

## STAFF REPORT

**Report date:** September 1, 2021

**Application:** Lolich Farms PUD Modifications

**Application Numbers:** CU2021-0008 /  
DR2021-0051 / LD2021-0006

**Proposal:** The applicant, Taylor Morrison, requests approval of a Modification of a Decision of a Planned Unit Development (CU2017-0003), Design Review Two and a Modification of a Decision of a Preliminary Subdivision (LD2017-0002). The applicant proposes to replace previously approved but not constructed townhomes with single family detached, duplex and triplex units for a net reduction of four (4) dwelling units from the PUD. The proposal includes modifications to approved lot lines and Design Review Two for the new attached units.



**Proposal location:** The site is located at the northeast corner of the intersection of SW Strobel Road and SW Scholls Ferry Road. Changes are proposed to lots 53-95 of the Lolich Farms subdivision.

**Applicant:** Taylor Morrison

**Recommendation:** APPROVAL of CU2021-0008 / DR2021-0051 / LD2021-0006, subject to conditions of approval.

**Contact information:**

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Applicant's Representative: Standridge Inc  
Greta Holmstrom

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Vancouver, WA 98660

Owners: Taylor Morrison  
Curtis Huson  
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## Existing Conditions

**Zoning:** The areas proposed for modifications are zoned R4 (Urban Medium Density) and R2 (Urban Medium Density).

**Site Conditions:** The original The Ridge/Lolich Farms PUD has been platted. Homes are being constructed on portions of the site not included in these modifications. The area of the proposed modifications contains vacant but platted lots.

**Site Size:** The Ridge (Lolich Farms) Planned Unit Development (“PUD”) is approximately 28 acres in total.

**Location:** The Ridge (Lolich Farms) PUD is located at the northeast corner of the intersection of SW Strobel Road and SW Scholls Ferry Road. The areas proposed for modification are generally located in the south western portion of the site.

**Neighborhood Association Committee:** Neighbors Southwest.

**Table 1: Surrounding Uses**

Direction	Zoning	Uses
North	City of Beaverton Residential Zoning	Scholls Valley Heights PUD
South	Washington County Rural Residential (AF20)	Rural Residential
East:	City of Beaverton Residential & Commercial Zoning	Blackbird Farms PUD
West:	City of Beaverton Residential Zoning	Scholls Heights PUD

## Application Information

**Table 2: Application Summary**

Application	Application type	Proposal summary	Approval criteria location
CU2021-0008	Modification of a Decision- Planned Unit Development	Modify housing types and setback reductions.	Development Code Sections 40.03.1, 40.15.15.6.C, and 50.95
DR2021-0051	Design Review Two	New Triplexes.	Development Code Sections 40.03.1 and 40.20.15.2.C
LD2021-0006	Modification of a Decision – Preliminary Subdivision	Changes to a recorded plat.	Development Code Sections 40.03.1, 40.45.15.5.C, and 50.95

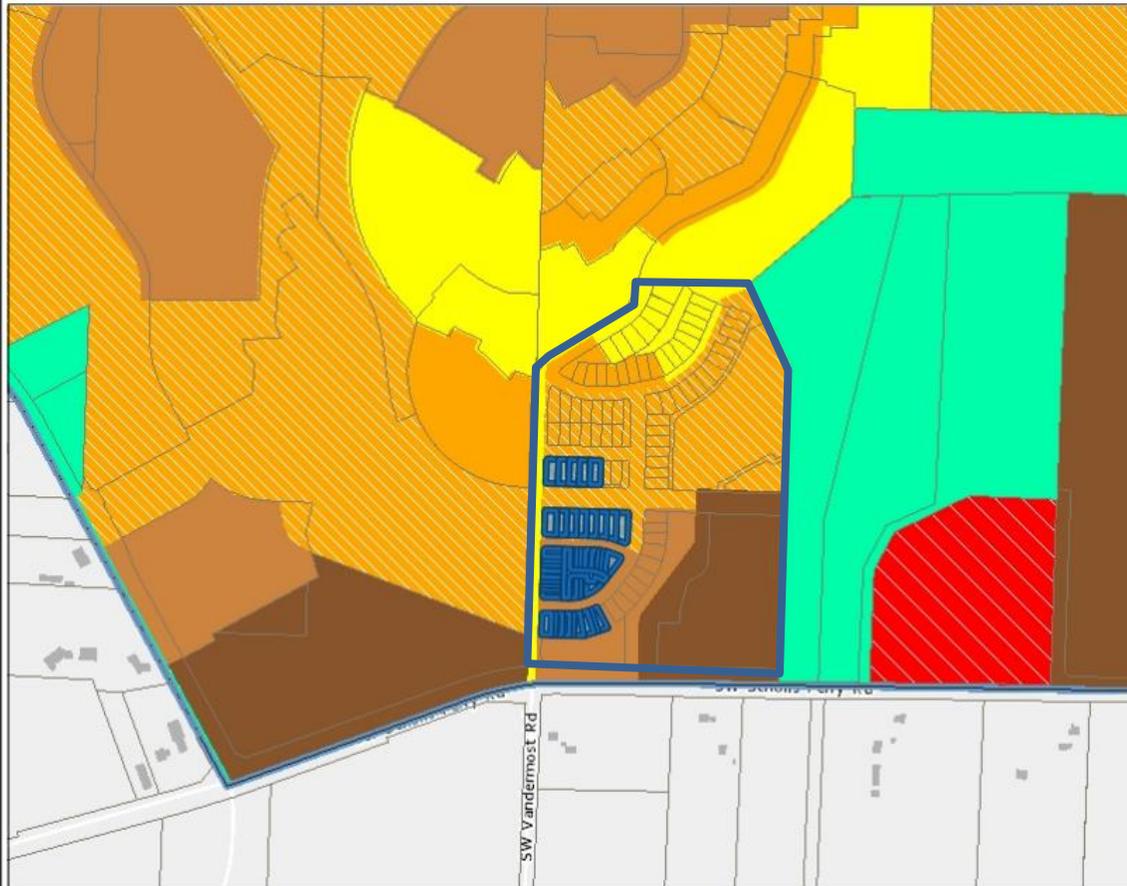
**Table 3: Key Application Dates**

Application	Submittal Date	Deemed Complete	Day 120*	Day 365**
CU2021-0008	April 22, 2021	July 20, 2021	November 17, 2021	July 20, 2022
DR2021-0051	April 22, 2021	July 20, 2021	November 17, 2021	July 20, 2022
LD2021-0006	April 22, 2021	July 20, 2021	November 17, 2021	July 20, 2022

