



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 10/10/2014  
Jurisdiction: City of Hillsboro  
Local file no.: PUD-002-14  
DLCD file no.: 007-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/10/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 007-14 {22325}

Received: 10/10/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Hillsboro

Local file no.: **PUD-002-14**

Date of adoption: 10/7/14

Date sent: 10/7/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): YES, 6/16/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): Jennifer K. Wells, Senior Planner

Phone: 503-681-6214

E-mail: [jennifer.wells@hillsboro-oregon.gov](mailto:jennifer.wells@hillsboro-oregon.gov)

Street address: 150 E Main Street

City: Hillsboro

Zip: 97123-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from R-7	to PUD SFR-7	Acres: 1.45
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: PUD      Acres added: 1.45      Acres removed:

Location of affected property (T, R, Sec., TL and address): 1N325AB01700; 1N325AC00900

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List affected state or federal agencies, local governments and special districts: Washington County

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 6100**

**PLANNED UNIT DEVELOPMENT 002-14: OFFINGA HOLLOW**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, BY APPROVING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE ON CERTAIN TRACTS OF LAND THROUGH APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A SIX-LOT DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON A SITE APPROXIMATELY 1.45 ACRES IN SIZE

WHEREAS, the owner of a certain tracts of land described below, has filed a written application with the City of Hillsboro for approval of a Planned Unit Development overlay to the existing SFR-7 Single Family Residential zone; and

WHEREAS, the Planning Commission held a public hearing on July 23, and August 13, 2014 and received testimony in support of, and with concerns regarding the application; and

WHEREAS, based on the testimony and material received, the Planning Commission at its August 27, 2014 meeting approved Order No. 8122 which recommended approval of the preliminary development plan for the proposed Planned Unit Development, with the conditions listed herein, based on the findings attached hereto as Exhibit A and the site plan attached hereto as Exhibit B; and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting of September 16, 2014, and adopted the site plan, findings and conditions of the Planning Commission as its own in regard to this matter; and

WHEREAS, based on those findings and conditions, the City Council hereby determines that the proposal conforms with the Hillsboro Comprehensive Plan and the Community Development Code, and that the Planned Unit Development overlay is best suited for the subject site.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. The following described tracts of land are hereby rezoned with the addition of a Planned Unit Development overlay zone, as described in Planning Department Case File No. Planned Unit Development 002-14:

Tax Lot 1700 on Washington County Assessor's Tax Map 1N3-25AB, Section 25, Township 1 North, Range 3 West, Willamette Meridian, on record as of as of June 7, 2013

Tax Lot 900 on Washington County Assessor's Tax Map 1N3-25AC, Section 25, Township 1 North, Range 3 West, Willamette Meridian, on record as of January 15, 2014

Copies of the tax maps are attached as Exhibit C and thereby made a part of this Ordinance.

Section 2. Approval of the Planned Unit Development overlay zone is conditioned upon satisfaction of the following conditions:

1. Development and construction on the site shall conform substantially to the preliminary development plans and conditions approved by the Planning Commission, as contained in Case File No. Planned Unit Development-002-14, and specifically to the final construction plans approved by the City Engineer, Planning Director, Building, Fire Prevention and Water Departments.
2. The Planning Department has received recommended conditions of approval from City Departments which are incorporated into the conditions of approval herein. All permit applications shall include a narrative on the second plan sheet which responds to all conditions, and departmental and agency informational comments associated with the land use decision, which discusses how each condition has or will be satisfied prior to occupancy or final sign off for work on the site. The narrative shall identify any plan revisions which have been necessitated by the requirements of this notice of decision.
3. Prior to the commencement of work on the site, the applicant shall apply for and obtain all necessary permits for the development from the Building, Engineering, Planning and Water Departments and from Clean Water Services.
4. Prior to submittal of engineering construction plans for the preliminary development plan, the applicant shall submit and receive approval for a Significant Natural Resources Permit, Type 1a application for encroachment in the Significant Natural Resources Overlay (SNRO) District Impact Area for the wetland resource as shown on the preliminary development plan.
5. Prior to approval of the final development plan, a landscape plan for the proposed trees on the lots and Tract "B" shall be submitted for review and approval by the Planning Director. The landscaping plan shall not be approved prior to approval of the final construction plans. The landscape plan shall illustrate the location, species and size of plantings including any mitigation plantings required by the Significant Natural Resources Permit and details of any in-ground sprinkler systems. Any proposed irrigation system within the planned unit development shall include water conserving sprinkler heads.
6. Prior to approval of the final development plan, a master fencing plan shall be provided to the Planning Department for review and approval by the Planning Director. The fencing plan shall address any new fencing around the perimeter of the site, any new fencing around the perimeter of Tract "A", any new perimeter fencing around Tract "B", new fencing within Tract "B" and fencing around the private open space areas on all of the lots. The master fencing plan shall show the proposed height of the fencing, the type of fencing and the fencing materials.

7. Covenants, Conditions and Restrictions (CC& R's) or maintenance agreements for the planned unit development (PUD) shall be recorded with the final plat that implements the final development plan that provide for the following:
  - a. Creation of a home owners association (HOA);
  - b. The collection and distribution of funds for the maintenance and repair of such elements as, but not limited to, landscaping, irrigation, fences, street signs, public sidewalk in easements on the lots, the private drive including the parking spaces in Tract "C", "No Parking" signs, and any private utilities located within private property;
  - c. Maintenance of all private utilities in open space tracts or in Tract "C" including domestic water, irrigation water, storm drainage and other private utilities as applicable;
  - d. Ownership and maintenance of the private open space tracts including the public sidewalk, wood chip path, picnic tables and any mitigation in Tract "B", and natural resources and any mitigation in Tract "A" including payment of irrigation costs by the HOA or by equivalent mechanism;
  - e. Responsibilities for the maintenance of front and side yard landscaping on the individual lots;
  - f. Authorization for the City to assess the HOA within the Offinga Hollow PUD for any necessary maintenance of landscaping within the public rights-of-way, if not adequately maintained by the HOA. This portion of the CC& R's shall be written to prohibit subsequent revision without consent by the City;
  - g. Prohibition of parking on NW Offinga Court and in Tract "C" except in designated parking spaces;
  - h. A limitation on the maximum building height for any structures within the Offinga Hollow PUD to 30 feet in order to maintain the unobstructed width on NW Offinga Court for fire apparatus vehicles;
  - i. Any parking of vehicles in front of the garages on Lots 1, 2 and 3 which would encroach into or block the public sidewalk in the easement on these lots is prohibited, where the minimum 20-foot setback to the garage portion of the structure is measured from the north edge of the public sidewalk easement;
  - j. Ability of residents to utilize the common open space amenities provided in Tract "B".
8. The CC& R's shall be reviewed and approved by the Planning Director prior to approval of the final development plan.
9. Modifications to the minimum standards of the R-7 Single Family Residential zone for the lots in the PUD shall be as follows:
  - Minimum required lot size of 7,000 square feet reduced to:
    - 6,525 square feet for Lot 1

- 5,259 square feet for Lot 2
  - 5,385 square feet for Lot 3
  - 5,737 square feet for Lot 4
  - 5,281 square feet for Lots 5 and 6
- A reduction in the minimum lot width at the front building line from 60 feet to not less than 50.70 feet only for Lot 4, if the minimum lot sizes listed above for Lot 4 and all of the other lots are provided.
  - A reduction in the minimum front yard setback of 20 feet only for the residence portion of the structure along the NW Offinga Court frontage for Lots 1, 2, 5 and 6, and along the Tract “C” frontage for Lots 3 and 4 to:
    - 15 feet for all lots
  - A reduction in the minimum front yard setback of 20 feet for Lot 6 (a corner lot) along the NW 313<sup>th</sup> Avenue frontage to 10 feet.
10. There shall be no vehicular access from Lots 1 and 6, which are corner lots, either to or from NW 313<sup>th</sup> Avenue. The vehicular access for Lots 1 and 6 shall be taken from NW Offinga Court.
11. The applicant shall select a minimum of 14 architectural design elements from the list below to be applied to the front façade (frontage on NW Offinga Court), side façade (frontage on NW 313<sup>th</sup> Avenue) and rear façade of the future detached single family residential structures on Lots 1 and 6 (corner lots) that shall be shown on the building permits for both structures for review and approval by the Planning Director:
- At least 15% of the area of the façades shall be glazing or entry doors with glazing insets
  - Transparent windows allowing views from the dwelling to the street. Up to 25% of the required area may be met by privacy (translucent) windows, glass blocks or entry doors with translucent glass
  - A covered porch at least 5 feet deep (measured horizontally from the face of the main façade) and at least 6 feet wide
  - A balcony at least 4 feet deep and 8 feet wide, that is accessible from one interior room
  - A bay window at least 6 feet wide, bumped out by at least 2 feet, and extending from the top of the foundation to the top of the main façade wall
  - A recessed building entry at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide
  - A section of the façade, at least 6 feet in width, that is either recessed or bumped out by at least 2 feet from the front wall plane

