



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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

Date: January 08, 2016

Jurisdiction: City of Hillsboro

Local file no.: PUD-004-15

DLCD file no.: 014-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/07/2016. 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 less than 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



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

FOR DLCD USE
014-15 {24057}
File No.:
Received: 1/7/2016

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-004-15**

Date of adoption: 1/5/16

Date sent: 1/7/2016

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): 9/24/15

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): John Boren, Planner

Phone: 503-681-5292

E-mail: 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: 0.71
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: 0.71 Acres removed:

Location of affected property (T, R, Sec., TL and address): 1S209AD04100

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

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

Ordinance No. 6150 is attached



January 7, 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 004-15

I, Lisa Califf, submitted on this date, January 7, 2016, the DLCD Form 2 and attached Ordinance No. 6150 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on January 5, 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.

ORDINANCE NO. 6150

PLANNED UNIT DEVELOPMENT 004-15: WITCH HAZEL POINTE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY APPROVING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE ON A CERTAIN TRACT OF LAND THROUGH APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR AN 8-LOT ATTACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON A SITE APPROXIMATELY 0.71 ACRES IN SIZE.

WHEREAS, the applicant and 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 MFR-1 Multi-Family Residential zone; and

WHEREAS, the Planning Commission held a public hearing on this application on November 19, 2015, and received testimony in support of the application and no other testimony; and

WHEREAS, based on the testimony and material received, the Planning Commission at its November 19, 2015 meeting approved Order No. 8165 which recommended approval of the proposed Planned Unit Development, with the conditions attached hereto as Exhibit A based on the findings attached hereto as Exhibit B; and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting of January 5th, 2016, and adopted the 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 004-15:

Tax Lot 4100 on Washington County Assessor's Tax Map 1S2-09AD, on record as of June 19, 2015, a copy of which is attached hereto as Exhibit D, and thereby made a part of this Ordinance.

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 as set forth in Section 1 hereof.

Section 4. Pursuant to Community Development Code, Section 12.70.140, concept plan approval of the Planned Unit Development overlay zone will expire two years from the date of approval of this Ordinance, unless the implementing Development Review application plan has been approved or unless the concept plan approval is extended or modified per Section 12.70.150 of the Community Development Code.

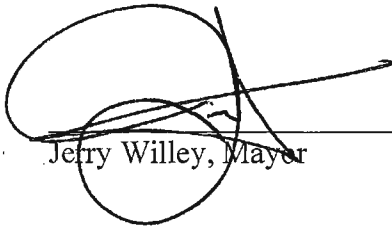
Section 5. Except as herein amended, Community Development Code Ordinance No. 6094, as amended, shall remain in full force and effect.

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 15th day of December, 2015.

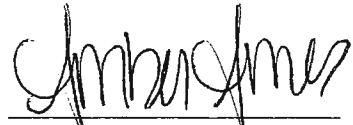
Second approval and adoption by the Council on this 5th day of January, 2016.

Approved by the Mayor on this 5th day of January, 2016.



Jeffrey Willey, Mayor

ATTEST:



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 004-15, and specifically to the final construction plans approved by the Public Works, Planning, Building, Fire Prevention and Water Departments.
2. The Planning Department has received recommended conditions of approval from City Departments, Washington County 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.
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. A final landscape and programming plan including a planting plan and schedule for the proposed usable open space 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 for Tract A. The landscape plan shall be reviewed and approved by the Planning Director prior to approval of the private utility permit.
5. A Homeowner's Association (HOA) shall be established to implement Conditions, Covenants and Restrictions (CC& R's) or maintenance agreements for the PUD. The CC& R's or maintenance agreements shall be recorded with the final plat that implements the final development plan and provides for the following:
 - a. The collection and distribution of funds for the maintenance and repair of such elements as, but not limited to, landscaping, irrigation, fences, street signs, public sidewalk in easements on the lots, "No Parking" signs, and any private utilities located within private property;
 - b. Maintenance of all private utilities in open space tracts including domestic water, irrigation water, storm drainage and other private utilities as applicable;
 - c. Ownership and maintenance of the private open space contained in Tract A that binds the owners of Lots 1-8 of Witch Hazel Pointe 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 Community Development Code (CDC);