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

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

**Beaverton Exhibit 1.1 Zoning Map**



**Legend**

- Washington County Taxlots
- Beaverton City Limits
- Zoning**
  - Urban Low Density (R10)
  - Urban Standard Density (R7)
  - Urban Standard Density (R5)
  - Urban Medium Density (R4)
  - Urban Medium Density (R2)
  - Urban High Density (R1)
  - Neighborhood Service Center (NS)
  - Community Service (CS)
  - Corridor Commercial (CC)
  - General Commercial (GC)
  - Station Community - SC-S
  - Station Community - High Density (SC-HD)
  - Station Community - Employment (SC-EMP)
  - Station Community - Multiple Use (SC-MU)
  - Town Center - High Density Reside (TC-HDR)
  - Town Center - Multiple Use (TC-MU)
  - Regional Center - Old Town (RC-O)
  - Regional Center - East (RC-E)
  - Regional Center - Beaverton Center (RC-B)
  - Regional Center - Downtown Transit (RC-D)
  - Regional Center - Multiple Use (RC-MU)
  - Commercial - Washington Square (C-W)
  - Office Industrial - Washington Square (OI-W)
  - Office Industrial (OI)
  - OI-NC
  - Industrial (IND)
  - Interim Washington County Zoning
  - Unzoned/ ROW

0.2 0 0.09 0.2 Miles

Report Date: 08/31/2021



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

**Notes**



# Exhibit 1.2 Vicinity Map



### Legend

- Washington County Taxlots
- Beaverton City Limits

### Notes

0.2 0 0.09 0.2 Miles

Report Date: 08/31/2021



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

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## Exhibits:

### Exhibit 1. Materials Submitted by Staff

- Exhibit 1.1 Zoning and Vicinity Map (page 5 of this report)
- Exhibit 1.2 Aerial Map (page 6 of this report)

### Exhibit 2. Public Comment

None received

### Exhibit 3. Materials Submitted by the Applicant

- Exhibit 3.00 Application
- Exhibit 3.01 PreApp Notes
- Exhibit 3.02 Narrative
- Exhibit 3.03 Plans
- Exhibit 3.04 Materials Board
- Exhibit 3.05 Storm Report
- Exhibit 3.06 Service Provider Letter TVF&R
- Exhibit 3.07 COB Water SPL
- Exhibit 3.08 Application Checklists
- Exhibit 3.09 CWS SPL

### Exhibit 4. Agency Comment

None received

# Attachment A: Facilities Review Committee Technical Review and Recommendation

**Application:** Lolich Farms PUD Mods

**Proposal:** The applicant, Taylor Morrison, requests approval of a Modification of a Decision of a Planned Unit Development (CU2017-0003), Design Review Two and a Modification of a Decision of a Preliminary Subdivision (LD2017-0002). The applicant proposes to replace previously approved, but not constructed, townhomes with single family detached, duplex and triplex units for a net reduction of four (4) dwelling units within the PUD. The proposal includes modification to approved lot lines and Design Review Two for the new attached units.

**Recommendation:** APPROVE CU2021-0008 / DR2021-0051 / LD2021-0006 subject to conditions of approval.

## Section 40.03 Facilities Review Committee:

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

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

- All twelve (12) criteria are applicable to the Planned Unit Development Modification, Design Review Two, and Preliminary Subdivision Modification 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, storm water drainage and retention, transportation, and fire protection. The Committee finds that the proposal includes, or can be improved to have, necessary on-site and off-site connections and improvements to public water, public sanitary sewer and storm water drainage facilities.

The original preliminary subdivision and PUD approval (LD2017-0002) created a 2-phase subdivision and PUD (CU2017-0003) with Phase 1 consisting of 111 detached and attached single family dwellings and Phase 2 consisting of a 118 unit multifamily housing development. Phase 1 infrastructure and streets have been fully constructed and platted with home construction occurring on lots in the northern portion of Phase 1. The applicant proposes to modify lots and approved housing types in the central and southern portions of Phase 1 for an overall reduction of 4 units. The proposed lot and unit changes occur completely within previous platted lot boundaries, not altering public utilities or rights-of-way locations or design.

The applicant proposes only minor change to the private utilities serving individual housing units. No changes are proposed to the potable water, non-potable water, sanitary storm, and stormwater systems as part of the proposed modifications. Individual service taps to critical facilities may be modified with the new housing designs as needed and approved through the appropriate utility permitting processes. Existing water service is provided via 8" and 6" lines in Strobel Road, Sugarloaf Lane, Buckthorn Drive and Incline drive which serve the subject lots, any unneeded laterals will be abandoned. Existing sanitary sewer service is provided in Sugarloaf Lane, Buckthorn Drive, and Incline Drive, any unneeded laterals will be abandoned. The applicant has provided a stormwater analysis that shows that adequate capacity exists in the previously designed and constructed stormwater management system to accommodate the proposed changes.

The applicant does not propose any modifications to the locations of design of public streets and sidewalks within the development. Driveway curb cuts may be altered to accommodate the unit and lot changes as necessary.

The applicant has provided a Service Provider Permit from TVF&R which states that no conditions of approval are required for the proposed phasing modifications.

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

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

## **Section 40.03.1.B**

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

## FINDING:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and pedestrian and bicycle facilities in the public right-of-way.

The applicant does not propose to modify any street, utility, or open space layouts as approved by the Lolich Farms PUD. The proposal is limited to modifying the lot boundaries, housing types, setback modifications, and new Design Review for attached residential dwellings. Essential facilities such as schools, transit improvements, police protection and pedestrian and bicycle facilities will continue to be provided for, as previously approved.

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

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

## Section 40.03.1.C

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

## FINDING:

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to the applicable Code requirements of Chapter 20 for the Urban Medium Density Residential (R2) and Urban Medium Density Residential (R4). As demonstrated on the chart, the development proposal meets all applicable standards of the proposed zones or has requested modifications to the base zoning standards either through the previously approved Lolich Farms PUD or this modification application.

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

## Section 40.03.1.D

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

## FINDING:

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

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

## Section 40.03.1.E

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

## FINDING:

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

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

## Section 40.03.1.F

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

## FINDING:

No changes to the previously approved Lolich Farms PUD which effect the design of public street or public pedestrian access are proposed with this application. The modification of housing types and associated lot lines will not affect the provision of safe and efficient vehicular and pedestrian circulation patterns within the boundary of the development.

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

## Section 40.03.1.G

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

### FINDING:

No changes to the previously approved Lolich Farms PUD which effect the design of public street or pedestrian connections are proposed with this application. The modification of housing types and associated lot line modifications will not affect the on-site vehicular and pedestrian circulation systems or their ability to connect to the surrounding circulation system in a safe, efficient and direct manner.

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

## Section 40.03.1.H

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

### FINDING:

The subject site is within the approved Lolich Farms PUD and does not propose to modify with this project any portion of the approved final development plans including structures of public facilities.

