

STAFF REPORT

Report Date: February 21, 2024

Application/Project Name: LU32023-00715 Fox Hollow PUD Modifications

Application Numbers: PUD32023-00722 / PS22023-00713

Proposal: The applicant, TNHC Oregon LLC, requests Modification of a Planned Unit Development (CU2018-0001) and Modification of a Preliminary Subdivision (LD2018-0005) to adjust the total density of the site from 461 units to 323 units. The Modification of a Planned Unit Development includes the removal of the 180 family units and adding additional single detached units, increase in open space, a new local street, phase line adjustments. The modification of Preliminary Subdivision is to adjust the lot lines of multiple lots in the PUD and add a new local street.

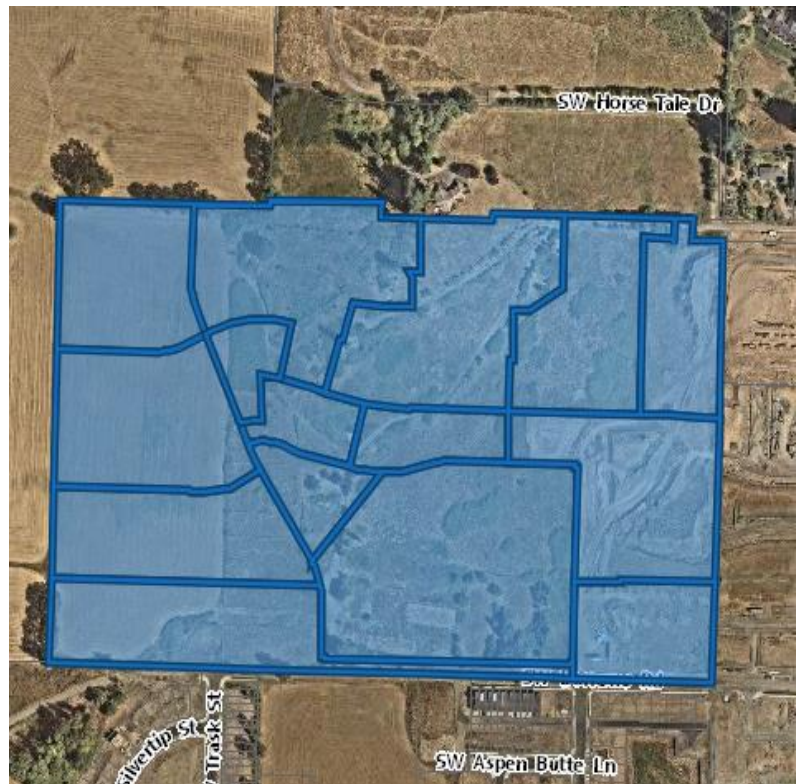
Proposal Location: The site is located north of SW Scholls Ferry Road and east of SW Tile Flat Road. Specifically identified as Tax Lots 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, and 3400 on Washington County Tax Assessor's Map 1S13100

Applicant: TNHC Oregon, LLC

Recommendation: APPROVAL of LU32023-00715 Fox Hollow PUD Modifications PUD32023-00722 / PS22023-00713, subject to conditions.

Hearing Information: 6:30 p.m. February 28, 2024, via Zoom Webinar

Note: Public Hearings are held remotely and can be viewed at the following link:
<https://beavertonoregon.gov/913/Agendas-Minutes>



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Existing Conditions

Zoning: Residential Mixed A (RMA), Residential Mixed B (RMB), and Residential Mixed C (RMC)

Site Size: 62.94 acres

Location: North of proposed SW Barrows extension, north of SW Scholls Ferry Road and east of SW Tile Flat Road.

Neighborhood Association Committee: Neighbors Southwest NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Washington County Exclusive Farm Use (EFU)	Single Detached Dwelling and associated farmland.
South	City of Beaverton RMA, RMB and RMC	Single-detached and attached dwellings are under development.
East	City of Beaverton RMB and RMC.	Single-detached and attached residential dwellings are under development.
West	Washington County Rural Agriculture and Forest (AF20)	Single Detached Dwelling and associated farmland.

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
PUD32023-00713	Modification of a Planned Unit Development	Request to modify approved CU2018-0001 to adjust the total density of the site from 461 units to 323 units, change the open space calculations and add a new local street.	Development Code Section 40.15.15.6.C and 50.95
PS22023-00722	Modification of a Preliminary Subdivision	Modification LD2018-0005 to update phase boundaries between 5 and 6, 9 and 10, and 10 and 13.	Development Code Sections 40.03.1, and 40.45.15.5.C. and 50.95

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
PUD32023-00722	October 13, 2023	Jan. 11, 2024	May 10, 2024	Jan. 10, 2025
PS22023-00713	October 13, 2023	Jan. 11, 2024	May 10, 2024	Jan. 10, 2025

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

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PUD32023-0072226
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Exhibits

Exhibit 1. Maps submitted by Staff

- Exhibit 1.1 Zoning Map (page 8 of this report)
- Exhibit 1.2 Vicinity Map (page 9 of this report)

Exhibit 2. Public Comment

No public comment received.

Exhibit 3. Materials submitted by the Applicant

- Exhibit 3.01 Application Forms
- Exhibit 3.02 Narrative
- Exhibit 3.03 Service Provider Letters
- Exhibit 3.04 Plans and Graphics
- Exhibit 3.05 Traffic Report
- Exhibit 3.06 Sight Distance Analysis
- Exhibit 3.07 Housing Type Breakdown
- Exhibit 3.08 Stormwater Report
- Exhibit 3.09 Pre-Application Conference Notes
- Exhibit 3.10 Neighborhood Meeting
- Exhibit 3.11 Open Space Slopes

Exhibit 4. Materials submitted by Staff

Exhibit 4.1 Land Use Order No. 2603

Exhibit 1.1 Zoning Map

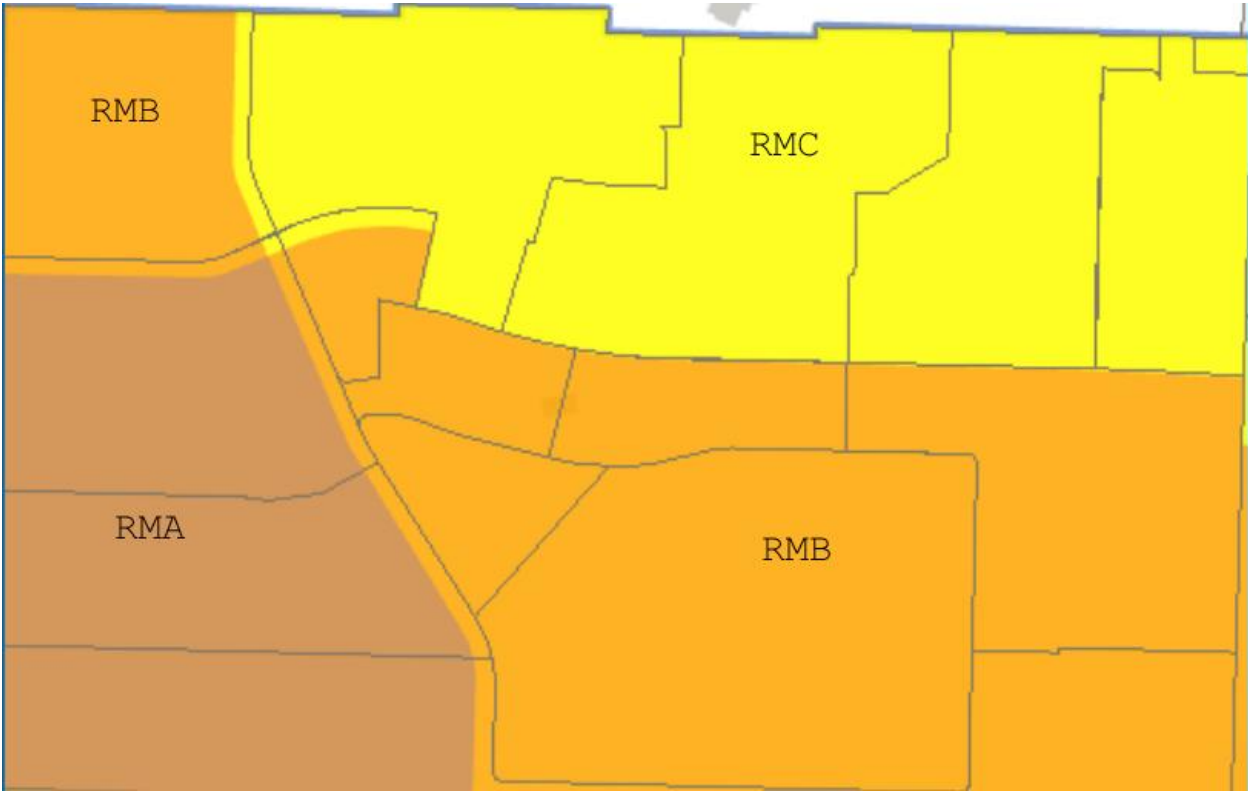
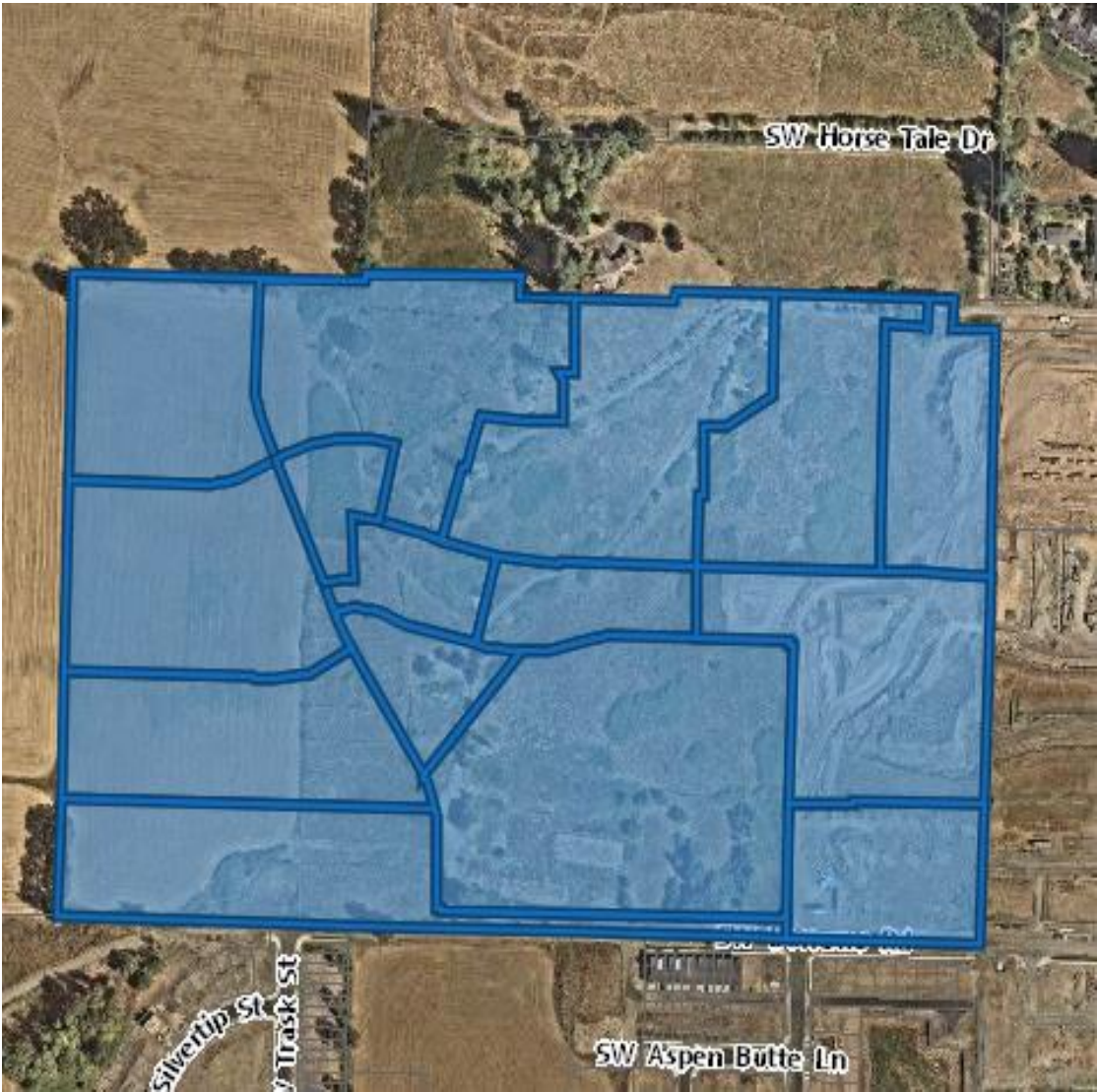


