



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420

MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: August 24, 2023
Subject: ***Notice of Decision for LU22023-00373 Fox Hollow Phase 2 Modification (PS22023-00370)***

Decision: Approval of LU22023-00180 Fox Hollow Phase 2 Modifications (PS22023-00370), subject to conditions of approval.

Proposal: The applicant, TNHC Oregon LLC, requests approval of a Type Two Modification of a Decision to Preliminary Subdivision approval (casefile number LD2018-0006, Fox Hollow at South Cooper Mountain PUD) to adjust the phasing lines between phase 2 and phase 12 of the Fox Hollow Subdivision.

Proposal location: The site is located at Tax Lots 02100 and 03100 on Washington County Tax Assessor's Map 1S13100. The site is zoned Residential Mixed B (RMB) and is within the Neighbors Southwest Neighborhood Association Committee boundaries.

Please find attached the statement of facts and conditions of approval for **LU22023-00373 Fox Hollow Phase 2 Modifications (PS22023-00370)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for PS22023-00370 is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for PS22023-00370 is 4:30 p.m., September 5, 2023.

The complete case file including findings, conclusions, and conditions of approval, if any, are available for review. The case file may be reviewed by contacting the project planner, Brett Cannon at bcannon@beavertonoregon.gov or at [https](https://www.beavertonoregon.gov)

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30am – 4:30pm.

Accessibility information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, please contact Brett Cannon at 711-503-350-4038 or bcannon@beavertonoregon.gov.

STAFF REPORT

Report date: August 24, 2023

Application: LU22023-00373 Fox Hollow Phase Modifications

Application Numbers: PS22023-00370

Proposal: The applicant, TNHC Oregon LLC, requests approval of a Type Two Modification of a Decision to Preliminary Subdivision approval (casefile number LD2018-0006, Fox Hollow at South Cooper Mountain PUD) to adjust the phasing lines between phase 2 and phase 12 of the Fox Hollow Subdivision.

Proposal location: The site is located at Tax Lots 02100 and 03100 on Washington County Tax Assessor's Map 1S13100.

Applicant: TNHC Oregon, LLC

Recommendation: APPROVAL of PS22023-00370, subject to conditions of approval.

Contact information:

City Staff Representative: Brett Cannon, Associate Planner
503-350-4038 / bcannon@BeavertonOregon.gov

Applicant: TNHC Oregon, LLC
15455 NW Greenbrier Parkway, Suite 240
Beaverton, OR 97006

Applicant's Representative: Pioneer Design Group
Wayne Hasson
9020 SW Washington Square Road, Suite 170
Portland, OR 97229

Owners: AG EHC II (NWHM) Multi State 2 LLC
Pam Verdadero
15231 Laguna Canyon Road, Suite 250
Irvine, CA 92618



Existing Conditions

Zoning: The area proposed for modification is zoned RMB (Residential Mixed B). The PUD was approved in 2018 when the zoning was R5. The applicant has opted to submit the proposal using the previously approved zoning R5 pursuant to ORS 92.040(3).

Site Conditions: Homes are being constructed on portions of the site not included in these modifications. The area of the proposed modifications contains vacant right-of-way.

Site Size: The Fox Hollow Planned Unit Development (“PUD”) is approximately 62.92 acres in total.

Location: The Fox Hollow PUD is located north of SW Barrows Road and west of SW Strobel Road. The areas proposed for modification are generally located in the center of the site at the future intersection of SW Alvord Land and SW Adirondack Terrace.

Neighborhood Association Committee: Neighbors Southwest.

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Washington County Future Development (FD20)	Rural Residential
South	City of Beaverton Residential (RMB and RMC)	Residential
East:	City of Beaverton Residential (RMA and RMB)	Residential
West:	Washington County Future Development (FD20)	Rural Residential

Application Information

Table 2: Application Summary

Application	Application type	Proposal summary	Approval criteria location
PS2023-00370	Modification of a Decision – Preliminary Subdivision	Changes to phase boundaries in an approved PUD.	Development Code Sections 40.03.1, 40.45.15.5.C, and 50.95