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

## Section 40.03.1.I

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

### FINDING:

The subject site is within the approved Lolich Farms PUD and does not propose to modify with this project any portion of the approved final development plans including public facilities.

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

## Section 40.03.1.J

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

### FINDING:

The applicant proposes minor grading modifications interior to the modified lot areas to accommodate the changes in housing types. No grade change is proposed to streets or sidewalks or lots abutting adjacent properties outside the Lolich Farms PUD. Staff finds that none of the proposed changes will negatively affect adjacent properties or developments.

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

## Section 40.03.1.K

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

### FINDING:

No changes to public infrastructure, such as sidewalks and streets are proposed. Private development will be evaluated for ADA compliance at the Design Review and Building Permit stages. Staff finds that the proposal does not preclude compliance with ADA standards.

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

## Section 40.03.1.L

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

### FINDING:

The applicant submitted the land use applications on April 23, 2021 and was deemed complete on July 20, 2021. In review of the materials during the application review process, the Committee finds that all applicable application submittal requirements, as identified in Section 50.25.1 are contained within this proposal.

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

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

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Section 20.05.20</b>			
Attached & Detached Residential Dwellings	Permitted	The applicant proposes to modify the housing types from townhomes to a mix of detached single family, duplex, and triplexes. All of these housing types are permitted in the R2 and R4 zones.	<b>N/A</b>
Parcel Area	Vary by zoning district with additional flexibility provided by the PUD	The applicant proposes lot line changes to accommodate housing type changes. All modified lots continue to comply with the parcel area requirements of the PUD.	<b>YES</b> <b>See CU Findings</b>
Residential Density	Minimum: 225 Maximum: 576	The applicant proposes to reduce the number of units by 4 for a total of 225 units, the minimum density allowed in the PUD.	<b>Yes</b>
Minimum Lot Dimensions	Vary by zoning district with additional flexibility provided by the PUD	Lot areas will be evaluated via the PUD standards.	<b>YES</b> <b>See CU Findings</b>
Yard Setbacks	See setback table below	The applicant proposes to add additional setback reductions to address the changes in housing types. Specific lots listed below by zoning district.	<b>YES</b> <b>See CU Findings</b>
Maximum Building Height	Maximum Per Zoning District and PUD approval.	The applicant does not propose to modify the maximum building height permitted through the Lolich Farms PUD Process.	<b>N/A</b>

## Building Setbacks

Approved Building Setbacks w/ Lolich Farms PUD CU2017-0003								
	R2		R4		R5		R7	
Setback	Code Standard	Approved	Code Standard	Approved	Code Standard	Approved	Code Standard	Approved
Front (SFR Detached)	10'	10'	10'	10'	15'	10'	17'	15'
Townhomes	10'	10'	N/A	N/A	N/A	N/A	N/A	N/A
Front Garage	5' or 18.5'	18.5'	20'	20'	20'	20'	20'	20'
Street Side Yard SFR & Front Loaded Townhomes	10'	10'	10'	10'	10'	10'	10'	10'
Street Side Yard Rear Loaded Townhomes	10'	6.5' for Lots 79, 80 and 88 – 10' for remaining lots	N/A	N/A	N/A	N/A	N/A	N/A
Internal Side Yard	5'	3.5'	5'	3.5'	5'	3.5'	5'	3.5'
Rear Setback-SFR and Front Loaded Townhomes	15'	15'	15'	15'	20'	15'	25'	15'
Rear Setback – Rear Loaded Townhomes	15'	3.5' or 18.5'	N/A	N/A	N/A	N/A	N/A	N/A
Rear Garage	5' or 18.5'	18.5 or 4'	N/A	N/A	N/A	N/A	N/A	N/A

Additional Requested Setback Reduction								
	R2		R4		R5		R7	
Setback	Code Standard	Proposed						
Reduced Front Yard Porch Setback for lots  59, 60, 61, 62, 63, 64	10'	8'	N/A	N/A	N/A	N/A	N/A	N/A
Street Side Yard Setbacks for lots  60, 61, 70, 89, 91	10'	8'	10'	8'	N/A	N/A	N/A	N/A

## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60.05</b>			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	See Design Review Findings	<b>See DR Findings</b>
<b>Development Code Section 60.10</b>			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	<b>N/A</b>
<b>Development Code Section 60.12</b>			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	<b>N/A</b>
<b>Development Code Section 60.15</b>			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property.	The proposed grading modifications are interior to the site and comply with the grading standards of 60.15	<b>YES</b>
<b>Development Code Section 60.30</b>			
Off-Street Motor Vehicle Parking	One parking space per single family dwelling unit (10 detached single family dwelling units proposed)	All detached single family units will have a two car garage exceeding the minimum parking requirement for detached single family dwellings.	<b>YES</b>
	1.75 spaces per 3+ bedroom attached unit (29 units proposed = 51 parking spaces)	All attached units have a minimum of two parking spaces each with the majority having 4 parking spaces within the garage and driveway, exceeding the minimum requirements.	

**Development Code Section 60.30**

Required Bicycle Parking	No bike parking requirements for detached and attached single family dwellings with less than 4 units	N/A	<b>N/A</b>
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**Development Code Section 60.33**

Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	<b>YES</b>
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**Development Code Section 60.35**

Planned Unit Development	Development and design principles for Planned Unit Developments.	The subject site is part of the approved Lolich Farms PUD, requested modifications to PUD conditions of approval and setbacks.	<b>See CU Findings</b>
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**Development Code Section 60.55**

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

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

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

Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No changes proposed to sensitive areas and natural resources.	<b>N/A</b>
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# Attachment B: CU2021-0008 Modification of a Decision-Conditional Use – Planned Unit Development

## ANALYSIS AND FINDINGS FOR MODIFICATION OF A DECISION-PLANNED UNIT DEVELOPMENT

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **CU2021-0008**, subject to the applicable conditions identified in Attachment E.

### Section 40.03.1 Facilities Review Committee 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, as applicable.*

#### FINDING:

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

**Conclusion:** Therefore, staff finds that 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:

The Lolich Farms PUD (previously named The Ridge PUD) met Threshold 3 for a Conditional Use-Planned Unit Development which states:

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

The applicant was approved for a 229-unit, two phase PUD with associated open spaces and natural features. Phase One of Lolich Farms which comprises 110 single family attached and detached dwelling units has been platted and housing construction is underway on many lots, particularly in the northern portion of the phase. Phase two is not yet under construction and consists of 119 units of multifamily attached housing in the southeast corner of the site. The applicant proposed to modify the approved PUD by replacing attached single family townhomes with a mix of detached single family duplex and triplex units for a net decrease of 4 dwelling units. Additional setback reductions are requested specific to the new unit types. No changes to streets, utility corridors, or open space design are proposed. Section 50.95 of the BDC describes the process for modifying a previous land use approval and specifies that the proposal, when modifying a condition of approval, must adhere to the same process as the original decision; therefore a Type 3 PUD review is required. This Modification of a Decision application for the PUD is only required to modify approved unit types, reduce proposed density, and to modify rear yard setbacks from those previously approved.