Exhibit 1.2 Vicinity Map



Attachment A: FACILITIES REVIEW

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: LU32023-00715 Fox Hollow PUD Modifications

Proposal: The applicant, TNHC Oregon LLC, requests Modification of a Planned Unit Development (CU2018-0001) and Modification of a Preliminary Subdivision (LD2018-0005) to adjust the total density of the site from 461 units to 323 units. The Modification of a Planned Unit Development includes the removal of the 180 family units and adding additional single detached units, increase in open space, a new local street, phase line adjustments. The modification of Preliminary Subdivision is to adjust the phase boundaries of phases 5 and 6, 9 and 10, and 10 and 13.

Recommendation: APPROVE LU32023-00715 Fox Hollow PUD Modifications (PUD32023-00722 and PS22023-00713) subject to the recommended conditions of approval identified in Attachment D.

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 the Modification of a Conditional Use - Planned Unit Development (PUD32023-00722) and Modification of a Preliminary Subdivision (PS22023-00713) applications 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; stormwater drainage, treatment, and retention; transportation; and fire protection.

The Planned Unit Development and Subdivision were previously approved as part of Fox Hollow at Cooper Mountain PUD, casefiles ZMA2018-0001, CU2018-0001, LD2018-0005, LD2018-0006 and TP2018-0001. The Findings for 40.03.A from that application are still applicable to the entire site. The Facilities Review analysis for “critical facilities” is limited in scope to the areas of the site which are proposed for modification, specifically Phase 5, 6 and 7. The only other change in Critical Facilities outside of Phase 5, 6, or 7 is within Phase 8 along SW Wasatch Terrace. The applicant has proposed slight modifications to the placement of the sanitary storm and water connections to lots 217-224 to accommodate for the changes in lot line positions. Staff will provide a brief overview of the entire PUD for Critical Facilities and a more detailed description of each Phase that is proposed for modification.

PUD Site Findings

Public Sanitary- Sanitary sewer service will be provided by the City of Beaverton. Clean Water Services, the regional sanitary sewer provider, has issued a Service Provider Letter for the entirety of the South Cooper Mountain Community Plan (SCMCP) area, stating the applicant is in compliance with the SCMCP sanitary sewer masterplan and therefore in compliance with the CWS sanitary sewer SPL. Sanitary sewer will be brought to the site with development to the south or east, depending on which facility is available at the time of development. From the south, the public sanitary sewer is to be located within SW Strobel Road and The Ridge development, before extending north to SW Barrows Road through the approved Scholls Valley Heights PUD.

Stormwater- The applicant states that storm drainage will be captured through a series of laterals, catch basins and pipes. The applicant proposes one on-site stormwater facility (Tract D) located within the southwest corner of the site and the use of a second off-site facility located towards the southeast corner of the property (The Vineyard at Cooper Mountain). The applicant explains that due to topographical constraints and basin delineation, the site was divided into two basins, allowing the stormwater within each basin to drain to the respective facility. These facilities will treat and detain the stormwater. A utility plan has been provided by the applicant that shows extension of stormwater lines throughout the development to serve all portions of the development. The applicant has provided a preliminary stormwater report which shows the system as designed should be sufficient to serve the development, full engineering review is completed at Site Development permit review. Staff finds that adequate capacity exists to serve the proposed development.

Transportation- With the original approval (CU2018-0001) the applicant's traffic consultant, Kittleson & Associates, produced a Traffic Impact Analysis (TIA) to evaluate the effect on the transportation system on January 18, 2018. The TIA identified an estimated 3,662 daily vehicle trips would be generated by the proposed residential units within the PUD and an estimated 1,032 daily vehicle trips by the anticipated school. Kittleson & Associates have provided a TIA memorandum (Exhibit 3.5 Traffic Memorandum), dated September 18, 2023, to account for the proposed modifications. The memorandum concludes that the proposed modifications will result in a net decrease of 616 average daily trips because the original proposal accounted for 224 single detached dwellings, 180 apartments and 57 attached townhomes while the new proposal is 323 detached dwellings, totaling a net loss of 138 dwelling units. Pursuant to section 60.55.20 of the Beaverton Development Code, the city's threshold for a new Traffic Impact Analysis is an increase of 300 daily trips, therefore, a new TIA is not required for the proposed modifications. Individual transportation findings for each of the phases proposed for modification (5, 6, and 7) can be found below.

Fire Protection- Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has provided an amended Service Provider Letter (TVF&R Permit # 2023-0163). Staff finds that with the amended SPL the proposal will meet TVF&R requirements which will be verified at the time of Site Development Permit issuance.

Phase Specific Findings

Phase 5

Phase 5 includes the development of large lot 5, the on-site water quality facility, open space, SW 185th Avenue and portion of SW Barrows Road. Phase 5 is located at the southwestern corner of the Fox Hollow PUD site. Large Lot 5 was zoned R2 when the PUD was approved and was rezoned to RMA in June of 2022. Phase 5 will provide most of the stormwater treatment for the PUD and shall be constructed in its entirety when the stormwater facility is required to serve proposed development.

Transportation- Access to Phase 5 is provided by SW 185th Avenue and SW Barrows Roads, via Strobel Road which must be extended from SW Scholls Ferry Road to SW Barrows Road with the development of The Ridge and Scholls Valley Heights. On the southern boundary of Phase 5 a portion of SW Barrows Road must be completed whenever Phase 5 is needed. The construction of SW Barrows will also provide stormwater access to serve phased residential development or future school development (Phase 3).

Utilities- As the phase does not include any physical development outside of stormwater management infrastructure, utilities are not needed to serve the phase per-se, however utilities will need to be constructed, as designed, to serve the future development and connect utility services through the development and to adjacent developments. Sanitary

sewer and stormwater lines shall also be placed through the phase in accordance with the utility plan (Sheet 10 of Exhibit 3.4 Plans and Graphics).

Phase 6

Phase 6 includes Large Lot 6, located within the southwest corner of the site, north of the on-site stormwater facility. Large Lot 6 was zoned R2 when the PUD was approved and was rezoned to RMA in June of 2022. Phase 6 is being modified to remove the 180 multi-family development and is to be replaced with 57 single detached dwellings, a new local street (SW Howlock Lane), two alleys for access to the dwellings and multiple tracts for pedestrian circulation and open space.

Transportation- Phase 6 is not immediately adjacent to Strobel Road or SW Barrows Road, both of which provide access to the entire Fox Hollow PUD. Therefore, the developer will be required to construct all transportation facilities necessary to serve the phase including a portion of SW 185th Avenue and any additional streets needed to provide access to utilities to the phase. Access for Phase 6 is provided by SW 185th Avenue via the proposed local street, SW Howlock Lane and two alleys. One alley is north of SW Howlock Lane and one is south of SW Howlock Lane. SW Howlock Lane will connect to these alleys which provide access to the proposed rear-loaded, single-detached dwelling units in Phase 6. The alleys can also be directly accessed from SW 185th Avenue, as seen on Sheet 6 of Exhibit 3.4 Plans and Graphics.

Utilities- The stormwater facility needed to treat the stormwater produced by Phase 6 and all stormwater infrastructure associated with the development phase must be installed. This will be satisfied by the installation of the stormwater facility found in Phase 5. The applicant states that the proposed lots will be serviced by:

- Sanitary Sewer- eight inch main within SW Howlock Lane and the alley south of Howlock lane.
- Sanitary Storm-twelve inch main within SW Howlock Lane and the alley south of Howlock Lane
- Water- eight inch main within SW Howlock Lane and an eight inch main in the pedestrian pathway on the south side of Phase 6.

The utilities plan can be found in Exhibit 3.4 Plans and Graphic, sheet 12.

Phase 7

Phase 7 includes Large Lot 7 located north of Phase 6. Large Lot 7 was zoned R-2 when the PUD was approved but was rezoned to RMA in June of 2022. Phase 7 is being modified to replace 57 attached units with 43 detached, alley loaded lots. Tract H is also being modified to include vehicular access to lots 225 through 238.

Transportation- Phase 7 is not immediately adjacent to SW Strobel Road or SW Barrows Road, both of which provide access to the entire Fox Hollow PUD. Therefore, the developer will be required to construct all transportation facilities necessary to serve the phase including a portion of SW 185th Avenue and any additional streets needed to provide access to utilities to the phase. Access for Phase 7 is provided by SW 185th via SW Alvord Lane and an alley with direct access to SW 185th Avenue, as seen on Sheet 4 of Exhibit 3.4 Plans and Graphics. SW Alvord lane provides a second access to the alley to serve the proposed rear-loaded, single-detached dwelling units.

Utilities- The stormwater facility needed to treat the stormwater produced by Phase 7 and all stormwater infrastructure associated with the development phase must be installed. This will be satisfied by the installation of the stormwater facility found in Phase 5 The applicant states that the proposed lots will be serviced by:

- Sanitary Sewer- eight inch main within SW Alvord Lane and SW Yamsay Street.
- Sanitary Storm-twelve inch main within SW Alvord Lane and SW Yamsay Street.
- Water- eight inch main within SW Alvord Land and an eight inch main in SW Yamsay Street.

Conclusion: Therefore, the Committee finds that by meeting the conditions of approval, the proposal meets this 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 on-site pedestrian and bicycle facilities in the public right-of-way.

Schools- The applicant has provided an amendment to the original service provider letter (SPL) from Beaverton School District. The amended SPL states that the district anticipates 195 new students will be generated from the proposed 323 units within the PUD. The amended SPL states sufficient there is sufficient capacity at Hazeldale Elementary, Highland Park Middle School and Mountainside Highschool to accommodate the new students within the PUD’s boundary. Additionally, a local elementary school can be built within the Fox Hollow project area to accommodate further growth of the PUD and

the South Cooper Mountain area. As such Beaverton School District has adequate capacity to serve the proposed development.

