



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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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: June 24, 2016  
Jurisdiction: City of Hillsboro  
Local file no.: PUD-002-16  
DLCD file no.: 003-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/23/2016. 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

**FOR DLCD USE**  
File No.: 003-16 {24353}  
Received: 6/23/2016

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-002-16**

Date of adoption: 6/7/16

Date sent: 6/21/2016

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): 3/23/16

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:

N/A

Local contact (name and title): John Boren, Senior Planner

Phone: 503-681-5292

E-mail: [planningtechs@hillsboro-oregon.gov](mailto:planningtechs@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 MFR-1	to PUD MFR-1	Acres: 5.0
Change from MFR-2	to PUD MFR-2	Acres:
Change from MU-C	to PUD MU-C	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: 5          Acres removed: 0

Location of affected property (T, R, Sec., TL and address): 1S210CB01200

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List affected state or federal agencies, local governments and special districts: Metro, 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.

Please see attached Ordinance



June 21, 2016

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 002-16

I, Lisa Califf, submitted on this date, June 21, 2016, the DLCD Form 2 and attached Ordinance No. 6171 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on June 7, 2016.

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 John Boren at 503-681-5292.

Thank you,

Lisa Califf  
Planning Technician

## ORDINANCE NO. 6171

### PLANNED UNIT DEVELOPMENT 002-16: SONNY ESTATES

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF THE COMMUNITY DEVELOPMENT CODE, ORDINANCE NO. 6094, AS AMENDED, BY APPROVING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE FOR A 48-UNIT SINGLE FAMILY ATTACHED AND DETACHED RESIDENTIAL DEVELOPMENT ON A SITE APPROXIMATELY 5.0 ACRES IN SIZE.

WHEREAS, the applicant and owner 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 MFR-1 Multi-Family Residential, MFR-2 Multi-Family Residential and MU-C Mixed-Use Commercial zones; and

WHEREAS, the Planned Unit Development includes a 48-lot residential subdivision; and

WHEREAS, having received and considered the materials and testimony submitted, the Planning Commission opened the public hearing on April 27, 2016 and received testimony on the matter, and after receiving public testimony, the Commission closed the public hearing, deliberated and voted to recommend approval of this application;

WHEREAS, the City Council considered the Planning Commission's recommendation at their regular meeting on May 17, 2016, and adopted the site plan, maps, findings and conditions of the Planning Commission as its own in regard to this matter on June 7, 2016; 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 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 002-16:

Tax Lot 1200 on Washington County Assessor's Tax Map 1S2-10CB, on record as of January 13, 2016, a copy of which is attached hereto as Exhibit C, and thereby made a part of this Ordinance.

Section 2. The City Council approval is based on the conditions of approval as set forth in Exhibit A and findings provided in Exhibit B. The approved site plan is attached as Exhibit D.

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 as 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, as amended, 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 17<sup>th</sup> day of May, 2016.

Second approval and adoption by the Council on this 7<sup>th</sup> day of June, 2016.

Approved by the Mayor this 7<sup>th</sup> day of June, 2016.

For Steve Callaway  
Jerry Willey, Mayor

ATTEST:

Amber Ames  
Amber Ames, City Recorder

EXHIBIT A  
(Conditions)

1. Development and construction on the site shall conform substantially to the preliminary plat, preliminary site plan and other plans and conditions approved by the City Council, as contained in Case File No. Planned Unit Development 002-16, and specifically to the final construction plans approved by the Public Works, Planning, Building, Fire Prevention and Water Departments.
2. Pursuant to Community Development Code (CDC) Section 12.70.140, should the City Council approve Case File No. Planned Unit Development 002-16, that approval shall be valid for two years from the approval date of the Ordinance. If construction has not commenced within two years from the date of the signed Ordinance, such approval shall expire unless an extension is requested and granted pursuant to CDC Section 12.70.150 prior to the expiration date.
3. The Planning Department has received recommended conditions of approval from City Departments, and Clean Water Services, which are incorporated into the conditions of approval herein. All permit applications shall include a narrative 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.
4. Prior to the commencement of work on the site, the applicant shall apply for and obtain the applicable necessary permits for that phase of work from the Building, Engineering, Planning and Water Departments and from Clean Water Services.
5. A final landscape plan including a planting plan and schedule for the allee in Tract A shall be submitted with the final development plan. The final landscape plan shall be substantially similar to the landscape plan approved by the Planning Commission. An exterior lighting plan for the allee shall also be submitted with the final development plan. Both the landscape plan and exterior lighting plan for the park will be reviewed and approved by the Planning Director prior to approval of the private utility permit.
6. Prior to final plat approval, plans shall show a public pedestrian and bicycle access easement over the entirety of the allee, Tract A.
7. Conditions, Covenants and Restrictions (CC&R's) and/or maintenance agreements for the PUD shall be recorded with the final plat that implements the final development plan and provides for the following:
  - a. Ownership and maintenance of the allee contained in Tract A that binds the owners of Lots 1-48 of Sonny Estates to permanent ownership and maintenance for a minimum of 40 years per the standard contained in Section 12.50.210.I.3.a, of the CDC;
  - b. Authorization for the City to assess the Home Owner's Association (HOA) within the Sonny Estates 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;

8. The CC&R's and/or maintenance agreements shall be reviewed and approved by the Planning Director prior to approval of the final development plan.
9. Prior to building permit submittal, a building permit authorization form shall be completed. To authorize submittal of building permits, at a minimum the following shall be completed:
  - a. The final plat recorded with Washington County; and
  - b. Certificate of Completion signed by the developer, designing Engineer and City of Hillsboro Directors for acceptance of public infrastructure; and
  - c. Addresses issued.
10. The following Major Adjustments are approved for Case File No. Planned Unit Development 002-16: Sonny Estates:

a. Within the MFR-1 zone:

	Adjusted Minimum
Minimum Lot Size – Detached	3,375 square feet
Minimum Lot Size - Attached	2,250 square feet
Minimum Lot Width	24 feet
Minimum Lot Depth	75 feet
Minimum Front Yard Setback - Structure	10 feet
Minimum Side Yard Setback	4 feet
Minimum Side Yard Setback - Corner Lot	8 feet
Minimum Rear Yard Setback	7.5 feet to covered porch or patio (Lots 10-19)

b. Within the MFR-2 zone:

	Adjusted Minimum
Minimum Lot Size	1,500 square feet
Minimum Lot Width	20 feet
Minimum Front Yard Setback - Structure	10 feet
Minimum Side Yard Setback	4 feet

c. Within the MU-C zone:

	Adjusted Minimum
Minimum Building Height	20 feet
Minimum Side Yard Setback	4 feet



11. Final subdivision plat shall be substantially similar to that reflected in the approved site plan.
12. Prior to release of final plat, it shall indicate an 8.0 foot wide Public Utility Easement (PUE) adjacent to all public rights-of-way. Alternate widths and locations of PUE's may be approved by the City Engineer with approval of the franchise utility companies.
13. Prior to release of final plat, it shall indicate an easement to benefit the City of Hillsboro for water quality and detention at the edge of the treatment facility located in Tract B.
14. Prior to release of final plat, it shall indicate that Tract B is owned by the HOA and maintained, outside of the water quality and detention easement, by the HOA.
15. Prior to release of final plat, it shall indicate that Tract A, the open space tract, shall be owned and maintained by the HOA.
16. Prior to release of final plat, it shall indicate easements in any instance where a City owned or Public Utility is outside of a public right-of-way.
17. Prior to release of final plat, the plat shall show the following right-of-way dedications;
  - SE Davis Road – dedicate to a distance of 35 feet north of centerline,
  - SE Lone Oak east of SE Oakmeade Ave. – dedicate to a distance of 45 feet south of centerline,
  - SE Lone Oak west of SE Oakmeade Ave. – dedication south of centerline shall mirror the existing dedication shown north of centerline,
  - SE Oakmeade Avenue – dedication shall be 50 feet in width,
  - SE Stargrass Street – dedication shall be 50 feet in width,
  - SE Thornapple Street – dedication shall be 50 feet in width,
  - Public Alley – dedications shall be 20 feet in width.
18. Prior to issuance of construction permits, plans shall show a half street improvement to SE Davis Road along the site frontage with face of curb to be located 23 feet from centerline, landscape strip with street trees, 5 foot wide property line sidewalk, and PGE Option "C" LED decorative street lighting.
19. Prior to issuance of construction permits, plans shall show a half street improvement on SE Lone Oak Street east of SE Oakmeade Avenue with face of curb to be located 36 feet south of centerline, 8 foot wide curb tight sidewalks with street trees in 3 foot square tree wells, and PGE Option "C" LED decorative street lighting. A center landscape median shall be constructed within SE Lone Oak Street between SE Silver Oak Avenue and SE Oakmeade Avenue. The length of the median shall be as determined by turning templates in order to provide unrestricted turning movements by emergency vehicles. Median width shall be 22 feet as measured between curb faces. A median landscaping and irrigation plan shall be included with construction drawings for approval by the City Engineer. Maintenance of the landscaping and irrigation will be the responsibility of the HOA and provisions for such shall be included in the CC&R's.

20. Prior to issuance of construction permits, plans shall show a half street improvement on SE Lone Oak Street west of SE Oakmeade Avenue with the face of curb to be at a location mirroring the existing curb on the north side of SE Lone Oak Street, a landscape strip with street trees, 5 foot wide property line sidewalk, and PGE Option "C" LED decorative street lighting.
21. Prior to issuance of construction permits, plans shall show full width street improvements to SE Oakmeade Avenue, SE Stargrass Street, and SE Thornapple Street with 27 feet between curb faces, a planter strip with street trees, 5 foot property line sidewalks, and PGE Option "C" LED decorative street lighting. Parking shall be limited to one side of the street only. The applicant shall provide turning templates for emergency vehicles at all intersections to determine if additional parking restrictions will be required to allow for unobstructed access.
22. Prior to issuance of construction permits, plans shall show full width public alley improvements with mountable curb and gutter on each side. Alley width shall be 16 feet between the gutter flow lines. Parking shall be prohibited on both sides of the alley.
23. Prior to acceptance of public improvements, sidewalks shall be constructed adjacent to all open space tracts and storm water facility tracts.
24. Prior to approval of construction plans, double ADA ramps shall be shown at each public street corner and "T" intersections shall show six total ramps as specified in the City of Hillsboro Design and Construction Standards, unless otherwise approved by the City Engineer.
25. Prior to issuance of construction permits, plans shall show the existing CWS sanitary sewer force mains located in SE Lone Oak Street.
26. Prior to approval of construction plans, the applicant shall submit a storm drainage report containing an analysis of the downstream storm sewer system. If the analysis shows inadequate capacity downstream, the applicant shall construct a publicly owned and maintained storm water detention system per CWS standards.
27. Prior to issuance of construction permits, construction plans shall show the creation of a public storm water quality facility in accordance with CWS standards. Said facility shall be fenced and the maintenance of the fence and all improvements outside the fence shall be the responsibility of the HOA. The City will be responsible for maintenance of the facility within the fence.
28. Prior to approval of construction plans, grading plans shall clearly show no negative impacts such as the impoundment of water, concentrated flow, or erosion with regard to storm water drainage and the adjacent properties. Improvements shall not increase concentrated flows or result in the impoundment of water where it did not previously exist.