**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 proposal does not include modification to exterior lot line setbacks which will continue to comply with the parent parcel setbacks. The applicant requests reductions to front yard setbacks and street facing side yard setbacks in the R2 zoning district from 10' to 8'. Specific building numbers are provided for those the special setback would apply to. None of these buildings abut the exterior of the Lolich Farms PUD. Staff finds that the parent parcel setbacks will be maintained.

**Conclusion:** Therefore, staff finds that 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 applicant proposes only to modify the approved housing types and reduced setback requests with this PUD modification, as such limited Comprehensive Plan criteria apply. Specifically the criterion in the South Cooper Mountain Community Plan regarding housing types applies. Staff has identified no other Comprehensive Plan Criteria which apply to these requested modifications given their limited scope.

### ***Relevant South Cooper Mountain Community Plan Policies***

***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 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:***
  - i. Standard Lot Single Family. Density range from 90 percent to 195 percent of the minimum land area per dwelling unit requirement of the underlying zoning district;***
  - ii. Small Lot Single Family. Density range from 50 percent to 70 percent of the minimum land area per dwelling unit requirement of the underlying zoning district;***
  - iii. Compact Detached Housing & Cluster Housing. Density range from 25 percent up to 49 percent of the minimum land area per dwelling unit requirement of the underlying zoning district;***
  - iv. Accessory Dwelling Unit with Single Family Detached Dwelling;***
  - v. Alley-Loaded Dwellings. A dwelling unit designed with the front façade oriented toward a street and the garage door façade oriented toward an alley.***
  - vi. Duplex;***
  - vii. Triplex & Four-plex;***
  - 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 Ridge (Lolich Farms) PUD is approximately 28 acres in size and is therefore required to provide a minimum of two housing types. The applicant continues to provide detached single family dwellings and multifamily housing at greater than 10% of the total number of units. The approved 119 units of multifamily family housing make up 53% of the housing, single family detached accounts for 34% and the remaining 13% is a mix of duplex and triplex units. Staff finds that the applicant complies with the policy by providing a minimum of two different housing types, each exceeding a 10% of the number of proposed units.

**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 proposed changes do not affect the street and utility layouts for the site, the changes to units occur within established blocks which will not affect the ability of the sit to accommodate the proposal. Staff finds that the site can continue to accommodate the proposal, as modified through this request.

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

### **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 applicant does not propose to modify any of the major components of the final design of the Lolich Farms PUD, including roads and public utility lines. The proposed modifications are limited to plating within existing blocks to accommodate changes in unit types. No changes to street or utility infrastructure are proposed with these modifications. Staff finds that the proposal will have minimal impact on livability and appropriate use of the surrounding properties.

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

### **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 applicant does not propose to modify any of the block lengths but does propose to modify the housing types proposed from townhomes and detached single family to a mix of detached single family, duplex and triplexes. The applicant requests a 2-foot reduced front yard setback for a number of buildings to allow for front porches to project further and break up street facades. Staff finds that this should break up long blocks and provide visual interest.

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

## Section 40.20.15.6.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 does not propose to modify the protection of natural resources or the provision of open space. The applicant does request to allow reduced front yard setbacks for specific buildings for front porches and side yard setbacks for two buildings with street side yards. The requested setback reduction will not impact the preserved natural resource areas nor developed open spaces. The natural resources on the site which were proposed and approved for protection with the Ridge PUD, which included preservation of substantial stream corridors, wetlands, and habitat areas. Therefore staff finds that the criterion is met.

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

## Section 40.20.15.6.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 to 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 applicant does not propose to modify any of the final design of PUD, including the allocation and design of open space, of the Lolich Farms PUD. As the open space tracts have already been platted and are not proposed to be modified with this approval staff finds that the previously approved open space plans continue to meet the approval criterion.

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

## Section 40.20.15.6.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:

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

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

## Section 40.20.15.6.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 of the future phases of the PUD shall be filed within five (5) years of the date of decision of the PUD. Refer to Section 50.90.*

## FINDING:

The Lolich Farms PUD was approved with two (2) phases. Phase one which is proposed to be modified has already been platted and had all public utilities and street connected. The proposal will not affect the phase boundaries or number of phases proposed. Phase two, which is owned by a different developer, has valid land use approval but has not started the construction permitting process.

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

## Section 40.20.15.6.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 a Decision-Conditional Use-Planned Unit Development application in the proper sequence. The Modification of a Decision (PUD) is being processed concurrently with a Modification of a Decision – Preliminary Subdivision application and a Design Review Two application. The Modification of a Decision – PUD is dependent upon approval of the Modification of a Decision – Preliminary Subdivision (LD2021-0006), staff recommends a condition of approval requiring that LD2021-0006 be approved.

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

## Section 50.95 Modification of a Decision

The applicant has requested modifications to conditions of approval of the previously approved Conditional Use – Planned Unit Development application (CU2017-0003). As a modification of a previous decision is sought, Section 50.95 of the Development Code is applicable to the request. 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 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 Conditional Use – Planned Unit Development originally approved through a Type 3 procedure, The Ridge (now called Lolich Farms) PUD (CPA2017-0002 / CU2017-0003 / DR2017-0010 / LD2017-0002 TP2017-0005 / ZMA2017-0002) therefore, the applicant must return to the Planning Commission to request a modification. The applicant states that the required materials have been submitted with this Modification of a Decision for a Type 3 Conditional Use – Planned Unit Development application. The request is limited to modifying the housing types approved with the PUD as well as requests for additional and modified reduced yard setbacks. 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, contingent upon the approval of the phasing modifications through the Modification of a Decision – Preliminary Subdivision application being processed concurrently. All other original conditions of approval of CU2017-0003 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 January 27, 2021 (PA2021-0003) 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 Conditional Use – Planned Unit Development (CU2017-0003), as part of the application package approved for The Ridge (Lolich Farms) PUD.

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

## **Section 50.95.5**

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

### **FINDING:**

The approved The Ridge (Lolich Farms) PUD project was originally processed under the Type 3 review procedures. The requested modification to the approved condition associated with the project will follow the Type 3 review procedures.

**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 any conditions of approval of the original The Ridge (Lolich Farms) PUD. As a condition of approval of this Modification of a Decision request all conditions of approval of CU2017-0003 will remain effective.