Transit Improvements- To the date of this report Tri-Met has not provided comments in response to the development proposal. The subject property does not abut streets where Tri-Met provides bus service. The closest local bus line is located further to the east (line 62) and nearest stop is located at SW Scholls Ferry Road and SW Murray Boulevard. The Portland Express (line 92) stops at Teal Boulevard in southwest Beaverton which is approximately one and a half miles to the east. Tri-Met anticipates extending bus service to the full South Cooper Mountain area some time after development concludes.

Police Protection- The City of Beaverton Police Department provides police services to the subject site and will continue to provide police protection upon development. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Any comments from Beaverton Police will be forwarded directly to the applicant. The Committee finds that adequate police protection service will be provided to the subject site.

Pedestrian and Bicycle Facilities- The applicant's plans show construction of streets and sidewalks in accordance with the applicable engineering standards of the City and Figure 10: Community Plan Street Framework of the South Cooper Mountain Community Plan as well as ADA-compliant curb ramps. The applicant has shown that pedestrian pathways and trails make logical connections to adjacent properties as required.

In summary of the above, the Committee finds that the proposed development will provide required essential facilities, as conditioned.

Conclusion: Therefore, the Committee finds that by meeting the conditions of approval, 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), or Sections 20.25 and 70.15 if located within the Downtown Design District, 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) or Sections 20.25 and 70.15 if located within the Downtown Design District.*

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 the RMA, RMB and RMC zones for those portions of the PUD that are proposed for modification.

Staff has determined that proposed modifications shall be reviewed under the current zoning code and not under the previous approval zones of R2, R4, R5 and R7. As demonstrated on the chart at the end of this report, the development proposal meets all applicable standards of the proposed zones unless a standard is proposed to be modified by the PUD. Modification to base zone standards will be addressed in the PUD section of the staff report.

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. Staff will provide findings for the applicable PUD Modification and Land Division Modification approval criteria within the applicable sections of the staff report.

As stated in response to Criterion A, transportation staff have reviewed proposed street improvements associated with the development plan for compliance with the Beaverton Engineering Design Manual which identify street standards by planned classification. The scope of the transportation review is limited to other applicable provisions of Chapter 60 related to transportation (contained in Section 60.55) are addressed in response to Criterion A.

In response to Section 60.65 (Utility Undergrounding) staff recommends a standard condition of approval requiring all utility lines to be placed underground. The applicant states that they intend to meet the requirements of this section.

Other applicable provisions of Chapter 60 (Special Regulations) are summarized in the Code Conformance Analysis chart at the end of this report and are subject to further review. In summary of the above, the Committee finds that the proposed development is consistent with as conditioned.

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 a homeowner's association (HOA) will have the responsibility of maintaining all commonly owned facilities and tracts such as trails, parks, stormwater facilities, and common landscaping. It is not intended that large lots 3 and 4 are part of the HOA or subject to the CC&R's unless otherwise determined by the owners of parcels 3 and 4, as they are intended for a future school and park, not residential development. Staff cites Exhibit 4.1 Land Use Order No. 2603 which requires that all CC&R's and HOA documentation be provided to staff for review prior to the final plat for the first phase of development to ensure adequate means are established to ensure maintenance. Each plat shall identify maintenance responsibilities for each tract and common facility, the HOA shall remain responsible for maintenance and replacement unless a public entity acquires ownership or maintenance responsibility of the facility. Staff finds that the design of the development 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:

In review of Criterion F, staff incorporates the findings prepared in response to A, B and D above. The applicant states that the modification includes three new east-west alleys within Phase 6 and 7 which will be connected with a new north-south alley to provide pedestrian and vehicular circulation within the new layout of Phases 6 and 7. The new layout of SW Howlock, SW Alvord, SW Yamsay, SW 185th Avenue and the new alleys have been developed to safely move people among destinations within the PUD and beyond. Each of the streets are designed in accordance with the City of Beaverton's Engineering Design Manual (L1 and L2 standards) and this includes sidewalks provided on both sides of all streets internal to the plan. With the review of the Site Development Permit plans, staff will review the proposed streets for intersection spacing and sight distance requirements.

Conclusion: Therefore, the Committee finds that, by meeting the conditions of approval, 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:

The applicant states that Phases 5, 6, and 7 will provide access to the surrounding areas via the connection of SW 185th Avenue to SW Barrows Road. Additionally, SW 185th Avenue provides direct vehicular and pedestrian access to Phases 5, 6, and 7 via two local streets (SW Howlock Lane and SW Yamsay Street), one neighborhood route (SW Alvord Lane) and the three new alleys. In addition to the sidewalks on the three local streets, Tracts J, I and H will provide pedestrian connections from within the Phases 5, 6, and 7 to the external pedestrian system by connecting to SW 185th Avenue.

Conclusion: Therefore, the Committee finds that, by meeting the conditions of approval, 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:

Fire protection will be provided to the site by Tualatin Valley Fire & Rescue Department. TVF&R has provided an amended Service Provider Letter (TVF&R Permit # 2023-0163). The proposal will need to show compliance to the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards.

The Building Division has reviewed the plans and provided a condition of approval. Future home construction will require Building Permits issued through the City Building Division of the Community Development Department. The Committee conditions accordingly.

Conclusion: Therefore, the Committee finds that, by meeting the conditions of approval, 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 Committee finds that review of the construction documents at the building and site development permit stages will ensure protection from hazardous conditions due to inadequate, substandard or ill-designed development. The proposed sidewalks and walkways will be adequately lighted to provide for safe pedestrian circulation.

Conclusion: Therefore, the Committee finds that 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 applicant states, as reflected on the preliminary grading plat, grading for the subdivision is minimized and designed to protect against adverse impacts on abutting properties. Lots are designed to drain toward public rights-of-way where public stormwater conveyance systems are available. Appropriate erosion control is proposed and will be required during development. The project will include the use of stormwater ponds for the retention and treatment of stormwater. Storm drainage will not affect adjacent properties, final storm drainage plans will be assessed as part of the Site Development permit process.

The Committee has reviewed the proposed preliminary grading plans and finds no adverse effect on neighboring properties, the public right-of-way, surface drainage, water storage facilities, or the public storm system are proposed.

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:

The applicant will be required to meet all applicable accessibility standards of the International Building Code, Fire Code and other standards as required by the American Disabilities Act (ADA). Compliance with ADA requirements are reviewed with the Building Permit application. The applicant states that the street network and public facilities are designed in accordance with the City's EDM in order to provide accessibility as required. Required on-site pedestrian routes will meet the ADA standards and ADA ramps will be provided within the development to facilitate accessible travel, when possible. Staff finds that review of the proposed plans at Site Development and Building Permit stages are sufficient to guarantee compliance with accessibility 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 October 13, 2023, and was deemed complete on January 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

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.25.05 – Density Calculations			
Minimum Residential Density (Established by Fox Hollow PUD approval CU2018-0001)	Minimum Density: 235 units Maximum Density: 687 units	The applicant proposes 323 units which is within the permitted density range.	Yes-See Density Table Below
Development Code Section 20.05.20 (Uses)			
RMA, RMB and RMC	The PUD allows all types of attached and detached housing in any zone so long as density requirements are met.	Detached Single Family Standard, Detached Single Family Small Lot and Detached Single Family Alley Loaded.	Yes
Development Code Section 20.05.15 (Site Development Standards)			
Minimum Lot Area (Single-Detached Dwellings)	RMA - 1,500 sq. ft. RMB - 3,000 sq. ft. RMC - 5,000 sq. ft.	Adjusted with PUD Modification	See CU staff report.
Minimum Yard Setbacks	Parent parcels are subject to the minimum yard setbacks of the zone. Lots interior to the PUD may have their setbacks modified pursuant to the CU-PUD process.	Through the CU-PUD process the parent parcels are subject to the minimum yard setbacks of the zone and individual lots not abutting the perimeter may have setbacks reduced through PUD consideration. Setbacks will remain unchanged from CU2018-0001 for Phases 1-4 and 8-15. The applicant proposes to reduce the side yard setbacks from 4 feet to 3	Yes, See CU staff report

	RMA (Phases 5, 6 and 7)- 3,5 feet	feet for phases 6 and 7, which is consistent with the allowed setbacks in the RMA zone. Side setbacks for the lots at the edge of the subdivision within phases 6 and 7 will remain 5-feet.	
Maximum Building Height	RMA- 40 Feet RMB- 35 Feet RMC- 35 Feet	Maximum building height will be verified at the time of building permit. The original approval approved maximum height exceptions in all zoning districts to allow a maximum height of 12 additional feet for certain lots within each zoning district. The approved height request modifications are still applicable with this request.	See CU staff report

Approved Density

20.25.05 Density Calculations					
Previous Zoning	Gross Acres	Net Acres	Max Density (Units)	Minimum Density (Units)	Proposed Units
R2	11.60	3.93	253	86	237
R4	17.40	2.20	189	24	26
R5	13.57	6.21	118	54	88
R7	20.35	11.4	127	71	110
Total	62.92	21.71	687	235	461

*Proposed Density

20.25.05 Density Calculations						
New Zoning	Phases	Gross Acres	Net Acres	Max Density (Units)	Minimum Density (Units)	Proposed Units
RMA	5,6,7	13.70	4.43	NA	75	99
RMB	1-4, 8,11,12	29.25	8.48	NA	78	115
RMC	10,13- 15	19.99	11.13	NA	71	109
Total		62.94	30.05	NA	224	323

* Phases 5, 6 and 7 are proposed for modification with this proposal, which was previously zoned R2 and is now zoned RMA. Due to the changes associated with removing the multi-family units, changing the boundaries between phases of the PUD, adding a local street, and modifying the open space locations, both the gross net acres of the phases have changed.

Specifically, the net acres of the phases under modification (5, 6 and 7) increased by approximately 0.4 acres. However, due to the decreased density of the RMA zone versus the previous R2 zone the minimum density required of phases 5,6, and 7 decreased by nine (9) units.