29. Prior to approval of construction plans, plans shall clearly show the existing wetlands and buffers. If the project will disturb areas within the wetlands, the applicant shall obtain and submit Department of State Lands and US Army Corps of Engineers permits, as applicable.
30. Prior to construction plan approval, the proposed water service plan as shown shall be revised to comply with City engineering and construction standards. Contact the Water Department at 503-615-6731 to discuss the revision prior to submittal of the Engineering and/or Building permits.
31. Prior to approval of the Engineering and Building permits, the applicant shall provide the following comments on the plan set:
  - a. Wet tap of the existing water main shall only be completed by a City approved contractor.
32. Prior to the issuance of the building permit, the plans shall show fire department access within 150 feet of all portions of each home from a fire apparatus access road. Fire department access roads shall be a minimum of 20 feet in width with a vertical clearance of 13 feet 6 inches. The surface shall be designed to support the imposed load of fire apparatus weighting at least 75,000 pounds and shall be surfaced with asphalt, concrete or other approved driving surface. OFC 503.1.1, 503.2 as amended by City of Hillsboro HMC 11.28.010
33. Prior to the issuance of certificate of occupancy, no parking signage shall be provided on both sides of a fire access road between 20 and 26 feet in width. No parking signage shall be provided on one side of a fire access road between 26 and 32 feet in width. OFC D103.6 as amended by the City of Hillsboro HMC 11.28.010
34. Prior to the issuance of certificate of occupancy, Group R, Division 3 occupancies shall have address numbers plainly legible from the street fronting the property. Address numbers shall contrast with the background and be a minimum of four inches tall with a minimum of a one-half inch stroke. Addressing shall be internally or externally illuminated at night at an intensity of at least 5.0 foot-candles. OFC 505.1 as amended by City of Hillsboro HMC 11.28.010
35. Prior to the issuance of the public infrastructure permit, an exhibit generated through computer modeling software shall be provided demonstrating the fire apparatus and axel turning movements, using a continuous drive simulation at all access points and any applicable internal site circulation. Apparatus dimensions for computer modeling are available at <http://www.hillsboro-oregon.gov/index.aspx?page=637> and shall include a 1-foot buffer on each side to accommodate the apparatus mirrors. Please show the basic vehicle dimensions used on the exhibit. Model shall be run with "turn wheels on stop" off. If parking is permitted, the exhibit shall show the parking zone, in addition to the location of signs, street trees and other fixed object that would impact the turning movements of the apparatus. OFC 503.2.4

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 findings initially adopted by the Planning Commission on April 27, 2016, as Exhibit B to Order No. 8177. The Planning Commission incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria set forth in the application. In addition, the Planning Commission adopts the findings provided below.

The City complied with all required notice and hearing procedures for the Planning Commission's hearing in this matter, which was opened on April 27, 2016. At the commencement of the hearing Senior Planner John Boren read the announcements required by ORS 197.763(5) and (6) and 197.796. No member of the Planning Commission reported any ex parte contacts, conflicts of interest or biases. There were no procedural objections or objections to the participation of any member of the Planning Commission in this matter, and no one requested a continuance or that the record be kept open.

At the April 27 hearing, Senior Planner Boren provided a verbal summary of the April 20 staff report, described the proposal, and generally discussed the significant issues relative to the approval criteria. The applicant provided a presentation in support of the application. The applicant stated that all of the conditions recommended in the staff report were accepted. During the meeting, testimony was received in support of, neutral to, and in opposition to the application.

A motion was made to approve the application with the conditions identified in Exhibit A.

Community Development Code No. 6094, Section 12.80.120.J, specifies the criteria for approval of a preliminary development plan for a proposed planned unit development (PUD). Analysis of compliance with the criteria is provided below, and is based on the application materials deemed complete on February 26, 2016 and supplemental materials received April 7, 2016 and department and agency comments received.

*J. Concept Plan Approval Criteria. To approve a PUD concept plan, the Planning Commission shall make findings, based on evidence provided, that the following criteria are satisfied:*

- 1. The development concept demonstrates that the PUD has some significant advantages over a standard development allowed under base zoning standards. "Significant advantages" in this context may include, but are not limited to, one or more of the following:*
  - a. The PUD is consistent with the provisions of any applicable adopted Community Plan in the Comprehensive Plan and any applicable Plan District in Subchapters 12.60 through 12.65;*

The subject site is within the Witch Hazel Village Community Plan area. The applicant has provided plans and supporting documentation to demonstrate a site plan in compliance with the Community Plan Map, which depicts the planned land uses and transportation network. In this case, the PUD is a requirement for any development within the Witch Hazel Village Community Plan area, thus the applicant has provided findings and plans to demonstrate the project is consistent with the expectations for a PUD. This criterion is met.

*b. The PUD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;*

There are no identified significant natural resources on the site, therefore there are no opportunities to manage such areas beyond the requirements of those base zoning regulations. This criterion does not apply.

*c. The general arrangement of proposed uses in the PUD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles and housing types, or by providing better transitions between the surrounding neighborhood and the PUD with compatible development or open space buffers;*

The design is consistent with the provisions of the Community Plan, with a street layout that integrates with that of the Laurel Oaks development to the east, as well as accommodating future access connections to undeveloped parcels to the west by providing a street stub of SE Thornapple Street. Additionally, in lieu of the standard open space requirement, the design includes the easternmost segment of the Community Plan required allee, which provides the first portion of an attractive pedestrian walkway to the mixed-use commercial center of Witch Hazel Village. The site also serves as the transition from the small-lot single family detached residences to the east, to the denser attached single family residences, multi-family dwellings, and commercial amenities of the center of Witch Hazel Village. This criterion is met.

*d. Any requests for Adjustments included in the concept plan, including requests for increased density, comply with the applicable standards in Sections 12.80.154, 12.80.156 and 12.80.158 as applicable;*

The application includes requests for adjustments to CDC requirements for the MFR-1, MFR-2 and MU-C zones. All requested adjustments are greater than a 10% reduction to the standards and are therefore subject to the Major Adjustments approval criteria pursuant to CDC 12.80.156.C. Compliance with those standards is noted in the Major Adjustments section of the findings. This criterion is met.

*e. Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PUD provide enhanced opportunities for "third place" gathering areas;*

Rather than the open space calculation required for other development types based upon a percentage of site area, developments within the Witch Hazel Village Community Plan area are required to provide amenities such as plazas, parks and the allees as depicted in the Community Plan Map. The site plans include the easternmost segment of the allee, which will eventually be continued by future development. It is also noted that under the typical development standards that approximately 6,000 square feet of open space would be provided, and the area of the allee is approximately 10,500 square feet. This criterion is met.