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

## **Conclusion and Recommendation**

Based on the facts and findings presented above, staff recommends **APPROVAL** of **CU2021-0008** subject to conditions of approval in attachment E.

# Planned Unit Development Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Modification of Base Zoning Standards</b>			
60.35.10.1.A-C Permitted Uses	Compliance with permitted and conditional uses of the zoning district.	Detached Single Family, Duplex, and Triplex units are all permitted under the PUD	<b>Yes</b>
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 to reduce the total number of units within the PUD by four (4) in order to accommodate duplex and triplex units instead of townhomes which they feel better meets market demand. The changes remain compatible with the surrounding neighborhood.	<b>Yes</b>
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.	<b>N/A</b>
60.35.10.2.B.1 Residential Lot Sizes	Minimum lot size may be reduced to 50% of the minimum land area of the applicable zoning district(s), except as permitted in 60.35.10.3.C.2.	The applicant does not propose modifications to any lots that would reduce the lot size below 50% of the base zone requirements.	<b>Yes</b>
60.35.10.2.B.2	Minimum lot size proposed between 25% and 50% of the	No lots which are less than 50% of the base zone are proposed.	<b>N/A</b>

Residential Lot Sizes	minimum land area of the applicable zoning district, shall meet the applicable Design Standards or Design Guidelines related to Compact Detached Housing in Section 60.05.		
60.35.10.2.B.3 Residential Lot Sizes	Maximum lot size may not exceed 195% of the minimum land area of the applicable zoning district(s) in conformance with the table below unless designated for a future phase, which includes further division of property or development of attached product.	No lots are proposed to exceed the maximum lot size based on the number of units proposed and the base zoning.	<b>Yes</b>
60.35-10.2.B.4 Residential Lot Sizes	A proposed Planned Unit Development shall not result in fewer dwelling units (lower density) than if the subject site were reviewed as a Preliminary subdivision.	The proposal continues to meet the minimum density, which is what would be required of a standard subdivision.	<b>Yes</b>
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	The applicant does not proposed to modify any perimeter lots line.	<b>N/A</b>

not be reduced unless approved by the Planning Commission and utilizing Development Bonus and Development Incentive Options of Section 60.35.30.

60.35.10.3.B.1 Front Setbacks	Front setbacks interior to the PUD may be reduced, excluding the garage where the garage door faces the front property line. Structures shall not encroach in a public utility easement.	The applicant requests additional front porch setbacks to lots 59-64 to allow front porches to extend an additional two feet for an eight (8) foot front yard setback.	<b>Yes</b>
60.35.10.3.B.2 Front Setbacks	Garages that face a public street shall be set back 20 feet from the property line and recessed a minimum of 4 feet from the front building plane, not including porches, when facing a street.	No additional reductions to garage setbacks are requested.	<b>N/A</b>
60.35.10.3.C.1 Rear Setbacks	Rear setbacks shall be the same as the base zone for the parent parcel, excepting alley accessed lots which may be reduced to 4-feet.	Parent Parcel setbacks are met, including the rear yard.	<b>Yes</b>
60.35.10.3.C.2 Rear Setbacks	Garages and carports accessed from both sides of an alley shall be set back a	No additional special garage or alley setbacks are requested. The proposal complies with the previously	<b>N/A</b>

	minimum of 4' with no less than 28' between garage doors.	approved rear yard setback reductions.	
60.35.10.3.D Side Setbacks	Except for zero-lot line development side setbacks are a minimum of 3' with a total of 6' between two buildings. Zero-lot line developments shall have one side yard setback of 10' and the other zero.	The applicant requests additional side yard setbacks for street facing side yards on lots 60,61, 70, 89, and 91, reduced from 10 feet to 8 feet. The remaining side yard setbacks comply with the previously approved reduced setbacks.	<b>Yes</b>
<b>Open Space</b>			
60.35.15 Open Space Requirements	Requirements to amount, location and design of open space.	No modifications to the size, location, or design of open space are proposed.	<b>N/A</b>
<b>Building Architecture – PUD – Detached Only</b>			
60.35.20 Detached Residential Architectural Standards	Architectural standards for detached residential developments.	Detached single family dwelling will be evaluated for compliance at building permit review.	<b>N/A</b>
<b>Development Bonuses and Development Incentive Options</b>			
60.35.30 Development Bonuses and Incentives	PUD offers the applicants additional standards which can be met as incentives and reduce open space and setbacks.	The applicant is not seeking development bonuses or incentives.	<b>N/A</b>

# Attachment C: DR2021-0051 Design Review Two

## ANALYSIS AND FINDINGS FOR DESIGN REVIEW TWO

**Decision:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **DR2021-0051**, subject to the applicable conditions identified in Attachment E.

### Section 40.03.1 Facilities Review Committee 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, as applicable.*

#### FINDING:

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

**Conclusion:** Therefore, staff finds that the proposal meets the Facilities Review Committee approval criteria.

### Section 40.20.05 Purpose:

The purpose of Design Review is to promote Beaverton's commitment to the community's appearance, quality pedestrian environment, and aesthetic quality. It is intended that monotonous, drab, unsightly, dreary, and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by ensuring the proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. The purpose of Design Review as summarized in this Section is carried out by the approval criteria listed herein.

### Section 40.20.15.2.C Approval Criteria

In order to approve a Design Review Two 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 40.20.15.2.C.1

**Approval Criteria:** The proposal satisfies the threshold requirements for a Design Review Two application.

### Finding:

The applicant proposes construction of three new triplexes which meet threshold 3 for a Design Review Two. The applicant also proposes a mix of detached single family dwellings and duplexes. Detached single family dwellings are exempt from Design Review under 40.20.3.b and duplexes are specifically exempted under threshold 3. Therefore the scope of review is limited to the three triplexes and associated site improvements. The triplexes are located within the R2 zoning district. Thus, staff finds that the proposal satisfies the Design Review Two application threshold 3:

1. *New construction of attached residential dwellings, excluding duplexes, in any zone where attached dwellings are a Permitted or Conditional Use.*

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

## Section 40.20.15.2.C.2

**Approval Criteria:** 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 fees related to the land use applications.

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

## Section 40.20.15.2.C.3

**Approval Criteria:** The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.

### Finding:

Pursuant to Section 50.25.1, the application package includes all of the necessary submittal requirements.

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

## Section 40.20.15.2.C.4

**Approval Criteria:** The proposal is consistent with all applicable provisions of Sections 60.05.15. through 60.05.30. (Design Standards).

### Finding:

Staff cites the findings in the Design Review Standard Analysis chart in this report which evaluate the project in response to applicable Code standards of Sections 60.05.15

through 60.05.30 (Design Standards). In part, the chart provides a summary response to design review standards determined to be applicable in the subject case. The applicant's plans and materials show compliance with these standards, subject to meeting conditions of approval.

