

ORDINANCE NO. 4487

AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE DEVELOPMENT CODE,
TA 2007-0010, LAND DIVISION UPDATE AMENDMENT

WHEREAS, in November 2007, the City of Beaverton Community Development Department staff submitted a proposed text amendment to Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Requirements), and Chapter 90 (Definitions) to update the provisions applicable to land divisions; and

WHEREAS, the amendments were proposed to clarify the regulations as they apply to existing versus new development, remove internal conflicts in the code, and comply with recent changes in state law; and

WHEREAS, the Planning Commission conducted public hearings on January 16, 2008, February 20, 2008, and May 28, 2008 to consider the proposed amendments; and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff recommended approval of this Development Code text amendment as amended by the Planning Commission; and

WHEREAS, on May 28, 2008, the Planning Commission conducted a public hearing at the conclusion of which the Planning Commission reached a determination 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. 2083; and

WHEREAS, no appeal of the Planning Commission recommendation was filed with the City; and

WHEREAS, the Council adopts and incorporates herein the Development Services Division Staff Report dated January 9, 2008, February 13, 2008, May 21, 2008, Planning Commission Land Use Order 2065, and Planning Commission Land Use Order No. 2083 as the applicable criteria and finding which constitute an adequate factual basis for this ordinance. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Development Code is amended to read as set out in Appendix "A" to this Ordinance attached to and incorporated herein by this reference.

First reading this 14th day of July, 2008.

Passed by the Council this 21st day of July, 2008.

Approved by the Mayor this 22nd day of July, 2008.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 20 –**
2 **Land Use, Section 20.05, RESIDENTIAL LAND USE DISTRICTS, is**
3 **amended to read as follows with deleted matter in ~~strike~~through and new**
4 **matter in highlight:**

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7
8 **20.05.10. Urban Low Density (R-10) District**

- 9
10 1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of
11 record. (ORD 3293; November, 1982) The R-10 District is intended to
12 establish ~~standard~~ low urban density residential home sites where a
13 minimum land area of 10,000 square feet is available for each dwelling
14 unit unless reduced through an approved Planned Unit Development
15 or Land Division, and where full urban services are provided.

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19 **20.05.15. Urban Standard Density (R-7) District**

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21 1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of
22 record. (ORD 3293; November, 1982) The R-7 District is intended to
23 establish standard urban density residential home sites where a
24 minimum land area of 7,000 square feet is available for each dwelling
25 unit unless reduced through an approved Planned Unit Development
26 or Land Division, and where full urban services are provided.

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30 **20.05.20. Urban Standard Density (R-5) District**

- 31
32 1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of
33 record. (ORD 3293; November, 1982) The R-5 District is intended to
34 establish standard urban density residential home sites where a
35 minimum land area of 5,000 square feet is available for each dwelling
36 unit unless reduced through an approved Planned Unit Development
37 or Land Division, and where full urban services are provided. (ORD
38 3166; April 1980) [ORD 4112; June 2000]

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40 *****

1 20.05.50. Site Development Requirements.

2
3 1. Minimum Land Area Per Dwelling Unit: [ORD 4224; August
4 2002]

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6 A. Detached Residential Zoning Districts, except as provided in
7 Section 20.05.50.1.B:

- 8
9 RA 5 acres
10 R10 10,000 square feet
11 R7 7,000 square feet
12 R5 5,000 square feet
13 R4 4,000 square feet [ORD 4047; May 1999]

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15 B. In an R-5, R-7, or R-10 district where a land division proposal
16 involves less than two (2) acres, the minimum lot area may be
17 based on the average area of proposed lots, as follows: ~~reduced to~~
18 ~~the following;~~

19
20 a. Minimum lot area for the R10 zone may be reduced
21 to 9,000 square feet in conjunction with a land
22 division application where the resulting average lot
23 size within the land division is no less than 10,000
24 square feet.

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26 b. Minimum lot area for the R7 zone may be reduced
27 to 6,300 square feet in conjunction with a land
28 division application where the resulting average lot
29 size within the land division is no less than 7,000
30 square feet.

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32 c. Minimum lot area for the R5 zone may be reduced
33 to 4,500 square feet in conjunction with a land
34 division application where the resulting average lot
35 size within the land division is no less than 5,000
36 square feet.

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2. **Minimum Lot Dimensions:**
(in feet)

A. Width	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1. Corner Lots	300	90	75	0	40	75	75	110
2. Corner Lots when area reduced per Section 20.05.50.1.B		85	70					
3. Interior Lots	300	80	70	0	40	70	70	110
4. Interior Lots when area reduced per Section 20.05.50.B		75	65					
B. Depth								
1. Corner Lots	0	110	90	0	80	100	100	100
2. Corner Lots when area reduced per Section 20.05.50.1.B		100	80					
3. Interior Lots	0	120	100	0	80	100	100	100
4. Interior Lots when area reduced per Section 20.05.50.1.B		110	90					
Lot depth shall be no more than 2 ½ times the actual lot width.								