- An offset on the building face of at least 16 inches from one exterior wall to the other
- A gabled dormer at least 4 feet wide and integrated into the roof form
- Roof line offset of at least 2 feet from the top surface of one roof to the top surface of the other
- Roof eaves that project at least 12 inches from the intersection of the roof and the exterior walls
- Knee- or eave-braces (if appropriate with architectural style)
- Hip or gambrel roof design
- Decorative shingles or varied siding in gables
- Tile or wood shingle roofs
- Wood or fiber-cement horizontal lap siding between 3 and 7 inches wide (the visible portion once installed)
- Brick, cedar or fiber-cement shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade
- Window trim around all windows at least 3 inches wide and 5/8 inches thick
- Window recesses in all street frontage windows, of at least 3 inches as measured horizontally from the face of the façade
- Attached garage width, as measured on the inside of the garage door frame, of 35% or less of the length of the façade facing NW Offinga Court
- Decorative railing systems for balconies and decks (if appropriate with architectural style)
- Decorative eave or barge boards (if appropriate with architectural style)
- Color palette including four colors

Engineering: Contact Alfreda Amyotte, Engineering Analyst, (503) 681-6150:

12. Prior to issuance of building permits for the PUD, the applicant shall dedicate the right-of-way along NW 313<sup>th</sup> Avenue to a width of 27 feet from centerline and construct a half-street improvement along the NW 313<sup>th</sup> Avenue site frontage in accordance with the Hillsboro Design and Construction Standards. The half-street improvement shall widen the street to 16 feet from the centerline to the face of curb and include curb and gutter, a 5-foot planter, 5 foot sidewalk and street lighting.
13. NW Offinga Court shall be dedicated and constructed as a public street. Prior to issuance of building permits for the PUD, the applicant shall dedicate 22 feet right-of-way and construct a full public street improvement in accordance with the Hillsboro Design and Construction Standards. The street improvement shall be 20 feet from face of curb to face of curb and include curb and gutter along both sides of the street. Street lighting shall be provided as necessary and located in an easement to the City of Hillsboro. A 5- foot sidewalk shall be constructed on one



side of the street and contained with a public sidewalk easement. Parking shall be prohibited on the street and parking signs shall be posted accordingly.

14. An 8-foot public utility easement (PUE) shall be provided along the frontage of all public streets unless otherwise approved by the City Engineer.
15. All street lighting shall be PGE Option "C" LEDs and the Public Infrastructure Permit (PIP) submittal with the Public Works Engineering Department shall include a street lighting plan with pole, conduit, junction box, photo cell, and transformer/controller locations as well as photometric analysis in accordance with the Hillsboro Design and Construction Standards.
16. Prior to the issuance of building permits for the PUD, the applicant shall provide storm water treatment and detention per the requirements of Clean Water Services (CWS). If an existing storm water quality facility is to be used to meet said requirements, calculations must be submitted to show that the existing facility has the capacity for the additional storm flows.
17. Prior to the issuance of building permits for the PUD, the applicant shall comply with all conditions within the CWS issued Service Provider Letter.

Fire Prevention Department: Contact Kylie Kelly, Fire Inspector, (503) 615-6632:

18. If the building height for any structures within the PUD exceeds 30 feet, NW Offinga Court shall have an unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height per Oregon Fire Code (OFC) Section D105.2 Width.
19. The applicant shall provide a turning template with the public infrastructure plans showing the access to NW Offinga Court from NW 313<sup>th</sup> Avenue meets an inside turning radius of 28' and an outside turning radius of 48' without restriction of parking on NW 313<sup>th</sup> Avenue where appropriate per OFC Section 105.2.4 Turning Radius, where the required turning radius of a fire apparatus access road shall be determined by the fire code official.
20. As shown on the preliminary development plan, NW Offinga Court has a right-of-way width of 22 feet and a paved width of 20 feet. In order to provide an unobstructed width for fire access roads of not less than 20 feet, exclusive of shoulders per OFC Section 503.2.1 Dimensions, all buildings within the PUD cannot exceed 30 feet in height.

Section 3. The City Planning Director is hereby instructed to cause the official zoning map, a portion of the Community Development Code, to be amended to include the zone change set forth in Section 1 hereof.

Section 4. Pursuant to Community Development Code, Section 12.70.140, preliminary approval of the Planned Unit Development overlay zone will expire two years from

the date of approval of this Ordinance, unless the final development plan has been approved or unless the preliminary approval is extended or modified per Section 12.70.150 of the Community Development Code.

Section 5. Except as herein amended, Community Development Code Ordinance No. 6094, shall remain in full force and effect.

First approval of the Council on this 16<sup>th</sup> day of September, 2014.

Second approval and adoption by the Council on this 7<sup>th</sup> day of October, 2014.

Approved by the Mayor on this 7<sup>th</sup> day of October, 2014.

  
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Jerry Willey, Mayor

ATTEST:   
Amber Ames, City Recorder

EXHIBIT A  
Findings

The City Council incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria set forth in these Findings which were initially adopted by the Planning Commission on August 27, 2014, as Exhibit B to Order No. 8122:

Zoning Ordinance No. 1945, Section 127.III, specifies the standards and criteria for approval of a preliminary development plan for a proposed planned unit development (PUD). Planning staff has provided analysis based on the application materials deemed complete on June 4, 2014 and department and agency comments received, and based on the testimony received from the July 23, 2014 public hearing, the August 13, 2014 continued hearing, and revised plans received from the applicant in response to the testimony received on July 23, 2014 and August 13, 2014.

*A. The use (or uses) proposed is (are) consistent with the goals and policies of the Hillsboro Comprehensive Plan.*

The applicant has listed comprehensive plan goal and policies from Section 3. Housing on pages 18-19 of the application narrative, that the applicant believes the proposed preliminary development plan for a six-lot detached single family residential planned unit development is consistent with. Staff notes that some of the policies listed (e.g. Policies A, B, D, D, N, T and U) are policies that the City implements not residential developers. The applicant is proposing detached single family residential development that provides a type of housing unit that is listed in Policy B and an outright permitted use in the R-7 Single Family Residential zone.

Staff concurs with the applicant's response to Policy C, except that no architectural designs have been provided for the future detached single family residences in the proposed PUD, so the appearance of the future residences and construction quality for those residences cannot be assessed through the PUD review.

Policy E listed by the applicant states that: "In order to promote home ownership and to increase efficient land use, developments with lots less than 7,000 square feet shall be allowed when specifically authorized by the Zoning Ordinance. Because of the social and aesthetic impact of poorly designed residential development increases with density, such developments shall be of a quality and design which effectively offsets increases in density and/or smaller lots and through provisions of usable open space as well as other amenities." Staff notes that the applicant is providing usable open space in Tract "B", but staff has concerns regarding the setback adjustments and lot layout and finds that it is difficult to assess the quality and design for the future residences that will be located on the proposed detached single family lots as the Planning Commission is not conducting architectural review because less than 8 lots are proposed.

The applicant is not proposing low income or senior housing so Policies F and K listed by the applicant are not applicable to the proposed PUD.