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

## Section 40.20.15.2.C.5

**Approval Criteria:** For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the proposed additions or modifications are moving towards compliance with specific Design Standards if any of the following conditions exist:

- a) A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable standard; or
- b) The location of existing structural improvements prevent the full implementation of the applicable standard; or
- c) The location of the existing structure to be modified is more than 300 feet from a public street.

If the above listed conditions are found to exist and it is not feasible to locate a proposed addition in such a way that the addition abuts a street, then all applicable design standards except the following must be met:

- d) If in a Multiple Use District, building location, entrances and orientation along streets, and parking lot limitations along streets (Standards 60.05.15.6 and 60.05.20.8)
- e) If in a Multiple Use or Commercial District, ground floor elevation window requirements (Standard 60.05.15.8).

### Finding:

The proposal includes new triplexes which are located on lots which are vacant and are therefore not considered additions or modifications to existing development.

**Conclusion:** Therefore, staff finds that criterion is not applicable.

## Section 40.20.15.2.C.6

**Approval Criteria:** The proposal complies with the grading standards outlined in Section 60.15.10 or approved with an Adjustment or Variance.

### Finding:

Staff cites the findings in Facilities Review (Attachment A) for analysis regarding compliance with the grading standards of Section 60.15.10. The applicant's plans and materials show compliance with these standards

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

## Section 40.20.15.1.C.7

**Approval Criteria:** 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 Modification of a Decision – Conditional Use – Planned Unit Development and Modification of a Decision- Preliminary Subdivision applications to be processed concurrently with this Design Review Two request. No additional applications or documents are needed at this time. Staff recommends a condition requiring approval of the associated modification applications be approved prior to site development permit approval.

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

## Conclusion and Recommendation

Based on the facts and findings presented above, staff recommends **APPROVAL** of **DR2021-0051** subject to conditions of approval.

**Table 4: Section 60.05 Design Standards**

**Section 60.05.20 Building Design and Orientation Standards**

<b>DESIGN STANDARD</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD</b>
<b>Building Design and Orientation</b>		
<b>60.05.15.1.A</b> Max length of attached residential buildings	The proposed buildings are less than 200 feet in length.	<b>YES</b>
<b>60.05.15.1.B</b> Buildings visible from and within 200 feet on an adjacent street...the street-facing elevation(s) and the elevation(s) containing a primary building entrance.	The proposed building utilizes windows, offset walls, recessed entrances and material changes to provide visual interest for each street facing elevation. The applicant states that articulation exceeds 30%.	<b>YES</b>
<b>60.05.15.1.C.1</b> Maximum 40' spacing between permanent architectural features.	Maximum spacing between architectural features is less than 40 feet.	<b>YES</b>
<b>60.05.15.1.D</b> Blank walls shall not exceed 150 square feet in area.	The proposal does not contain any blank walls greater than 150 square feet facing public streets or common open spaces.	<b>YES</b>
<b>Roof Forms</b>		
<b>60.05.15.2.A</b> Sloped roofs must be a minimum of 4/12 pitch.	All roof forms are 4/12 pitch or steeper.	<b>YES</b>
<b>60.05.15.2.B</b> Sloped roofs in residential zones shall have eaves that project at least 12 inches.	All roofs have eaves a minimum of 12 inches or greater.	<b>YES</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.15.2.C</b> Roofs less than 4/12 pitch shall have a 12 inch minimum parapet.	All roof forms are 4/12 pitch or steeper.	N/A
<b>60.05.15.2.D</b> For additions new roof shall have similar slope and materials.	This is not an addition.	N/A
<b>60.05.15.2.E</b> Feature roofs are exempt from this standard.	Feature roof forms are exempt.	N/A
<b>Primary Building Entrances</b>		
<b>60.05.15.3.A</b> Primary Entrances	The primary entrance includes an overhang measuring at least six feet wide by four feet deep.	YES
<b>Exterior Building Materials</b>		
<b>60.05.15.4.A</b> Double wall construction required.	The applicant proposes double wall construction.	YES
<b>60.05.15.4.B</b> 30% untreated elevations	Attached dwellings are permitted uses in a residential zone, not a conditional use.	N/A
<b>60.05.15.4.C</b> Foundations	Attached dwellings are permitted uses in a residential zone, not a conditional use.	N/A
<b>Roof-Mounted Equipment</b>		
<b>60.05.15.5.A through C</b> <b>Equipment screening</b>	No roof mounted equipment is proposed.	N/A
<b>Building Location and Orientation along Streets in MU and Com. Districts</b>		
<b>60.05.15.6.A-F</b> <b>Street frontage</b> <b>Multiple Use Zones</b>	The proposal is located in a residential zone.	N/A
<b>Building Scale along Major Pedestrian Routes</b>		

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.15.7.A through C</b> 22' Height Minimum 60' Height Maximum	The site is not located on a MPR.	N/A
<b>Ground Floor Elevation on Commercial and Multiple Use Buildings</b>		
<b>60.05.15.8.A-B</b> Glazing and Weather Protection	The proposal is for residential buildings.	N/A
<b>Compact Detached Housing Design</b>		
<b>60.05.15.9.A-K</b>	Compact Detached Housing is not proposed.	N/A
<b>Eligible Residential -Only Buildings</b>		
<b>60.05.15.10.A</b>	Eligible residential is not proposed.	N/A