*f. The PUD features outstanding sustainability in site design and construction; including best management practices for on-site storm water management, green building materials, water and energy efficiency, and/or urban agriculture;*

The applicant is being conditioned to use LED lighting for all streets within the development. Storm water management is required to comply with current Clean Water Services standards. This criterion is met.

*g. Site design in the PUD will create a diverse neighborhood including age- or disability-friendly features such as "visitability"; and*

A mix of housing types to include single family detached homes, two-unit townhomes, three-unit townhomes and four-unit townhomes is being proposed based upon the subject site being partially within the central area of Witch Hazel Village. This diversity of housing will provide for several options for future residents. This criterion is met.

*h. The PUD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.*

The beginning of the allee provides an inviting pedestrian walkway from the northeast to the future mixed-use commercial center of Witch Hazel Village. The applicant is extending SE Thornapple Street to the undeveloped parcels to the west with full sidewalks, which provides for a second access to this area. The nearest transit line is along SE Tualatin Valley Highway, however should a neighborhood circulator or other local service route be contemplated for this area, it would likely have a stop at the commercial center of Witch Hazel Village which will be well connected to by this development. This criterion is met.

*2. Any adjustment(s) proposed meet the approval criteria for the specific adjustment(s) as set forth in Section 12.80.158; and*

The applicant requests several adjustments, however none are subject to Section 12.80.158. This criterion does not apply.

*3. If a preliminary plat was submitted for approval with the PUD concept plan, then the preliminary plat complied with the applicable approval criteria in Section 12.80.096.D or 12.80.098.F.*

The proposed Planned Unit Development is dividing the subject site into 48 parcels and two tracts: Tract A as an open space tract that contains the allee, and Tract B is to be the required water quality facility. The proposed subdivision complies with the approval criteria of Section 12.80.098, as discussed later in this document.

#### *Section 12.80.098 Subdivision*

As part of the Planned Unit Development, the applicant is proposing to divide the subject site into 48 parcels and 2 tracts.

*F. Approval Criteria for Subdivision Preliminary Plat. To approve a subdivision preliminary plat, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:*

*1. The proposal complies with the criteria and standards of this Code, including the minimum and maximum residential densities of the base zone, if applicable;*

The applicant has proposed several adjustments to the base zone dimensional standards of the MFR-1 and MFR-2 zones. The dwelling unit types proposed are allowed where proposed within the zones of the site. Below is a table denoting the minimum and maximum number of dwelling units by zone, based upon the density standards of each base zone:

	Maximum Number of Dwelling Units	Maximum Number of Dwelling Units
MFR-1	23	29
MFR-2	15	20
MU-C	1	1
Total	39	50

The applicant's proposal for 48 dwelling units fits within the minimum and maximum density ranges. Compliance with the setback standards will be determined at the time of building permit review. This criterion is met.

2. *The proposal provides for necessary public utilities and facilities including, but not limited to, water, sanitary sewer, storm sewer, streets, parks, fire protection, and police protection;*

The proposal includes extension of two public streets from the east, and one from the north, with a street stub to the undeveloped parcels to the west. Within the streets, the applicant is proposing extension of utility lines. Public utility easements will be established across the street frontages as appropriate. The Fire Department has reviewed this development and provided recommended conditions of approval. This criterion is met.

3. *The proposal facilitates safe and convenient bicycle and pedestrian connections and access within the proposed subdivision compliant with Section 12.50.420;*

Site improvements and access have been determined to be consistent with City and applicable agency standards. Sidewalks are included along all streets, and the street cross section standards require a bicycle lane along SE Davis Road. This criterion is met.

4. *The proposal facilitates the efficient development of and safe access to and from the proposed subdivision and to adjoining undeveloped properties compliant with Sections 12.50.430 and 12.50.520;*

SE Oakmeade Avenue is being extended from the north and aligning with SE Davis Court to the south, thereby facilitating development to the south. SE Thornapple Street is being proposed to extend to the west, along the common property line of two of the three undeveloped lots to the west. This criterion is met.

5. *The proposal complies with the development and design standards in Subchapter 12.50 relating to street and bicycle/pedestrian design, usable open space, and development and design guidelines, and with any other applicable standards identified at the pre-application conference;*

The streets and bicycle and pedestrian design are governed by the standards as depicted in the Witch Hazel Village Community Plan. In lieu of the standard calculation of open space, development in Witch Hazel Village is required to incrementally complete master planned parks,

plazas and other amenities. The applicant is complying with this requirement by including the portion of the eastern alley that falls within the subject site. This criterion is met.

- 6. *The proposal complies with the requirements of any other affected agencies, including but not limited to: Washington County; CWS; DSL; and ODOT;*

The application was routed to Clean Water Services, which has provided their comments about the project requiring a storm water connection permit. Compliance with this will be required before the permit can be authorized and the subdivision plat can be recorded. This criterion is met.

- 7. *Any oversized lots within the development are configured to allow future division in accordance with the requirements of this Code; and*

There are no oversized lots within the development, therefore this criterion does not apply.

- 8. *Streets, driveways, and utilities will be sufficiently sized to serve the proposed development and future development on any oversized lots.*

The applicant is being conditioned to provide streets and utilities that meet the City Design and Construction Standards. All streets and utilities are to be public, and the subdivision plat will not record until they are constructed. This criterion is met.

*Section 12.80.156 Major Adjustments*

The application included Major Adjustments requested as detailed in the following table for the MFR-1 zone:

	Table 12.22.150-1 Code Requirement	Requested new minimum
Minimum Lot Size – Detached	4,500 square feet	3,375 square feet
Minimum Lot Size - Attached	3,000 square feet	2,250 square feet
Minimum Lot Width	50 feet	24 feet
Minimum Lot Depth	85 feet	75 feet
Minimum Front Yard Setback - Structure	15 feet	10 feet
Minimum Side Yard Setback	5 feet	4 feet
Minimum Side Yard Setback - Corner Lot	10 feet	8 feet
Minimum Rear Yard Setback	15 feet	7.5 feet to covered porch or patio (Lots 10-19)

The application also includes requests for Major Adjustments to CDC requirements as detailed in the following table for the MFR-2 zone:

	Table 12.22.250-1 Code Requirement	Requested new minimum
Minimum Lot Size	2,000 square feet	1,500 square feet



Minimum Lot Width	55 feet	24 feet
Minimum Front Yard Setback - Structure	15 feet	10 feet
Minimum Side Yard Setback	5 feet, +1.5 feet per story	4 feet

Lastly, the application includes requests for Major Adjustments to CDC requirements as detailed in the following table for the MU-C zone:

	Table 12.24.260-1 Code Requirement	Requested new minimum
Minimum Building Height	45 feet	20 feet
Minimum Side Yard Setback	5 feet	4 feet

Pursuant to CDC 12.80.150.B.3, Major Adjustments may be approved as part of a Planned Unit Development.

