



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: August 03, 2015

Jurisdiction: City of Hillsboro

Local file no.: PUD-004-14

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/31/2015. 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 35 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

<b>FOR DLCD USE</b>	
File No.:	005-15 {23654}
Received: 7/31/2015	

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-004-14**

Date of adoption: 7/21/15

Date sent: 7/31/2015

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): 3/4/15

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): Genny Bond, Senior Planner

Phone: 503-681-6246

E-mail: [genny.bond@hillsboro-oregon.gov](mailto:genny.bond@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 SFR-7	to PUD SFR-7	Acres: 19
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: 19          Acres removed:

Location of affected property (T, R, Sec., TL and address): 4176 SE Ash Street, 1S204DC00100, 1S204DC00200

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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 DLCD 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.



July 31, 2015

TO: Plan Amendment Specialist  
State of Oregon Department of Land Conservation and Development

FROM: Lisa Califf, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption  
Hillsboro Case File No. Planned Unit Development 004-14

I, Lisa Califf, submitted on this date, July 31, 2015, the DLCD Form 2 and attached Ordinance No. 6133 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on July 21, 2015.

If you have any questions regarding this transmittal, please contact me at 503-681-5257. Should you have any questions in regards to the amendments, please contact Genny Bond at 503-681-6246.



July 23, 2015

**TO: Interested Parties**

**FROM: Planning Department**

**RE: NOTICE OF DECISION – City Council – Planned Unit Development  
Case File No. Planned Unit Development 004-14: Overlook Subdivision**

This letter is to inform you of the decision of the City Council concerning a request to approve the Planned Unit Development overlay zone for a 21-lot single family residential development. The property can be specifically identified as Tax Lots 100 and 200 on Washington County Assessor's Tax Map 1S2-04DC. On July 21, 2015, the City Council adopted Ordinance No. 6133 affirming the recommendation of the Planning Commission to approve the Planned Unit Development overlay zone to the existing SFR-7 Single Family Residential zone.

Ordinance No. 6133 will be effective as of August 20, 2015; a copy is attached for your information.

Pursuant to ORS 197.620, persons who participated either orally or in writing in the Planning Commission or City Council proceedings may appeal the decision by filing a notice of intent to appeal the City Council's approval of this Ordinance with the State Land Use Board of Appeals within 21 days of the mailing date of this decision, which is August 13, 2015, and by complying with all other applicable provisions in ORS 197.830 to 197.845.

If you have any questions, please call the Planning Department at (503) 681-6179 or John Boren at (503) 681-5292.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink that reads 'Daniel L. Dias'.

Daniel L. Dias  
Development Services Manager

Attachment: Ordinance No. 6133

cc: File

**ORDINANCE NO. 6133**

**PLANNED UNIT DEVELOPMENT 004-14: OVERLOOK SUBDIVISION**

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 FOR A 21-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON A TRACT OF LAND APPROXIMATELY 19.56 ACRES IN SIZE.

WHEREAS, the owners of a certain tract of land described below, have filed a written application with the City of Hillsboro for approval of a Planned Unit Development (PUD) overlay to the existing SFR-7 Single Family Residential zone; and

WHEREAS, having received and considered the materials and testimony submitted, the Planning Commission held a public hearing on April 14, May 13, and June 17, 2015, and received testimony in favor of, neutral to, and in opposition to the application; and

WHEREAS, based on the testimony and material received, the Planning Commission at its June 17, 2015, meeting approved Order No. 8150 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 B and the site plan attached hereto as Exhibit C; and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting of July 7, 2015, 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.

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

Section 1. The following described tract of land is hereby rezoned with the addition of a Planned Unit Development overlay zone, as described in Planning Department Case File No. Planned Unit Development 004-14:

Tax Lots 100 and 200 on Washington County Assessor's Tax Map 1S2-04DC, on record as of as of September 21, 2004; a copy of which is attached as Exhibit D and thereby made a part of this Order.

Section 2. Approval of the Planned Unit Development overlay zone is conditioned upon satisfaction of the conditions of approval contained in Exhibit A to this ordinance.

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.

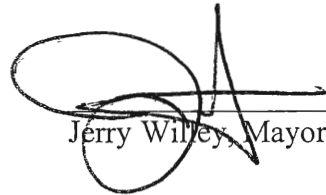
Section 5. Except as herein amended, Community Development Code Ordinance No. 6094, shall remain in full force and effect.

Section 6. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 7<sup>th</sup> day of July 2015.

Second approval and adoption by the Council on this 21<sup>st</sup> day of July 2015.

Approved by the Mayor on this 21<sup>st</sup> day of July 2015.

  
Jerry Willey, Mayor

ATTEST:

  
Amber Ames, City Recorder

EXHIBIT A  
(Conditions)

City of Hillsboro Planning Department: (Contact Genny Bond, Senior Planner (503) 681-6246):

1. Development and construction on the site shall conform substantially to the preliminary development plans and conditions approved by the Planning Commission and City Council, as contained in Case File No. Planned Unit Development 004-14.
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. The written narrative shall discuss 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 any site disturbance, applicant/developer shall request a site inspection by the Planning Department to confirm the following:
  - a. Significant Natural Resource and Impact Area boundaries shall be surveyed, staked and demarcated with standard orange construction fencing or equivalent by a Qualified Natural Resources Professional prior to any construction, demolition, grading, or site clearing. NOTE: During construction there shall be no stockpiling of fill materials, parking, or storage of construction equipment within this area.
  - b. Protective measures and erosion control measures shall be in place and shall comply with the City's adopted erosion control standards. These measures shall remain in place until the final site inspection is completed.
5. Prior to any tree removal on the site, an action plan shall be prepared by a biologist which addresses tree removal and directives for the contractor in the event that active raptor nests are found in a tree that is to be removed. The action plan shall include direction that trees be inspected by a biologist for active raptor nests prior to removal. If an occupied raptor nest is discovered, the action plan shall be followed to assure unauthorized take of eggs, chicks, or adult birds does not occur pursuant to the Migratory Bird Treaty Act of 1918, as amended (MBTA). Action plan shall be submitted to the Planning Director for approval prior to any tree removal on the site.
6. A licensed arborist shall be present on site at all times during site clearing, grading, and construction of infrastructure, unless otherwise approved by the Planning Director.
7. Prior to building permit submittal for the first home in the subdivision:



- a. The Final Subdivision plat shall be recorded with Washington County; and
  - b. A Building Permit Authorization Form shall be approved by the Building, Planning, Public Works, and Water Departments.
  - c. Should the applicant request approval for any building permit prior to recording of the subdivision plat, then prior to submittal of building permit application the applicant shall request a meeting with the Building, Planning, Public Works, and Water Departments to determine minimum requirements for said permit.
8. Prior to plat recordation, applicant shall submit a Final Plat application for the subdivision in accordance with Hillsboro Subdivision Ordinance Article III:
- a. Final plat application fee (according to the adopted fee schedule in effect on the date of submittal).
  - b. Completed final plat application form.
  - c. Final plat prepared by a licensed surveyor or engineer.
  - d. Written narrative addressing compliance with the preliminary plat approval and adopted conditions of approval.
  - e. All supplemental documents required by the adopted conditions of approval.
9. Revisions necessary to comply with Condition 42: Fire Department requirements for emergency access including turning radius for Lot 7, to be contained within the lot for which the emergency access is required (if applicable).
10. Prior to approval of the final plat, a master fencing plan shall be provided to the Planning Department for review and approval by the Planning Director. The fencing plan shall include four-foot black nylon-coated cyclone fencing for Tracts A, B, C, and D, where they border on the subdivision lots, and around the perimeter of the water quality facility in Tract D, with informational signage to identify the purpose of each tract. The master fencing plan shall show the proposed height of the fencing, the type of fencing, and the fencing materials. There shall also be a fencing height maximum of three and a half feet along the frontages of lots 20 and 21.
11. Prior to approval of the final plat, applicant shall submit to the Planning Director draft restrictive covenants, Covenants, Conditions and Restrictions (CC& R's), or other legal instrument(s) to be recorded and referenced with the Overlook subdivision. Said document(s) shall specify ownership, maintenance responsibilities, use rights, and restrictions for each tract and easement. Said document(s) shall be subject to approval by the Planning Director prior to recording. Said document(s) shall be recorded prior to or concurrent with the final subdivision plat and referenced on the final recorded plat. Language in said document(s) shall at a minimum include the following provisions:

- a. Tracts A, B, and C shall be identified for significant natural resource habitat protection. Tract B may also be identified for public pedestrian access via the identified pathway. Uses and activities within Tracts A, B, and C shall be restricted to those permitted under the provisions of Hillsboro Zoning Ordinance Section 131A(9), including:
  - i. The types, sizes, and intensities of lights must be placed so that they do not shine directly into Tracts A, B, and C.
  - ii. Plantings within Tracts A, B, and C shall only include species on the Native Plant List.
  - iii. Plantings within Tracts A, B, and C shall not include species which are identified on the Nuisance Plant List.
  - iv. No herbicides or pesticides shall be used in Tracts A, B, or C except as applied by a licensed applicator in accordance with a pesticide management plan for control of nuisance plants as identified in the Nuisance Plant List or to eradicate pests or diseases affecting Native Vegetation.
  - v. A boundary fence of four-foot black nylon-coated cyclone fence shall be provided and maintained between the significant natural resource habitat area within Tracts A, B, and C, and the adjacent subdivision lots.
- b. Tract B as shown on the preliminary plat shall be encumbered with a public pedestrian access easement along the indicated pathway.
- c. Tract D as shown on the preliminary plat shall be identified for storm water management and significant natural resource habitat protection. Uses and activities shall be restricted to those permitted under the provisions of Hillsboro Zoning Ordinance Section 131A(9).
- d. For Lots 7, and 11-16, provisions shall specify at a minimum:
  - i. These lots are within or partially within the 100-year floodplain associated with Rock Creek.
  - ii. Topographic alterations or placement of permanent structures within the 100-year floodplain shall require prior review by the City of Hillsboro, through a Floodplain Activity Permit if applicable.
  - iii. Uses or structures within the 100-year floodplain shall be in accordance with the Hillsboro Community Development Code.

- iv. Residential structures on lots containing floodplain shall be designed and constructed in accordance with the standards of Hillsboro Zoning Ordinance Section 131(7).
  - e. There shall be no encroachment within any tract without receiving prior approval from the City of Hillsboro.
  - f. 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 subdivision lots, and the pedestrian pathway within Tract B.
  - g. Maintenance of all private utilities in open space tracts including domestic water, irrigation water, storm drainage and other private utilities as applicable.
  - h. Ownership and maintenance of Tracts A, B, C, and D, including the pedestrian path, and any mitigation including payment of irrigation costs. Tracts shall be owned and maintained by the homeowners' association or its successors or assigns.
  - i. For lots 20 and 21, a provision which stipulates that there shall be a fencing height maximum limit of three and a half feet long the frontages with "A" Street.
12. Prior to issuance of the first Certificate of Occupancy for any of the single-family residences in the Overlook planned unit development:
- a. The developer shall install the mitigation plantings in Tracts A, B, C, and D, in accordance with the final approved mitigation plan approved via Case File No. Significant Natural Resource Permit 009-14 Overlook. Upon completion of installation of the mitigation plantings, the applicant shall contact Genny Bond, Hillsboro Planning Department at (503) 681-6246 or [genny.bond@hillsboro-oregon.gov](mailto:genny.bond@hillsboro-oregon.gov) to schedule a site inspection to confirm the mitigation plantings are consistent with the final approved mitigation plan.
  - b. The developer shall construct the pedestrian path in Tract B.
13. The following deviations to the SFR-7 zone standards shall apply to this Planned Unit Development:
- o Setback deviations (all setbacks are to property line unless otherwise noted):
    - Front yard setback to building wall, measured from public sidewalk easement or to property line if no sidewalk easement is present:

<u>Lot#</u>	<u>Front Setback</u>	<u>Lot#</u>	<u>Front Setback</u>
1	10'	12	10'
2	13'	13	13'
3	19'	14	19'

4	10'	15	13'
5	13'	16	13'
6	19'	17	10'
7	19'	18	10'
8	19'	19	13'
9	19'	20	19'
10	19'	21	13'
11	19'		

- Front yard setback to garage door: 19 feet to public sidewalk easement or to property line if no sidewalk easement is present
- Side yard setback: 5 feet
- Rear yard setback: 15 feet
- Max. lot coverage: 50%

14. The addresses for this project will be issued after the plat is recorded and the Building Permit Authorization Form has been completed and signed by the respective departments. The applicant shall contact Rockne Stites, Database Coordinator, (503) 681-6151 for address details.