- d. Responsibilities for the maintenance of front and side yard landscaping on the individual lots;
 - e. Authorization for the City to assess the HOA or property owners as bound by a maintenance agreement within the Witch Hazel Pointe 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; and
 - f. Ability of residents to utilize the common open space amenities provided in Tract A.
6. The CC& R's or maintenance agreements shall be reviewed and approved by the Planning Director prior to approval of the final development plan.
 7. Modifications to the minimum lot dimension standards of the MFR-1 Single Family Residential zone for the lots in the PUD shall be as follows:
 - Minimum required lot size of 6,000 square feet for two-dwelling unit townhomes reduced to:
 - 4,675 square feet combined for two adjacent lots containing attached two-dwelling unit townhomes
 - Minimum lot depth reduced to the following:
 - 81 feet
 - Minimum front yard setback to the garage reduced to the following:
 - 18 feet
 8. Building permit submittals shall include:
 - a. pre-wiring to facilitate the installation of solar panels; and
 - b. a minimum of 4 of the dwelling units with ground floor master bedrooms; and
 - c. dimensions on all porch and entry elements;
 - d. no steps on the walkways into dwelling units for Lots 3-6; and
 - e. provide minimum 15% window glazing on the front façade.
 9. Construction plan submittals shall show the usable open space plaza including native trees and shrubs.
 10. The existing water service for 4950 SE Witch Hazel Road shall be relocated to the west during the construction of public improvements required of the Planned Unit Development.
 11. Prior to plat recordation, the plat shall show:

- a. an 8 foot wide public utility easement to be dedicated along the site's SE Brookwood Avenue and SE Witch Hazel Road frontages; and
 - b. dedication of right-of-way a minimum of 25 feet in width for the public alley. Additional dedication shall be as needed to allow construction of the alley such that City maintenance vehicles and garbage trucks are able to negotiate corners and turn around at the alley's terminus.
12. Prior to approval of construction plans:
- a. 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; and
 - b. applicant shall analyze street lighting levels on SE Brookwood Avenue to ensure they meet current lighting standards in accordance with the Hillsboro Design and Construction Standards. Applicant shall provide additional PGE Option "C" lighting with a luminaire consistent with surrounding luminaires or as approved by the City Engineer.
13. Prior to issuance of construction permits:
- a. construction plans shall show construction of a public alley with a centerline crown. The alley shall be a minimum 22 feet wide as measured between the curb faces. The alley shall be posted with "No Parking" signage. The applicant shall provide turning templates showing that City maintenance vehicles and garbage trucks will be able to negotiate the 90 degree corner and turn around at the alley's terminus. Curb radii at corners shall be a minimum of 20 feet to accommodate City street sweepers; and
 - b. construction plans shall show the closure of the existing driveway and restoration of 6 inch high curb on Brookwood; and
 - c. construction plans shall show provisions for storm water quality in accordance with CWS standards. The water quality facility shall be publicly owned and maintained. Provisions shall be made to provide access for City maintenance vehicles to the public water quality facility; and
 - d. the applicant shall submit a storm drainage report in accordance with CWS standards showing that the downstream storm sewer system is capable of carrying the increased storm water flows generated by this development. If the downstream system lacks capacity, the applicant shall constructed a publicly owned and maintained storm water detention facility.
14. Fire department access shall be provided within 150 feet of all portions of each home from a fire apparatus access road. Access gate from Brookwood Avenue to each unit shall be maintained to meet fire access requirements since the public alley is not designed for fire apparatus access.

15. All buildings shall have address numbers placed so as to be plainly legible from the street or road fronting the property. Building identification shall be made so as to contrast with its background, be composed of Arabic numbers or alphabetical letters and be a minimum of four inches tall with a minimum of a one-half inch stroke for Group R, Division 3 occupancies. Addressing shall be internally or externally illuminated at night in all new buildings at an intensity of at least 5.0 foot-candles.
16. A fire hydrant shall be provided within 600 feet all portions of each home as measured along an approved route around the exterior of the home. The average spacing between fire hydrants shall not exceed 500 feet. The existing hydrant at the driveway shall be relocated and the new location approved by the fire department.
17. The landscaping plan notes include clearances for planting of trees next to fire hydrant. The note shall include clearances for the planting of shrubs next to hydrants. A minimum clearance of 3 feet shall be provided around hydrants.
18. Prior to issuance of building permits, the applicant shall:
 - a. Submit a "Right-of-Way Permit" application form for any work within the right-of-way of SE Witch Hazel Road, if proposed.
 - b. Show dedication of additional right-of-way to provide 37 feet from centerline of SE Witch Hazel Road and provision of a non-access reservation along the subject site's frontage of SE Witch Hazel Road.
19. Prior to Development Review approval:
 - a. Site plan submittals shall provide between 20 and 24 exterior parking spaces for the PUD.
 - b. The applicant shall identify noise mitigation techniques such as upgrades in wall construction, triple windows, improved caulking, to be used on the eastern building elevations.