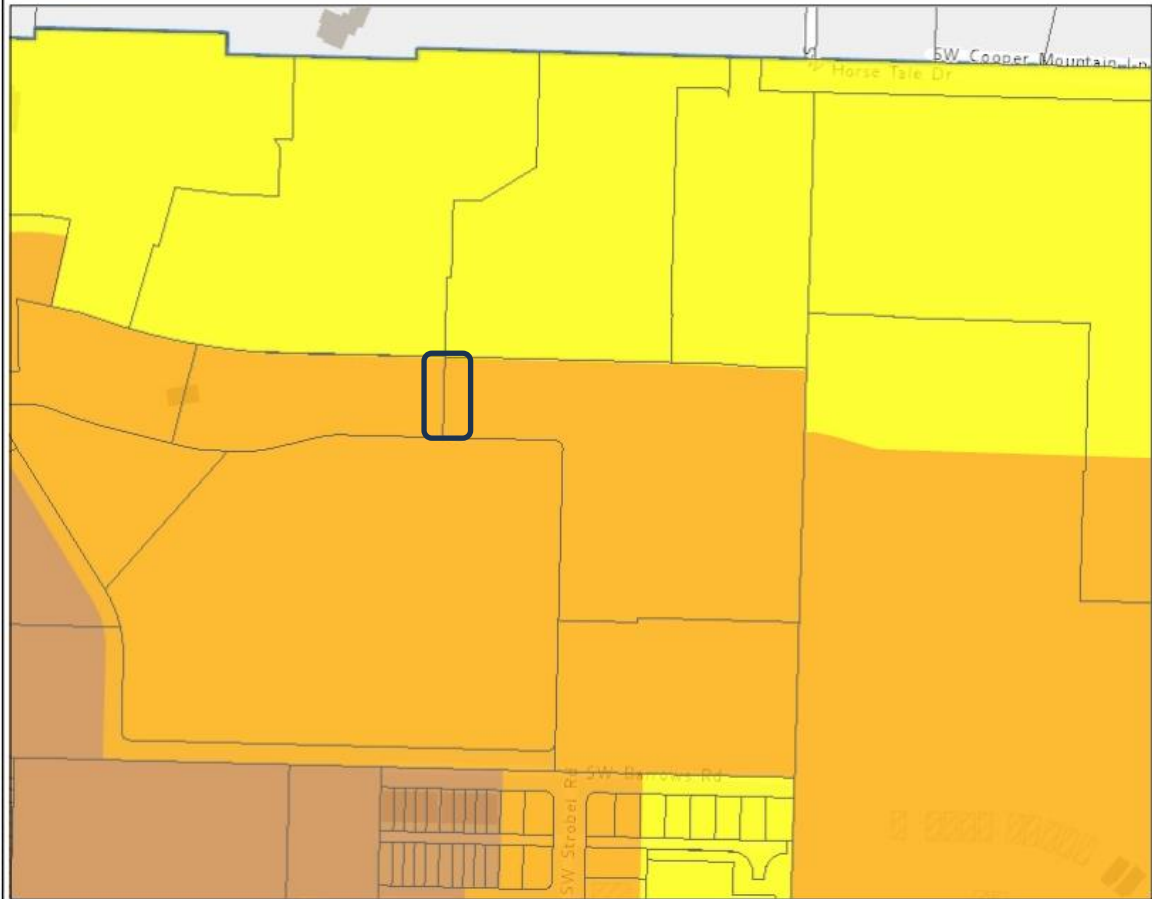
Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	Day 120*	Day 365**
PS22023-00370	June 1, 2023	July 11, 2023	November 8, 2023	July 10, 2024

* Pursuant to Section 50.25.8 of the Development Code, this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

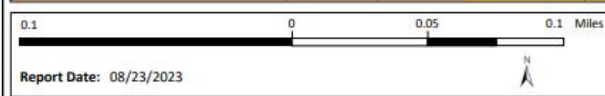
** Pursuant to Section 50.25.9 of the Development Code, the total time to extend the final decision may not exceed 245 days from the date of the original 120-day period.