15. Note: Within two years after the date preliminary approval is given, the owner shall prepare and file with the Planning Director an application for Final Approval for the subdivision plat. (HZO 127.V.A.) Substantial modifications made to the approved Preliminary Plan will require a public hearing before the Planning Commission. (HZO 127.V.C) If no substantial construction has occurred within two years from the date of approval of the subdivision Final Plat application, the Planning Director shall determine, or may schedule a public hearing before the Commission to determine the question of whether continuation of approval, in whole or in part, is in the public interest. (HZO 127.VI.A)

City of Hillsboro Public Works Department: (Contact Ryan Wells, Development Services Coordinator, (503) 681-6484:

16. Prior to approval of the final plat, applicant shall dedicate additional right-of-way to a distance of 27 feet from centerline on the south side of the existing public right-of-way of SE Ash Street, limited to the west of A Street. Applicant shall also dedicate an 8-foot-wide public utility easement adjacent to the public right-of-way frontage on SE Ash Street, limited to the west of A Street.

17. Prior to approval of construction plans, plans shall show off-site improvements to Ash Street. Improvements shall include rebuilding and widening of the existing street section from SE 40<sup>th</sup> Avenue to the proposed plat boundary. Reconstructed pavement shall be 24 feet in width and constructed per the City's 40-year pavement design standard. Provisions shall be made to address drainage from the improved roadway.

18. Prior to approval of the final plat, applicant shall dedicate 28 feet of right-of-way for "A" Street with a 13.5 foot wide public utility easement (PUE) adjacent to outer edge of said right-of-way and a 9.5 foot wide sidewalk easement also adjacent to the outer edge of said right-of-way. A six-foot sidewalk easement shall be located on the inner edge of said right-of-way, limited to the space between the two driveways on lots 20 and 21. A 10 foot wide PUE shall be located on lots 20 and 21, the location of which shall be subject to the approval of the City Engineer; this PUE on the inner edge of the right-of-way may be reduced to eight feet wide if the PUE does not intersect with the sidewalk easement.
19. Prior to approval of construction plans, plans shall include construction of "A" Street to a width of 27 feet between the curb faces (parking on one side only) with the back of curb located at the right-of-way boundary. A 4.5 foot landscape strip and five foot wide sidewalk shall be constructed on the outer edge of the right-of-way and within a sidewalk easement from the north side of Lot 1 to the north side of Lot 19; a six-foot curb tight sidewalk shall be constructed within a sidewalk easement from the north side of Lot 19 to the northwest terminus of street improvements (as depicted on Sheet P13 of the applicant plan set, dated May 21, 2015). A six foot wide sidewalk and ADA-compliant crossing shall be constructed between the two driveways for lots 20 and 21 and shall connect to the outer edge of the right-of-way on "A" Street; the remainder of the frontage of lots 20 and 21 shall consist of a curb only (as depicted in Exhibit A of the revised applicant plan set, dated June 9, 2015). Franchise utilities located within the PUE shall have all junction boxes or risers located outside of and adjacent to the back of sidewalk. Street lighting (Option "C" LED) shall be located within sidewalks. Sidewalks adjacent to any subdivision tract shall be constructed prior to the final acceptance of the public street improvements. The homeowner's association shall be responsible for maintenance of all sidewalks adjacent to said tracts. Street trees shall be planted outside of the PUE with root barriers. The paved width of "A" street may be reduced to eliminate parking between station 5+50 and the plat boundary.
20. Prior to approval of construction plans, plans shall show turning templates for emergency vehicles verifying that said vehicles can negotiate the proposed corners. Additional "No Parking" signage may be required and shall be shown on the plans.
21. Prior to approval of construction plans, the applicant shall submit an engineered design for any retaining wall greater than 4 feet in height.
22. Prior to approval of construction plans, the plans shall show any existing wells, septic tanks, and drain fields on site to be abandoned in accordance with applicable Washington County and State regulations.
23. Prior to approval of construction plans, plans shall clearly delineate all wetland, buffers, and 100 year floodplain. Permits may be required by DSL and Army Corps of Engineers and shall be referenced on the plans when required. Plans shall show planting and mitigation per the requirements of the Clean Water Services (CWS) Service Provider Letter.
24. Prior to approval of construction plans, plans shall show construction of a publicly maintained storm water quality facility in accordance with CWS standards. The facility shall be fenced. Said facility shall be contained within a tract owned by the homeowners

association with a storm water easement over the facility allowing the City access for maintenance. The fence shall be placed along the easement boundary. The homeowner's association shall be responsible for the maintenance of the tract outside of the fence. The City will be responsible for maintenance of the fence and the area within the fence.

25. Prior to approval of construction plans, the outfall from the storm water quality facility shall be designed to prevent erosion between the facility and the toe of slope where the storm water will disperse. The facility itself shall be designed in such a way to prevent erosion within the facility and may require a geotechnical design and recommendations to provide stability for the side slopes and ensure that storm water will stay within the designed channel. The facility shall be constructed with a high-flow bypass.
26. Prior to approval of construction plans, applicant shall obtain approval from CWS for connecting to their sanitary sewer trunk line at the location shown on the plans. The site geotechnical report shall also address the stability of the trench going down the steep slope and into the floodplain.
27. Prior to approval of construction plans, plans shall show any existing utilities and easements on site.

City of Hillsboro Water Department (Contact Dan Meeuwsen, Engineering Coordinator, (503) 615-6731, [dan.meeuwsen@hillsboro-oregon.gov](mailto:dan.meeuwsen@hillsboro-oregon.gov)):

28. On new subdivisions which include public waterline extension, the contractor shall install meter services 2" and smaller per Water Department standards.
29. Water Department does not review fire hydrant locations. Contact Hillsboro Fire Department (503) 615-6632. (Any changes to hydrant locations or a new fire service connection will require a second review of the water system by the Water Department.)
30. Landscape irrigation meter requires an approved backflow device.
31. Public Waterline Extension required prior to service availability from COH Water. Call for specific details.
32. Backflow device required on domestic water service unless certification is furnished that water well has been decommissioned.
33. Backflow device required if there is a residential fire service connection. Contact Hillsboro Fire Department to verify if fire service will be required
34. Wet tap of existing water main shall be done by a City-approved contractor.
35. Water mains shall be located in the street six feet from the south and east curb faces.
36. Provide three (3) valves at mainline trees and four (4) valves at mainline crosses. Specify type.
37. Blow-off assembly is required at the end of a public water line.