*B. The tract or tracts of land included in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or authorized agents of the property involved.*

The applicant owns both of the parcels that make up the subject site for the proposed PUD. This standard is met.

C. *(Deleted by Ord. No. 5269/5-03)*

D. *Any proposed development subject to the PUD process within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the Washington County Clean Water Service's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas, shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3, Standard Design Requirements for Storm and Surface Water of the CWS's Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems.*

The Engineering Department has reviewed the proposed preliminary development plan for compliance with Clean Water Services' (CWS) design and construction standards for sanitary sewer, storm and surface water management. The Engineering Department proposes a condition of approval that requires the applicant to provide storm water treatment and detention per CWS requirements and if an existing storm water quality facility (as proposed by the applicant) is to be used to meet said requirements that calculations shall be submitted to show that the existing facility has the capacity for additional storm flows.

E. *The allowable residential density shall be established for the subject property, using the net residential acreage as defined in Section 3. Allowable residential density for projects located within or partially within the SNRO District shall be calculated pursuant to Section 131A (14) and (15).*

*An increase in density above the maximum density allowed in the implementing zone of the underlying Comprehensive Plan designation may be proposed and can be permitted. The applicant must mitigate increased density, and the level of mitigation shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be offset through provision of usable open space and amenities, innovative site design, architectural variety, and quality of construction and demonstrate that any adverse impacts can be mitigated.*

*Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E) (5), in a proposed PUD containing Significant Natural Resource Sites, as shown on the SNRO District Map, the allowable densities shall be reduced within the Significant Natural Resources Overlay District, and may be transferred from the Significant Natural Resources Overlay District to the remainder of the site, as specified in Section 131A. Density reductions and transfers may be allowed in the Tualatin Basin regional Goal 5 Program's Habitat Benefit Areas that are not within the Significant Natural Resource Overlay District.*

The applicant's response to this standard can be found on page 21 of the application narrative and the applicant's density calculations are shown on Sheet 1 of the application plan set. The applicant only provides a calculation of the maximum residential density not the minimum residential density.

The definition of net residential acre per Section 3 of the Zoning Ordinance requires that “undeveloped land” is subtracted from the gross acreage as follows:

1. Required for dedications of public and private rights-of-way and access easements, and for internal streets required for fire access;
2. Required for storm water treatment and detention facilities;
3. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;
4. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;
5. Delineated wetlands and Vegetated Corridors as required by Clean Water Services; and
6. Any land with slopes of twenty-five percent (25%) or greater or within the most current mapped 100-year floodplain (as referenced in Section 131 of the Hillsboro Zoning Ordinance), unless used for building or parking purposes.

Based on information provided in the application materials, below is the calculation of “net residential acre” for the subject site and the minimum and maximum residential densities:

Gross site area:	63,376 square feet
Right-of-way dedications:	1,505 square feet (right-of-way dedication along the NW 313 <sup>th</sup> Avenue site frontage) <u>5,945 square feet</u> (right-of-way dedication for NW Offinga Court) 7,450 square feet (total right-of-way dedication)
Natural Open Space:	<u>15,672 square feet</u> (contained in Tract “A” including the delineated wetlands (Significant Natural Resource) and Vegetated Corridor (VC) and the 100-year floodplain.
Usable Open Space:	<u>3,169 square feet</u>
Stormwater Tract:	<u>0 square feet</u> (the applicant is proposing a storm line that passes through Tract “B” (an open space tract) and connects to an off-site storm water quality facility that is located in Tract “B” for the Camp Ireland Park PUD). The area occupied by the storm water line (easement within Tract “B”) has already been accounted for with the subtraction for required usable open space.

The net residential acreage calculation should be as follows:

Gross site area:	63,376 square feet
Right-of-way dedication:	7,450 square feet
Stormwater facility:	0 square feet
Usable open space:	3,169 square feet
Delineated wetlands, VC, slopes greater than 25% and 100-year floodplain:	<u>15,672 square feet</u>
Net acreage =	37,085 square feet (0.85 acres)

Minimum residential density = 4 dwelling units (5 dwelling units per net acre x 0.85 net acres = 4.26 dwelling units)

Maximum residential density = 5 dwelling units (6.25 dwelling units per net acre x 0.85 net acres = 5.31 dwelling units)

The applicant is requesting an exception to the usable open space requirement as can be requested per Section 127.III.K.4. Staff notes that the request for this exception means that the required usable open space would not be subtracted from the gross site acreage to arrive at the net acreage to calculate the minimum and maximum residential densities for the subject site.

The recalculation of the minimum and maximum densities with the usable open space added back to arrive at the net residential acreage for the subject site is as follows:

Net acreage from previous calculation =	37,085 square feet (0.85 acres)
Plus usable open space	= <u>3,169 square feet</u>
Revised net acreage	40,254 square feet (0.92 acres)

Minimum residential density = 5 dwelling units (5 dwelling units per net acre x 0.92 net acres = 4.62 dwelling units)

Maximum residential density = 6 dwelling units (6.25 dwelling units per net acre x 0.92 net acres = 5.78 dwelling units)

If this exception is granted by the Planning Commission, then the applicant is proposing the maximum residential density without needing to request an exception per Section 127.III.K.5. If the Planning Commission does not grant this exception, then the required usable open space would need to be subtracted from the gross acreage to arrive at the net residential acreage and the applicant would either have to provide only five lots or would have to request the exception via the PUD process to allow an increase from the maximum density for the R-7 zone.

*F. Building and parking area setbacks, minimum lot area, lot coverage and building height must conform to the requirements of the zone underlying a majority of the PUD unless a deviation is proposed, considered and approved as a part of the application process. Any such deviation must be justified by the applicant by addressing the exceptions criteria of subsection (K) below. Deviations to lot areas and building setbacks which would reduce such dimensions below the minimum of any applicable mandatory variation range of the zone shall not be allowed, although increases in numbers of lots or structures with reduced dimensions may be allowed. Such deviation shall only be approved if the Planning Commission finds that the proposal conforms to the exceptions criteria of subsection (K) below. Lotting patterns, setbacks, and architectural design shall conform to the intent of the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VII.*

The applicant's response to this standard can be found on page 22 of the application narrative.

As indicated by the underlined sections of this exception, deviations to lot areas and building setbacks below the minimum of any applicable mandatory variation range of the zone shall not be allowed, although increases in numbers of lots or structures with reduced dimensions may be allowed, and lotting patterns and setbacks shall conform to the intent of the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VII.

If the applicant proposed a six-lot subdivision, the subdivision would not be subject to the Development Standards and Design Guidelines as they are only applicable to subdivisions of eight lots or more. However, because the applicant is requesting exceptions to the minimum lot area and building setbacks for the R-7 zone then per this section, the deviations to lot areas and building setbacks which would reduce such dimensions below the minimum of any applicable mandatory variation range (e.g. per the Development Standards and Design Guidelines (DSDG)) shall not be allowed.

The requested exceptions shall conform to the intent of DSDG which means that reductions in the lot area below 75% of the average lot area of the R-7 zone would not be allowed, and reductions in the front yard setbacks below 75% of the required front yard setback for the R-7 zone would not be allowed, the front yard setback of the garage portion of the structure shall not be reduced below 19 feet, and side yard setbacks may be reduced to allow load-bearing architectural projections such as, but not limited to bay windows, oriel windows and alcoves, but any reductions have to meet the standards contained in this standard. Also, in order for reductions in setbacks to be granted, adequate angles of repose are maintained for public and private utilities.

The applicant requested a reduction in the minimum required lot area of 7,000 square feet for the R-7 zone for Lots 1-2 and Lots 4-6. A reduction of 75% to the minimum lot area of 7,000 square feet yields a minimum lot area of 5,250 square feet. The proposed lot areas for Lots 4-6 are 5,056 square feet, 5006 square feet and 5004 square feet, respectively, and these lots areas are less than 5,250 square feet which means that the applicant shall make adjustments to the lotting pattern in order to increase the square footage for Lots 4-6 or remove a lot in order to provide lots that meet the 5,250 square foot lot area requirement. The Planning Commission may allow increases in the number of compact lots with reduced lot area beyond the 30% variation per this lot dimension variation standard. If the 30% variation was applied to the proposed six lot planned unit development, then only 2 lots would be required to be varied. The applicant is proposed that five lots have areas less than 7,000 square feet.