Beaverton Exhibit 1.1 Zoning Map



Legend

- Washington County Taxlots
- UGB
- Zoning
 - Residential Mixed C (RMC)
 - Residential Mixed B (RMB)
 - Residential Mixed A (RMA)
 - Multi-Unit Residential (MR)
 - Neighborhood Service Center (NS)
 - Community Service (CS)
 - Corridor Commercial (CC)
 - General Commercial (GC)
 - Station Community - SC-S
 - Station Community - High Density ()
 - Station Community - Employment ()
 - Station Community - Multiple Use ()
 - Town Center - High Density Reside
 - Town Center - Multiple Use (TC-MI)
 - Regional Center - Old Town (RC-O)
 - Regional Center - East (RC-E)
 - Regional Center - Beaverton Centr
 - Regional Center - Downtown Trans
 - Regional Center - Multiple Use (RC
 - Commercial - Washington Squa
 - Office Industrial - Washington Squa
 - Office Industrial (OI)
 - OI-NC
 - Industrial (IND)
 - Interim Washington County Zoning
 - Unzoned/ ROW
- Stream_Labels
- CityLimits_Line
- County Line



The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

Report Date: 08/23/2023

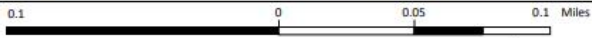
Notes

Beaverton Exhibit 1.2 Vicinity Map



Legend

- Washington County Taxlots
- UGB
- Stream_Labels
- CityLimits_Line
- County_Line
- BuildingAddress
- Taxlots - Washington County
- Taxlots - Multnomah County
- Buildings
 - Building
 - Under Construction
- LightRailStops
- Railroad
- Light Rail
- Freeways_Labels
- Streets_White
- Streams_Line
- WaterBodies
- Parks_Labels
- Parks and Schools
 - Park
 - School
- Taxlots_COBYellow
- AdjacentCities
 - Banks
 - Barlow
 - Battle Ground
 - Camas
 - Canby
 - Clatskanie
 - Columbia City



Report Date: 08/23/2023



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Exhibits:

Exhibit 1. Materials Submitted by Staff

- Exhibit 1.1 Zoning and Vicinity Map (page 4 of this report)
- Exhibit 1.2 Aerial Map (page 5 of this report)

Exhibit 2. Public Comment

None received

Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.1 Applicant Materials

Attachment A: Facilities Review Committee Technical Review and Findings

Application: LU22023-000373 Fox Hollow Phase Modifications (PS22023-00370)

Proposal: The applicant, TNHC Oregon LLC, requests approval of a Type Two Modification of a Decision to a Preliminary Subdivision approval (casefile number LD2018-0006, Fox Hollow at South Cooper Mountain PUD) to adjust the boundary lines between Phase 2 and Phase 12 of the Fox Hollow PUD.

Recommendation: APPROVE PS22023-00370, subject to conditions of approval.

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to Preliminary Subdivision Modification application as submitted.

Section 40.03.1.A

Approval Criterion: *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.*

FINDING:

Chapter 90 of the Development Code defines "critical facilities" to be services that include potable and non-potable public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

The original preliminary subdivisions (LD2018-0005 and LD2018-0006) and PUD approval (CU2018-0001) created a 15-phase large lot subdivision consisting of a 461-unit residential development including single detached dwellings and a multifamily housing

development. The applicant proposes to adjust the phasing line shared by Phase 2 and Phase 12 at the intersection of SW Alvord Lane and SW Adirondack Terrace. The phasing line boundary change will align the boundaries of the drainage basin for the entire Fox Hollow PUD. The applicant states the basin line for the storm and sewer gravity service lies along the west property line of Lot 213, which separates the intersection of SW Alvord Lane and SW Adirondack Terrace from the remainder of Phase 2. The proposed revision will align basin boundaries with phase line boundaries, allowing all utilities west of the boundary to flow to the proposed storm water management system in Phase 5 and all utilities east of the boundary to flow to existing stormwater facilities at the southeastern corner of the site within The Vineyard at Cooper Mountain PUD. The proposed boundary changes occur completely within previous lot boundaries, not altering public utilities, rights-of-way locations or design.

No changes are proposed to the potable water, non-potable water, sanitary storm, and stormwater systems as part of the proposed modifications.

The applicant does not propose any modifications to the locations of design of public streets and sidewalks within the development. The timing of the construction of the intersection at SW Alvord Lane and SW Adirondack Terrace will occur with the construction of Phase 12 and not with Phase 2 because of the proposed boundary changes.