38. All on-site water lines shall be private.

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

39. The number of homes on a single access exceeds 30, which requires two separate and approved fire access roads. In lieu of two separate fire access roads, Hillsboro Fire Department will accept residential fire sprinklers in all of the new homes. Residential sprinkler systems shall be multipurpose piping sprinkler systems as defined by NFPA 13D to prevent the disabling of the system. The access alternate shall be recorded on each individual property deed per OAR 918-480-0120.
40. Where the street width is less than 26 feet, parking shall be restricted on both sides of the street. Where the street width is less than 32 feet, but greater than 26 feet, parking shall be restricted on one side of the street.
41. Fire department access shall be provided within 150 feet of all portions of any building constructed, as measured by an approved route around the exterior of the building.
42. All easements for fire apparatus access shall be recorded on the plat as an emergency access easement.
43. The average spacing between fire hydrants shall not exceed 500 feet. The distance between the hydrant at Lot 17/18 and the existing hydrant on Ash St is approximately 950 feet.
44. Placement of street trees shall not obstruct fire department access, including inside turning radius of 28 feet and outside turning radius of 48 feet.
45. Private access roads for fire department access shall be designed and maintained to support the imposed load for fire apparatus weighing 75,000 lbs. and shall be surfaced with an all-weather driving surface.

EXHIBIT B  
(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 include those initially adopted by the Planning Commission on June 17, 2015, within Exhibit B to Order No. 8150. The application for Case File No. Planned Unit Development 004-14: Overlook was originally submitted on August 26, 2014. The submittal date was prior to the September 4, 2014 effective date of the Community Development Code, thus the application is subject to review under the standards of the Hillsboro Zoning Ordinance No. 1945 (HZO) and Subdivision Ordinance No. 2808 (HSO). HZO Section 127.III, specifies the standards and criteria for approval of a preliminary development plan for a proposed Planned Unit Development (PUD). These findings are based on the Overlook application materials deemed complete on February 20, 2015, with additional information and revised plans dated May 27, 2015, and on department and agency comments received. It is noted that this application is related to Case File No. Significant Natural Resource Permit 009-14, for an alteration within the natural resource area for the proposed Planned Unit Development. Case File No. Floodplain Activity 001-14 was a third related application for alteration of the floodplain on the site, but was withdrawn by the applicant upon submittal of the revised development plan and materials dated May 27, 2015.

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

The applicant has addressed comprehensive plan goals and policies from Section 2. Urbanization, Section 3. Housing, and Section 6. Natural Resources, Open Space, Scenic and Historical Sites, on pages 63-68 of the application written narrative. Section 2 and certain policies of Section 3 are implemented by the City through its establishment of the city limits and comprehensive plan designations. Some of the policies within Section 3 can be reviewed specific to this proposed Planned Unit Development.

Section 3 (III) Policies: subsections C and D call for the City to apply development standards and design guidelines to new development. The applicant has provided example building elevations demonstrating compliance with the development standards and design guidelines of the HSO.

Subsection D also calls for a variety of housing types. The bulk of the site is designated as FP Flood Plain, but the entire site is zoned SFR-7 Single Family Residential. The zone allows single-family detached dwellings, which is what the applicant proposes. The application includes building elevations and floor plans for the project showing one- and two-story options.

Subsection E allows developments to create lots smaller than the minimum required by the zone, provided the development demonstrates high quality design, and provides usable open space. The development standards and design guidelines of the HSO require lot size variation to as small as 75% of the minimum lot size required by the zone. The applicant proposes lot sizes ranging from 5,242 square feet, which calculates to 75% of the zone's required minimum 7,000 square foot lot size. The largest lot proposed is 15,799 square feet. The proposal demonstrates compliance with the lot size variation standards of the HSO development standards and design guidelines.



Subsection M speaks to preservation of open space and trees where possible. The applicant proposes preservation of the site's west, south, and east perimeters as open space, including a public pedestrian pathway through a portion. According to the tree inventory submitted with the application, the site has 1058 trees measuring 8" or larger diameter at breast height (dbh). The majority of the trees will be preserved, within Tracts A, B, and C. The applicant states that 75% of the site will be preserved as open space and natural resource preservation area. This provision is met.

Subsection Y specifies that residential land must develop within the density range designated by the Comprehensive Plan. In this case, the bulk of the site has the FP Flood Plain Comprehensive Plan designation. The plan identifies no specific zone or density range for this designation. The applicant has provided information to show the project will have one lot more than the maximum density for the SFR-7 zone, and thus the applicant requests an exception to the maximum density standard pursuant to the provisions of HZO Section 127.III.E and K. Based on the applicant's information provided for that HZO provision, the density requirements are met with the exception allowed under the Planned Unit Development standards.

Section 6(III) Policies: Section (B), subsections (1)-(3) call for preservation of the 100-year floodplain as much as possible for open space, fish and wildlife habitat, urban buffers, etc., but with the allowance that "in order to provide for efficient urban development within the urban growth boundary, minor areas of cut and fill...may be necessary within the floodplain. Such cut and fill activity and structures shall be regulated so as to minimize the land area affected and to prevent significant deterioration of the floodplain resource." The applicant's original proposal included cut/fill and construction of homes within the floodplain. However, the applicant subsequently revised the plan, and the plan submitted by the applicant on May 27, 2015, reflects no alterations or construction within the floodplain other than the stormwater facility. The stormwater facility is permitted outright in the floodplain, pursuant to HZO Section 131(5)(e).

The applicant has demonstrated compliance with the goals and policies of the Comprehensive Plan.

*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.*

This is a joint application of the owners of both subject parcels. 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 Public Works Department has reviewed the proposed preliminary development plan and the submitted stormwater report for compliance with Clean Water Services' (CWS) design and construction standards for sewer, storm and surface water management. The Public Works Department has proposed conditions of approval requiring the applicant to provide final details confirming conformance with CWS standards prior to approval of final construction plans.

*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 the revised narrative submitted on May 27, 2015.

The definition of net residential acre per Section 3(74) of the HZO requires that the following land areas are considered "undeveloped land" and are to be subtracted from the gross acreage:

- 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.*

The application as originally submitted proposed 23 lots, and included areas of the existing 100-year floodplain as net acreage because the proposal involved fill within the floodplain and also construction of dwellings within the floodplain. The applicant's revised plan reduces the number of proposed lots to 21, and no longer proposes any alteration or construction within the floodplain. Based on information provided in the revised application materials, below is the calculation of "net residential acre" for the subject site and the minimum and maximum residential densities:

Gross site area:	851,969 square feet
Right-of-way dedications:	31,093 square feet
(Includes Alley Tract D, required to be dedicated as public right-of-way)	
Tract B:	97,864 square feet
CWS Vegetated Corridor (Tracts A and C):	552,092 square feet
25% Slopes or greater:	8,754 square feet
100-year floodplain:	8,152 square feet
Stormwater Tract (Tract D):	13,187 square feet
Public sidewalk easements:	4,797 square feet
Total "undeveloped land:"	715,939 square feet

Total net developable area:

851,969 square feet – 715,939 square feet = 136,030 square feet, or 3.12 acres

Based on the above net acreage figures from Sheet P03, the required density for the site based on the SFR-7 zone standards is:

Min. density: 5 du/net acre x 3.12 acres = 15.6 du

Max. density: 6.25 du/net acre x 3.12 acres = 19.5 du

The City's pattern and practice has been to round density figures to the nearest whole number. Thus the required density range for the site is a minimum of 16 and a maximum of 20 dwelling units.