C. Approval Criteria. To approve a Major Adjustment, the Review Authority shall make additional findings of fact, based on evidence provided, that all of the following criteria are satisfied:

1. *Granting the requested Adjustment will not obstruct on- or off-site pedestrian or vehicular movement;*

The major adjustments affect the form and lot sizes of the proposed parcels, but do not otherwise affect the on- or off-site pedestrian or vehicular movement. This criterion is met.

3. *City-designated significant natural or cultural resources, if present, will be preserved if the Adjustment is approved;*

There are no City-designated significant natural or cultural resources present. This criterion is not applicable.

4. *The development will remain consistent with the overall purpose of the base zone after the Adjustment or the combined Adjustments if more than one is proposed;*

Purpose statements for the MFR-1 and MFR-2 zones include the provision of opportunities for single family detached and attached homes. The application materials contemplate a mix of attached and detached homes of a variety of configurations. The MU-C zone calls for either horizontal or vertical mixed use. Given the small portion of the site that is within the MU-C zone, there are challenges with situating a commercial component; therefore the applicant has proposed townhomes only. The adjacent parcels to the west with the MU-C will be better able to accommodate the commercial uses, and/or vertical mixed use arrangements. This criterion is met.

5. *The request for the Adjustment includes building, structure, or site design features, such as the public benefit standards in Section 12.50.900 or the habitat friendly practices in Section 12.50.930, that compensate for the requested Adjustment or better meet the purpose of the standard being adjusted;*

The applicant has addressed a selection of the public benefit standards and habitat friendly practices noted in Section 12.50.900. Findings related to these standards and practices are located in a later section of this document. This criterion is met.

6. *The Adjustment complies with any applicable additional standard-specific criteria in Section 12.80.158; and*

Among the Major Adjustment requests are those for setbacks, which have additional standard-specific criteria in Section 12.80.158. Findings related to these criteria are located in a later section of this document. This criterion is met.

7. *The Major Adjustment is not a response to special conditions over which the applicant has no control, which would be more appropriately addressed under a Variance procedure.*

These Major Adjustments requests are elective. Neither the applicant nor the City has identified any special conditions that the applicant has no control over which would be more appropriately addressed under a Variance procedure. This criterion is met.

#### *Section 12.80.158 Standard-Specific Approval Criteria for Variances and Adjustments*

Adjustment of the building setback standards in the MFR-1 and MFR-2 zones are subject to the standard-specific approval criteria as noted below.

*B. Criteria for Adjustments to Building Setback Requirements. Building setbacks may be reduced or increased below or above the minimum and maximum setbacks of the underlying base zone if the following criteria are met:*

1. *The requested adjustment has been verified compliant with building codes by the Building Official;*

The Building Department has reviewed the proposal, and identified no compliance issues with applicable building codes. This criterion is met.

2. *The requested adjustment will not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard; and*

There are sufficient breaks in blocks with streets, alleys, and the allee to allow for light and air circulation. The reduction in setbacks to 4 feet will not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard. This criterion is met.

3. *The requested adjustment provides at least one of the following:*
  - a. *More efficient use of the site,*
  - b. *Preservation of Significant Natural Resource Areas or Habitat Benefit Areas which will be incorporated into site design, and/or*
  - c. *Safer vehicular and pedestrian access and circulation to and within the site;*

The adjustments to the building setback standards give the applicant flexibility in lot layout given the context of being required to accommodate the diagonal allee and efficiently meet the density standards of the MFR-1, MFR-2 and MU-C zones. This criterion is met.

4. *Building is located outside of the influence area of an intersection identified in Figure 12.65.910.E as requiring special setbacks for accommodation of future transportation growth.*

The project area is outside of the influence area of any of the intersections shown in Figure 12.65.910.E. This criterion is met.

#### *Section 12.50.920 Public Benefit Standards: Building and Site Design Guidelines*

The applicant's narrative and site plans respond to elements called out in Section 12.50.920 in order to meet the approval criteria for the Planned Unit Development and Major Adjustments requested. Below are findings with respect to design features that meet the public benefit standards.

- B. *Edges of development projects should be designed to harmonize with and enhance adjoining public and private streets. Edges adjacent to transit streets and major pedestrian routes should include street furniture such as seating, shelters, ornamental pedestrian scale lighting and an inside row of canopy trees to complement those in the curbside landscape strip.*

The north and south frontages of the development abut public streets, which will include sidewalks, street lighting and street trees. In addition, a park strip median is proposed within SE Lone Oak Street and the allee is proposed in the northwest corner with additional opening space near its beginning. These items create edges that harmonize with and enhance the adjoining public streets and contribute to delivering the open space plan for Witch Hazel Village. This criterion is met.

- C. *Projects containing residential Uses should include a range of Housing Types and styles to suit a variety of lifestyles and incomes, both on an ownership and rental basis.*

The project includes a variety of residential units, which include single family detached homes, two-unit townhomes, three-unit townhomes and four-unit townhomes. There are both front and alley loaded unit types. This will provide for a diverse range of lifestyles and incomes. This criterion is met.

- E. *Building façades should balance features which make them more prominent while retaining pedestrian scaled detailing. Diversity of architectural styles is encouraged. Building architecture is particularly important at intersections, where special corner architectural features should be incorporated.*

The architectural examples provided in the application materials demonstrate a balanced design with windows, rooflines and building extensions in both a vertical and horizontal format. They also show that some variety in architecture is proposed. At intersections, the covered front porches are open both to the side street and the front street. The future required Development Review application to review the architecture of the attached single family dwellings will ensure compliance with the residential design standards. This criterion is met.