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05-Design Standards			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Design Review for the dwellings are not requested for permitting at this time. The future development of the elementary school and park will require future Design Review approval.	N/A
Development Code Section 60.12-Habitat Friendly & LID Practices			
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 techniques proposed.	N/A
Development Code Section 60.15 – Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	A Modification to a Land Division application has been submitted to modify LD2018-0005. The modification includes changes to the phase boundaries of phases 5 and 6, 9 and 10, and 10 and 13.	See LD Findings
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking	<u>Detached Dwellings</u> Minimum- None Maximum- None <u>Elementary School</u> Standards based on FTEs	<u>Detached Dwellings</u> No parking is required for detached dwellings. <u>Elementary School</u> Parking for the elementary school will be evaluated at the	YES

		time of Design Review for the school.	
Required Bicycle Parking	Single Detached Dwellings Long Term- 1 Space Short Term- 1 Space	Bicycle parking will be evaluated at the time of Design Review for the single-detached dwellings.	N/A
Development Code Section 60.33 – Park and Recreation Facilities & Service Provisions			
Parks & Recreation Facilities	Areas within the City must annex to THPRD or provide commensurate facilities.	The subject site will be required to annex to THPRD prior to issuance of the first building permit, including model homes. Staff cites Exhibit 4.1 Land Use Order No. 2603, which includes a condition of approval that the site annex to THPRD prior Building Permit Issuance of the first dwelling unit in each phase.	YES
Development Code Section 60.35 Planned Unit Development			
Planned Unit Development Standards	Requirements for Planned Unit Developments.	Modification of a Conditional Use-PUD is applicable to the proposal and will be evaluated in the Modification of a CU-PUD section of the staff report.	See CU Findings
Development Code Section 60.55 - Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein.	Yes- with COA
Development Code Section 60.60-Trees & Vegetation			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	The applicant isn't proposing to modify the Tree Plan Two application. The conditions of approval and finding for TP2018-0001 are still applicable to the PUD.	YES
Development Code Section 60.65-Utility Undergrounding			

Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	The applicant states that all proposed lines will be placed underground. Staff cites Exhibit 4.1 Land Use Order 2603 which includes a condition of approval that requires all utilities be placed underground for the Fox Hollow PUD.	Yes
Development Code Section 60.67-Significant Natural Resources			
Significant Natural Resources	Regulations pertaining to Significant Natural Resources	The applicant isn't proposing to modify any of the findings associated with Significant Natural Resources on the site. The natural resource study and all conditions of approval from the original application are still applicable.	See CU Findings

Attachment B: MODIFICATION OF A CONDITIONAL USE – PLANNED UNIT DEVELOPMENT PUD32023-00722

ANALYSIS AND FINDINGS FOR MODIFICATION OF A DECISION – CONDITIONAL USE – PLANNED UNIT DEVELOPMENT APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PUD32023-00722**, subject to the applicable conditions identified in Attachment D.

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 D.

Conclusion: Therefore, staff finds that, by meeting the conditions of approval, the proposal meets the Facilities Review Committee approval criteria.

Section 40.15.05 Purpose

The purpose of a Conditional Use application is to review uses that may be compatible in the underlying zoning district but because of their size, operation, or other characteristics require review on a case-by-case basis. These uses are subject to the regulations in this Section because they may, but do not necessarily, result in significant adverse effects upon the environment, overburden public services, alter the character of the surrounding area or create nuisances. Conditional Uses may be approved, approved with site-specific conditions designed to minimize or mitigate identified adverse impacts, or denied.

A Planned Unit Development is a special kind of Conditional Use that permits the modification of the development standards in the underlying zoning district to achieve innovative design, preserve natural resources, reduce energy consumption and/or otherwise address unique site opportunities and constraints. Such approval allows the modification of such design standards without the necessity for separate Adjustment or Variance application.

This Section is carried out by the approval criteria listed herein.

Planning Commission Standards for Approval

Section 40.15.15.6.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Conditional Use – Planned Unit Development applications. The Commission will determine whether the application as presented meets the Conditional Use – Planned Unit Development approval criteria. The Commission may choose to adopt, not adopt, or modify staff’s findings. In this attachment to the staff report, staff evaluates the application in accordance with the approval criteria for Conditional Use – Planned Unit Development applications.

In order to approve a Conditional Use – Planned Unit Development 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 40.15.15.6.C.1

Approval Criterion: *The proposal satisfies the threshold requirements for a PUD application.*

FINDING:

Threshold 1 for a Conditional Use-Planned Unit Development states that a Planned Unit Development is an application process which:

1. *May be chosen by the applicant when one or more of the following thresholds apply:*
 - a. *The Planned Unit Development may be applied to Commercial, Industrial, Multiple Use, and Residential properties that are 2 acres or greater in size within any City zoning district.*

The subject site is approximately 62.94 gross acres in size, located within the RMA, RMB and RMC zoning districts and the South Cooper Mountain Community Plan (SCMCP) area. The site was previously approved as a PUD under CU2018-0001. The applicant proposes modifications to density for Phases 5, 6, and 7 of the previously approved PUD and minor change to lot dimensions in phases 8, 9 10, 12 and 13. Staff finds that the proposal meets threshold 1.a for a Planned Unit Development (PUD).

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

Section 40.15.15.6.C.2

Approval Criterion: *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 Conditional Use – Planned Unit Development application.

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

Section 40.15.15.6.C.3

Approval Criterion: *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 60.35.10.3.*

FINDING:

The applicant doesn't propose any changes from the original PUD proposal concerning perimeter setbacks of the parent parcel. The only lots impacted by the proposed changes are in the RMA zone, within phases 6 and 7. These lots are located along the western boundary of the PUD and are identified as lots 225, 251, 252, 284, 285 and 325 (Exhibit 3.4 Plans and Graphics). These lots are located at the western boundary of the PUD and will be required to meet the standard side yard setback of five feet for lots at the perimeter of a land division. Staff recommends a condition of approval that prior to building permit issuance the applicant demonstrates lots 225, 251, 252, 284, 285 and 325 meet the parent parcel setback of five feet.

The east boundary line of the parent parcel is a side property line, the applicant doesn't propose any changes from the original PUD to the parcels along the east property line.

Since the proposed project is a PUD, individual interior lots may have reduced setbacks as long as the setbacks are in compliance with Section 60.35.10.3. A through D (PUD-Setbacks) of the Development Code, which includes compliance with parent parcel setbacks. Staff refer to the Code Conformance analysis portion of this report, prepared in response to the Facilities Review approval criteria, identified under Attachment A.

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

Section 40.15.15.6.C.4

Approval Criterion: *The proposal complies with the applicable policies of the Comprehensive Plan.*

FINDING:

The following policies of the Beaverton Comprehensive Plan have been identified as being applicable to this Conditional Use – Planned Unit Development proposal.

Relevant Comprehensive Plan Policies

Chapter 3 (Land Use Element)

Goal 3.1.1 Encourage development and land use patterns that support a variety of transportation options.

Policy a. of 3.1.1 Emphasize pedestrian convenience and safety in all developments and transportation facilities.

The applicant's plans demonstrate compliance with applicable engineering standards of the City and County. The proposal includes a new pedestrian pathway at the north boundary of phase 5 that will not only provide access to the stormwater facilities in phase 5 but also public pedestrian access to the proposed detached dwellings in phase 6. Staff proposes a condition of approval that the applicant provide plans identifying this pedestrian path as a Tract, prior to building permit issuance for lots within phase 6.

The new proposed local street (SW Howlock Lane) will be constructed to the L1 standard, as identified in Engineering Design Manual Standard Drawing 200-4. This standard includes a sidewalk and planter strip, ensuring the safe pedestrian facilities exist with the proposed modifications of phases 5, 6, and 7. Additional pedestrian connections identified as Tracts H, I and J are proposed to provide a north south connection between phases 8, 7, 6 and 5. All previously approved pedestrian connection either via streets, tracts or THPRD trails aren't proposed for modifications and all conditions of approval from CU2018-0001 for pedestrian access will remain in effect.

Policy c of 3.1.1 Ensure that new development is designed to provide safe, comfortable and direct pedestrian and bicycle connections to and through the development, including to reach nearby points of interest.

The applicant is proposing is proposing bicycle and pedestrian connections consistent with Engineering Design Manual standards in phases 5, 6, and 7 as well as throughout the development which is not proposed for modification. These connections provide safe and direct access to nearby points of interest, such as the anticipated school and active open space areas.

Policy l of 3.1.1 Accommodate automobile access and parking in an efficient manner that does not detract from the desirability of other modes.

The applicant is proposing a variety of housing types on varying lot widths and parking options, such as alley loaded detached homes and front loaded single detached dwellings. Additionally, access to streets designated as neighborhood

route or higher, has been minimized where possible to reduce disruption to pedestrian, bicycle and vehicular traffic.

Goal 3.8.1 Encourage development and land use patterns that support a variety of transportation options.

Policy b. Regulate minimum residential density to ensure efficient use of residential land and meet regional housing needs.

ii. Minimum densities should be calculated excluding significant natural resource areas and other constrained lands.

The PUD approval identified the minimum density for the site to be 235 units and the applicant originally proposed 461 lots, which consisted of 224, single-detached dwelling, 57 attached units, 180 units in a multi-family development and two lots for a school and park. The proposed modification reduces the unit count from 461 units to 323 units, which will consist of a mix of single detached dwelling on small and standard lots and alley loaded detached dwellings within Phases 5 and 6. Therefore, the proposed 323 units for the PUD after the modifications of phases 5, 6, and 7 will continue to meet the minimum density for the area.

Policy e. Provide opportunities for a variety of housing types in all residential plan designations while maintaining a scale and character consistent with the intent of each plan designation.

The proposed modification will replace proposed attached units and multi-family units with standard lot housing and alley loaded housing. The standard lot housing and the alley loaded housing are allowed housing types in the underlying zoning of phases 6 and 7, which is Residential Mixed A (RMA).

Policy g. Ensure integration of parks and schools into neighborhoods in locations where safe, convenient connections from adjacent neighborhoods on foot and by bike are or will be available.

The proposed modifications are to phases 5, 6 and 7. Phase 5 is a stormwater maintenance facility and phases 6 and 7 are being modified to change the housing types to standard lot housing and alley loaded housing. The applicant doesn't propose any modifications to phases 3 or 4 which will provide the PUD and surrounding area with a public park and an elementary school.

Policy i. Require subdivisions and development on large sites to create a connected network of pedestrian ways, local streets, and other multimodal connections, including connections to adjacent properties or opportunities to connect in the future.

The applicant proposes a new local street (SW Howlock Lane), three new alleys and multiple tracts for north-south and east-west to provide pedestrian connectivity throughout phases 5, 6, and 7. The proposed multi-use path from the original proposal isn't part of this modification request. SW Howlock Lane will be constructed to ensure future connections when the properties to the west are developed.

Goal 3.8.2 Lower Density Neighborhoods: Provide residential neighborhoods that emphasize housing variety and integrate parks, schools, and other community institutions

Policy a. Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase housing options within established neighborhoods while recognizing neighborhood character.

The applicant is proposing a variety of housing types on varying lot widths and lot sizes. The proposed dwellings include as alley loaded homes and front loaded single detached dwellings. Architectural plans provided by the applicant also show various footprints and square footages, including single story homes.

Policy c. Provide adequate flexibility on development standards (e.g., setbacks and lot coverage) to make development of single-story housing feasible.

As stated in the findings for policy a of 3.8.2, the applicant is proposing single-story housing for the PUD. The applicant has provided 3 different plans that incorporate significantly different front elevations (Exhibit 3.4 Plans and Graphics) which enhances the street appeal of the neighborhood by mixing elevations with front loaded homes and alley loaded homes. The applicant has proposed to reduce the side setbacks in phases 6 and 7 to 3 feet from the previously approved 4 feet. This reduced side yard setback is consistent with the underlying RMA zone.

Chapter 4 (Housing Element)

Goal 4.1.1 Provide an adequate supply of housing to meet future needs.

Policy a. Use available land within the city efficiently, encouraging new residential development to take advantage of allowed maximum densities where appropriate.

The city no longer has maximum densities in residential zones. The minimum density required of the PUD from the original approval is 235 dwelling units. With the modifications to phases 5, 6, and 7 the applicant is proposing 323 dwelling

units to include single-detached dwellings on small and standard lots as well as alley loaded single-detached dwellings. By incorporating a mix of housing types and lot sizes, the applicant has demonstrated that the proposed development has taken advantage of the densities allowed by the underlying zones of the PUD.