Pursuant to HZO Sections 127.III.E and K., the applicant requests one additional dwelling unit above the maximum density allowed for the site. The Commission finds that the applicant has demonstrated that the increased density will be mitigated by the site design, which preserves an extensive amount of open space, and which will be usable through provision of a public pathway and seating areas for wildlife viewing, and which may also in the future become part of the Rock Creek trail system. In addition, the Commission finds that the preliminary architectural plans submitted by the applicant illustrate variety and quality of construction. The criteria for additional residential density for the site is met with the revised proposal.

*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 is found on pages 9-10 of the application narrative. In the original application, the applicant requested an exception to the 20-foot minimum front yard setback, to allow 10-foot front yard setbacks for all of the proposed lots. With the revised submittal, the applicant proposes a front yard setback of 19 feet for 9 of the lots, a 13-foot front yard setback for 7 of the lots, and a 10-foot front yard setback for only 5 of the lots. With the revised plan, the applicant requests deviations to the following minimum required setbacks and the maximum lot coverage standards of the SFR-7 zone:

<u>SFR-7 standard</u>	<u>Proposed deviation</u>
(all setbacks measured from property line)	
<ul style="list-style-type: none"> <li>• 20 foot front yard to building wall:</li> </ul>	<p>Lots 1, 4, 12, 17, and 18: 10 foot min., measured from public sidewalk easement or from the public right-of-way line if no sidewalk is present</p> <p>Lots 2, 5, 13, 15, 16, 19, and 21: 13-foot min., measured from public sidewalk easement of from the public right-of-way line if no sidewalk is present</p> <p>Lots 3, 6-11, 14, 20: 19-foot min., measured from public sidewalk easement or from public right-of-way line if no sidewalk is present</p>
<ul style="list-style-type: none"> <li>• 20 foot setback to garage door:</li> </ul>	<p>19 foot min., measured from public sidewalk easement or from the public right-of-way line if no sidewalk is present</p>
<ul style="list-style-type: none"> <li>• 5 foot side yard, but the sum of two side yards = 13 feet:</li> </ul>	<p>5 foot min.</p>
<ul style="list-style-type: none"> <li>• 20 foot rear yard:</li> </ul>	<p>15 foot min.</p>
<ul style="list-style-type: none"> <li>• 45% max. lot coverage:</li> </ul>	<p>50% max.</p>

The proposed front yard setback deviations and lot areas as reflected in the applicant's revised plans would provide the variations which are encouraged by the development standards and design guidelines of the Hillsboro Subdivision Ordinance.

The applicant proposes an internal street system with a reduced right-of-way width, and with sidewalks placed in public access easements outside the right-of-way. (The street system is discussed in subsection I.5, below in this document.) The applicant proposes a sidewalk with planter strip along the outer edge of the street loop, but the applicant proposes no sidewalks within the internal loop, adjacent to Lots 20 and 21 except for a sidewalk and ramp between the driveway to these two lots which connects to the outer sidewalk loop. The City’s Public Works Department has determined that the sidewalk is acceptable along only one side of the street between the west edge of Lot 1 and the street’s intersection with SE 40<sup>th</sup> Avenue is acceptable, and has recommended in their recommended conditions for this project that a sidewalk be provided between the two driveways for Lots 20 and 21 and with a ramp access to the outer loop sidewalk.

The applicant’s justification for the proposed deviations is discussed under subsection K, below in this staff report.

*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 subsection is provided on page 10 of the application narrative. The applicant does not request any deviations to parking requirements. According to the application materials, each lot will provide a minimum of two off-street parking spaces within the garage and two within the driveway, with options to upgrade to three spaces in the garage and/or driveway.

Staff notes that some of the floor plans submitted with the application materials indicate garages for some of the units may have interior spaces compromised by the presence of mechanical equipment. For example, “The Corbin,” “The Carrington,” and “The Talon” have mechanical equipment and protective bollards extending into the garage interior parking spaces. The plans are difficult to scale, but it appears these mechanical units may extend as much as 3 ½ feet into the garage. In some cases, this may result in one of the two garage parking spaces being less than 19 feet deep. This would potentially leave the second parking space at 18 feet or less in depth. HZO Section 86 defines dimensions for off-street parking spaces, and allows that compact parking spaces can be as small as 16 feet deep by eight feet wide. The submitted building plans do indicate garages capable of housing one full size and one compact vehicle each, in addition to two spaces within each driveway. This standard is met.

*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 access ways 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 to the above usable open space standards can be found on pages 10-11 of the application narrative, with revisions as depicted in the materials submitted on May 27. According to the applicant, the gross size of the development site is 851,969 square feet, and the required 10% usable open space calculates to 85,196 square feet. However, due to the very large proportion of natural resource and floodplain area on the site, the applicant requests an exception to the requirement for 10% usable open space, pursuant to subsection 127.III.K.4., which is also addressed below. The project will create Tract B, which is an open space tract along the site's south edge. The applicant proposes to make this a usable open space area for passive recreation through creation of a public pedestrian pathway and seating to provide wildlife viewing. The revised plan increases the size of Tract B, to 97,864 square feet rather than 56,359 square feet as proposed in the original submittal. Tract B is in addition to the Clean Water Services wetland and vegetated corridor areas which are proposed within Tracts A and C, which will be a combined total of 552,092 square feet. It is noted the Hillsboro Parks and Recreation Department has stated interest in possible future inclusion of the site's natural resource areas in the Rock Creek Trail system, for which master planning is in initial stages. The applicant requests an exception to the usable open space requirement due to the amount of area to be set aside as natural resource, and the provision of more than 800 square feet of private open space within the rear yards of more than 70% of the lots (Lots 1, 3-6, 8-16, 20, and 21). With approval of this exception, this standard is met.