*F. Sloped roofs should be compatible with roof lines and slope of adjacent buildings, add interest to and reduce the scale of large buildings, and complement the character of buildings in adjacent developments.*

The examples provided demonstrate roof lines and slopes that are compatible with each other. Variations in pitch and gable locations are also provided to add interest. Excessively steep roofs are avoided to reduce the scale of the buildings. There are no adjacent buildings constructed at this time however the rooflines are of similar character in terms of gable and pitch across SE Lone Oak Street to the north. This criterion is met.

*G. Exterior building materials and colors should be harmonious and compatible with materials and colors in adjacent developments. Soft lighting of the building exterior which complements the architectural design is encouraged if the light source is not visible.*

There are no adjacent developments that have houses constructed at this time, however to the north across SE Lone Oak Street, the materials and colors vary greatly. The approved plans and elevations for residences in the Laurel Oaks development to the east are of a similar character to that which is proposed as part of this PUD. As shown in the examples, the building materials and colors also vary which is compatible in character with those across SE Lone Oak Street. Typical exterior building lighting will be hidden can lights underneath covered front porches. In addition, front loaded units will have a downward directed sconce light on each side of the garage and alley loaded units will each have one downwardly directed sconce light. The light sources are not visible however all lighting will complement the architectural design. This criterion is met.

*H. Where masonry is used for exterior finish, decorative patterns should be employed. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile used in conjunction with materials such as concrete or stucco.*

Masonry veneer is periodically used as an exterior finish to provide variety and style. These masonry finishes are typically broken into attractive patterns with the use of other vertical and horizontal finish materials. This criterion is met.

*I. Ornamental features such as molding, entablatures, pediments and friezes are encouraged at the roofline. Linear features such as molding should be at least 8-inches wide.*

A 3 stepped fascia system is typical of the product being developed for this project consisting of an 8-inch wide fascia with smaller fascia stepping out. In addition, the tops of gable ends typically have an architectural cap. This criterion is met.

*O. Building entrances should include clearly recognizable features such as: canopies, porticoes, recessions, projections, arcades, and raised cornice parapets. Pedestrian spaces at entrances incorporating landscaping and eating amenities are encouraged.*

All of the building entrances are emphasized and clearly recognizable. Covered front porches and columns with front walkways leading to them are indicative of a building entrance. This criterion is met.

*Section 12.50.930 Public Benefit Standards: Sustainable Development Practices*

In order to justify the requested adjustments, the applicant has noted how the project has significant advantages by complying with a selection of the sustainable development practices of Section 12.50.930.

*B. Water Usage Efficiency and Reduction.*

- 1. Collecting and storing rainwater and/or graywater with sediment filtration and using for irrigation, especially during summer. Where installed, above-ground cisterns for rainwater or graywater collection must meet the following standards:
  - a. Individual cisterns or racks of cisterns larger than 80 gallon capacity may not be attached to the front façade of the primary structure; and*
  - b. Cisterns must either be painted to match the color of the adjacent building wall, the trim, or the rain gutter; or be screened from the street by structures, plantings, or fences.**
- 2. Using efficient irrigation including high efficiency drip irrigation.*
- 3. Using native and drought-tolerant vegetation for landscaping; limit lawn to play and recreational areas.*
- 4. Using water-conserving plumbing fixtures.*
- 5. Installing water conserving or energy efficient appliances.*

The applicant's landscaping plans will utilize drip irrigation, drought -tolerant plants, and limit lawn. Lawn will be provided either in the front or the rear yard but not both. Irrigation systems will be on timers to ensure efficient irrigation to go along with drip irrigation in other non-lawn areas. Other lawn areas will be located within the Allee. The units will include water- conserving plumbing fixtures including toilets and appliances such as dishwashers and clothes washers. Finally, the applicant notes that the builder always uses appliances that meet a 90% efficiency rate. This criterion is met.

*F. Noise and Privacy. The following methods should be used to reduce external and internal noise and enhance privacy.*

- 1. Using enhanced landscaping or water features to buffer or mask sound.*
- 2. Providing internal streets and sidewalks to buffer activity and noise.*
- 3. Locating bedrooms and quiet rooms away from noise sources.*
- 4. Insulating activity rooms.*
- 5. Providing sound-rated walls, floors and sound-absorbing materials on the building exterior.*
- 6. Locating shared community and/or commercial spaces on the first floor.*
- 7. Defining edges through building locations, elevations or changes in materials, vegetation, fencing, elevated entries or other features.*

The applicant notes that between attached units, Pahlisch Homes uses an air gap fire wall design with attached assist blocking which is known for its very low noise transfer qualities. In

addition, exterior, double wall construction, 6-inch walls and double pane windows will reduce the effects of any exterior noise.