The applicant has proposed an interim emergency turnaround at the intersection of SW Alvord Lane and SW Adirondack Terrace and provided an updated Service Provider Permit from TVF&R (Permit # 2023-0072) which states that no conditions of approval are required for the proposed phasing modifications.

Staff notes that the conditions of approval from the original PUD approval remain effective unless specifically modified with this request. The Committee finds that the proposed development can provide the required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

Conclusion: Therefore, the Committee finds that by meeting the conditions of approval the proposal meets the approval criterion.

Section 40.03.1.B

Approval Criterion: *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.*

FINDING:

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.

The applicant does not propose to modify any street, utility, or open space layouts as approved by the Fox Hollow PUD. The proposal is limited to modifying the phase boundaries between phases 2 and 12. Essential facilities such as schools, transit improvements, police protection and pedestrian and bicycle facilities will continue to be provided for, as previously approved.

In summary, the Committee finds that the proposed development can provide the required essential facilities when development is constructed.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.C

Approval Criterion: *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).*

FINDING:

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to the applicable Code requirements of Chapter 20 for Urban Standard Density Residential (R5). As demonstrated on the chart, the development proposal meets all applicable standards of the proposed zones or has requested modifications to the base zoning standards either through the previously approved Fox Hollow PUD or this modification application.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.D

Approval Criterion: *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.*

FINDING:

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates to the applicable Code requirements of Chapter 60, in response to the above mentioned criteria.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.E

Approval Criterion: *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.*

FINDING:

The applicant states that continued maintenance and normal replacement of common facilities will be provided by a homeowners association (HOA) once the PUD is developed. Until that time the site will remain undeveloped and in private ownership. Staff finds that the design of the development, including the modification of phase lines does not preclude the continued maintenance of private common facilities.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.F

Approval Criterion: *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

FINDING:

No changes to the previously approved Fox Hollow PUD which affect the design of public street or public pedestrian access are proposed with this application. The modification of the phase boundaries will not affect the provision of safe and efficient vehicular and pedestrian circulation patterns within the boundary of the development.

The timing of construction for the intersection of SW Alvord Land and SW Adirondack Terrace will now occur with development of Phase 12 rather than with Phase 2. The applicant has provided an updated TVF&R Service Provider Letter (TVF&R Permit 2023-0072) which depicts an emergency turnaround for the intersection to accommodate Phase 2 development until Phase 12 is completed.

Pedestrian access to all lots within Phase 2 will remain. An ADA accessible crossing remains in place at the intersection of SW Alvord Lane and SW Strobel Road for pedestrians to move within the PUD's boundary safely and efficiently.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.G

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

FINDING:

No changes to the previously approved Fox Hollow PUD which affect the design of public street or pedestrian connections are proposed with this application. The modification of the phase boundaries will not affect the on-site vehicular and pedestrian circulation systems or their ability to connect to the surrounding circulation system in a safe, efficient and direct manner.

The timing of construction for the intersection of SW Alvord Land and SW Adirondack Terrace will now occur with development of Phase 12 rather than with Phase 2. The applicant has provided an updated TVF&R Service Provider Letter (TVF&R Permit 2023-0072) which depicts an emergency turnaround for the intersection to accommodate Phase 2 development until Phase 12 is completed.

Pedestrian access to the boundaries of the PUD will remain. An ADA accessible crossing at the intersection of SW Alvord Land and SW Strobel Road provides pedestrian access to the southern boundary of the PUD via SW Strobel Road and SW Barrows Road and to the eastern boundary of the PUD via SW Alvord Lane.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.H

Approval Criterion: *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.*

FINDING:

The subject site is within the approved Fox Hollow PUD and does not propose modifying any portion of the approved final development plans including structures of public facilities.

Furthermore, staff cites the approved TVF&R Service Provider Letter (TVF&R Permit 2023-0072) which incorporates a proposed emergency turnaround at the intersection of SW Alvord Lane and SW Adirondack Terrace.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.I

Approval Criterion: *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.*

FINDING:

The subject site is within the approved Fox Hollow PUD and does not propose modifying any portion of the approved final development plans including public facilities.