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.*

The applicant's response to the requirements of subsection I. are found on pages 11-13 of the application narrative. With regard to subsection 1, street connections to surrounding properties are not possible due to the wetland/floodplain surrounding the site on all sides. The only street connection possible for the site is the connection to SE Ash Street via improvement to the existing driveway, which forms a sort of land bridge to the site, as proposed in the application.

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.*

Subsection I.2: In this case, the site is essentially land-locked by the surrounding wetlands/flood plain. The applicant does propose a public pedestrian/bicycle pathway along the southern edge of the site. The City's Parks and Recreation Department has submitted comments noting that a Trails System Plan and Alignment Plan is in the development stages for the "Rock Creek Trail," and the tentative plans indicate potential trail segments across portions of Tracts A and B. Comments from the Parks Department ask that the applicant consider dedicating a 25-foot wide trail easement over portions of Tracts A and B to the City, should a preferred alignment be identified on these tracts at the conclusion of the Rock Creek Trail Alignment Plan. Since the preferred locations for such easements are not yet known, the Parks Department will need to communicate with the home owners' association regarding the potential for easements as the trail plan is finalized. The applicant's revised plan for "Overlook" includes a public pedestrian path winding through Tract B, although the applicant indicates this is an interim measure, and future coordination with Parks would result in a more extensive public trail connection. This standard is met.

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.*

Subsection I.3: The TSP maps do not identify future streets in this area, although the TSP and the HZO encourage or require street connections where they make sense. In this case, no street connections are possible other than to SE Ash Street, due to the wetlands/flood plain surrounding the site. This standard is met to the extent possible for the site.

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.*

Subsection I.4: The project will create an internal public street loop. No street connections are possible other than the one connection to SE Ash Street. In this case, the surrounding wetlands/floodplain create barriers to street connections. This standard is met.

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.*

Subsection I.5: The applicant has requested a reduced public street design as may be permitted by the Public Works Design and Construction Standards. The proposed streets would meet the structural standards for a Neighborhood Route with 28 feet of paved width, to allow parking on one side only, but with reduced right-of-way width and a planter strip only around the outer edge of the internal street loop. The exceptions proposed by the applicant are to allow the following:

- 30 foot right-of-way width, instead of the 54 foot minimum standard;
- 28-foot pavement width, on-street parking on one side only;
- 5-foot sidewalk on only the outer edge of the internal street loop, within public easements, outside the public right-of-way;
- No sidewalk along the internal edge of the street loop except for between the two driveway approaches, adjacent to Lots 20 and 21;
- Planter strip between curb and sidewalk along the outer edge of the internal street loop;
- For the street segment connecting to SE Ash Street, west of Lot 1:
  - 26 foot right-of-way
  - 24 foot wide street section
  - No on-street parking

On pages 12-13 of the written narrative, the applicant states the reduced street right-of-way is proposed in order to further reduce impacts to onsite significant natural resources. The City Engineer has provided comments which indicate acceptance of the pavement design, but with conditions forwarded by the Public Works Department requiring six-foot sidewalks, including a curb-tight sidewalk along the inside edge of the internal street loop. With compliance with the recommended conditions, this standard will be met.

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.*



Subsection I.6: The applicant does not propose any green streets.

J. *[Not applicable: applies to PUDs within Industrial and Commercial designations.]*

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 effect 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 responses to the Exceptions criteria are found on pages 13-15 of the application narrative. As described in the application and previously in this staff report, the applicant requests exceptions to the setback requirements of the SFR-7 zone. The applicant states the reduced setbacks will allow many of the future homes to be constructed closer to the street, and further from the preserved natural resources surrounding the future lots, which would thereby aiding in the preservation of natural features.

The applicant adds that reduced front yard setbacks will provide homes with a greater street presence, which will enhance the pedestrian experience. The revised plans submitted May 27 would create staggered front yard setbacks, thereby achieving compliance with the development standards and design guidelines of the Hillsboro Subdivision Ordinance. The development site is separated from any surrounding properties by extensive areas of floodplain and wetlands, thus the reduced front, side, and rear setbacks will not result in adverse impacts to surrounding properties and comply with the criterion of subsection a.

With regard to subsection b, the revised proposal does preserve natural features to the extent possible while allowing reasonable development of the site, balanced against the costs of extension of SE Ash Street to serve the buildable area of the site, and the costs of required enhancements to the CWS wetland and vegetated corridor areas, while avoiding alteration of the floodplain. The setback reductions do not affect vehicular or pedestrian safety within the site. The proposal complies with criteria (1), (2), and (3) of subsection b.

This standard is met.

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 any exception to building height standards.

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 states on page 14 that the project will be creating a minimum of 800 square feet of private open space within the yards of more than 70% of the proposed lots, in addition to providing 2.2 acres of open space within Tract B, and 12.7 acres of tracts for natural resource preservation. The project meets criterion 4.b. for exception to the Open Space requirement.

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 requests an exception to allow 21 lots, which is one lot more than would be allowed for the site under the maximum density of the SFR-7 zone. This equates to 105 percent of the underlying maximum density allowed for the site by the zone. The applicant requests the exception based on the amenities of exceptional quality created by the extensive amount of preserved open space, in the form of wetlands and riparian corridor. The development is centered within the center of the site, thereby minimizing visual impacts to surrounding properties. The project will involve off-site extension of SE Ash Street along the existing peninsula of land above the floodplain/wetland area, and will construct driveway approaches for two existing homes within the existing public right-of-way, and therefore will create a street and pedestrian system adequate to support the proposed density. Although the Ash Street extension will have a sidewalk along only one side between the subdivision and SE 40<sup>th</sup> Avenue, the sidewalk will be sufficient for pedestrian access while avoiding additional impacts to the floodplain, wetlands, and riparian areas on either side of the street extension. This standard is met.

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 131A. Preservation of Habitat Benefit Areas not within the SNRO District shall be addressed.*

The application includes a significant natural resource report from Environmental Science & Assessment, LLC (ES&A). In the report, the ES&A biologist provides assessment of the existing natural resource areas on the site, and the project's impacts to the resources. The applicant provides figures on proposed encroachment and proposed mitigation on pages 6-7 of the report.

The site includes upland forested habitat, forested wetland, emergent wetland, and a segment of Rock Creek. The biologist states on pages 3-4 of the report that "the multi-storied plant community provides good habitat for nesting, perching and cover for wildlife. The close proximity of the upland forest to the off-site riparian floodplain corridor along the southern end of the site provides a well-defined wildlife travel corridor and connection to diverse habitat types."