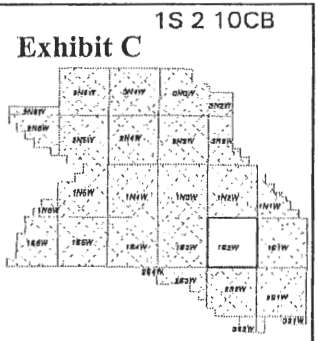
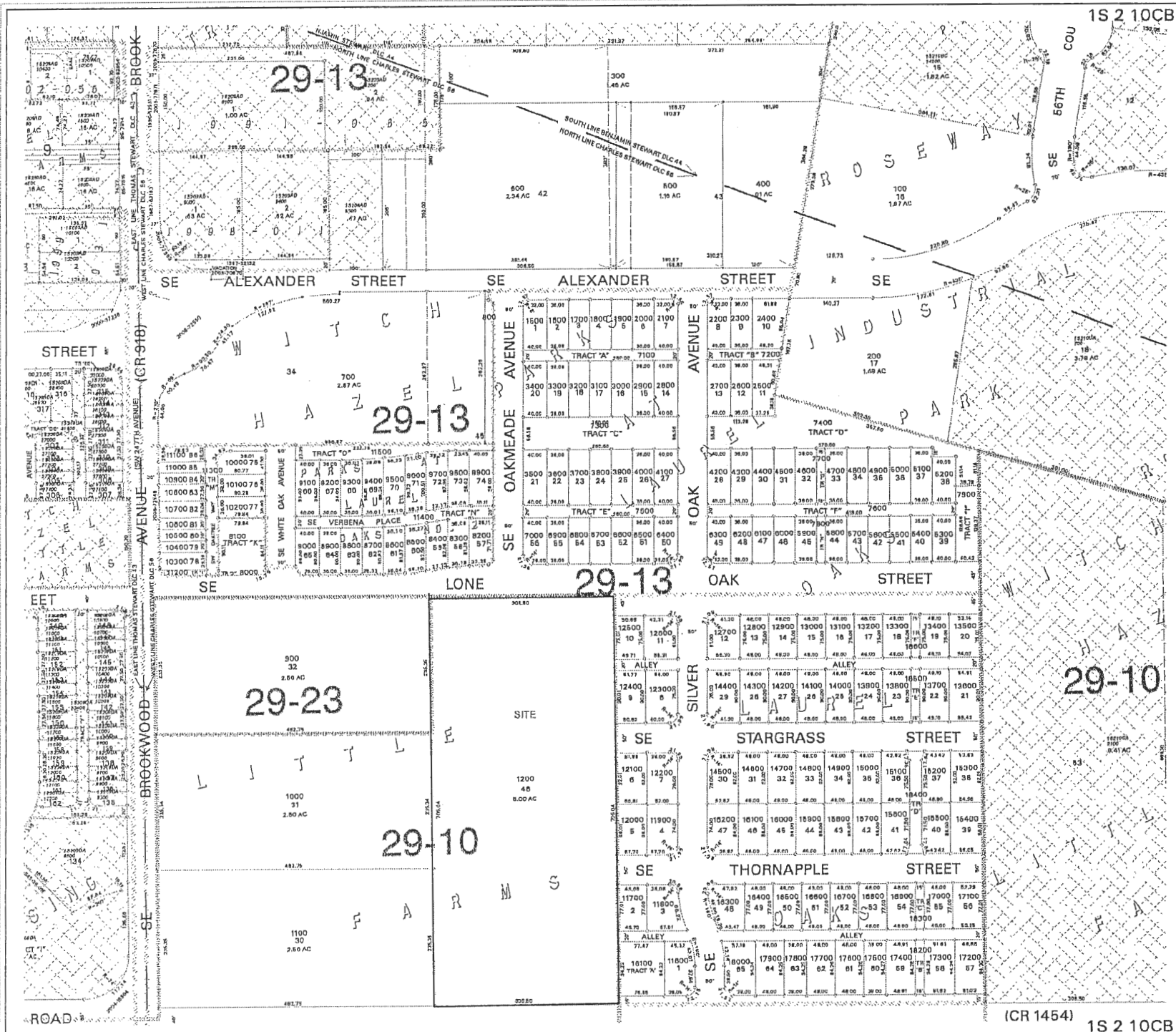
Given the site's location, surrounded on all sides by urban and rural residential development, there are no existing noise sources of concern for this development. The development itself will not generate any unusual noise not normally associated with residential development. This criterion is met.

H. Third Places.

1. *Designing residential developments to include multi-purpose indoor or outdoor spaces. Interior multi-purpose rooms should accommodate both passive and active assembly Uses (such as community meetings and exercise classes). Outdoor multi-purpose spaces should accommodate both passive Uses (such as wetland viewing areas) and active Uses (such as sport courts or community gardens).*
2. *Designing Mixed-Use and non-residential developments to include outdoor hardscaped plazas or courtyards which could accommodate both private Uses (such as sidewalk seating for restaurants) and public Uses (such as farmers markets and street vendors).*

The portion of the allee constructed as part of this project will serve as a critical linkage between this site, and sites to the north and east to the central plaza and commercial node at the heart of Witch Hazel Village. This will provide connection to the future third place and allow for both active uses along the allee, as well as neighboring residents to passively enjoy the tree-lined allee from their homes. This criterion is met.

Based upon the findings set forth in this decision and the applicant's justification for the proposal set forth in the application materials, the applicable approval criteria have been conditionally met.



WASHINGTON COUNTY OREGON  
 NW1/4 SW1/4 SECTION 10 T1S R2W W.M.  
 SCALE 1" = 100'

38	31	32	33	34	35	36	37
1	6	5	4	3	2	1	6
12	7	6	8	10	11	12	7
13	18	17	16	16	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)

BB	BA	AB	AA
B			A
BC	BD	AC	AD
CB	CA	DB	DA
C			D
CC	CD	DC	DD

**SECTION 10**

Cancelled Taxlots For: 1S210CB  
 1300,1400.

SCALE 1" = 100'

**CARTOGRAPHY**  
 T O X I C O N

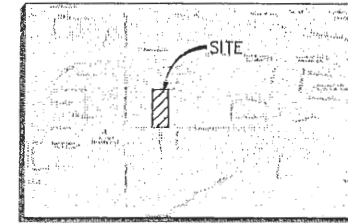
**PLOT DATE: January 13, 2016**  
**FOR ASSESSMENT PURPOSES**  
**ONLY - DO NOT RELY ON**  
**FOR OTHER USE**

*This map is delineated by either gray shading or a cross-hatched pattern and is for reference only and may not reflect the most current property boundaries. Please consult the appropriate map for the most current information.*