Policy f. Strive to meet the city's future housing demand within city limits, while coordinating with Washington County and Metro to assess future housing needs at a larger geographic scale, especially for detached single family units.

The applicant is proposing a 323 unit development, through a variety of housing types, within city limits. The proposed development provides needed housing supply for the city and greater area.

Goal 4.2.1 Provide a variety of housing types that meet the needs and preferences of residents.

Policy a. Ensure that sufficient land is appropriately zoned to meet a full range of housing needs.

The applicant is proposing single-detached dwellings on standard lots and alley loaded homes in phases 6 and 7. The underlying zone of phases 6 and 7 is RMA, which allows for both types of the housing proposed. The applicant's plan shows that there will be a range of housing designs and sizes incorporated in phases 6 and 7, as well as the rest of the PUD.

Policy f. Encourage the development of a variety of housing types within planned unit developments and other large projects, which can serve to improve the aesthetic character of the neighborhood and provide housing choices for different income levels.

The applicant is proposing to provide three different housing options, as allowed by section 60.35.25.1.A.3.a and b of the Beaverton Development Code for PUD's over 30 gross acres in size. Small lots will be provided in phases 1, 2, 14, 14 and 15 and standard lots will be provided in all phases except for phase 7, which is being modified to provide alley loaded homes.

Goal 4.5.1 Provide a variety of housing types that meet the needs and preferences of residents.

Policy a. Encourage quality design throughout the city that acknowledges neighborhood character, provides safe and direct connections for pedestrians and bicyclists to a variety of destinations, and integrates open space, natural resources and scenic view corridors.

The proposed development includes a variety of lot sizes and housing types as demonstrated by the applicants building elevations (Exhibit 3.4. Plans and Graphics). The plans demonstrate the incorporation of a road network comprising Local Streets, Neighborhood Routes, and a Collector, aligning with established City or County standards to facilitate safe and direct connections for pedestrians, bicyclists, and vehicles. Furthermore, the transportation infrastructure outlined in the proposal not only links various points within the development but also establishes connections to a proposed park, and a designated future school site, complemented by a north-to-south multi-use trail.

Policy f. Provide flexible development standards for projects that exceed the minimum requirements for natural resource protection, open space and public gathering places, and energy efficiency.

The proposed development is subject to a modification of a Conditional Use – Planned Unit Development Standards as required in the SCMCP area. The PUD application provides flexible development standards, such as reduced setbacks, alternative housing types, lot size adjustments and increase in height. The applicant is proposing to adjust these standards and to preserve the onsite wetland area (Phase 5).

Chapter 5 (Housing Element)

Goal 5.4.1 Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.

Policy c. Provide flexible development standards for projects that exceed the minimum requirements for natural resource protection, open space and public gathering places, and energy efficiency.

The applicant proposes to modify the boundary of phase 5 of the PUD. Phase 5 has been identified to be the stormwater management facility for a majority of the PUD, including the other two phases (phase 6 and 7) being modified with this proposal. Engineering staff have reviewed the proposal and determined that the boundary change will not impact the ability of the facility to adequately serve the PUD. Additionally, the applicant has proposed to add a pedestrian facility to the north boundary of phase 5 to allow for continued maintenance of the facility. Staff proposes a condition of approval that the applicant provide updated plans showing this pedestrian facility in a tract.

Chapter 6 (Transportation Element)

Goal 6.2.1 Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.

Policy a. Maintain the livability of Beaverton through proper location and design of Transportation facilities.

The new local street (SW Howlock Lane) and two new alleys are required to meet the specifications as outlined in the Engineering Design Manual. These streets and access ways will include the required right-of-way widths to provide for vehicular, bicycle, and pedestrian circulation. Additionally, the local streets and pedestrian access ways have been designed to accommodate the topography and required densities while contributing to the on-site circulation network.

Policy e. Protect neighborhoods from excessive through traffic and travel speeds while providing reasonable access to and from residential areas. Build streets to minimize speeding.

The new local street (SW Howlock Lane) and two new alleys are required to meet the specifications as outlined in the Engineering Design Manual. SW Howlock Lane is being designed to the L1 standard, which provides for a paved width of 34 feet and right of way width of 58 feet. Staff also incorporate the findings prepared in response to the Facilities Review section of this report. The two new alleys will also provide access directly to SW 185th, which allows for increased connectivity thorough out phases 6 and 7.

Policy g. Provide convenient direct pedestrian and bicycle facilities to promote the health and physical well-being of Beaverton residents, to reduce traffic congestion, to provide commuting and recreational alternatives to the motor vehicle, and to support local commerce.

The new local street (SW Howlock Lane) and two new alleys are required to meet the specifications as outlined in the Engineering Design Manual. SW Howlock Lane is being designed to the L1 standard, which provides for a paved width of 34 feet and right of way width of 58 feet. By providing the L1 standard, which is the widest of the local street standards a sidewalk with a planter strip will be available for pedestrians to safely transit the area. Additionally, the multi-use path from the original PUD approval is being expanded upon with the new pedestrian path that

is proposed on the northern boundary of phase 5, which will provide additional transportation facilities for both pedestrians.

Goal 6.2.2 A balanced multimodal transportation system that provides mobility and accessibility for users.

Policy e. Provide connectivity to each area of the City for convenient multimodal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, commercial, employment, and recreational areas, and destinations in station areas, regional and town centers by identifying the developing improvements that address connectivity needs.

The applicant has provided plans which depict conformance with Figures 10 and 11 of the South Cooper Mountain Community Plan. SW Howlock Lane and the new alley intersections at SW 185th Avenue will be designed to Engineering Design Manual standards to ensure that pedestrians have appropriate crosswalk landings on the east side of SW 185th Avenue, which weren't part of the original approval. Additionally, staff incorporates the findings prepared in response to the Facilities Review section of this report.

Policy g. Identify specific areas within the City where pedestrian needs and the pedestrian experience should be given highest priority in the design of streets, parking, intersections, connectivity, signal controls, mapping and signing, and other transportation facilities.

The proposed modifications in phases 5, 6, and 7 incorporate many design features to provides the pedestrian with an enhanced experience. This includes designing SW Howlock Lane to the L1 standard, which incorporates a full sidewalk and planter strip. Additionally, the applicant has added a pedestrian path on the north side of phase 5 which allows for pedestrian use to access the southern portion of phase 6, in addition to maintenance access for the stormwater facility in phase 5.

Goal 6.2.3 A safe transportation system.

Policy b. Design streets to serve anticipated function and intended uses as determined by the Comprehensive Plan.

The new local street (SW Howlock Lane) and two new alleys will be designed to the appropriate Engineering Design Manual standards. Additionally, Staff

incorporates the findings prepared in response to the Facilities Review section of this report.

Policy d. Designate safe walkway and bikeway routes from residential areas to schools, parks, transit, and other activity centers.

The applicant has provided plans depicting that pedestrian and bicycle facilities will be provided in the modified phases. A new pedestrian path is incorporated into the north side of phase 5 which will serve as public pedestrian path as well as an access point for maintenance of the stormwater facility in phase 5. Additionally, local street connections will provide broad pedestrian and bicycle access throughout this and other developments. Additionally, the proposed modifications will not impact the availability of pedestrian or bicycle facilities to provide access to the school or park, respectively located in phases 2 and 3.

Policy h. Ensure that adequate access for emergency services vehicles is provided throughout the City.

The applicant states that all streets within the development are proposed to be constructed to the applicable City or County standard, including the provision of adequate turning radius and turnarounds, or as modified through the Engineering Design Modification process. Additionally, Tualatin Valley Fire and Rescue (TVF&R) has reviewed the proposal and the applicant has provided an amended Service Provider Letter to memorialize TVF&R's approval of the modifications to phases 5, 6, and 7.

SOUTH COOPER MOUNTAIN COMMUNITY PLAN POLICIES- 60.35.25

The South Cooper Mountain Community Plan (SCMCP) is part of the Beaverton Comprehensive Plan and contains policies applicable for Conditional Use – Planned Unit Development consideration. PUD proposals are subject to review of standards as contained in Section 60.30 of the Development Code. Subsection 60.30.25 of the PUD standards refer to specific policies as contained in the SCMCP when evaluating PUD proposals. Facts and Findings provided below respond to Criterion No. 4 of CU-PUD approval referring to “applicable” Comprehensive Plan policies, in addition to the policies and figures (maps) identified in subsection 60.30.25.

Neighborhood and Housing Policies

60.35.25.1.A.1- Land Use Implementation Policy 6: location criteria guiding the selection of appropriate sites for Neighborhood Parks and Elementary School.

The original proposal calls for phases 3 and 4 to be set aside for a school and potential park facility, in coordination with Beaverton School District (BSD). Lots 3 and 4 will be owned and maintained by BSD and developed as a future school. There is an option for Lot 4 to be developed as a future park by BSD or THPRD to serve the needs of residents in the area. No changes to phases 3 and 4 are proposed with this modification.

60.35.25.1.A.2- Neighborhood and Housing Policy 1: neighborhood design principles for creating walkable neighborhoods.

The applicant proposes a new pedestrian path on the north side of phase 5 to provide additional connectivity to the residents of the PUD. This is in addition to the numerous pedestrian paths already approved through the other phases of the PUD and the multi-use path that is part of SW 185th Avenue.

60.35.25.1.A.3- Neighborhood and Housing Policy 2: Residential developments shall provide a variety of housing types consistent with the permitted uses of applicable zone(s). The goal of this policy and implementing code standards is to ensure that, over time and multiple individual development reviews, South Cooper Mountain's neighborhoods and livability are enhanced by variety in the type and design of housing in order to promote aesthetically pleasing residential neighborhoods as well as opportunities for people of varying incomes and life stages to live within the same neighborhood.

- a. Residential developments in the South Cooper Mountain Community Plan area shall provide a variety of housing types, as identified below, for sites:***
 - i. Up to 15-acres (gross), a minimum of one (1) housing type;***
 - ii. Greater than 15-acres (gross) and up to 30-acres (gross), a minimum of two (2) housing types;***
 - iii. Greater than 30-acres (gross), a minimum of three (3) housing types.***

- b. Housing Types include:[...] – several types identified.***
 - i. Standard Lot Single Family***
 - ii. Small Lot Single Family***
 - iii. Compact Detached Housing & Cluster Housing***
 - iv. Accessory Dwelling Unit with Single Family Detached Dwelling***
 - v. Alley-Loaded Dwelling***
 - vi. Duplex***

- vii. ***Triplex & Fourplex***
 - viii. ***Townhouse/Townhome***
 - ix. ***Multi-Family***
 - x. ***Live/Work, only permitted in the NS zoning district***
- c. ***For developments requiring more than one (1) housing type a minimum of 10 percent of the total dwelling units shall be of each housing type.***
- d. ***For developments utilizing the Standard Lot Single Family housing type (Section 60.35.25.1.A.3.b.i.) and not utilizing the Small Lot Single Family housing type (Section 60.35.25.1.A.3.b.ii), the lot size for Standard Lot Single Family may range from 50 percent to 195 percent of the minimum land area per dwelling unit requirement of the underlying zoning district and it shall count as one housing type.***

The applicant has proposed to remove a 180 unit multi-family development and 57 attached units. The subject site is greater than 60 acres in size and therefore requires a minimum of three (3) housing types on the site. The following housing type percentages were included in the original approval standard lot single family (49%), multi-family (39%), and townhouse/townhomes (12%). With the removal of the multi-family and townhomes, the applicant is required to provide two new housing types in the PUD. The applicant proposes to provide a minimum of 10% of the housing product for the following three housing types: standard lot single-detached (45.51%), small lot single-detached (23.84%) and Alley-Loaded Dwellings (30.65%). Therefore, staff finds that the modified proposal meets Neighborhood Housing Policy 2.a-d.