Conclusion: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the approval criterion.

Section 40.03.1.J

Approval Criterion: *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.*

FINDING:

The change in phase lines will cause the full construction of the intersection at SW Alvord Land and SW Adirondack Terrace to occur later when Phase 12 is built out. The applicant states the intersection will consist of the street base rock section as part of the development of phase 2 to provide an interim emergency vehicle turnaround area as approved by TVF&R permit 2023-0072. The proposed change to the timing of the intersection construction or temporary turnaround will not increase the grading area of the site. Therefore, no grade changes are proposed to streets or sidewalks or lots abutting adjacent properties outside the Fox Hollow PUD. Staff finds that none of the proposed changes will negatively affect adjacent properties or developments.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.K

Approval Criterion: *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.*

FINDING:

No changes to public infrastructure, such as sidewalks and streets are proposed. The change in phase lines will cause the construction of the intersection at SW Alvord Land and SW Adirondack Terrace to occur later when Phase 12 is built out. Private development will be evaluated for ADA compliance at the Design Review and Building Permit stages. Staff finds that the proposal does not preclude compliance with ADA standards.

Conclusion: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets the approval criterion.

Section 40.03.1.L

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

FINDING:

The applicant submitted the land use applications on June 1, 2023 and was deemed complete on July 11, 2023. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Residential Zoning Districts

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Attached & Detached Residential Dwellings	Permitted	The applicant proposes to adjust the boundary of phases 2 and 12, no modifications to housing types are proposed.	N/A
Parcel Area	Vary by zoning district with additional flexibility provided by the PUD	The applicant proposes to adjust the boundary of phases 2 and 12. All lots continue to comply with the parcel area requirements of the PUD.	N/A
Residential Density	Minimum: 235 Maximum: 687	The applicant proposes to adjust the boundary of phases 2 and 12, no change to the 461 units approved with the original application are proposed.	N/A
Minimum Lot Dimensions	Vary by zoning district with additional flexibility provided by the PUD	The applicant proposes to adjust the boundary of phases 2 and 12. No changes to lot dimensions are proposed.	N/A
Yard Setbacks	See setback table below	The applicant proposes to adjust the boundary of phases 2 and 12. No changes to yard setbacks are proposed.	N/A
Maximum Building Height	Maximum Per Zoning District and PUD approval.	The applicant proposes to adjust the boundary of phases 2 and 12. No changes to building height are proposed.	N/A

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	The applicant proposes to modify the boundary between phase line 2 and 12 of the Fox Hollow PUD. All conditions related to Design Review requirements for the original PUD approval remain in place.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	N/A
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	N/A
Development Code Section 60.15			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	No changes to grading are proposed within 25 feet of property line at the boundary of the Fox Hollow PUD.	N/A
Development Code Section 60.30			
Off-Street Motor Vehicle Parking	One parking space per single family dwelling unit (10 detached single family dwelling units proposed) 1.75 spaces per 3+ bedroom attached unit (29 units proposed = 51 parking spaces)	The applicant proposes to modify the boundary between phase line 2 and 12 of the Fox Hollow PUD. No changes to off-street motor vehicle parking are proposed.	N/A
Development Code Section 60.30			
Required Bicycle Parking	No bike parking requirements for detached and attached single family dwellings with less than 4 units. Multi-Family bike parking will be evaluated at the time of design review for those units.	The applicant proposes to modify the boundary between phase line 2 and 12 of the Fox Hollow PUD. No changes to off-street bicycle parking are proposed.	N/A

Development Code Section 60.33

Park and Recreation Facilities and Service Provision	Areas within the City must annex to THPRD or provided commensurate facilities.	The applicant proposes to modify the boundary between phase line 2 and 12 of the Fox Hollow PUD. All conditions related to annexation requirements for the original PUD approval remain in place.	YES
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Development Code Section 60.35

Planned Unit Development	Development and design principles for Planned Unit Developments.	The subject site is part of the approved Fox Hollow PUD, all conditions of approval will remain in effect from the original PUD approval (CU2018-0001).	YES
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Development Code Section 60.55

Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	Refer to the Facilities Review Committee findings herein.	YES
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Development Code Section 60.60