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 November 19, 2015, as Exhibit B to Order No. 8165.

1. The City complied with all required notice and hearing procedures for the Planning Commission's November 19, 2015 hearing in this matter. At the commencement of the hearing Planner John Boren made the disclosures and announcements required by ORS 197.763(5) and (6) and 197.796. No member of the Planning Commission had any ex parte contacts, conflicts of interest or biases to report. 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.
 2. At the hearing, Planner John Boren provided a verbal summary of the November 10, 2015 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.
 3. A motion was made to approve the application with the conditions identified in Exhibit A. That motion passed unanimously.
 4. Community Development Code No. 6094, Section 12.80.120.K, specifies the approval criteria for approval of a preliminary development plan for a proposed planned unit development (PUD). Analysis is based on the application materials deemed complete on September 21, 2015 and department and agency comments received.
- K. 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 proposal for 8 townhomes is a consistent use with the RM Medium Density Residential Comprehensive Plan designation This area is not in an identified Plan District in Subchapters 12.60 through 12.65 of the CDC. This criterion is met.

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 site location is at the gateway/entrance to the older residential developments along SE Witch Hazel Road, and the newer Witch Hazel Village Community Plan area. The plaza at the intersection of SE Witch Hazel Road and SE Brookwood Avenue helps to provide a better transition between the commercial and industrial patterns to the east and north along the Tualatin Valley Highway corridor. The buildings are oriented toward SE Brookwood Avenue rather than the new internal public alley, which adds character to the streetscape. 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 applicant requested adjustments to the minimum lot depths for Lots 1-4, minimum lot size for all lots, and minimum front yard setback to garages for all lots. Analysis related to this criterion are addressed separately in these findings under Sections 12.80.154 and 12.80.156. 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;

The open space at the northern section of the subject site is to contain benches, a gazebo and other such elements to encourage gathering opportunities. The location and design of this open space will provide an opportunity for the community to gather as well as create an attractive element at the corner of the intersection. 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 described meeting sustainability features through the demonstration of compliance with other standards. The applicant has noted that the homes would be pre-wired for potential solar panel installation. The applicant has been conditioned to provide all homes with this pre-wiring. 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

Age- or disability- friendly features include the proximity of the open space plaza and the unique dwelling design feature of some of the units having ground floor master bedrooms and at grade entries. 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 site design minimizes vehicle and pedestrian conflicts by alley loading the garages. The front facades of the buildings being oriented toward SE Brookwood Ave will ensure more eyes on the street, providing a greater sense of security on the sidewalk. 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 requested adjustments, however none of them are specified in 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 Planned Unit Development is dividing the subject site into 8 lots and one open space tract. Therefore, it is subject to the approval criteria in Section 12.80.098.F. Compliance with the subdivision preliminary plat approval criteria is addressed later in the findings. This criterion is met.

Section 12.80.098 Subdivision

As part of the Planned Unit Development, the applicant is dividing the subject site into 8 lots, one open space tract, and one water quality facility tract.

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 proposal for 8 lots is within the minimum and maximum residential densities allowed in the MFR-1 Multi-Family Residential zone (5-8 dwelling units based upon 0.49 net acres at 11-16 dwelling units per net acre). The applicant has requested adjustments to some of the dimensional standards (minimum lot depth, minimum front yard setback to a garage, and minimum lot size). Compliance with the Adjustment criteria is analyzed elsewhere in the findings. The remaining base zone standards are 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 included utility plans and was routed to other City departments and agencies for review. No department or agency noted lack of adequate public utilities and facilities. 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;*

There are pedestrian and bicycle connections to and from the open space, the dwelling units and SE Witch Hazel Road and SE Brookwood Avenue. Alley loading the garages also minimizes pedestrian and bicycle conflicts due to fewer driveway cuts on SE Brookwood Avenue. All dwelling units include one bicycle parking space. 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;*

1

This parcel is the only vacant parcel within the larger block, bounded by SE Witch Hazel Road to the north, and SE Brookwood Avenue to the east. There are no additional undeveloped properties to consider. This criterion does not apply.