At the July 23, 2014 public hearing, the Planning Commission indicated to the applicant that it would not approve a reduction in the minimum lot area below 5,250 square feet and that the applicant could either make adjustments to the preliminary plat to increase the lot area for Lots 4-6 so that they meet the 5,250 square foot minimum lot area, or remove a lot in order to provide lots that meet this minimum lot area requirement. The applicant submitted a revised preliminary plat that adjusted the lot area for all of the lots so that none of them are less than 5,250 square feet in area. The requested exception to provide lot areas that are less than the 7,000 square foot minimum lot area for the R-7 zone has changed to request reduced lot areas for all of the lots with lot areas ranging from 5,259 square feet to 6,540 square feet in area, as follows:

Lot size:

- Minimum required lot size of 7,000 square feet reduced to:
  - 6,540 square feet for Lot 1
  - 5,259 square feet for Lot 2
  - 5,798 square feet for Lot 3
  - 5,470 square feet for Lot 4
  - 5,281 square feet for Lots 5 and 6

At the August 13, 2014 continued public hearing, the Planning Commission indicated to the applicant that the preliminary plat needed revision in order to add off-street overflow parking. The applicant submitted a revised preliminary plat to the Commission at its August 27<sup>th</sup> meeting which shows the addition of four parking spaces located in the former turnaround portion of NW Offinga Court. The length of NW Offinga Court was reduced and the turnaround portion including the parking was changed to a private drive located in a new Tract "C". These revisions necessitated some changes to the lot area for Lots 1, 3 and 4, as follows:

Lot size:

- Minimum required lot size of 7,000 square feet reduced to:
  - 6,525 square feet for Lot 1
  - 5,259 square feet for Lot 2
  - 5,385 square feet for Lot 3
  - 5,737 square feet for Lot 4
  - 5,281 square feet for Lots 5 and 6

A reduction in the minimum lot width at the front building line of 60 feet per the R-7 zone is also being requested for all of the lots. Per Section B.1.b of the DSDG, the widths of such "narrow lots" shall not be reduced below 75% of the minimum lot width. A reduction of 75% of the minimum lot width would equal 45 feet. This standard would be applied to at least 30% of the lots which would equal two lots. The Planning Commission may allow increases in the number of "narrow lots" beyond the 30% variation per this lot dimension variation standard.

The revisions made to the preliminary plat after the July 23<sup>rd</sup> meeting as previously described changed the proposed minimum lot width reductions, where reductions are necessary for Lot 2 and Lots 4-6, to the following widths:

- Minimum lot width at front building line of 60 feet reduced to:
  - 57.50 feet for Lot 2
  - 54 feet for Lot 4
  - 52 feet for Lots 5 and 6

The revisions made to the preliminary plat after the August 13<sup>th</sup> meeting as described above also changed the proposed minimum lot width reductions, where reductions are necessary for Lots 2-6, to the following widths:

- Minimum lot width at front building line of 60 feet reduced to:
  - 57.50 feet for Lot 2
  - 59 feet for Lot 3
  - 50.70 feet for Lot 4
  - 52 feet for Lots 5 and 6

The applicant also requested exceptions to the minimum front yard setback of 20 feet for the R-7 zone to 15 feet for all lots (including the two corner lots – Lots 1 and 6), a reduction in one of the street side setbacks for Lots 1 and 6 to 8 feet from the required minimum of 20 feet, a reduction in the minimum setback of 20 feet to the garage doors to 19 feet for all lots, and reductions in the side yard setbacks for Lots 2, 3, 4 and 5 to a minimum of 5 feet where the sum of the two side yards would equal 10 feet (the applicant did not indicate that the requested reductions in the side yard setbacks were to accommodate load-bearing architectural projections).



At the July 23, 2014 public hearing, the Planning Commission indicated to the applicant that the applicant did not demonstrate that it was necessary to reduce all of the setbacks as requested by the applicant in order to provide well-designed single family houses, and that the Commission felt that the applicant was requesting too many exceptions to the standards of the R-7 zone. The Commission asked the applicant if they could reduce the amount of exceptions to the minimum setbacks for the R-7 zone and the applicant indicated that they would reduce the number of exceptions and provide a revised preliminary plat with less setback exceptions.

Section C.1 of the DSDG specifies that at least 40% of the lots for the residence portion of the structure shall have front yard setbacks less than the specified distance in the applicable zone and that the reduced setback shall not be reduced below 75% of the specified setback. The minimum front yard setback for the R-7 zone is 20 feet, so the front yard setback cannot be reduced below 15 feet. The applicant proposes reduced front yard setbacks for all of the lots whereby the Planning Commission may allow increases in the number of lots with reduced front yard setbacks beyond the 40% variation requirement.

The applicant submitted a revised preliminary plat for review by the Planning Commission at its August 13<sup>th</sup> meeting and the applicant retained its request to reduce the minimum front yard setback of 20 feet for the R-7 zone to 15 feet for the residence portion of all structures on all lots along the NW Offinga Court frontage.

Lot 4 is an irregular shaped lot along its frontage on NW Offinga Court (e.g. front lot line). It has a straight portion of the front lot line starting at the northeast corner then it curves at the northwest corner to the south and has a small straight section before the end of the hammerhead. The reduced front yard setback of 15 feet to the residence portion of the structure would be measured from the front property line 15 feet from the straight portion and 15 feet from the curved portion (creating a parallel curve), then after the end of Lot 4's frontage on the hammerhead, the west side yard setback would be applied (see revised preliminary plat).

The revisions made to the preliminary plat after the August 13<sup>th</sup> meeting as previously described also caused revisions to the application of the applicant's request to reduce the minimum front yard setback from 20 feet to 15 feet as follows:

- 15 feet for the residence portion of the structure along the frontage of Lots 1, 2, 5 and 6 on NW Offinga Court and along the frontages of Lots 3 and 4 on Tract "C"

On the revised preliminary plat submitted to the Planning Commission to review at its August 13<sup>th</sup> meeting, the applicant requested a reduction in the front yard setback for Lot 6 (a corner lot) to 10 feet along the NW 313<sup>th</sup> Avenue frontage. The applicant is providing the minimum 20-foot front yard setback along the NW 313<sup>th</sup> Avenue frontage for Lot 1 (a corner lot). In the revised preliminary plat submitted after the August 13<sup>th</sup> meeting, this request has not changed.

Section C.1 of the DSDG specifies that the front yard setback for the garage portion of the structure shall not be reduced below 19 feet. The applicant is requesting a reduction in the front yard setback from 20 feet to 19 feet for the garage portion of the structure therefore this request meets this standard and may be granted by the Planning Commission.

The revised preliminary plat submitted to the Commission at its August 13<sup>th</sup> meeting, shows that the applicant is providing the minimum front yard setback of 20 feet for the garage portion of the residential structures for all lots and is not requesting this exception.

Section C.2 of the DSDG specifies that side yard setbacks in all zones may be reduced to allow load-bearing architectural projections as described on the previous page. Such projections may extend up to four feet into the required setback, provided that there is a minimum three-foot setback is provided from the projection to the property line, architectural projections on adjacent structures are not aligned opposite one another, and the length of the architectural projection is not more than 25% of the length of the wall from which it projects.

As mentioned previously, the applicant did not indicate if they are requesting the reduction in the side yard setbacks for Lots 2, 3, 4 and 5 to a minimum of 5 feet where the sum of the two side yards would equal 10 feet in order to accommodate architectural projections on the future detached single family residential structures, or if their request is to maximize the building envelope. Clarification is needed from the applicant regarding the reason that they are requesting this reduction in the side yard setbacks for these lots.

At the July 23, 2014 public hearing, the applicant indicated that it was requesting reduced side yard setbacks because the lots were small and that they wanted to maximize the building area. The Planning Commission indicated to the applicant that it agreed with staff's finding that if architectural projections were not going to be provided as per this standard that this request for reduced side yard setbacks could not be granted. The Commission also stated that they did not see why the side yard setbacks could not be met and still accommodate a variety of different housing types on these lots.