In summary of the above, staff finds the proposal to comply with the applicable policies of the Comprehensive Plan for supportive findings in response to Criterion No. 4 of CU-PUD approval.

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

Section 40.15.15.6.C.5

Approval Criterion: *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal*

FINDING:

The applicant's proposal is designed with the existing topography and natural resource areas in mind. The proposed stormwater facility within phase 5 isn't proposed for modification with the exception of a new pedestrian path along the northern boundary to improve pedestrian access through out phases 5, 6, and 7. Engineering staff has reviewed the updated plans and concur with the applicant that the modifications to the stormwater facility will not impact its ability to sufficiently manage the stormwater of the PUD. The subject site is in the South Cooper Mountain Community Plan (SCMCP) area and is

intended for dense development with a range of residential zoning districts. Staff finds that the size, dimensions, configuration, and topography of the site can reasonably accommodate the proposal.

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

Section 40.15.15.6.C.6

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

FINDING:

The subject site is part of the SCMCP area and is intended for the type of development that is proposed. Additionally, the subject site is primarily surrounded by properties which have either already been approved for development or are anticipated to develop with similar residential uses in the future. The applicant states that the project site has been designed in accordance with the SCMCP, which identifies transportation infrastructure and general development densities and types of housing specific to the plan.

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

Section 40.15.15.6.C.7

Approval Criterion: *The width of the 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*

FINDING:

The new design phases 6 and 7 include a new local street (SW Howlock Lane) and two new alleys. SW Howlock Lane will be broken up by an alley entrance on the north side of the street and by an alley entrance and open space tract on the south side of the street. On the far north side of phase 7, SW Alvord Lane will be broken up on the south side and north side of the street by a pedestrian tract which provides north-south access through the phase. The homes in these two phases are alley loaded, which will provide variety to the rest of the PUD which contains standard lot and small lot housing.

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

Section 40.15.15.6.C.8

Approval Criterion: 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.

FINDING:

The applicant states that the reductions to Site Development requirements were approved with the original PUD approval. The proposal is to remove change the housing types in phases 6 and 7 from multi-family and attached townhouses to alley loaded. The applicant proposes to adjust the site development standards of the internal side yard setbacks for phases for the alley loaded homes from 4 feet to 3 feet to match the underlying zone of the RMA district.

The applicant is proposing this modification to the PUD because phases 6 and 7 were previously zoned R2, which had a minimum five foot side yard setback. The original PUD reduced the setback to four feet in phases 6 and 7, but none of the proposed structures in utilized the four foot setback because the housing was either attached townhomes or the multi-family structure. Therefore, the applicant proposes to utilize the new RMA zoning standards of 3 foot setbacks for the alley loaded homes. By modifying the PUD side yard setbacks for phases 6 and 7 the applicant is able to provide greater density of detached homes, pedestrian tracts for connectivity through the phases and maintain the resource areas in phase 5.

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

Section 40.15.15.6.C.9

Approval Criterion: *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*

FINDING:

The proposal is located within the South Cooper Mountain Community Plan area and is subject to the criteria of Section 60.35.15. No changes are proposed to the required multi-use trail along 185th Avenue, as required by the SCMCP and will connect to the trail developed with the Scholls Heights development. Staff finds in support of the criterion and incorporates the facts and findings as stated in response to the summary prepared for standards contained in Section 60.35.15. The applicant is proposing to modify condition of approval B.2.d.and e. because these conditions calculated the required open space based on unit count. Therefore, the overall and active open space for the PUD is decreasing because the applicant proposes 136 less units than the original approval. However, the applicant is proposing to increase the overall active open space. Staff cites the findings to section 60.35.15.2 in the Planned Unit Development Code Conformance Analysis which evaluates the applicable standards found in Section 60.35.15

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

Section 40.15.15.6.C.10

Approval Criterion: 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.

FINDING:

The proposed PUD is not located within the SC-S zoning district, therefore this criterion is not applicable.

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

Section 40.15.15.6.C.11

Approval Criterion: 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.

FINDING:

The applicant has proposed the PUD will develop over thirteen (13) phases and understands that development applications shall be filed within five (5) years.

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

Section 40.15.15.6.C.12

***Approval Criterion:** Applications and documents related to the request, which will require 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 Conditional Use-PUD application in the proper sequence. The PUD is being processed concurrently with the following applications modification of a Preliminary Subdivision (PS22023-00713). Therefore, staff recommends a condition of approval that PS22023-00713 be approved in order for PUD32023-00722 to be approved.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented above, staff recommends **APPROVAL** of **PUD32023-00722**, subject to conditions of approval in Attachment D.

Planned Unit Development Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Modification of Base Zoning Standards			
60.35.10.1A Permitted Uses	Compliance with permitted and conditional uses of the zoning district.	The proposed modification proposes a multi-family structure and attached townhouses to be replaced with alley loaded dwellings. Detached dwellings are a permitted use in the RMA zoning district.	Yes
60.35.10.1B Detached and Attached Dwellings	Detached and attached dwellings may be allowed in a PUD provided the overall residential density satisfies the applicable residential density provisions of the Code.	The PUD after the proposed modification proposes 323 units which is greater than the 235 units required from the original approval and greater than the 277 required when implementing the density requirements for the RMA zone. Therefore, the applicant may utilize detached dwellings within the PUD Staff cites the Chapter 20 Code Conformance Analysis within Attachment A: Facilities Review as relevant to this approval criteria.	Yes
60.35.10.1.C Accessory Uses	In addition to the accessory uses and structures typical in the zoning district in which the PUD is located, accessory uses approved as a part of a PUD may include, but are not limited to the following: 1. Private or public park, lake or waterway; 2. Recreation area; 3. Recreation building, clubhouse or social hall; or 4. Other accessory uses or structures which the Planning Commission finds are designed to serve primarily the residents of the PUD, and are compatible with the	The proposal includes a variety of private open space areas and amenities such as recreation areas and a public pathway system.	Yes

	neighborhood and to the design of the PUD.		
60.35.10.2. Density and Lot Dimensions:	Density and building scale shall relate to the surrounding neighborhood development and natural resources by providing massing and architectural compatibility with the surrounding neighborhood.	The applicant proposes alley loaded homes in phases 6 and 7. Future building permits and/or Design Review will be reviewed for height and setbacks. The applicant request modification to the internal side yard setbacks approved as part of the PUD which are addressed below. The density for the entire site is within the limits of what is allowed by the base zoning.	Yes
60.35.10.2.A.1 Density Transfers	Density transfers allow an equal transfer of dwelling units from one portion of the site to another in certain areas.	The applicant has not proposed density transfers with this modification.	N/A
60.35.10.2.B.1-4 Residential Lot Sizes	This subsection does not apply to RMB and RMC zoning districts and only to RMA for multi-dwelling lots.	No multi-dwellings are proposed in the RMA zone.	N/A
60.35.10.3.A.1-2 Setbacks	Proposed lots abutting the perimeter of the property shall comply with the standard front and rear yard setbacks of the parent parcel. Side yards of the parent parcel may not be reduced unless approved by the Planning Commission and utilizing Development Bonus and Development Incentive Options of Section 60.35.30.	The applicant does not propose to modify the base zoning setbacks along the perimeter of the PUD.	Yes
60.35.10.3.B.1-2 Front Setbacks 60.35.10.3.C.1 Rear Setbacks 60.35.10.3.D Side Setbacks	Requirements for requesting reduced yard setbacks.	The applicant proposes to modify the original PUD approval for side yard setback in phases 6 and 7 from 4 feet to 3 feet. Through the modification process of phases 6 and 7 the applicant is required to meet the current site development standards for those phases, unless modified through the PUD process. The code has changed the zoning for phases 6 and 7 from the R2 zone to the RMA zone. In the R2 zone the required minimum setbacks were 5 feet, so the	Yes

		original approval asked for a one foot reduction to allow for pedestrian tracts and the preservation of open space areas. Staff finds that further reducing the side yard setbacks to 3 feet in phases 6 and 7 meets the intent of the original approval. Furthermore, if the PUD were applied for today 3 feet side yard setbacks would be allowed outright because that is the minimum in the RMA zone	
Open Space			
60.35.15.1 Open Space Percentage	A PUD shall provide a minimum of 20% of the subject site as open space.	This standard applies to properties outside the SCMCP.	N/A
60.35.15.2. Exemption	Properties within the South Cooper Mountain Community Plan (SCMCP) are exempt from the open space requirements in Section 60.35.15.1, but shall provide all community features, including but not limited to, trails, habitat benefit areas, and scenic views identified in the SCMCP, as identified in Section 60.35.25.	The applicant is required to provide a total of 52,556 square feet of total open space. The applicant proposes 177,341 square feet of total open space, inclusive of Natural Areas, Water Quality Areas, and active open space including trails and open space tracts. Staff cites sheet 15 of Exhibit 3.4 Plans and Graphics.	N/A
60.35.15.3. Open Space Standards	Open space shall be land that is available for the creation of active and/or passive areas, or resource areas that provide visible and accessible open space to the proposed community.	The proposed open space areas are accessible to the community as they are located along the proposed multiuse trail, consistent with the SCMCP, and proposed public streets.	Yes
60.35.15.3.A Passive Open space	The following resource areas may count towards passive open space: Significant trees and/or groves, habitat benefit areas, view corridors, steep slopes, water quality facilities, environmentally sensitive areas including wetlands and any buffers required by CWS or other regulatory body.	The applicant has accounted for these areas in the Open Space calculation. The applicants plan includes water quality facilities, wetlands and a vegetated corridor, as required by CWS.	Yes
60.35.15.3.B	Open space shall be easily	All proposed open space will be	