Trees and Vegetation	Regulations pertaining to tree removal and preservation.	No changes to proposed tree removal or sensitive areas.	N/A
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Development Code Section 60.65

Utility Undergrounding	Requirements for placing overhead utilities underground.	Refer to the Facilities Review Committee findings herein.	YES
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Development Code Section 60.67

Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No changes proposed to sensitive areas and natural resources.	N/A
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Attachment B: PS22023-00370 Modification of a Decision – Preliminary Subdivision

ANALYSIS AND FINDINGS FOR MODIFICATION OF A DECISION -PRELIMINARY SUBDIVISION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PS22023-00370**, subject to the applicable conditions identified in Attachment C.

Section 40.03.1 Facilities Review Approval Criteria:

The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B, and all the following criteria have been met:

Facilities Review Approval Criteria Section 40.03.1.A-L

FINDING:

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report. Staff cites the findings presented in Attachment A in response to the Facilities Review Committee approval criteria. As identified in Attachment A, the proposal meets Approval Criteria 40.03.1.A through L, subject to conditions of approval identified in Attachment C.

Conclusion: Therefore, the Committee finds that the proposal meets the criteria.

Section 40.45.05 Purpose:

The purpose of Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of the boundaries of land within the City of Beaverton. This Section is carried out by the approval criteria listed herein.

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:

Section 40.45.15.5.C.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.

FINDING:

Threshold 1 for a Preliminary Subdivision states that 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.*

The applicant was previously approved for a 461-unit Planned Unit Development and subdivision with 281 attached and detached single family lots and one 180-unit multifamily site. The applicant proposes to modify the boundary between Phase 2 and Phase 12 at the future intersection of SW Alvord Land and SW Adirondack Terrace. The phase line adjustment is requested to ensure the basin line for sanitary sewer and storm matches the phase boundary lines. The proposal will ensure that all utilities within phase 2 will flow east and all utilities within phase 12 will flow west. The changes in phase boundary lines necessitate changes to the preliminary subdivision (LD2018-0006) and therefore modifications to the approved subdivision.

Conclusion: Therefore, staff finds the proposal meets the criterion.

Section 40.45.15.5.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Preliminary Subdivision application.

Conclusion: Therefore, staff finds the proposal meets the criterion.

Section 40.45.15.5.C.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.

FINDING:

The applicant proposes to go through the Modification of a Decision – Preliminary Subdivision process in order to appropriately address the proposed change in phase boundaries. All conditions of approval for LD2018-0006, unless modified by this approval will remain effective, as a condition of approval of this request.

Conclusion: Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Section 40.45.15.5.C.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.

FINDING:

The applicant does not propose any oversized lots based on the number of units proposed and the lot sizes.

Conclusion: Therefore, staff finds the criterion is not applicable.

Section 40.45.15.5.C.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.

FINDING:

The applicant proposes to modify the boundary between Phase 2 and Phase 12 at the future intersection of SW Alvord Lane and SW Adirondack Terrace. The phase line adjustment is requested to ensure the basin line for sanitary sewer and storm matches the phase boundary lines. The original application (LD2018-0006) was phased to allow for appropriate public improvements, including sanitary sewer and storm, water, and pedestrian and vehicular circulation.

As discussed in the Facilities Review report (Attachment A) the proposed phase boundary modifications will not negatively impact public improvements for each phase of the Fox Hollow Planned Unit Development. The phase boundary adjustment will allow all utilities within Phase 2 to flow west and all utilities with Phase 12 to flow east. If the phase boundary modification weren't to be approved the intersection of SW Alvord Lane and SW Adirondack Terrace would remain in Phase 12, requiring a stormwater detention facility designed to treat 1,350,614.25 square feet of impervious surface to be constructed for an area of approximately 9,500 square feet, approximately 0.7 percent of capacity. No additional modifications are proposed to the remaining phases of the Fox Hollow PUD and all conditions of approval from the original decision remain applicable to the development.

Conclusion: Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Section 40.45.15.5.C.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: [ORD 4584; June 2012]

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
- b) Complies with minimum density requirements of the Development Code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

FINDING:

The applicant does not propose lot averaging.

Conclusion: Therefore, staff finds the criterion for approval is not applicable.