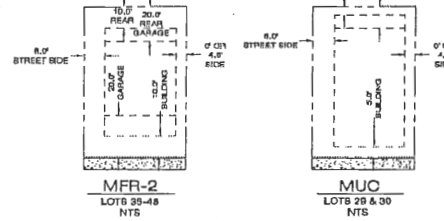
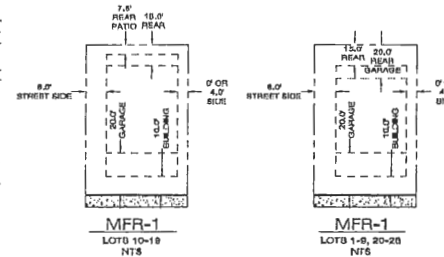
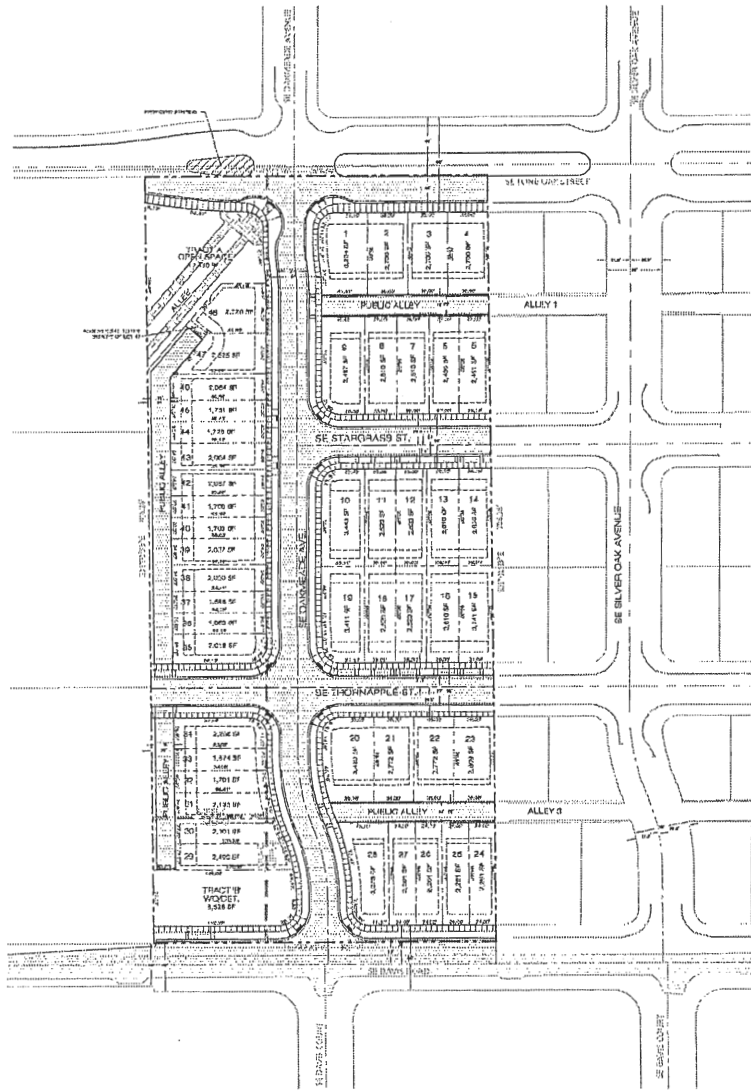
HILLSBORO  
 1S 2 10CB

# SONNY ESTATES

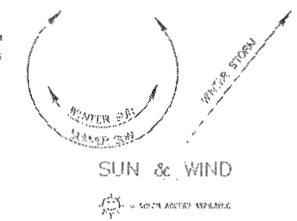
A 48 LOT PLANNED DEVELOPMENT ON TAX LOT 1200, MAP 1S2 10CB



VICINITY MAP  
N.T.S.



DRAWING INDEX	
SHEET NO.	DRAWING TITLE
1.0	PRELIMINARY PLAT
2.0	EXISTING CONDITIONS
3.0	PRELIMINARY GRADING PLAN
4.0	PRELIMINARY STREET PLAN
5.0	PRELIMINARY UTILITIES PLAN
6.0	CIRCULATION PLAN
7.0	FIRE TRUCK TURNING TEMPLATE
8.0	FIRE TRUCK TURNING TEMPLATE
L.1	LANDSCAPE PLAN



**OWNERS**  
 AS SUCCESSOR CO-TRUSTEES ALVIN L. BACKMAN TRUST  
 PHIL BACKMAN  
 13706 NW PIONEER RD.  
 PORTLAND, OR 97229

SUZANNE J. BACKMAN YORTON  
 588 SW QUILCENE LN.  
 OAK HARBOR, WA 98277

LYNNE STEBBINS  
 14263 SW KOVEN CT.  
 TIGARD, OR 97224

**PLANNING/ENGINEER/SURVEY**  
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 9020 SW WASHINGTON SQ RD, SUITE 170  
 PORTLAND, OR 97223  
 PHONE (503) 643-8286  
 CONTACT: MATT SPRAGUE


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 PORTLAND, OR 97214  
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 FAX (503) 478-0422  
 CONTACT: JACK DALTON

**APPLICANT**  
 PAHLISCH HOMES  
 210 SW WILSON AVE., STE. 100  
 BEND, OR 97902  
 PHONE: (503) 596 2208

**SITE INFORMATION**  
 TOTAL AREA: 5.0 ACRES  
 LOCATION: 182 100B  
 TAX LOT: 1200  
 ZONING: MFR-1, MFR-2, MUC

**VERTICAL DATUM**  
 WASHINGTON COUNTY BENCHMARK NO. 281  
 LOCATED AT THE SOUTHEAST CORNER OF  
 INTERSECTION OF TV HWY. AND SW 239TH AVE.  
 ELEVATION: 194.113

**NOTE**  
 BEARINGS AND DISTANCES SHOWN HEREON  
 ARE PER SN 30,632 WASHINGTON COUNTY  
 SURVEY RECORDS

  
 10000 N. WASHINGTON SQUARE, SUITE 170  
 PORTLAND, OREGON 97223  
 PHONE (503) 643-8286  
 FAX (503) 478-0422  
 WWW.PDG.COM

**PRELIMINARY PLAT**

Drawn by: MAF  
 Checked by: MAF  
 Date: 11/20/03  
 Project No.: 111-03  
 File No.: 111-03  
 Date: 11/20/03  
 File No.: 111-03

Project: SONNY ESTATES  
 No.: 121-001  
 Type: PLANNING  
 Sheet: 1 of 8