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 site plans include 1,771 square feet devoted to usable open space, per the area calculations, a minimum of 1,557 square feet is required. As noted before there are pedestrian and bicycle connections to and from the open space, the dwelling units and SE Witch Hazel Road and SE Brookwood Avenue. All dwelling units include one bicycle parking space.

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

SE Witch Hazel Road is a County Transportation facility. Washington County has provided comments that additional right-of-way is needed to meet design standards, and that direct access to SE Witch Hazel Road will not be permitted. Clean Water Services has noted that a Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. No other external agencies are affected by, or chose to comment on the proposal. 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*

No oversized lots are proposed. 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.*

No oversized lots are proposed. This criterion does not apply.

Section 12.80.154 Minor Adjustments

The applicant requested Minor Adjustments (less than a 10% deviation from a numerical standard) to the minimum lot depths for Lots 1-4 and minimum front yard setback to garages for all lots.

	Code Requirement Table 12.22.150-1	Requested new minimum
Minimum Lot Depth (Lots 1-4)	85 feet	81 feet
Minimum Front Yard Setback to Garage (Lots 1-8)	20 feet	18 feet

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

1. *The Adjustment is for 10% or less of a numeric or dimensional standard. "Dimensional standard" in this context does not include minimum or maximum residential density;*

The Minor Adjustments requested are both less than 10% of a dimensional standard. This criterion is met.

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

The reduced front yard setback, and lot depth allows for a greater street width for the new public alley which improves pedestrian and vehicular movements. No other changes to on- or off-site pedestrian or vehicular movements are noted. 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 cultural resources present. The Impact Area for a City-designated Significant Natural Resource (SNR) is present in the northwest corner of the site. A portion of the water quality facility is within the Impact Area. The portion of Impact Area on the subject site is less than 500 square feet and provides a minimal buffering function due to it being separated from the resource by the driveway for the residence at 4950 SE Witch Hazel Road. This criterion is met.

4. *The development will remain consistent with the overall purpose of the base zone after the Adjustment or the combined Adjustments if more than 1 is proposed;*

The purpose of the MFR-1 Multi-Family Residential zone is to provide an opportunity for small lot detached single family, attached single family and multi-family housing. The applicant is proposing 8 single family attached dwelling units, which is in accordance with the base zone's purpose statement. The adjustments aide in facilitating the delivery of this project and dwelling units while also addressing some site constraints. This criterion is met.

5. *Any Adjustment granted is the minimum necessary to permit a reasonable use of land, buildings and structures;*

The requested adjustment to minimum lot depth only represents a 3% adjustment from the base zone standard. The requested adjustment to front yard garage setback is the maximum allowed via a minor adjustment. In limited other circumstances the City has permitted 18 foot setback to garages, making the request uncommon, but not unprecedented. This criterion is met.

- 6. *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 proposal addressed the public benefit standards noted in Section 12.50.900 for the Minor Adjustments and Major Adjustments requested for this Planned Unit Development. Findings pertaining to compliance with the public benefit standards are located further on in the findings. This criterion is met.

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

No additional approval criteria in Section 12.80.158 apply for the standards being requested for adjustments. This criterion does not apply.

- 8. *The Minor 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.*

The applicant is not seeking adjustments in response to special conditions over which they have no control. This criterion is met.

Section 12.80.156 Major Adjustments

The applicant is requesting Major Adjustments to the minimum lot size for all lots. It is noted that the number of dwelling units proposed is still within the normal minimum and maximum density standards of the base zone.

	Code Requirement Table 12.22.150-1	Requested new minimum
Minimum Lot Size <ul style="list-style-type: none"> • Two-dwelling townhouse or duplex 	6,000 square feet	4,675 square feet

C. Approval Criteria. *To approve a Major Adjustment, the Review Authority shall make 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;*

No changes to on- or off-site pedestrian or vehicular movements were noted in the City Planning and Public Works staff review of the site plans. This criterion is met.

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

There are no City-designated cultural resources present. The Impact Area for a City-designated Significant Natural Resource (SNR) is present in the northwest corner of the site. None of the proposed adjustments would result in additional encroachment into the Impact Area of the SNR. This criterion is met.

3. *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;*

The purpose of the MFR-1 Multi-Family Residential zone is to provide an opportunity for small lot detached single family, attached single family and multi-family housing. The applicant is proposing 8 single family attached dwelling units, which is in accordance with the base zone's purpose statement. In an effort to produce a more efficient and better designed project, the applicant has requested a Major Adjustment for lot size. This allows the project to meet the minimum and maximum density of the zone, while also allowing attached units on individual lots. This criterion is met.