### Section 60.05.20 Circulation and Parking Design

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Connections to the public street system</b>		
<b>60.05.20.1</b> Connect on-site circulation to existing and planned street system	No changes to the proposed circulation system are proposed. All platted streets and blocks will remain.	N/A
<b>Loading Areas, solid waste facilities and similar improvements</b>		
<b>60.05.20.2.A</b> Service Area Screening	No trash enclosures are proposed, each unit will have private waste disposal carts located within their garage.	YES
<b>60.05.20.2.B</b> Loading Area Screening	Loading spaces are not required for dwellings nor are they proposed.	N/A
<b>60.05.20.2.C</b> Screening Materials	As no loading or solid waste facilities are proposed or necessary to be screened this criterion does not apply.	N/A
<b>60.05.20.2.D</b> Chain Link Prohibition	No chain link proposed.	N/A
<b>60.05.20.2.E</b>	No waiver requested.	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Screen Waiving		
<b>Pedestrian Circulation</b>		
<p><b>60.05.20.3.A</b> Link to adjacent facilities</p>	<p>All units within the proposed triplexes have direct pedestrian connections to public streets with the exception of one unit on identified building 3 which provides a pedestrian connection directly to the alley with no pedestrian walkway to a public street. Staff recommends a condition of approval that a pedestrian walkway connection be provided from the front door of the building 3 unit which fronts on the alley to the public sidewalk system.</p>	<p><b>YES w/ COA</b></p>
<p><b>60.05.20.3.B</b> Direct walkway connection</p>	<p>All units within the proposed triplexes have direct pedestrian connections to public streets with the exception of one unit on identified building 3 which provides a pedestrian connection directly to the alley with no pedestrian walkway to a public street. Staff recommends a condition of approval that a pedestrian walkway connection be provided from the front door of the building 3 unit which fronts on the alley to the public sidewalk system.</p>	<p><b>YES w/ COA</b></p>
<p><b>60.05.20.3.C</b> Walkways every 300'</p>	<p>Pedestrian walkways are provided at a greater frequency than every 300 feet.</p>	<p><b>YES</b></p>
<p><b>60.05.20.3.D</b> Physical separation</p>	<p>Pedestrian walkways are primarily through front yards and separated from vehicular traffic. Staff recommends a condition of approval that the new pedestrian walkway for the alley facing building 3 unit be physical separated from the adjacent alley commensurate with this standard.</p>	<p><b>YES w/ COA</b></p>
<p><b>60.05.20.3.E</b> Distinct paving</p>	<p>The applicant's plans do not identify a walkway material. Staff recommends a condition of approval that the walkways be paved with a differentiated material in accordance with this design standard.</p>	<p><b>YES w/ COA</b></p>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.20.3.F</b> 5' minimum width	The applicant's plans show pedestrian connections which are 4 feet in width and do not meet the standard as proposed. Staff recommends a condition of approval that the pedestrian walkways be a minimum of 5 feet in width.	<b>YES w/ COA</b>
<b>Street Frontages and Parking Areas</b>		
<b>60.05.20.4.A.1-2</b>	No new parking area are proposed, each triplex unit will have a garage and driveway for parking for the unit. Parking is all off the alley and not public streets.	<b>N/A</b>
<b>Parking and Landscaping</b>		
<b>60.05.20.5.A</b> Contiguous Parking	No parking lots are proposed.	<b>N/A</b>
<b>60.05.20.5.B</b> Landscape Island Size	No parking lots are proposed.	<b>N/A</b>
<b>60.05.20.5.C</b> Raised sidewalks	No parking lots are proposed.	<b>N/A</b>
<b>60.05.20.5.D</b> Tree species	No parking lots are proposed.	<b>N/A</b>
<b>Off-Street Parking Frontages in Multiple-Use Districts</b>		
<b>60.05.20.6.A</b> 50% Max on MPR 1 65% Max on MPR 2	The site is not located in Multiple-Use District	<b>N/A</b>
<b>Sidewalks Along Streets and Primary Building Elevations in Multiple-Use and Commercial Districts</b>		
<b>60.05.20.7.A -B</b> Required sidewalk/internal pathway widths	The proposal is located in a residential zone.	<b>N/A</b>
<b>Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts</b>		
<b>60.05.20.8.A</b> Drive aisles to be designed as public streets, if applicable	No parking lots or new drive aisles are proposed.	<b>N/A</b>
<b>Ground Floor uses in parking structures</b>		
<b>60.05.20.9</b>	No parking structures are proposed.	<b>N/A</b>

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Parking Structures		

### Section 60.05.25 Landscape, Open Space, and Natural Areas Design Standards

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Minimum Landscaping</b>		
<b>60.05.25.3.A.1-3</b> Residential minimum landscaping.	The minimum required landscaping percentage has been met as part of the PUD and are not proposed to be modified.	N/A
<b>60.05.25.4.A</b> Front yard landscaping	The applicant states that all front yard areas will be landscaped per the landscape plans.	YES
<b>60.05.25.4.B</b> Live Plants are required. Non-live material is limited to 25% of landscape areas.	The applicant states that live plants are proposed. Non-plant materials do not comprise more than 25% of the landscape area.	YES
<b>60.05.25.4.C</b> Vehicular circulation shall not count toward landscape area.	Vehicular circulation areas are not counted toward landscape areas.	YES
<b>60.05.25.4.D</b> Foundation landscaping is required	The applicant proposes foundation landscaping per the standard.	YES
<b>60.05.25.4.E</b> Required landscape plantings.	The amount of required landscaping is dictated by the approved PUD. The proposed landscape around the new triplexes provides for a mix of trees, shrubs, and groundcover but no minimum area is required.	N/A
<b>60.05.25.4.F</b> Hard surface plazas.	The applicant does not propose to count any hard surface plazas toward landscape requirements.	N/A
<b>Retaining Walls</b>		
<b>60.05.25.8</b> Retaining Walls	No new retaining walls are proposed.	N/A
<b>Fences and Walls</b>		
<b>60.05.25.9.A through E</b>	The applicant do not identify any	N/A

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
Materials	fences as proposed in their narrative.	
<b>Minimize Significant Changes To Existing On-Site Surface Contours At Residential Property Lines</b>		
<b>60.05.25.10</b> Minimize grade changes	The proposal does not include any grading adjacent to abutting properties.	N/A
<b>Integrate water quality, quantity, or both facilities</b>		
<b>60.05.25.11</b> Location of non-vaulted facilities	The applicant proposes to use the existing storm water facilities.	N/A
<b>Natural Areas</b>		
<b>60.05.25.12</b> No encroachment into buffer areas.	No natural areas exist on site in the vicinity of the proposed triplexes.	N/A
<b>Landscape Buffering Requirements</b>		
<b>60.05.25.13</b> Landscape buffering between contrasting zoning districts	The subject site is surrounded by R2 and within the approved Lolich Farms PUD.	N/A
<b>Section 60.05.30 Lighting Design Standards</b>		
DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>Adequate on-site lighting and minimize glare on adjoining properties</b>		
<b>60.05.30.1.A</b> Lighting complies with the City's Technical Lighting Standards	The applicant provides a lighting plan with photometric details demonstrating on-site lighting meets the minimum lighting requirements.	YES
<b>60.05.30.1.B</b> Lighting provided for vehicle and pedestrian circulation	The applicant provides a lighting plan with photometric details demonstrating on-site lighting meets the minimum lighting requirements.	YES
<b>60.05.30.1.C</b> Lighting of Ped Plazas	The proposal does not include any pedestrian plazas.	N/A
<b>60.05.30.1.D</b> Lighting of building entrances	The applicant's lighting plan shows lighting at proposed and existing building entrances.	YES
<b>60.05.30.1.E</b> Canopy lighting recessed	No canopy lighting is proposed.	N/A
<b>Pedestrian-scale on-site lighting</b>		

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD
<b>60.05.30.2.A</b> Pole Mounted Luminaires	Pole mounted luminaires are not proposed.	<b>N/A</b>
<b>60.05.30.2.B</b> Non-Pole Mounted Luminaries	All wall mounted lights comply with City's Technical Lighting Standards.	<b>YES</b>
<b>60.05.30.2.C</b> Lighted Bollards	The proposal does not include bollards.	<b>N/A</b>

# Attachment D: LD2021-0006 Modification of a Decision – Preliminary Subdivision

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

**Recommendation:** Based on the facts and findings presented below, staff recommends **APPROVAL** of **LD2021-0006**, subject to the applicable conditions identified in Attachment E.