As shown on the revised preliminary plat submitted to the Commission at its August 13<sup>th</sup> meeting, the applicant is providing the minimum side yard setback of 5 feet where the sum of the two side yards equals a minimum of 13 feet and is not requesting this exception.

*G. Parking shall be provided at a minimum ratio of 2.5 spaces per dwelling unit and as specified in Section 84 for other types of uses. The number of spaces may be reduced to 2 spaces per dwelling unit if the PUD is wholly served with a fully improved public street system including on-street parking on at least one side. Further reductions in the amount of parking to be provided may be proposed by the applicant but shall be approved only if they meet the exceptions criteria of Subsection (K) below. Lotting patterns, setbacks, and architectural design shall conform to the intent or the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VII.*

The applicant's response to this standard can be found on page 22 of the application narrative. The proposed public street – NW Offinga Court is not a fully improved public street with on-street parking on at least one side, it is a reduced width public street, with the public sidewalk accommodated in an easement on the lots on at least one side of the street, with no on-street parking, so a minimum ratio of 2.5 spaces per dwelling unit shall be provided for the proposed PUD.

The applicant proposes 4 off-street parking spaces, two which would be accommodated within a two-car garage and the other two which can park in front of the garage for all of the lots therefore it would appear that this standard would be met by the applicant. However, the applicant is also asking for a reduction in the front yard setback to the garage portion of the future residential structure for all lots and staff notes that Lots 1-3 are also accommodating a 5-foot wide curb-tight public sidewalk in an easement on these lots.

In practice, future residents would not be parking their vehicles with the front bumper pressed up against the garage doors and would probably about 1.5 feet or 2 feet from the garage doors possibly more, which would leave 15 feet to park the vehicles, of which 5 feet consists of public sidewalk where the vehicles cannot block the public sidewalk leaving only 10 feet or less to park a vehicle. Therefore, it is highly unlikely that the applicant can provide a minimum ratio of 2.5 spaces per dwelling unit as specified in this standard.

As shown on the revised preliminary plat submitted to the Commission for review at its August 13<sup>th</sup> meeting, the applicant is providing the minimum 20-foot setback to the garage portion of the residential structure. The minimum 20-foot setback would be measured from the north edge of the public sidewalk easement to the garage to ensure that vehicles can park in front of the garage without encroaching into or blocking the public sidewalk. It appears that the applicant could provide the minimum ratio of 2.5 spaces per dwelling unit for the proposed PUD.

The Planning Commission at its August 13<sup>th</sup> meeting expressed concerns that there was not adequate off-street parking provided in the proposed PUD and even though there are on-street parking spaces available along the NW 313<sup>th</sup> Avenue frontage of the development for overflow or guest parking, the Commission felt that some off-street overflow or guest parking needed to be provided in the PUD. The Commission directed the applicant to revise the preliminary plat to add some off-street overflow parking. The applicant has added four parking spaces located in the former turnaround portion of NW Offinga Court. The length of NW Offinga Court was reduced and the turnaround portion including the parking was changed to a private drive located in a new Tract "C".

H. *Residential PUDs in all non-light rail zones shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:*

Project Gross Acreage	Required Usable Open Space
1.01 to 5.0	5.0%
5.01 to 15.0	7.5%
15.01 to 25.0	10.0%
25.01 to 50.0	12.5%
Over 50.0	15.0%

1. *Maintenance of private open space and other PUD facilities, such as private streets, shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.*

2. *Usable open space in residential PUDs shall be sited and improved to provide active recreational and “third place” amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and “third place” use.*
3. *Usable open space in residential PUDs may include passive recreational areas only where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:*
  - a) *Public accessways and covered viewing areas are provided;*
  - b) *Only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.*
  - c) *The entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and*
  - d) *The visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.*

The applicant’s response these usable open space standards can be found on page 23 of the application narrative. The applicant is requesting an exception to provision of usable open space per Section 127.III.K.4, so this standard would not be applicable unless the exception is not granted by the Planning Commission.

- I. *Connectivity.* *Planning Unit Developments shall provide vehicular, bicycle and pedestrian connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers and other neighborhood facilities in the following manner:*
  1. *In PUDs that are 5 acres or more in size, full street connections with spacing of no more than 530 feet between these connections shall be provided except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction or required different street connection standards.*
  2. *Within PUDs in which full street connections are not possible, bicycle and pedestrian connection on public easements or rights-of-way shall be provided with spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction.*

3. *In PUDs, opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas shall be considered in addition to addressing street connectivity recommendations shown on the Local Street Connectivity Maps contained within the City's Transportation System Plan.*
4. *The use of cul-de-sac designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, freeways, pre-existing development or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent full street extensions. When permitted, cul-de-sacs shall have a maximum length of 200 feet and shall serve no more than 25 dwelling units.*
5. *Narrow street designs for local streets may be permitted with city engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths.*
6. *Where site conditions are favorable to stormwater infiltration "green streets" designs may be utilized. In these cases, deviation from the street standards contained in Transportation Implementation Measure O and shown on the adopted street cross-sections may be permitted by the City. Permissible design elements and facilities include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center, and minimizing the negative effects of stream crossings.*

The applicant's response to these criteria can be found on pages 23 and 24 of the application narrative. The first two criteria are not applicable to the proposed PUD as it is less than 5 acres in size. The Local Street Connectivity Maps contained within the City's Transportation System Plan do not show any extensions of local streets in the vicinity of the subject site. The SNRO District implements the City's Goal 5 Significant Natural Resource protection requirements and would prevent full street extensions on the subject site.

On the originally submitted preliminary plat reviewed by the Planning Commission at its July 23, 2014 meeting, the length of the proposed cul-de-sac public street was approximately 200 feet or less as measured from its intersection with NW 313<sup>th</sup> Avenue to the end of the hammerhead and will serve no more than 6 dwelling units and this criterion had been met. The revised preliminary plat submitted to the Commission for consideration at its August 27<sup>th</sup> meeting has reduced the length of NW Offinga Court to approximately 128.76 feet and changed the former turnaround for NW Offinga Court to a private drive contained in Tract "C". This criterion is still met by the revised preliminary plat.

The applicant has requested a narrow public street design as may be permitted by the Public Works Design and Construction Standards. The proposed right-of-way for the narrow public street is 22 feet with the proposed street improvement being 20 feet as measured from face of curb to face of curb. Public sidewalks are required on at least one side of the street and would be contained within a public sidewalk easement on lots. Parking is prohibited on this narrow public

street. The Engineering Department is providing a condition that specifies the requirements that shall be met in order to provide a narrow street design for NW Offinga Court.

Fire Prevention indicates if the building height exceeds 30 feet (the maximum building height for the R-7 zone is 35 feet or two and a half stories whichever is less) that the width of NW Offinga Court shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of a building more than 30 feet in height in order to accommodate aerial fire apparatus vehicles. Therefore if NW Offinga Court has an unobstructed width of 22 feet, then the future buildings on all lots would need to be limited to a maximum height of 30 feet.

The applicant is not proposing a “green street” therefore this criterion is not applicable.

*K. Exceptions.*

*1. Building Setback or Yard Requirements. The Planning Commission may grant an exception to the dimensional building setback or yard requirements of the applicable standards based on findings that the approval will result in the following:*

*a. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.*

*b. At least one of the following:*

*(1) A more efficient use of the site;*

*(2) The preservation of natural features or Habitat Benefit Areas which have been incorporated into the overall design of the project;*

*(3) Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

*In the instance where adjoining properties to the Planned Unit Development are zoned residential, all structures within the PUD shall be set back from adjoining properties to the minimum setback or yard required of the underlying zone.* *In addition, the length of a driveway in front of a garage or carport shall not be less than 17 feet when the driveway is intended to be used as parking and not greater than four feet when the driveway is not intended to be used for parking.*

The applicant’s response to this exception for building setbacks and yard requirements for the R-7 zone can be found on pages 24 and 25 of the application narrative. The applicant must meet these exception criteria in addition to the requirements of Section 127.III.F for the exceptions to the building setback and yard requirements. The adjoining properties to the proposed PUD are zoned residential therefore per the underlined portion of this exception, all structures at the perimeter of the subject site on both the north and south side of the site shall be set back to the minimum setback or yard required by the R-7 zone. The setbacks as shown for the proposed lotting pattern for the PUD meet the minimum required setback or yard required by the R-7 zone. If the lot orientation is changed for Lots 5 and 6 as described in the Key Issues section of the staff report, then the setback would need to be a minimum of 5 feet for Lot 6 (a corner lot) and a minimum of 20 feet for Lot 5 (an interior lot).