Section 40.45.15.5.C.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.

FINDING:

The applicant does not propose lot averaging.

Conclusion: Therefore, staff finds the criterion for approval is not applicable.

Section 40.45.15.5.C.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.

FINDING:

No proposed tracts or parcels will have more than one zoning designation.

Conclusion: Therefore, staff finds the criterion for approval is not applicable.

Section 40.45.15.5.C.9

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

FINDING:

The applicant has submitted the required application materials for review of a Modification of a Decision-Preliminary Subdivision application in the proper sequence.

Conclusion: Therefore, staff finds the criterion is met.

Section 50.95 Modification of a Decision

The applicant has requested modifications of the previously approved Preliminary Subdivision application (LD2018-0006), therefore, Section 50.95 of the Development Code is applicable to the request. To approve a Modification of a Decision - 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:

Section 50.95.1

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.

FINDING:

The applicant has requested this modification to an approved Preliminary Subdivision, Fox Hollow PUD (ZMA2018-0001 / CU2018-0001 / LD2018-0005 / LD2018-0006 / TP2018-0001), specifically LD2018-0006. The applicant states that the required materials have been submitted with this Modification of a Decision for a Preliminary Subdivision. The request is limited to boundary changes between Phase 2 and Phase 12 of the PUD. Staff has addressed the relevant approval criteria for the Preliminary Subdivision as well as the Facilities Review section of this report and found that the proposal is compliant with all applicable approval criteria. All other original conditions of approval of LD2018-0006 remain effective.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 50.95.2

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.

FINDING:

The applicant met with staff accordingly for a pre-application conference on February 22, 2023 (PA2021-0011) and was provided the information necessary to apply for a Modification of Decision application.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 50.95.3

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.

FINDING:

This applicant states it does not request to extend the deadline for filing an appeal or stay the appeal proceedings. The applicant is aware the 120-day requirement for the modification application applies.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 50.95.4

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.

FINDING:

The applicant has applied to modify the conditionally approved Preliminary Subdivision (LD2018-0006) as part of the application package approved for the Fox Hollow Planned Unit Development.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 50.95.5

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

FINDING:

The requested modification to the approved site plan associated with the project will follow the Type 2 review procedures, as determined by the Director.

Conclusion: Therefore, staff finds the proposal meets the criterion for approval.

Section 50.95.6

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.

FINDING:

The applicant does not propose to modify a condition of approval of the Preliminary Subdivision application LD2018-0006. As a condition of approval of this Modification of a Decision request, all conditions of approval of LD2018-0006 will remain effective.

Conclusion: Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **PS22023-00370** subject to conditions of approval identified in Attachment C.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The proposal is subject to the grading standards contained herein. The applicant does not propose to modify approved grading within 25 feet of a parent property line.	N/A
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	Storm water facilities and public rights-of-way are proposed within the applicable grading area. These areas are exempt from the grading standards.	Yes
60.15.10.3.A-F	When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe A-E of this code section.	The applicant does not propose to modify grading within 25 feet of any parent property line.	N/A
60.15.10.3.G	The on-site grading contours stated above apply only to the property lines of the parent parcel(s). They do not apply to internal property lines within a development.	The grading standards have only been applied to the parent property lines of The Fox Hollow Planned Unit Development	Yes
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	Existing trees that do remain onsite will be protected in accordance with Tree	N/A

Protection standards in Section 60.60.20 of the Code. Grading changes are not proposed in areas with protected tree groves.

Attachment C: Conditions of Approval

Application: LU22023-00373 Fox Hollow Phase Modifications

Recommendation: APPROVE PS22023-00370, subject to conditions of approval.

Modification of a Decision - Preliminary Subdivision (PS22023-00370)

1. All conditions in LD2018-0006 remain in full effect. (Planning / BC)

A. Prior to Site Development Permit Issuance, the Applicant Shall:

2. Ensure the associated land use application PS22023-00370 has been approved and is consistent with the submitted plans. (Planning / BC)
3. Submit a plan revision to site development for review, showing the boundary line changes between phases 2 and 12. Any associated changes to the street, utility, and stormwater management plans shall be shown with the plan revision. (Site Development / SAS)