vegetation

60.60.15. Tree Protection Standards during Development.

Response: All trees identified under prior approvals will be protected during construction, per the standards and requirements of Section 60.60.15.

D. 60.65. Utility Undergrounding

60.65.15. Regulation.

All existing and proposed utility lines within and contiguous to the subject property, including, but not limited to, those required for electric, communication, and cable television services and related facilities

shall be placed underground as specified herein. The utilities required to be placed underground shall be those existing overhead utilities which are impacted by the proposed development and those utilities that are required to be installed as a result of the proposed development.[...]

Response: As approved by The Scholls Heights PUD, the utilities within and contiguous to the site will be placed underground when they are installed.

60.65.20. Information on Plans.

The applicant for a development subject to design review, subdivision, partition, or site development permit approval shall show, on the proposed plan or in the explanatory information, the following:

- 1. Easements for all public and private utility facilities;*
- 2. The location of all existing above ground and underground public and private utilities within 100 feet of the site;*
- 3. The proposed relocation of existing above ground utilities to underground; and*
- 4. That above ground public or private utility facilities do not obstruct vision clearance areas pursuant to Section 60.55.35.3 of this Code.*

Response: As approved by the Scholls Heights PUD, the utilities within and contiguous to the site will be placed underground when they are installed. Sheet P5.3R for detailed information.

E. 60.67. Significant Natural Resources

60.67.05. Local Wetland Inventory.

Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.

- 1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in Chapter 50, of this ordinance.*
- 2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements.*

Response: A Local Wetland Inventory (LWI) was adopted by the City in February 2015. The site has been identified as the location of Wetland W-C, which was not classified as a significant wetland by the LWI. A wetland delineation report was reviewed and approved as part of the previous PUD approval; no changes to wetlands or wetland impacts will occur as part of this modification request.

60.67.10. Significant Riparian Corridors.

Prior to issuing a development permit, the list of Significant Riparian Corridors shall be reviewed to determine if the site proposed for development is identified as being listed corridor.

- 1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant riparian corridors, shall be subject to relevant procedures and requirements specified in Chapter 50 of this ordinance.*

Response: The site has been identified as containing riparian corridors for which protective buffers were established through the previous PUD approval. Through that process, Clean Water Services identified required mitigation for disturbance. The site plans indicate the sensitive areas for which buffer protections have been established, locations of encroachments, and areas used for mitigation.

The riparian corridor is within a Significant Natural Resource Area(SNRA). The proposed temporary fire access easement and associated culvert are within the SNRA, as reviewed and approved under the original land use application and associated Clean Water Services (CWS) Service Provider Letter (SPL). This proposal for land use modifications has been recently reviewed and approved by CWS to ensure that no modifications or encroachment into additional SNRA areas are proposed. Other natural resource areas on the overall site reviewed and approved under the original SPL are located within a recorded tract and will not be affected by the proposed modification. This modification request does not change any of the previously established riparian corridor impacts, areas or mitigation measures. See Exhibits B and C for details on CWS reviews and approvals.

VIII. Conclusion

This request for approval of a Modification of Decision has been shown to be consistent with the applicable standards and criteria of the Beaverton Development Code. The applicant respectfully requests approval of this application.