On the revised preliminary plat submitted to the Planning Commission at its August 13<sup>th</sup> meeting, the applicant is showing a 20-foot setback from the perimeter property lines for all lots and is providing private open space on all lots within this 20-foot setback area.

2. *Building Height. The Planning Commission may grant an exception to the applicable height requirements for a specified and defined area within the PUD, based on findings that:*
  - a. *The transportation system can accommodate increased traffic resulting from additional height; and*
  - b. *Adequate public utilities are available to serve the additional structural height; and*
  - c. *The proposal complies with the Federal Aviation Administration's Aviation Regulations (FAR) Part 77; and*
  - d. *Solar access is maintained to existing solar energy devices on adjacent property.*

The applicant is not requesting this exception for an increase of the building height for future residential structures on the proposed detached single family residential lots.

3. *Parking. The Planning Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements of the applicable standard based on findings that the approval will result in one of the following:*
  - a. *An exception which is not greater than ten percent of the required parking.*
  - b. *At least one of the following:*
    - (1) *A proposed use which is designed for a specific purpose, is intended to be permanent in nature (for example, a nursing home), and has a low demand for off-street parking;*
    - (2) *An opportunity for sharing of parking including written evidence that the property owners will enter into a binding legal agreement;*
    - (3) *Public transportation is available to the site.*

The applicant is not requesting an exception to the off-street parking requirements.

4. *Open Space. The Planning Commission may grant an exception to the Open Space requirements of this Section upon a finding that:*
  - a. *The development is within ¼ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park; or*
  - b. *a minimum of 800 square feet of private open space per lot or dwelling unit is provided for at least 65 percent of the lots or dwelling units in the development. To apply toward this exception, such private individual open space must be configured in contiguous side or rear yards with minimum depths or widths of 10 feet. Second story decks or roof gardens may also apply toward the 800 square foot standard, provided that the decks or gardens are at least 120 contiguous square feet in area.*

The applicant's response to this exception to the open space requirements can be found on page 26 of the application narrative. The applicant proposed adding a minimum of 800 square feet of private open space per lot for at least 65 percent of the lots, where in order to meet this exception, a minimum of 800 square feet of private open space would need to be provided on four lots. The applicant proposes that the private open space be provided on Lots 1-4 (see Sheet 3 of the application plan set). The amount of private open space to be provided is: 1,180 square feet for Lot 1 (20' deep x 59' wide), 1,120 square feet for Lot 2 (20' deep x 56' wide), 1,160 square feet for Lot 3 (20' deep x 83' wide) and 1,100 square feet for Lot 4 (20' deep x 55' wide). This exception may be granted by the Planning Commission as the proposed private open space meets the standard contained in 4.b.

As mentioned in the finding for Section 127.III.E, if this exception is granted by the Planning Commission, it means that the required usable open space would not be subtracted from the gross site acreage to arrive at the net acreage to calculate the minimum and maximum residential densities for the subject site, which would result in six dwelling units instead of a maximum of five dwelling units for the subject site.

Staff notes that the applicant is proposing to provide some additional open space beyond that provided on Lots 1-4 in Tract "B". Tract "B" contains the outer 25 feet of the Wetland Impact Area that lies beyond CWS' Vegetated Corridor (wetland buffer) which is wholly contained in Tract "A". Within this portion of the Impact Area, required mitigation for the encroachment in the Impact Area will be accommodated. The proposed wood chip trail is an outright permitted use in the Impact Area.

As shown on the revised preliminary plat submitted to the Commission at its August 13<sup>th</sup> meeting, the applicant increased the amount of private open space to provide private open space on all lots. The amount of private open space to be provided is: 1,430 square feet for Lot 1 (20' deep x 71.50' wide), 1,150 square feet for Lot 2 (20' deep x 57.50' wide), 1,270 square feet for Lot 3 (20' deep x 63.52' wide), 1,100 square feet for Lot 4 (20' deep x 55' wide) and 1,040 square feet for Lots 5 and 6 (20' deep x 52' wide).

The revised preliminary plat submitted to the Commission at its August 27<sup>th</sup> meeting changed the amount of private open space being provided on all lots as follows: 1,429 square feet for Lot 1 (20' deep x 71.46' wide), 1,150 square feet for Lot 2 (20' deep x 57.50' wide), 1,193 square feet for Lot 3 (20' deep x 59.67' wide), 1,064 square feet for Lot 4 (20' deep x 50.70' wide – irregular shape) and 1,040 square feet for Lots 5 and 6 (20' deep x 52' wide).

5. *Density. The Planning Commission may grant an exception to allow an increase from the maximum density of the underlying zone, up to a maximum of 120 percent of the underlying density, upon finding that:*
  - a. *Existing and proposed streets and pedestrian / bicycle systems within and connecting to the development are adequate to support the proposed density;*
  - b. *Existing and proposed water, sanitary sewer and storm drainage facilities within and connecting to the development are adequate to support the proposed density;*
  - c. *The increase does not necessitate unnecessary topographic alterations or impact significant natural resource areas, including impact areas;*



- d. *The development will provide usable open space and other amenities of exceptional quality or quantity, especially active recreational areas;*
- e. *The additional density will be located internal to the project in a manner which decreases the visual impact on adjacent properties; and*
- f. *The development demonstrates innovative site design, outstanding architectural variety, and quality of construction.*
- g. *The development demonstrates a high level of compliance with habitat friendly, low impact development practices as listed in Zoning Ordinance Section 131B.*
- h. *The development demonstrates a high level of compliance with recognized practices for sustainable development, including but not limited to the following: lot and structure orientation for passive and/or active solar energy use; covenants ensuring maintenance of future solar access; use of wind turbines or wind collectors for power generation or passive ventilation; provision of community greenhouses, gardens, or orchards; use of water conserving landscaping; use of storm water harvesting or diversion for irrigation; enhanced tree plantings; and use of green roofs.*

The applicant is not requesting this exception to allow an increase from the maximum density of the R-7 zone. As mentioned previously in the finding for Section 127.III.E, if the exception is granted to the provision of usable open space requirement per Section 127.III.K.4, it means that the required usable open space would not be subtracted from the gross site acreage to arrive at the net acreage to calculate the minimum and maximum residential densities for the subject site, which would result in six dwelling units (the maximum residential density) instead of a maximum density of five dwelling units for the subject site if the exception is not granted, as the required usable open space would have to be subtracted from the gross site acreage to determine the net acreage. The applicant could either reduce the number of lots to five lots or request an increase to the maximum density per this section.