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~~B. Depth: as specified, provided however that no lot depth shall be more than 2 1/2 times the lot width.~~

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1. Corner Lots	0	110	90	0	80	100	100	100
		100	80					

{ORD 4047; May 1999}

2. Interior Lots	0	120	100	0	80	100	100	100
		110	90					

{ORD 4047; May 1999}

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Section 2: The Development Code, Ordinance No. 2050, Chapter 40 – Applications, Section 40.03, FACILITIES REVIEW COMMITTEE, is amended to read as follows with deleted matter in strikethrough and new matter in highlight:

40.03. FACILITIES REVIEW COMMITTEE

Consistent with Section 10.95.4 (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following Type 2 and Type 3 land use applications: all Conditional Use, Design Review Two, Design Review Three, Public Transportation Facility Reviews, Street Vacations, and ~~all~~ applicable Land Divisions. Applicable land division applications are Replats, Partitions, Subdivisions, Fee Ownership Partitions, and Fee Ownership Subdivisions. In making a recommendation on an application ~~proposal~~ to the decision making authority, the Facilities Review Committee shall base its recommendation on a determination of whether the application satisfies all the following technical criteria. The applicant for development must establish that the application complies with all relevant standards in conformance with Section 50.25.1.B, and all the following criteria have been met, as applicable:

1. All Conditional Use, Design Review Two, Design Review Three, and applicable Land Division applications:

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.
- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy ~~of the proposed development~~. In lieu of providing essential facilities and services, a specific plan strategy may be ~~submitted~~ approved if it ~~that~~ adequately demonstrates ~~how that~~ these essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

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- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications ~~subject to an Adjustment, Planned Unit Development, or Variance~~ which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities ~~ditches~~, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to ~~periodic~~ maintenance by the City or other public agency.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

- G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

- H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate, ~~and~~ protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

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- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.
- L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

2. Public Transportation Facility Improvements or Modifications, including Street Vacations

- A. The transportation facility, as proposed or modified, conforms to the Transportation System Plan.
- B. There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.
- C. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are in place.
- D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities.
- E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.
- F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.

- 1 G. Grading and contouring are the minimum necessary to
2 accommodate the proposed transportation facility, while
3 mitigating adverse effect(s) on neighboring properties, public
4 right-of-way, surface drainage, water storage facilities, and the
5 public storm drainage system.
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7 H. Access and facilities for physically handicapped people are
8 maintained and/or incorporated into the subject transportation
9 facility, with particular attention to providing continuous,
10 uninterrupted access routes.
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12 I. The application includes all required submittal materials as
13 specified in Section 50.25.1 of the Development Code.
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16 **Section 3: The Development Code, Ordinance No. 2050, Chapter 40 –**
17 **Applications, Section 40.45, LAND DIVISION, is amended to read as follows**
18 **with deleted matter in strikethrough and new matter in highlight:**
19

20 **40.45. LAND DIVISION AND RECONFIGURATION**
21

22 **40.45.05. Purpose.**
23

24 The purpose of the Land Division applications is to establish regulations,
25 procedures, and standards for the division or reconfiguration of the
26 boundaries of land within the City of Beaverton. This Section is carried out
27 by the approval criteria listed herein.
28

29 **40.45.10. Applicability.**
30

31 The provisions of this section shall apply to all subdivisions, partitions,
32 developments involving the dedications of public right-of-way, ~~or~~ and the
33 reconfiguration of existing property lines. ~~except for the dedication of public~~
34 ~~rights-of-way.~~ Code requirements for the vacation of public rights-of-way are
35 in Chapter 40.75 Street Vacations.
36

37 **40.45.15. Applications.**
38

39 There are ~~seven (7) Land Division~~ eight (8) types of applications under this
40 Section, ~~which are~~ as follows: Property Line Adjustment, Replat, Preliminary
41 Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition,
42 Preliminary Fee Ownership Subdivision, Final Land Division, and Expedited
43 Land Division.
44

1 1. **Property ~~Lot~~ Line Adjustment.**

2
3 A. Threshold. An application for Property Line Adjustment shall
4 be required when one or more of the following thresholds apply
5 [ORD 4405; September 2006]:

6
7 1. The changing of ~~the~~ a common boundary of ~~at least two~~
8 (2) lots of record ~~and where the number of lots or parcels~~
9 ~~create an additional lot~~ does not change; except a proposal
10 meeting the threshold for a Replat under Section
11 40.45.15.2, shall be processed as a Replat and not as a
12 Property Line Adjustment. ~~[ORD 4405; September 2006]~~
13 ~~The elimination of a common boundary between two (2) or~~
14 ~~more lots of record that result in the creation of a single~~
15 ~~lot of record (Lot Consolidation).~~

16
17 2. More than one Property Line Adjustment application (~~i.e.,~~
18 ~~affecting more than two (2) pairs of lots~~) may be processed
19 concurrently ~~simultaneously through a single Property~~
20 ~~Line Adjustment application for each pair of lots~~, provided
21 the threshold in 40.45.15.1.A.1 is met.