According to the report, the project will encroach on the upland forest in the site's interior, resulting in removal of 92,590 square feet of upland forest area. No permanent encroachment is proposed into the wetland or creek corridor, although temporary encroachment of 14,548 square feet is proposed within the wetland and vegetated corridor area for construction of a sanitary sewer line connection to the existing manhole in the southeastern corner of the site and construction of the extension to SE Ash Street in the northwest corner of the site.

The significant natural resource area is accompanied by a 25-foot wide impact area. The biologist states on page 4 that the impact area is not needed to preserve the existing upland forest and riparian community functions within the resource area. Thus, the applicant proposes encroachment within the entire impact area, thus removing the impact area.

Sheet P05 also shows that trees within Tracts A, B, and C will either be removed or topped, and according to page 5 of the report from ES& A this is because they would pose wind throw hazards to the proposed subdivision lots.

With regard to removal of the impact area, HZO Section 131A(8)b)4 states, "when development within an SNR site cannot be avoided, the proposed development will be located and designed to minimize potential adverse impacts to SNR functions and values..." identified in the City's Goal 5 inventory. In this case, the Goal 5 inventory (updated in 2001) identifies the area in very general terms as having a high rating for wildlife habitat and medium rating for fish habitat. The report from ES&A includes findings that the topped trees, retained as standing snags, will provide habitat sources for a variety of wildlife, and downed trees will be retained in the natural area as woody debris. The biologist states on page 8 of the ES&A report that the impact area provides "little to no buffering function to the remaining SNR on site" and that "with the proposed SNR mitigation and tree preservation plan, it is not deemed necessary to provide for additional protective Impact Area overlay along the interior of the site."

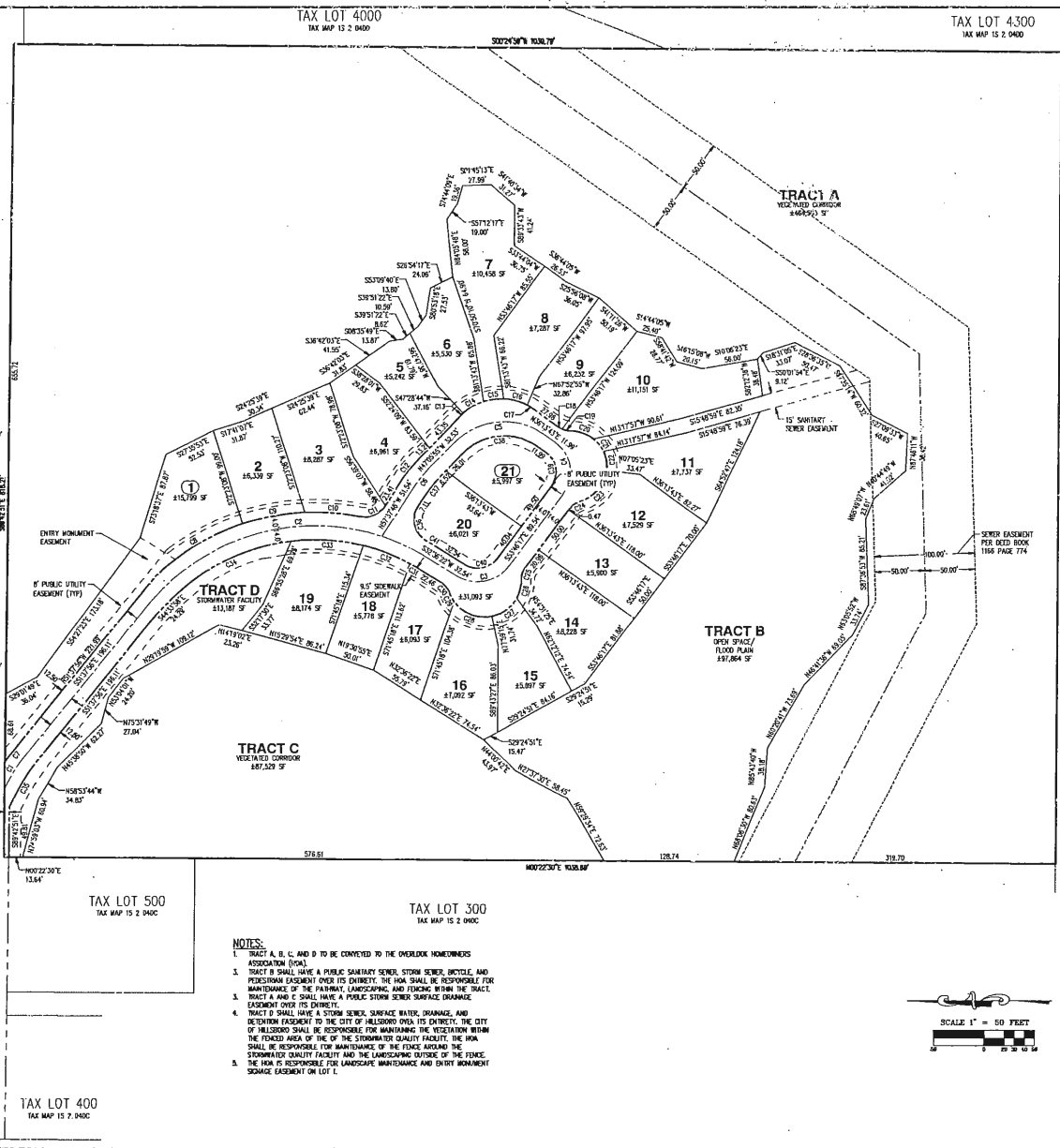
The revised plans submitted by the applicant on May 27, 2015, include preservation and enhancement of 649,956 square feet of upland, riparian, and wetland habitat areas, comprising 75% of the site's gross area. Tract A will preserve 464,563 square feet of riparian corridor and wetland areas. Tract B will preserve 97,864 square feet of upland wildlife habitat area. Tract C will preserve 87,529 square feet of riparian corridor and wetlands. The revised plan demonstrates

the project will preserve vegetation and habitat functions, thus complying with HZO Section 127.III.L.