4. *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 proposal addressed the public benefit standards noted in Section 12.50.900 for the Minor Adjustments and Major Adjustments requested for this Planned Unit Development. Findings pertaining to compliance with the public benefit standards are located further on in the findings. This criterion is met.

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

No additional approval criteria in Section 12.80.158 apply for the standard being requested for adjustments. This criterion does not apply.

6. *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.*

The applicant is not seeking adjustments in response to special conditions over which they have no control. This criterion is met.

Section 12.50.920 Public Benefit Standards: Building and Site Design Guidelines

In order to justify the requested adjustments, the applicant has denoted how the project has significant advantages by complying with a selection of the building and site design guidelines of Section 12.50.920.

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 location and programming of the usable open space provides a harmonious edge to the broader Witch Hazel neighborhood along with attractive pedestrian routes that would lead to the transit route along SE Tualatin Valley Highway. The houses also face, rather than turn their backs toward, SE Brookwood Avenue, which makes for a more attractive edge to the neighborhood for pedestrians.

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 8 dwelling units are split with 4 having 2 stories and 4 having 3 stories. Half of the dwelling units will have master bedrooms on the ground floor, which will allow for greater flexibility for aging in place or accommodating mobility impaired residents.

D. Building design should be site specific, fit into the context of the area, preserve important view corridors, complement the natural setting and other nearby buildings, and relate to adjacent public and private streets.

The dwelling are proposed to be oriented towards SE Brookwood Avenue, with the garages loading from the rear public alley. The front façade being oriented toward SE Brookwood Avenue relates the development to the adjacent public street. This is a good example of “sense of place, and wayfinding” successfully designed by aligning traditional hierarchy of “front” and “back” with service/informal (vehicular) and served/formal (pedestrian) access.

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.

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 included elevations demonstrate that the buildings will have hipped roofs, which complement the roof styles of other existing homes in the neighborhood. The proportion and low slopes with the inclusions of well integrated dormers and generous eaves make these a very well designed example of hipped roofs at the 2 and 3 story scale

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.*

The colors and materials selected are compatible with other homes in the neighborhood.

L. *Upper stories should be articulated with features such as bays and balconies.*

The applicant exceeds the code minimum by including (2 story) front corner entries which are indented full height creating a second floor small balcony which serves as the entry porch covering. The large rear balconies (3 story) create private “neighborhood” spaces above the small alley.

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.*

The proposed plans show building entrances which are recessed and articulated on the front façade.

Section 12.50.930 Public Benefit Standards: Sustainable Development Practices

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

A. *Habitat Friendly Development Practices. Use of habitat friendly development practices, including Low Impact-Development Approach (LIDA) techniques are a key element of the adopted Tualatin Basin Fish & Wildlife Habitat Program. LID techniques are encouraged to reduce the environmental impacts of new development, and to provide flexibility to encourage the protection of qualified Habitat Benefit Areas. The following recommended habitat-friendly development practices should be considered where technically feasible and appropriate.*

1. *Design and Construction Practices to Reduce Hydrologic Impacts.*

- a. *Amending disturbed soils to original or higher levels of porosity to regain infiltration and stormwater storage capacity.*
- b. *Using pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.*
- c. *Incorporating stormwater management in street rights-of-ways, subject to the approval of the City Engineer.*
- d. *Landscaping with rain gardens to provide on-lot detention and filtering and groundwater recharge.*
- e. *Using green roofs to reduce runoff and energy costs, improve air quality, and enhance aesthetics.*
- f. *Disconnecting downspouts from roofs and direct rainwater to vegetated infiltration /filtration areas.*

- g. *Retaining rooftop runoff in rain barrels for future on-site irrigation.*
- h. *Using multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.*
- i. *Using bioretention cells in parking lot islands to reduce runoff volume and filter pollutants.*
- j. *Applying a site-specific combination of storm water systems (a “treatment train”) to provide multiple opportunities for treatment and to reduce the possibility of system failure.*
- k. *Reducing sidewalk widths and slope grades to drain into front yards or retention areas.*
- l. *Reducing impervious surface areas of residential driveways by narrowing widths or using shared driveways.*
- m. *Reducing widths of residential streets, depending on traffic and parking needs.*
- n. *Reducing street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.*
- o. *Reducing cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.*
- p. *Eliminating redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).*
- q. *Minimizing car spaces and stall dimensions, reducing parking ratios, and using shared parking facilities and structured parking.*
- r. *Minimizing the number of stream crossings and place crossings perpendicular to the stream channel if possible.*
- s. *Allowing narrower street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.*

The applicant has cited their utilization of a narrow public alley, plaza with pervious surface and water quality facility to encourage ground infiltration. With the exception of the water quality facility, which is required of all developments, the other attributes contribute to the significant advantages necessary to support a planned unit development.