Accessibility	accessible, physically or visually, to all members of the planned community via a minimum thirty (30) foot wide street frontage of access easement.	accessible from paths and public roadways, both physically and visually.	Yes
60.35.15.3.C Slopes	No more than sixty (60) percent of the gross land dedicated to active open space may have slopes greater than five (5) percent.	Staff cites Exhibit 3.11 Open Space Slopes which states that approximately 39.5% of active open space has slopes greater than five (5) percent, which is 20.5% less than the 60% allowed by Section 60.35.15.3.C	YES
60.35.15.3.D Irrigation	Open spaces shall have a dedicated irrigation system. Resource areas are exempt.	The previous approval stated that landscaping within Tract A and D (outside of the vegetated corridor and water quality facilities) be conditioned to provide irrigation. It's unclear on the applicant's plans whether the new Tracts in phase 6 will be irrigated. Therefore, staff recommends a condition of approval that Tracts K and L have a dedicated irrigation system.	Yes
60.35.15.3.E Developments over 10 acres	Developments greater than 10 acres in size shall dedicate 25% of total required open space to active commons areas.	The proposed development is 62.94 acres in size; therefore, this Section is applicable. The required passive open space for the PUD is 52,566 square feet. Therefore, the applicant is required to provide 13,139 square feet of active open space. The applicant proposes 21,600 square feet of open space, greater than the minimum required.	Yes
60.35.15.3.F Exclusions	Open space does not include streets, driveways, parking lots, buildings, landscape buffers or vehicular access areas.	The proposal does not include these areas in open space calculations.	Yes
60.35.15.4.A Common Area Square Footage	Active open space areas are common areas that may be gathering spots, community rooms, play areas, overlooks, or any that consist of active uses for owners, residents, or the community at large.	The applicant proposes two new tracts within phase 6 meeting the requirements of active open space. This is in addition to the approved tracts through out the remainder of the PUD and the multi-use path as required by the SCMCP.	Yes
60.35.15.4.B	Active open space may about a	The applicant does not propose	

Abutting Collectors	Collector or greater classified street as identified in the City's adopted Functional Classification Plan, when separated from the street by a barrier, such as a fence or wall, at least three (3) feet in height.	active open space which abuts a collector.	N/A
60.35.15.4.C Physical Accessibility	Active open space shall be physically accessible to all residents of the development.	The proposed open spaces will be accessible to all residents of the development.	Yes
60.35.15.4.D Improvements	Active open space shall include physical improvements to enhance the area. These improvements may include benches, gazebos, plazas, picnic areas, playground equipment, sport courts, swimming/wading pools, indoor clubhouse or meeting facilities, play fields, or other items permitted.	The applicant's proposal includes numerous open spaces. Details of the physical improvements are to be shown as part of the Site Development Permit, subject to separate review.	Yes w/ COA
60.35.15.4.E Interior Common Open Space	Floor area within buildings devoted to common uses serving the residents of the development may be counted as Active Open Space based on the total floor area devoted to such uses.	The proposal does not include interior spaces in meeting the active open space requirements.	N/A
60.35.15.5.A-C Maintenance and Ownership	Land shown on the final development plan as common open space, and landscaping and/or planting contained therein shall be permanently maintained by and conveyed to either an HOA or public agency dedicated into perpetuity as permanent through application of CC&R's or deed restriction approved by the City Attorney.	The applicant states that an HOA will be formed which will be responsible for the maintenance of common facilities, including open space tracts. The applicant has not yet provided draft CC&R's or deed restrictions for review. Staff cites Exhibit 4.1 Land Use Order No. 2603, which includes a condition of approval that the applicant provide CC&R's or deed restrictions for review at the final plat process. .	Yes
Building Architecture – PUD – Detached Only			
60.35.20.1 Purpose	Architectural standards are intended to promote innovative design. Cluster housing or grouping buildings to maximize open space is encouraged.	This section applies to the 115 detached single-family alley loaded homes as part of the PUD modification for phases 6 and 7.	Yes

60.35.20.2.A Building Orientation	Buildings shall be oriented towards the street or public open spaces unless exempted by the Planning Commission.	All detached buildings are oriented toward the street or open spaces.	Yes
60.35.20.2.B Direct Access	Buildings or lots shall have direct access to sidewalks or paths that connect to a sidewalk system.	All lots have access to sidewalks or paths.	Yes
60.35.20.2.C Alley Access	Garages with rear alley access or shared drives are encouraged.	Rear alley garages are proposed for all the single detached residential units in phases 6 and 7. Access to these rear loaded homes are provided via two new alleys with access via SW Howlock Lane in phase 6 and one new alley via SW Alvord Lane in phase 7.	Yes
60.35.20.2.D Primary Entrance	Buildings shall have their primary entrance to a street or publicly accessible sidewalk where buildings face public parks, common areas or open space.	The applicant has oriented all buildings toward a street or publicly accessible sidewalk.	Yes
60.35.20.2.E Primary Entrances	Primary entrances shall be covered or recessed with a minimum depth of 3 feet and width of 5 feet.	This requirement will be verified at the time of Building permit review. The applicant has submitted sample building elevations, demonstrating how this requirement can be met.	Yes
60.35.20.3.A-C Building Heights	Maximum building height standards may be increased up to 12 feet when the applicable building setback distance along the perimeter of the parent parcel is increased at a ratio of 1.5 additional feet of setback for every foot of building height over the base zone standard for building height. For the SCMCP structures which do not abut the exterior boundary may be allowed to vary in height, without satisfying the Section 60.35.20.3, in order to provide for a variety of housing types. Graduated building height standards shall not apply where existing structures on adjacent properties are rural in	The applicant doesn't propose to modify the previously approved heights from the original PUD approval. The height maximum of 47 feet for phases 6 and 7 are still applicable.	N/A

	their development or use.		
60.35.20.4.A Architectural Standards: Scale & Massing	Scale and massing shall complement the surrounding uses by complying with the provisions of this code.	This requirement will be verified at the time of Building permit review. The applicant has submitted sample building elevations, demonstrating how this requirement can be met.	Yes
60.35.20.4.B Attached Dwellings	Front façade elevations shall not be repeated on adjacent lots along the same street frontage.	The applicant states no front elevations will be repeated per Code requirements.	Yes
60.35.20.4.C Design Elements	Buildings shall incorporate at least 6 of the listed building elements on the front, rear, common open space, and street facing elevations and 4 interior side yard elevations, as listed in the Code.	This requirement will be verified at the time of Building permit review. The applicant has submitted sample building elevations, demonstrating how this requirement can be met.	Yes
60.35.20.4.D Building Elevation Measurement	Building elevation is measured as the horizontal plane between the lowest plate line and highest plate line of any full or partial building story containing doors, porches, balconies, terraces and/or windows.	The applicant states that this method will be employed when determining compliance with this Section. This requirement will be verified at the time of Building permit review. The applicant has submitted sample building elevations, demonstrating how this requirement can be met.	Yes
60.35.20.4.E Alternative Building Design	Alternative building design may reflect modern building form and style and may be approved by the Planning Commission if it can demonstrate successful use of materials and form.	The applicant has not requested alternative building designs.	N/A
Development Bonuses and Development Incentive Options			
60.35.30 Development Bonuses and Incentives	PUD offers the applicants additional standards which can be met as incentives to promote innovative approaches and can lead to reduced open space and reduced setbacks.	The applicant is not seeking development bonuses or incentives.	N/A

All relevant South Cooper Mountain Community Plan Policies are addressed within the Conditional Use – PUD section of this staff report in response to Criterion 4.

Section 50.95 Modification of a Decision

The applicant has requested modification of the previously approved Conditional Use-Planned Unit Development application (CU2018-0001); therefore, Section 50.95 of the Development Code is applicable to the request. To approve a Modification of a Decision Conditional Use-Planned Unit Development 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

Approval Criterion: *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 Conditional Use-Planned Unit Development, Fox Hollow PUD (ZMA2018-0001 / CU2018-0001 / LD2018-0005 / LD2018-0006 / TP2018-0001), specifically CU2018-0001. 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 phases 5 and 6, 9 and 10 and 10 and 13, density changes, change in dwelling types in phase 6 and 7, and a modification to condition of approval B.2.d and e. from the original approval that relates to required open space areas. Staff has addressed the relevant approval criteria for the Conditional Use-Planned Unit Development 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 CU2018-0001, with the exception of B.2.d and e remain effective.

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

Section 50.95.2

Approval Criterion: *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 August 16, 2023 (PA2023-00501) 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

Approval Criterion: *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

Approval Criterion: *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 approved Conditional Use-Planned Unit Development application (CU2018-0001) 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

Approval Criterion: *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 3 review procedures, as determined by the Director.

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

Section 50.95.6

Approval Criterion: *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 proposes to modify condition of approval B.2.d and e of the original approval. The condition identified the amount of open space required dwelling unit. The applicant proposes to reduce the dwelling units as a total of the PUD and, therefore, the condition of approval is no longer warranted. Staff recommends a new condition of approval that will appropriately capture the open space required in the PUD because of this modification. All other conditions of approval for CU2018-0001 remain effective.

Previous Condition of Approval

Prior to Site Development Permit Issuance, the applicant shall:

Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space does not have to be located within the phase boundaries but must be physically accessible to residents of the phase.

Temporary open space may be utilized until permanent open space is constructed. The open space requirements are approximately 37.26 square feet of active and 149 square feet of total open space per dwelling unit. Should phase boundaries shift the calculation of required open space may be modified based on the square feet per dwelling unit listed above.

- a. Phase 1: 708 square feet active open space and 2,832 square feet total open

space.

b. Phase 2: 1,640 square feet active open space and 6,558 square feet total open space.

c. Phases 3, 4, and 5: No open space is required to be provided with these phases as no residential development is proposed.

d. Phase 6: 6,707 square feet active open space and 26,829 square feet total open space.

e. Phase 7: 2,124 square feet active open space and 8,496 square feet total open space.

f. Phase 8: 969 square feet active open space and 3,875 square feet total open space.

g. Phase 9: 224 square feet active open space and 894 square feet total open space.

h. Phase 10: 1,230 square feet active open space and 4,919 square feet total open space.

i. Phase 11: 298 square feet active open space and 1,192 square feet total open space.

j. Phase 12: 410 square feet active open space and 1,640 square feet total open space.

k. Phase 13: 1,192 square feet active open space and 4,770 square feet total open space.

l. Phase 14: 932 square feet active open space and 3,726 square feet total open space.

m. Phase 15: 745 square feet active open space and 2,981 square feet total open space.

Modified Condition of Approval- Changes are underlined.

Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space does not have to be located within the phase boundaries but must be physically accessible to residents of the phase.

Temporary open space may be utilized until permanent open space is constructed. The open space requirements are approximately 37.26 square feet of active and 149 square feet of total open space per dwelling unit. Should phase boundaries shift the calculation of required open space may be modified based on the square feet per dwelling unit listed above.

a. Phase 1: 708 square feet active open space and 2,832 square feet total open space.

b. Phase 2: 1,640 square feet active open space and 6,558 square feet total open space.

c. Phases 3, 4, and 5: No open space is required to be provided with these phases as no residential development is proposed.

d. Phase 6: 2,720 square feet active open space and square 10,877 square feet total open space.

e. Phase 7: 1,565 square feet active open space and 6,258 square feet total open space.

f. Phase 8: 969 square feet active open space and 3,875 square feet total open space.

g. Phase 9: 224 square feet active open space and 894 square feet total open space.

h. Phase 10: 1,230 square feet active open space and 4,919 square feet total open space.

i. Phase 11: 298 square feet active open space and 1,192 square feet total open space.

j. Phase 12: 410 square feet active open space and 1,640 square feet total open space.

k. Phase 13: 1,192 square feet active open space and 4,770 square feet total open space.

l. Phase 14: 932 square feet active open space and 3,726 square feet total open space.

m. Phase 15: 745 square feet active open space and 2,981 square feet total open space.

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

Attachment C: MODIFICATION OF A PRELIMINARY SUBDIVISION PS22023-00713

ANALYSIS AND FINDINGS FOR PRELIMINARY SUBDIVISION

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PS22023-00713**, subject to the applicable conditions identified in Attachment D.