As an additional note, the submitted information includes an assessment of nesting and habitat for birds of prey, due to observations of a Great Horned Owl on the site. These owls and other birds of prey are protected by the Migratory Bird Treaty Act (MBTA). Protection includes loss of birds, nests, and eggs. The assessment describes a survey of the site conducted to identify existing and potential nesting sites for birds of prey, and to identify current habitat use. The survey found no existing nests, and no tree cavities or large branches suitable for nesting by birds of prey such as owls. The assessment concludes that the Overlook project will preserve existing forest along the west, east, and south edges of the site, which will be contiguous to the Rock Creek riparian corridor. The assessment states that short-term disturbance to wildlife use is anticipated during site construction, but no long-term impacts are anticipated to nesting for birds-of-prey. The assessment provides a recommendation that construction plans for the site and plans for tree removal include guidance for inspection of trees for active nests prior to tree removal, and guidance in the event an active nest is discovered. Should the Commission approve this application, staff recommends the following condition of approval:

- Prior to any tree removal on the site, an action plan shall be prepared by a biologist which addresses tree removal and directives for the contractor in the event that active raptor nests are found in a tree that is to be removed. The action plan shall include direction that trees be inspected by a biologist for active raptor nests prior to removal. If an occupied raptor nest is discovered, the action plan shall be followed to assure unauthorized take of eggs, chicks, or adult birds does not occur pursuant to the Migratory Bird Treaty Act of 1918, as amended (MBTA). Action plan shall be submitted to the Planning Director for approval prior to any tree removal on the site.

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	115.00	1117.38	36.14	5571.65'E 36.09'
C2	210.00	814.18	308.75	5930.47'E 289.68'
C3	35.50	8672.36	58.04	51024.50'E 52.70'
C4	35.50	9000.00	60.48	58113.43'E 54.45'
C5	68.50	8378.38	89.62	45706.96'W 81.07'
C6	105.00	1127.51	34.00	45272.51'W 33.92'
C7	192.50	444.38	18.35	45430.15'W 18.30'
C8	224.00	7822.50	103.14	43744.27'W 102.23'
C9	224.00	1879.40	63.87	41028.00'W 62.47'
C10	224.00	1155.15	51.33	44221.40'E 51.10'
C11	24.50	4636.16	29.48	44230.37'W 27.27'
C12	199.00	1031.51	36.50	45212.51'W 36.50'
C13	55.50	434.38	4.43	44448.50'W 4.43'
C14	55.50	2421.10	23.59	43020.44'W 22.41'
C15	55.50	2045.40	20.11	47472.7'W 20.00'
C16	55.50	2548.32	25.00	41529.54'E 24.73'
C17	55.50	749.28	7.58	43181.54'E 7.57'
C18	24.50	1576.18	6.53	40230.24'E 6.53'
C19	24.50	2002.28	8.57	41056.11'E 8.57'
C20	36.50	3870.28	24.42	40005.10'E 23.97'
C21	36.50	2604.51	16.41	45217.57'E 16.47'
C22	36.50	3125.42	20.00	48102.07'E 19.75'
C23	36.50	6448.33	41.20	55051.43'E 39.17'
C24	24.50	3578.47	15.10	53608.31'E 14.86'
C25	24.50	3640.00	15.86	52306.17'E 15.41'
C26	36.50	2835.32	18.21	57810.51'E 18.05'
C27	36.50	4250.00	31.75	53655.45'E 30.75'
C28	36.50	4644.32	42.52	52121.7'W 40.25'
C29	36.50	1422.32	8.25	52300.7'W 8.24'
C30	24.50	3640.00	15.86	55056.27'W 15.41'
C31	199.00	247.07	12.95	53042.46'W 12.95'
C32	199.00	1140.47	50.22	52128.81'W 50.08'
C33	199.00	2075.35	71.70	53291.04'W 71.30'
C34	199.00	3744.52	129.13	52241.33'E 128.81'
C35	172.50	1810.00	48.50	55942.00'E 48.42'
C36	24.50	9250.17	36.70	44759.06'E 35.50'
C37	171.00	1031.51	31.43	55221.51'E 31.30'
C38	54.50	8378.38	79.20	45260.76'W 72.46'
C39	24.50	9000.00	58.46	58113.43'W 58.45'
C40	24.50	8672.36	35.94	41024.50'W 35.56'
C41	224.00	334.24	12.02	43194.00'E 12.01'



**NOTES:**

- TRACTS A, B, C, AND D TO BE CONVEYED TO THE OVERLOOK HOMEOWNERS ASSOCIATION (FOHA).
- TRACT B SHALL HAVE A PUBLIC SANITARY SEWER, STORM SEWER, BICYCLE AND PEDESTRIAN EASEMENT OVER ITS EASEMENT. THE HOA SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PARKWAY, LANDSCAPING, AND FENCING WITHIN THE TRACT.
- TRACT A AND C SHALL HAVE A PUBLIC STORM SEWER SURFACE DRAINAGE EASEMENT OVER ITS EASEMENT.
- TRACT D SHALL HAVE A STORM SEWER SURFACE WATER, DRAINAGE, AND PEDESTRIAN EASEMENT TO THE CITY OF HILLSBORO OVER ITS EASEMENT. THE CITY OF HILLSBORO SHALL BE RESPONSIBLE FOR MAINTAINING THE VEGETATION WITHIN THE FORECAST AREA OF THE CITY OF HILLSBORO QUALITY FACILITY. THE HOA SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE FENCE AROUND THE FORECASTED QUALITY FACILITY AND THE LANDSCAPING OUTSIDE OF THE FENCE.
- THE HOA IS RESPONSIBLE FOR LANDSCAPE MAINTENANCE AND ENTRY MONUMENT SIGNAGE EASEMENT ON LOT 1.



OVERLOOK SUBDIVISION

HILLSBORO

PRELIMINARY SUBDIVISION PLAT

DESIGNED BY: MFL  
 CHECKED BY: MFL  
 DATE: 05/21/2015  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 ADDRESS: 1000 N. MARKET  
 HILLSBORO, OREGON 97124  
 PHONE: 503.263.1111  
 FAX: 503.263.1112

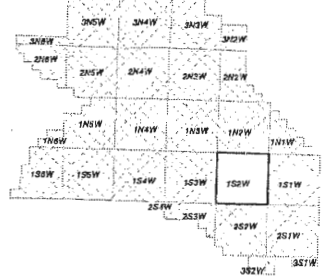
JOB NUMBER: 3974  
 SHEET: P03



1S 2 04DC

1S 2 04DC

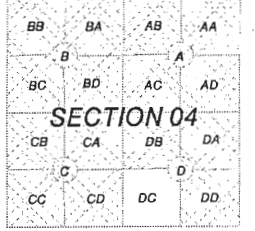
Exhibit D



WASHINGTON COUNTY OREGON  
SW1/4 SE1/4 SECTION 04 T1S R2W W.M.  
SCALE 1" = 100'

36	31	32	33	34	35	36	31
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	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



PLOT DATE: September 21, 2004  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map areas delineated by other gray shading or a cross-hatch pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate files for the most current information.

HILLSBORO  
1S 2 04DC