



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 2, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment  
DLCD File Number 009-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 16, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

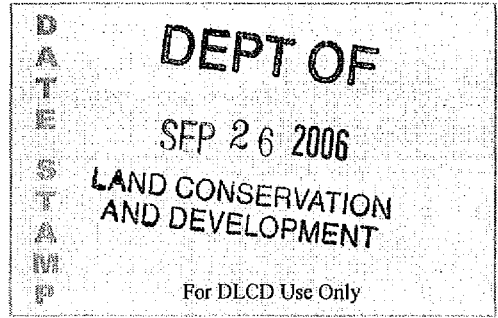
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Colin Cooper, City of Beaverton

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**2** Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Beaverton Local file number: TA2006-0006

Date of Adoption: September 19, 2006 Date Mailed: September 25, 2006

Date original Notice of Proposed Amendment was mailed to DLCD: June 1, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Text amendment to Beaverton Development Code Section 40.45.15.1 Lot Line Adjustment.

The intent of the proposed text amendment is to add a threshold that requires that when a lot line is vacated for the purpose of consolidating two or more lots of record with the intent of creating a new lot of record a "Lot Line Adjustment" application is required

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".  
If you did not give Notice for the Proposed Amendment, write "N/A".  
Same

Plan Map Changed from: N/A to: \_\_\_\_\_

Zone Map Changed from: N/A to: \_\_\_\_\_

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1 and 2

Was an Exception Adopted?  YES  NO

DLCD File No.: 009-06  
(15271)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: Colin Cooper Phone: 503-526-2425 Extension: \_\_\_\_\_

Address: PO Box 4755 City: Beaverton

Zip Code + 4: 97076-4755 Email Address: \_\_\_\_\_

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4405

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE DEVELOPMENT CODE,  
CHAPTERS 40 and 90;  
TA 2006-0006 (Lot Line Adjustment/Consolidation).

**WHEREAS**, the purpose of the Lot Line Adjustment/Consolidation Text Amendment is to amend Chapter 40, Section 40.45.15.1, Lot Line Adjustments of the Beaverton Development Code currently effective through Ordinance 4389 (April 2006), and create a new Lot Line Adjustment application threshold. The intent of the new threshold is to require landowners consolidating two or more lots of record into one lot of record to be reviewed in order to ensure public easements and lot lines are addressed in advance of development. Affected chapters of the Development Code include Chapter 40 (Applications) and Chapter 90 (Definitions); and

**WHEREAS**, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division on July 19, 2006 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on July 26, 2006; and

**WHEREAS**, the Planning Commission held a public hearing on July 26, 2006 and approved the proposed Lot Line Adjustment/Consolidation Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated July 19, 2006; and

**WHEREAS**, on July 26, 2006 the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1894; and

**WHEREAS**, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0006 (Lot Line Adjustment/Consolidation) following the issuance of the Planning Commission Land Use Order No. 1894; and,

**WHEREAS**, the City Council adopts as to criteria, facts, and findings described in Land Use Order No. 1894 dated August 7, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 2050, effective through Ordinance No. 4389, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

**Section 2.** All Development Code provisions adopted prior to this Ordinance, which are not expressly amended or replaced herein, shall remain in full force and effect.

**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability, or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 11th day of September, 2006.

Passed by the Council this 18th day of September, 2006.

Approved by the Mayor this 19<sup>th</sup> day of September, 2006.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

**Section 1:** The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 40, Applications, Section 40.45.15.1, Lot Line Adjustments, will be amended to read as follows:

**40.45.15. Application.**

There are seven (7) Land Division applications which are as follows: Lot Line Adjustment, Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, Preliminary Fee Ownership Subdivision, Final Land Division, and Expedited Land Division.

**1. Lot Line Adjustment**

- A. Threshold. An application for Lot Line Adjustment shall be required when one or more of the following threshold applies apply:
1. The changing of the common boundary of at least two (2) lots of record and does not create an additional lot.
  2. The elimination of a common boundary between two (2) or more lots of record that result in the creation of a single lot of record (Lot Consolidation).
- B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Lot Line Adjustment. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Lot Line Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Lot Line Adjustment application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
  4. An additional lot is not created.
  5. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be considered concurrently with the subject proposal.
  6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).
  7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Lot Line Adjustment shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Lot Line Adjustment application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Lot Line Adjustment application to ensure compliance with the approval criteria.
1. The applicant of a lot line adjustment shall record a record of survey or replat with Washington County as required by Oregon Revised Statutes Chapter 92. The record of survey or replat shall be subject to review by the City as part of the Lot Line Adjustment application, and shall not be subject further review under Section 40.45.15.6, Final Land Division.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.

H. Extension of a Decision. Refer to Section 50.93.

**Section 2: The Development Code, Ordinance No. 2050, Ordinance 4248, Chapter 90 – Definitions, will be amended to read as follows:**

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**Lot line adjustment.** The adjustment of a lot line of a recorded lot of record by the relocation of a common boundary where an additional lot is not created and where an existing parcel lot is not reduced below the minimum requirements established by the zoning ordinance.

**Lot Consolidation** The process of reducing the number of lots of record by means of a Lot Line Adjustment or Replat.

**Replat** The act of platting the lots, parcels, tracts, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

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