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 D.

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

Section 40.45.05 Purpose

The purpose of the 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.

Section 40.45.15.5.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:

Section 40.45.15.5.C.1

Approval Criterion: *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:

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 proposed modifications include the removal of the multi-family units and attached townhomes in phases 6 and 7. The applicant proposes to replace these units with 100 alley loaded units. Therefore, the applicant proposes 325 lots in the with the modification. The applicant proposes slight boundary modifications between phases 5 and 6, 9 and 10, and 10 and 13, to allow for new layout of the PUD such as new pedestrian tracts, new open space tracts, three new alleys and a new local street (SW Howlock Lane).

Thus, the project meets threshold number one of the Preliminary Subdivision application which reads:

1. *The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year. [ORD 4487; August 2008]*

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

Section 40.45.15.5.C.2

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

FINDING:

The applicant has paid the required fee related to the Preliminary Subdivision application.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.45.15.5.C.3

Approval Criterion: *The application is consistent with applicable requirements of CHAPTER 20 and CHAPTER 60, 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.*

FINDING:

The subject site has been approved as part of a PUD (CU20218-0001), which is being modified with this proposal as well. The PUD is zoned, RMA, RMB and RMC. Staff refer to the Code Conformance Analysis table at the end of Attachment A within this report for evaluation of compliance with applicable Chapter 20 sections and Chapter 60 Special Requirements. As demonstrated in the tables, the proposal complies or can comply, by meeting recommended conditions of approval, with all applicable requirements of Chapter

20 and Chapter 60. As stated above, the applicant has also concurrently applied for a Modification of Conditional Use-Planned Unit Development (PUD32023-00722) which provides flexibility to some standards. Review of the Planned Unit Development criteria can be found in Attachment B of this report.

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

Section 40.45.15.5.C.4

Approval Criterion: *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 subject site received approval in 2018 via ZMA2018-0001 / CU2018-0001 / LD2018-0005 / LD2018 -0006 and TP2018-0001. The applicant proposes to modify LD2018-0005 and CU2018-0001 to replace the multi-family units and attached units in phases 6 and 7 with 100 alley-loaded single-detached units. Additionally, the applicant proposes to change the boundaries of phases, 5 and 6, 9 and 10, and 10 and 13. Staff cites the Facilities Review approval (Attachment A) and Modification of a Conditional Use-Planned Unit Development (Attachment B) for compliance with all standards from the current code for any changes in phases 5, 6 and 7, with the exception of site development standards that have been modified through the PUD modification. The areas of the PUD which aren't being modified by this proposal will continue to comply with the requirements original approval and all conditions of approval.

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

Section 40.45.15.5.C.5

Approval Criterion: *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:

Chapter 90 of the Beaverton Development Code provides the following definition of 'Oversized Lot':

Oversized Lot. Except in RMB, RMC, and RMA for lots where single-detached dwellings or middle housing are existing or proposed, a lot which is greater than twice the required minimum lot size allowed by the subject zoning district.

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

Conclusion: Staff finds that the approval criterion is not applicable.

Section 40.45.15.5.C.6

Approval Criterion: 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 has submitted a Modification of Conditional Use - Planned Unit Development (PUD32023-00722) concurrently with this Modification of a Preliminary Subdivision application. The applicant states that the PUD will be developed over multiple construction phases, which has begun with phases 1, 2 and 15 currently under development with the commencement of grading. The applicant has stated that construction of the Fox Hollow PUD will include development of the modifications proposed with this application, including the construction of the alley loaded homes in phases 6 and 7, construction of the stormwater management facility in phase 5, construction of a portion of SW 185th Avenue, SW Howlock Lane and the portion of SW Alvord Lane that will provide access to the homes in phase 7. However, the applicant's plans and materials do not provide sufficient information to determine that other public improvements can be deferred until future phases. Staff cites Exhibit 4.1 Land Use Order No. 2603, which includes multiple conditions of approval that the applicant substantially complete all site development improvements prior to the first building permit issuance of each phase. The applicant understands that any future development phases must be filed within five (5) years unless a time extension has been approved.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.45.15.5.C.7

Approval Criterion: 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:

The proposal does not include creating a parcel with more than one zoning designation.

Conclusion: Staff finds that the approval criterion is not applicable.

Section 40.45.15.5.C.8

Approval Criterion: 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 a Modification of a Conditional Use – Planned Unit Development (PUD32023-00722) application to be processed concurrently with this Modification of a Preliminary Subdivision request. No additional applications or documents are needed at this time.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 50.95 Modification of a Decision

The applicant has requested modifications of the previously approved Preliminary Subdivision application (LD2018-0005), 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 LD2018-0005. 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 phases, 5 and 6, 9 and 10, and 10 and 13 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 LD2018-0005 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 August 16, 2023 (PA2023-00501) 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 (LD2018-0005) 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:

While a modification of Preliminary Subdivision would typically be subject to a Type 2 procedure, the modification for this proposal will follow the Type 3 procedure because it has been bundled with the modification of a conditional use application. When an application is processed concurrently with another application for the same proposal all the applications are subject to the procedure of the type which requires the broadest noticed and opportunity to participate, pursuant to Section 50.15.3 of the development code.

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 LD2018-0005. As a condition of approval of this Modification of a Decision request, all conditions of approval of LD2018-0005 will remain effective.

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

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of PS22023-00713, subject to the applicable conditions identified in Attachment D.

Chapter 60 Land Division Standards

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
60.15.10. Grading Standards			
60.15.10.1 Applicability	Applicable to all land use proposals where grading is proposed. 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.	The applicant states the proposal has been design in conformance with grading standard specified in Section 60.15.10.3.	YES
60.15.10.2 Exemptions	Improvements exempted from grading standards include new streets, street widening, stormwater detention facilities, and on-site grading adjacent to an existing public street right-of-way, and will result in a finished grade that is below the elevation of the subject public street right-of-way...	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-G On-site surface contouring	When grading a site within 25 feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall meet the standards in Section 60.15.10.3.	The applicant does not propose to modify grading within 25 feet of any parent property line.	YES
60.15.10.4	Significant tree and groves shall be protected by practices in Section 60.15.10.4.A-C	There are no Significant Trees or Groves on the site or that abut the site.	N/A

Attachment D: RECOMMENDED CONDITIONS OF APPROVAL

Application: LU32023-00715 Fox Hollow PUD Modifications

Recommendation: APPROVE PUD32023-00722 / PS22023-00713 subject to conditions.

All Conditions of Approval from CU2018-0001 / ZMA2018-0001 / LD2018-0005 / LD2018-0006 / TP2018-0001 remain in effect, except for Open Space requirements (COA B.2.) which have been adjusted by this application.

Conditional Use – Planned Unit Development (PUD32023-00715)

A. General Conditions, the applicant shall:

1. Ensure the associated land use application PS22023-00713 has been approved and is consistent with the submitted plans. (Planning / BC)

B. Prior to issuance of the Site Development permit, the applicant shall:

1. Resubmit photometric data to demonstrate that all pedestrian walkways throughout the site meet the minimum lighting standards contained in BDC 60.55.25.10.B.7. On-site walkways shall be lighted to 0.5 foot-candle level at initial luminance. Lighting shall have cut-off fixtures so that illumination does not exceed 0.5 foot-candle more than five (5) feet beyond the property line. (BDC 40.03.1 and 60.55.25) (Transportation / FdF)
2. Resubmit site plans to demonstrate that every pedestrian walkway terminating at a curb shall have an ADA compliant curb ramp. Receiving ramps shall be provided for every curb ramp. (BDC 40.03.1, 60.55.10, and 60.55.25) (Transportation / FdF)
3. Submit certified sight distance for all new intersections and driveways pursuant to the City's Intersection Sight Distance Policy in the Engineering Design Manual Section 210.18. (BDC 40.03.1 and 60.55.25) (Transportation / FdF)
4. Submit plans demonstrating that the driveways intersecting with SW 185th Ave include driveway aprons consistent with the City's standard drawing 210 for commercial driveways. (BDC 40.03.1, 60.55.35, and EDM Section 210.21) (Transportation / FdF)
5. Submit plans showing a 25 foot shared sanitary and storm sewer easement to the city of Beaverton for the public utilities along the proposed private alley, identified as Alley 1 on Sheet 8 of Exhibit 3.4 Plans and Graphics. There shall be no

encroachments within the public utility easement by any private structure, overhang, or private utility facility per the EDM section 130.5. (Site Development/SAS)

6. Provide a plan showing the development of the required open space, as listed below, for each phase of development. Open space does not have to be located within the phase boundaries but must be physically accessible to residents of the phase. Temporary open space may be utilized until permanent open space is constructed. The open space requirements are approximately 37.26 square feet of active and 149 square feet of total open space per dwelling unit. Should phase boundaries shift the calculation of required open space may be modified based on the square feet per dwelling unit listed above.
 - a. Phase 1: 708 square feet active open space and 2,832 square feet total open space.
 - b. Phase 2: 1,640 square feet active open space and 6,558 square feet total open space.
 - c. Phases 3, 4, and 5: No open space is required to be provided with these phases as no residential development is proposed.
 - d. Phase 6: 2,720 square feet active open space and square 10,877 square feet total open space.
 - e. Phase 7: 1,565 square feet active open space and 6,258 square feet total open space.
 - f. Phase 8: 969 square feet active open space and 3,875 square feet total open space.
 - g. Phase 9: 224 square feet active open space and 894 square feet total open space.
 - h. Phase 10: 1,230 square feet active open space and 4,919 square feet total open space.
 - i. Phase 11: 298 square feet active open space and 1,192 square feet total open space.
 - j. Phase 12: 410 square feet active open space and 1,640 square feet total open space.
 - k. Phase 13: 1,192 square feet active open space and 4,770 square feet total open space.
 - l. Phase 14: 932 square feet active open space and 3,726 square feet total open space.
 - m. Phase 15: 745 square feet active open space and 2,981 square feet total open space.

C. Prior to Recording of Plat for Phases 5, 6 and 7, the applicant shall:

1. Dedicate property for right-of-way (ROW) purposes for the future Local Street (identified as SW Howlock Land on the applicant's site plan). The street design shall be consistent with the EDM minimum overall ROW width of 58-feet for an L1/Local Street (BDC 40.03.1, 60.55 and EDM Standard Drawing 200-4). (Transportation / FdF)

2. Have completed the construction of SW Howlock Lane, with at least the first lift of asphalt in place. The final lift of asphalt is to be completed prior to issuance of the first building permits (excluding any model homes) within Phases 6 and 7 (BDC 40.03.1, 60.55.10). (Transportation / FdF).
3. Resubmit plans identifying the pedestrian facility located along the northern boundary of Phase 5 as a Tract. (Planning / BC)
4. Resubmit plans that identify the amenities in the active open space tracts to ensure conformance with Section 60.35.15.4.D of the Beaverton Development Code (Planning / BC).

D. Prior to Building Permit Issuance for Lots 225, 251, 252, 284, 285 and 325, the applicant shall:

1. Resubmit plans that show lots 225, 251, 252, 284, 285, and 325 meet the standard five-foot setback for lots on the perimeter of a subdivision (Planning / BC).