3. *Miscellaneous other Habitat-Friendly Design and Construction Practices.*

- a. *Using native plants throughout the development, not only in Habitat Benefit Areas.*
- b. *Locating required landscaping adjacent to Habitat Benefit Areas.*
- c. *Reducing light-spill off into Habitat Benefit Areas from development.*
- d. *Preserving and maintaining existing trees and tree canopy coverage, and plant trees where appropriate to increase future tree canopy coverage.*

The plaza is located outside of a Habitat Benefit Area and includes native trees and shrubs.

C. Energy Usage Efficiency and Reduction.

1. *Designing and site buildings to maximize natural ventilation and solar access for heating and lighting.*

The lots all have an east-west orientation, which allows for south-facing roof area for solar panels.

9. *Using alternative electric generation systems, such as solar photovoltaic or wind energy.*
 - a. *Where installed, solar electric systems must meet the following standards:*
 - i. *On a flat roof, the panels must be mounted flush or on racks. Panels or racks cannot extend more than 5 feet above the top of the highest point of the roof, not including the parapet wall, and must be set back at least 5 feet from the edge of the roof.*
 - ii. *On a pitched roof, the plane of the panels must be set back at least 3 feet from both the eave and the ridgeline.*
 - iii. *Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.*
 - iv. *Photovoltaic glazing may be integrated into windows or skylights.*

The applicant has stated that all dwelling units will be pre-wired for solar panels.

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 plaza area serves to act as a gateway/entrance to the greater Witch Hazel neighborhood, and also acts as defining edge of the subject site. Additionally, it provides a visual buffer from the development to the intersection of SE Brookwood Avenue and SE Witch Hazel Road.

G. Accessibility and Visitability.

1. *Providing "zero-rise" residential entries without steps or thresholds.*

2. *Providing paths of travel from the street, sidewalk or driveway which have no steps, are at least 36-inches wide and are no steeper than 1:20 (5% grade) for walkways or 1:12 for ramps.*
3. *Providing ground floor residential entries with 32-inch clear opening doorways and 36-inch clear width hallways.*
4. *In dwellings, providing at least a half bath on the ground floor, with adequate dimensions to allow a person in a wheelchair to enter and close the door.*