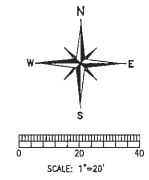
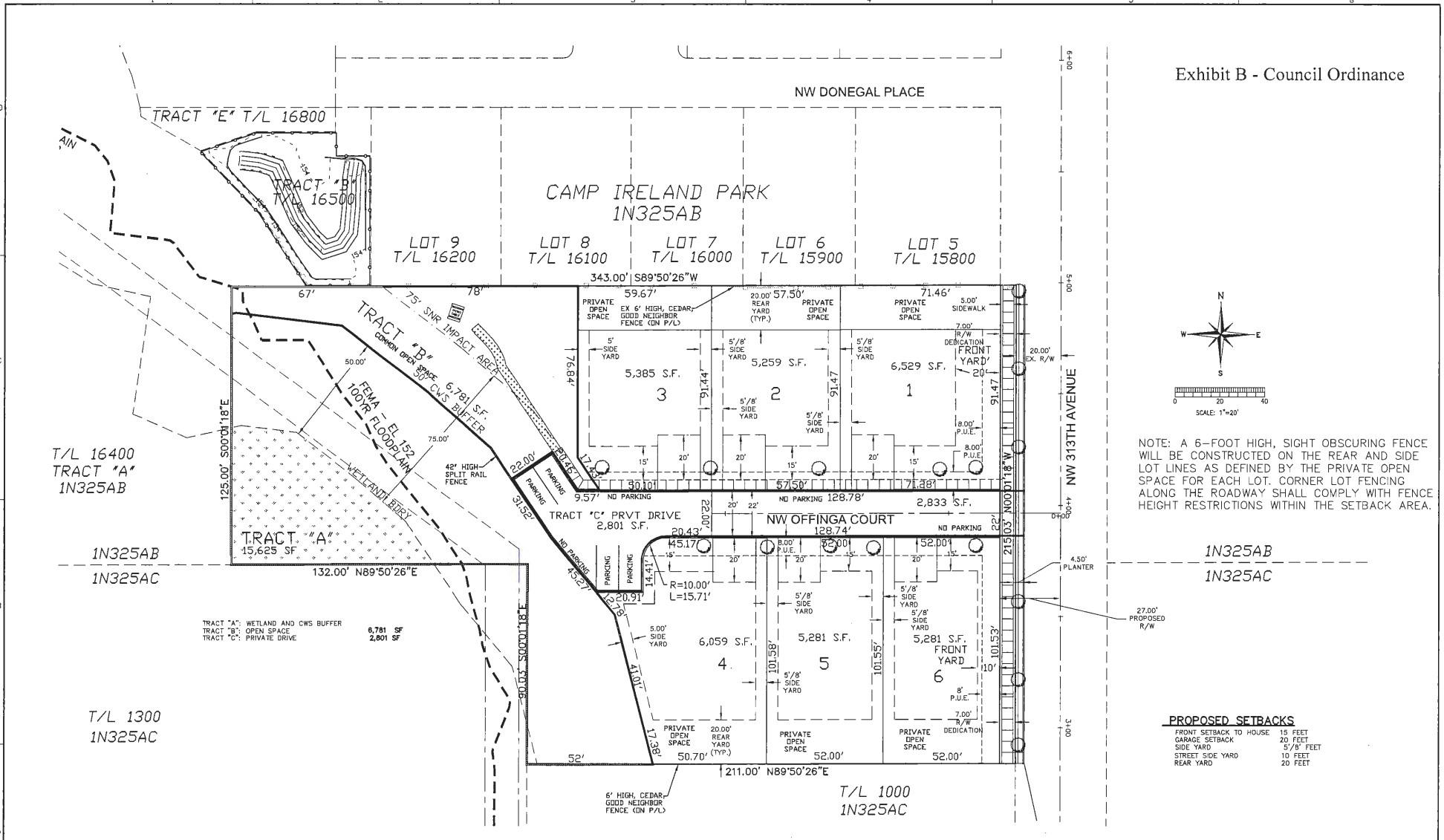
*L. Significant Natural Resource Sites.*

*Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E), applications for proposed PUD's containing Significant Natural Resource (SNR) Sites, as shown on a the Significant Natural Resources Overlay District Map, shall specifically address preservation of natural vegetation and wildlife habitat within the SNR Site. Applications for PUD's in the SNRO District shall be subject to the provisions in Section 131B. Preservation of Habitat Benefit Areas not within the SNRO District shall be addressed.*

The applicant's response to this standard can be found on pages 27 and 28 of the application narrative. This standard requires that the applicant specifically address the preservation of natural vegetation and wildlife habitat within the SNR site. The SNR site on the subject site consists of wetlands. The applicant proposes placing the wetlands, CWS Vegetated Corridor (wetland buffer) and associated floodplain in Tract "A", which would be a natural open space tract.

Placement of the wetlands within Tract "A" would protect natural wetland vegetation and preserve the wildlife habitat function that the wetlands provide. CWS requires enhancement of the degraded wetland buffer so additional native vegetation will be planted within the 50-foot wide wetland buffer, where the net effect of this required enhancement would be to create riparian upland wildlife habitat resource which would restore this type of resource that is typically associated with wetlands that are connected to streams like McKay Creek where the wetlands on the subject site are connected to off-site wetlands that are directly connected to McKay Creek. This standard would be met by the applicant with recordation of Tract "A" as a natural open space tract where future development would not be permitted.

Exhibit B - Council Ordinance



NOTE: A 6-FOOT HIGH, SIGHT OBSCURING FENCE WILL BE CONSTRUCTED ON THE REAR AND SIDE LOT LINES AS DEFINED BY THE PRIVATE OPEN SPACE FOR EACH LOT. CORNER LOT FENCING ALONG THE ROADWAY SHALL COMPLY WITH FENCE HEIGHT RESTRICTIONS WITHIN THE SETBACK AREA.

**PROPOSED SETBACKS**

FRONT SETBACK TO HOUSE	15 FEET
GARAGE SETBACK	20 FEET
SIDE YARD	5/8' FEET
STREET SIDE YARD	10 FEET
REAR YARD	20 FEET

REV.	DESCRIPTION	APPR.	DATE

REVISIONS	REFERENCE INFORMATION

**BILL OFFINGA**  
 11778 NW SHEARER HILL ROAD  
 FOREST GROVE, OREGON 97116



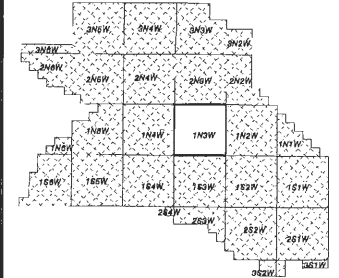
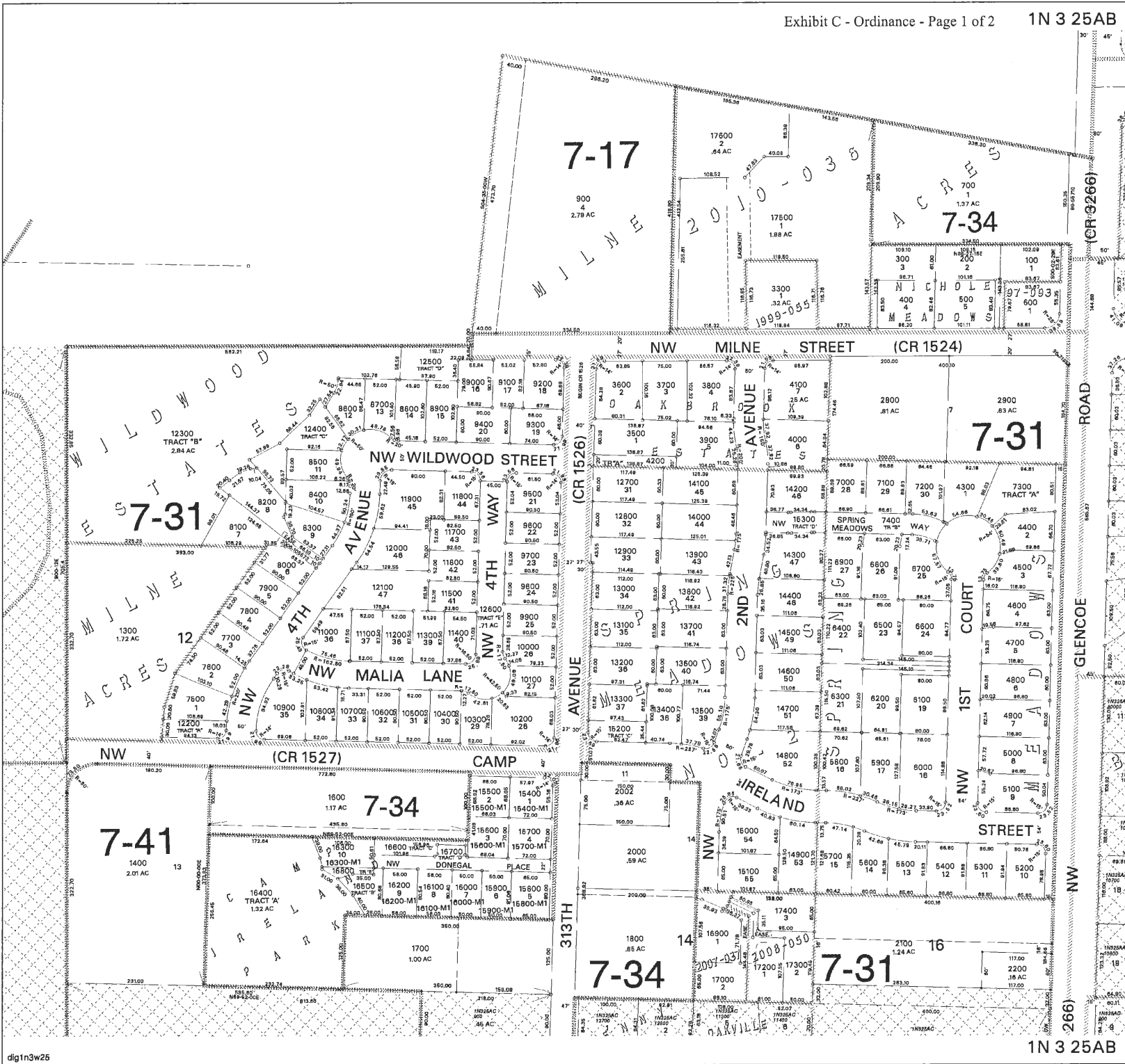
DESIGN	LSL
DRAFTED	DEB
CHECKED	LSL
DATE	07/28/14