22
23 B. Procedure Type. The Type 1 procedure, as described in Section
24 50.35 of this Code, shall apply to an application for Property
25 Line Adjustment. The decision making authority is the
26 Director.

27
28 C. Approval Criteria. In order to approve a Property Line
29 Adjustment application, the decision making authority shall
30 make findings ~~of fact~~ based on evidence provided by the
31 applicant demonstrating that all the following criteria are
32 satisfied:

33
34 1. The application satisfies the threshold requirements for a
35 Property Line Adjustment.

36
37 2. All City application fees related to the application under
38 consideration by the decision making authority have been
39 submitted.

40
41 3. The Property Line Adjustment does not conflict with any
42 existing City land use approval, public easement, or
43 previous condition of approval applied to the subject
44 property.

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- ~~3. The proposal contains all applicable application submittal requirements materials as specified in Section 50.25.1 of the Development Code.~~
- 4. An additional lot or parcel is not created.
- 5. The Property Line Adjustment is consistent with all applicable provisions of Chapter 20 (Land Uses), unless the applicable provisions are modified by means of one or more applications subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the Property Line Adjustment.
- 6. The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations).
- 7. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the reconfigured lots proposal at the time of its completion.
- ~~8. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site and in connecting with the surrounding circulation system.~~
- 8. The proposal will not eliminate pedestrian or vehicle access to the affected properties.
- 9. The proposal does not create a parcel which will have more than one (1) zoning designation.
- 10. The application proposal contains all required application submittal requirements materials as specified in Section 50.25.1 of the Development Code.
- 11. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

1 E. Conditions of Approval. The decision making authority may
2 impose conditions on the approval of a Property Line
3 Adjustment application to ensure compliance with the approval
4 criteria. All Property Line Adjustment decisions shall also
5 require that:
6

7 1. The Applicant shall provide evidence to the City that a
8 conveyance instrument conforming to the approved
9 Property Line Adjustment has been recorded at
10 Washington County. ~~in the County Clerk's office. The~~
11 ~~Property Line Adjustment shall not become final until~~
12 ~~such evidence is supplied to the city.~~
13

14 2.1. [ORD 4405; September 2006] The applicant for a Property
15 Line Adjustment shall file a record of survey ~~or replat~~
16 with the County as required by Oregon Revised Statutes
17 Chapter 92. The record of survey ~~or replat~~ shall be
18 subject to review by the City as part of the Property Line
19 Adjustment application, and shall not be subject to
20 further review under Section 40.45.15.7, Final Land
21 Division.
22

23 F. Appeal of a Decision. Refer to Section 50.60.
24

25 G. Expiration of a Decision. Refer to Section 50.90. ~~To vest in a~~
26 ~~Property Line Adjustment permit, the applicant must: (1) show~~
27 ~~proof that conveyance instruments conforming to the Property~~
28 ~~Line Adjustment approval have been recorded in the County~~
29 ~~Clerk's office; and, (2) a record of survey for the subject~~
30 ~~properties has been filed in the County Clerk's office, subject to~~
31 ~~review by the County Surveyor. The preliminary Property Line~~
32 ~~Adjustment decision is valid for a period of two (2) years. After~~
33 ~~a period of two (2) years, unless extended under Chapter 50.93,~~
34 ~~the preliminary Property Line Adjustment decisions shall expire~~
35 ~~and a new Property Line Adjustment application shall be~~
36 ~~required.~~
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40 **2. Replat.**
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42 A. Threshold. An application for Replat shall be required when
43 any of the following thresholds apply:
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1. The reconfiguration of lots, parcels, or tracts within an existing plat that increases or decreases the number of lots, parcels, or tracts in the plat; includes the consolidation of lots within a previously recorded plat;
2. Within an existing plat, new right of way is dedicated to the public or existing right of way is vacated and more than one (1) property is affected by the dedication; provided, however, no public right-of-way shall be vacated without the applicant first obtaining approval under Section 40.75 Street Vacations;
3. Within an existing plat, a public easement is conveyed, removed, or modified in such a way that it affects more than one (1) property owner (i.e., multiple properties under different ownership);
4. The reconfiguration of lots or parcels affecting more than one (1) recorded plat, or where the perimeter boundary of a recorded plat would change as a result of the proposed reconfiguration.