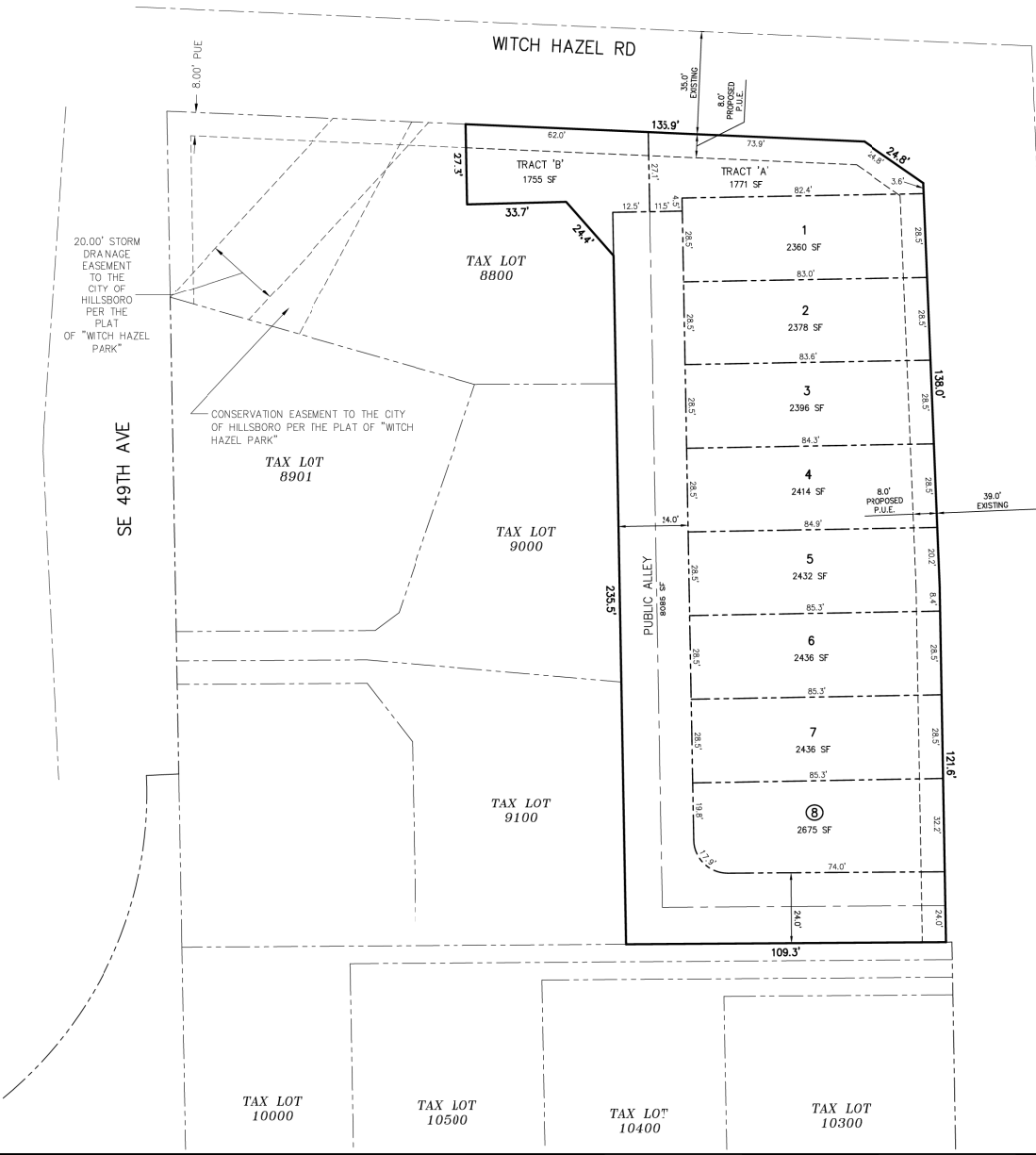
The floor plans show Lots 3-6 with a master bedroom on the first floor which includes a bathroom. The applicant has proposed no steps on the walkway to those dwelling units.

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).*

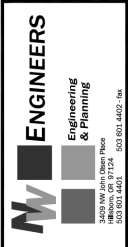
The usable open space plaza includes outdoor seating spaces which allow for social interaction among area residents.

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



SITE INFORMATION

REQUIRED DUPLEX LOT SIZE	= 6,000 SF
WITH REQUESTED 25% REDUCTION (MAJOR ADJUSTMENT ALL LOTS)	= 4,500 SF
PROPOSED MINIMUM LOT AREA (LOT 1 & 2)	= 4,738 SF
REQUIRED MINIMUM LOT DEPTH (MINOR ADJUSTMENT LOTS 1-4)	= 85 FT
PROPOSED MINIMUM LOT DEPTH (LOT 1)	= 82.4 FEET
REQUIRED MINIMUM LOT WIDTH (DUPLEX)	= 50 FEET
PROPOSED MINIMUM LOT WIDTH (DUPLEX)	= 57 FEET
GROSS SITE AREA	= 31,139 SF
RIGHT-OF-WAY	= 6,091 SF
WATER QUALITY	= 1,258 SF
NET AREA	= 21,293 SF
	= 0.49 AC
MAXIMUM DENSITY 0.49x16=7.82	8 UNITS
OPEN SPACE REQUIRED (5% OF 31,139 SF)	= 1,557 SF
OPEN SPACE PROVIDED	= 1,771 SF



FOR: CHUCK GARNER
 2920 SE BROOKWOOD AVENUE
 HILLSBORO, OR 97123
 (503) 484-5087
 SITE: TAX MAP 152 09 AD
 TAX LOT 4100
 CITY OF HILLSBORO, OREGON

WITCH HAZEL POINT
 8-UNIT PLANNED UNIT DEVELOPMENT
 N0251
 PRELIMINARY PLAT

REVISION	BY	DATE
1		
2		
3		
4		
5		
6		
7		

DESIGNED	DRAWN	REVIEWED	SUBMITTED

PLAT 4 of 14