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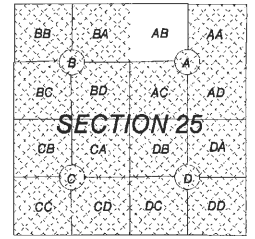
SCALE AS SHOWN  
 DRAWING NAME  
 SHEET **3**  
 OF 9



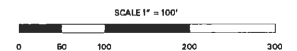
WASHINGTON COUNTY OREGON  
 NW 1/4 NE 1/4 SECTION 25 T1N R3W W.M.  
 SCALE 1" = 100'

36	37	32	33	34	35	36	37
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	28	28	27	26	25	30
36	37	32	33	34	35	36	37
1	6	5	4	3	2	1	6

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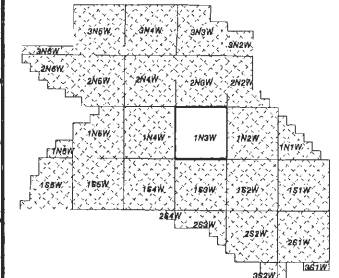
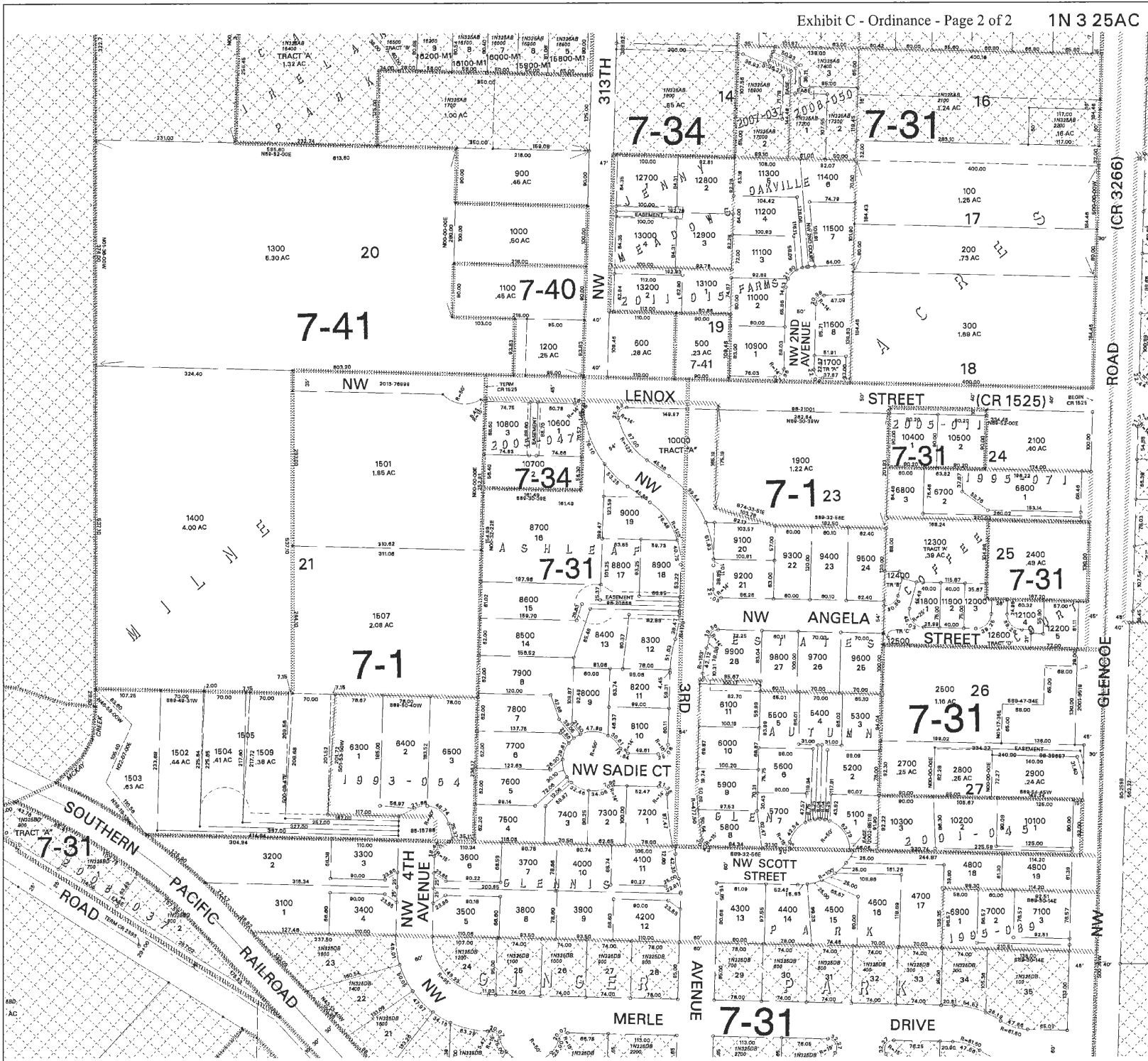
Cancelled Taxlots For: 1N325AB  
 800,2001,2600,2300,2400,2500,3000,1000,1100,1200,1301,  
 2700,3100,3200,1800,1500,17100,3400,



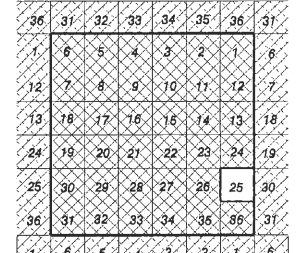
**WASHINGTON COUNTY**  
**ASSESSMENT**  
**CARTOGRAPHY**  
**TAXATION**

PLOT DATE: June 07, 2013  
 FOR ASSESSMENT PURPOSES  
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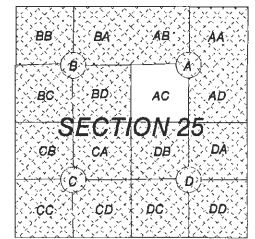
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



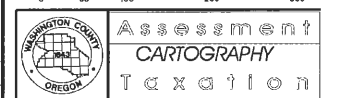
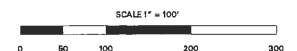
WASHINGTON COUNTY OREGON  
SW1/4 NE1/4 SECTION 25 T1N R3W W.M.  
SCALE 1" = 100'



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Cancelled Taxlots For: 1N325AC  
1506, 1508, 1528, 2200, 5000, 1700, 1701, 6200, 1901, 9001, 9101,  
2600, 3000, 2000, 1600, 400, 2300, 600, 700, 1500.



PLOT DATE: January 15, 2014  
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