

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 19th 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:

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.