### Section 40.03.1 Facilities Review Approval Criteria:

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

#### Facilities Review Approval Criteria Section 40.03.1.A-L

##### FINDING:

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

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

### Section 40.45.05 Purpose:

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

### Planning Commission Standards for Approval:

Section 40.45.15.5.C of the Development Code provides standards to govern the decisions of the Commission as they evaluate and render decisions on Land Division Applications. The Commission will determine whether the application as presented, meets the Preliminary Subdivision approval criteria. The Commission may choose to adopt, not adopt or modify the Committee's findings. In this portion of the report, staff evaluates the application in accordance with the criteria for Preliminary Subdivision.

To approve a Preliminary Subdivision application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

## Section 40.45.15.5.C.1

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

### FINDING:

Threshold 1 for a Preliminary Subdivision states that an application for Preliminary Subdivision shall be required when the following threshold applies:

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

The applicant was previously approved for a 229-unit PUD and subdivision with 110 attached and detached single family lots and one 119 unit multifamily site. Phase One of the Ridge/Lolich Farms PUD has been platted and home construction is taking place on a number of lots. The applicant proposes to modify previously platted lots in the southern portion of the subdivision in order to allow a change in housing types from townhomes to a mix of single family detached, duplexes, and triplexes. The changes in housing types necessitate changes the previously platted lots and therefore modifications to the approved subdivision. As LD2017-0002 was approved by the Planning Commission per BDC 50.95 the proposed modification must be approved by the Planning Commission.

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

## Section 40.45.15.5.C.2

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

### FINDING:

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

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

### **Section 40.45.15.5.C.3**

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

#### **FINDING:**

The applicant proposes to go through the Modification of a Decision – Preliminary Subdivision process in order to appropriately address the proposed change in previously platted lots. All conditions of approval for LD2017-0002, unless modified by this approval will remain effective, as a condition of approval of this request.

**Conclusion:** Therefore, staff finds the criterion is met.

### **Section 40.45.15.5.C.4**

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

#### **FINDING:**

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

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

### **Section 40.45.15.5.C.5**

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

#### **FINDING:**

The applicant does not propose to modify the previously approved phasing.

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

## Section 40.45.15.5.C.6

Applications that apply the lot area averaging standards of Section 20.05.15.D. shall demonstrate that the resulting land division facilitates the following: [ORD 4584; June 2012]

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

### FINDING:

The applicant does not propose lot averaging.

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

## Section 40.45.15.5.C.7

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

### FINDING:

The applicant does not propose lot averaging.

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

## Section 40.45.15.5.C.8

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

### FINDING:

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

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

## Section 40.45.15.5.C.9

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

### FINDING:

The applicant has submitted the required application materials for review of a Modification of a Decision-Preliminary Subdivision application in the proper sequence. The Modification of a Decision (Preliminary Subdivision) is being processed concurrently with a Modification of a Decision – Conditional Use – Planned Unit Development application and a Design Review Two application. The Modification of a Decision – Preliminary Subdivision is dependent upon approval of the Modification of a Decision – PUD (CU2021-0008), staff recommends a condition of approval requiring that CU2021-0008 be approved.

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

## Section 50.95 Modification of a Decision

The applicant has requested modifications of the previously approved Preliminary Subdivision application (LD2017-0009 which was modified by LD2019-0032), 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 originally approved through a Type 3 procedure, The Ridge (now called Lolich Farms) PUD (CPA2017-0002 / CU2017-0003 / DR2017-0010 / LD2017-0002 TP2017-0005 / MA2017-0002) therefore, the applicant must return to the Planning Commission to request a modification. 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 modifying the previously platted lots to accommodate the proposed change in housing types. 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, contingent upon the approval of the modifications through the Modification of a Decision – Conditional Use – Planned Unit Development application being processed concurrently. All other original conditions of approval of LD2017-0002 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 January 27, 2021 (PA2021-0003) 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 (LD2017-0002) as part of the application package approved for The Ridge (Lolich Farms) PUD.

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

## **Section 50.95.5**

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

## **FINDING:**

The approved development was originally processed under the Type 3 review procedures. The requested modification to the approved site plan associated with the project will follow the Type 3 review procedures.

**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 LD2017-0002. As a condition of approval of this Modification of a Decision request all conditions of approval of LD2017-0002 will remain effective.

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

## **Conclusion and Recommendation**

Based on the facts and findings presented above, staff recommends **APPROVAL** of **LD2021-0006** subject to conditions of approval identified in Attachment E.

## Land Division Standards Code Conformance Analysis

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

### Significant Trees and Groves

60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	Existing trees that do remain onsite will be protected in accordance with Tree Protection standards in Section 60.60.20 of the Code. Grading changes are not proposed in areas with protected tree groves.	<b>N/A</b>
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# Attachment E: Conditions of Approval

**Application:** Lolich Farms PUD Modifications

**Recommendation:** APPROVE CU2021-0008 / DR2021-0051 / LD2021-0006 subject to conditions of approval.

## Modification of a Decision - Planned Unit Development (CU2021-0008)

1. All conditions in CU2017-0003 remain in full effect. (Planning / JF)

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

2. Ensure the associated land use application LD2021-0006 has been approved and is consistent with the submitted plans. (Planning / JF)

## Design Review Two (DR2021-0051)

1. Ensure the associated land use applications CU2021-0008 and LD2021-0006 have been approved and are consistent with the submitted plans. (Planning / JF)

### **A. Prior to Building Permit Issuance, the Applicant Shall:**

2. Provide a plan showing a hard surfaced pedestrian walkway connection from the front door of the building 3 unit which fronts on the alley to the public sidewalk system. The pedestrian connection must be physically separated from the alley in conformance with the standards of 60.05.20.3.D. (Planning / JF)
3. Provide a plan showing the pedestrian walkways are paved in accordance with the standards of 60.05.20.3.E. (Planning / JF)
4. Provide a plan showing all walkways are a minimum of 5 feet wide in accordance with the standards of 60.05.20.3.F. (Planning / JF)

## Modification of a Decision - Preliminary Subdivision (LD2021-0006)

1. All conditions in LD2017-0002 remain in full effect. (Planning / JF)

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

2. Ensure the associated land use application CU2021-0008 has been approved and is consistent with the submitted plans. (Planning / JF)