B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Replat, except the Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Replat involving only the consolidation of lots and not triggering any of the thresholds in Section 40.45.15.A.2 through 40.45.15.A.4. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Replat application, the decision making authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied.

1. The application satisfies the threshold requirements for a Replat.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.

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3. The proposed Replat does not conflict with any existing City approval, except the City may modify prior approvals through the Replat process to comply with current Code standards and requirements.
4. Oversized lots or parcels (“oversized lots”) resulting from the Replat shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots and future potential development on oversized lots.
5. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:
 - a. Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
 - b. Complies with minimum density requirements of this code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed, provides a standard street cross section with sidewalks.
6. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B shall not require further Adjustment or Variance for the Land Division.
7. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provides for necessary public improvements for each phase as the project develops.
8. The proposal will not eliminate pedestrian or vehicle access to the affected properties.
9. The proposal does not create a parcel or lot which will have more than one (1) zoning designation.

1 10. Applications and documents related to the request
2 requiring further City approval shall be submitted to the
3 City in the proper sequence.
4

5 D. Submission Requirements.
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7 1. An application for a Replat shall be made by the owner(s)
8 of the subject property or the owner's authorized agent, on
9 a form provided by the Director and shall be filed with the
10 Director. Provided, however, where the application is
11 made in conjunction with a Legal Lot Determination
12 under Chapter 40.47, the City may consider the
13 application even if fewer than all the owners of the
14 existing legal lot or parcel have applied for the approval.
15 The Replat application shall be accompanied by the
16 information required by the application form, and the
17 information required by Section 50.25 (Application
18 Completeness), and any other information identified
19 through a Pre-Application Conference.
20

21 2. The Director may consider and act upon a request to
22 develop a Replat in phases. If the Replat is to be phased,
23 the applicant shall propose a phasing program in writing
24 at the time of the Replat application submittal. The
25 applicant is responsible for providing a time schedule for
26 the final platting of the various phases. In no case shall
27 the total time period for the final platting of all stages be
28 greater than five (5) years without filing a new
29 application.
30

31 E. Conditions of Approval. The decision making authority may
32 impose conditions on the approval of a Replat application to
33 ensure compliance with the approval criteria.
34

35 F. Appeal of a Decision. Refer to Section 50.60.
36

37 G. Expiration of a Decision. Refer to Section 50.90. Except where
38 a phasing program is approved under 40.45.15.2.D.2, the filing
39 of a Final Land Division application in accordance with Section
40 40.45.15.7 shall occur within two (2) years of the date of Replat
41 approval. For a phased project, the total time period for the
42 filing of a final plat, shall not exceed five (5) years from the date
43 of the City's final Replat approval decision. After five (5) years,
44 unless otherwise vested, the Replat approval shall expire.

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

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3 **23. Preliminary Partition.**

4
5 A. Threshold. An application for Preliminary Partition shall be
6 required when the following threshold applies:

- 7
8 ~~1.~~ The creation of up to and including three (3) new lots or
9 parcels from at least one (1) lot of record (parent parcel) in
10 one (1) calendar year. ~~, except where approval of a Replat is~~
11 ~~required under Section 40.45.15.2.~~

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15 C. Approval Criteria. In order to approve a Preliminary Partition
16 application, the decision making authority shall make findings
17 ~~of fact~~ based on evidence provided by the applicant
18 demonstrating that all the following criteria are satisfied:

19
20 1. The ~~proposal~~ application satisfies the threshold
21 requirements for a Preliminary Partition application. If
22 the parent parcel is subject to a pending Legal Lot
23 Determination under Chapter 40.47, further division of
24 the parent parcel shall not proceed until all of the
25 provisions of Section 40.47.C have been met.

26
27 2. All City application fees related to the application under
28 consideration by the decision making authority have been
29 submitted.

30
31 3. The proposed partition does not conflict with any existing
32 City approval, except the City may modify prior approvals
33 through the partition process to comply with current Code
34 standards and requirements.

35
36 ~~4.3.~~ Oversized lots parcels (oversized lots) resulting from the
37 Partition shall have a size and shape that facilitates the
38 future potential partitioning or subdividing of such
39 oversized lots in accordance with the requirements of this
40 Code. In addition, streets, driveways, and utilities shall
41 be sufficient to serve the proposed partition and lots as
42 well as the future potential development on oversized lots.

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5. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:

a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,

b) Complies with minimum density requirements of this code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where street improvements are proposed, provides a standard street cross section with sidewalks.

6. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B do not require further Adjustment or Variance for the Land Division.

7. The proposal does not create a parcel which will have more than one (1) zoning designation.

8.4. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Preliminary Partition 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. Provided, however, where the application is made in conjunction with a Legal Lot Determination under Chapter 40.47, the City may consider the application even if fewer than all the owners of the existing legal lot or parcel have applied for the approval. The application shall be accompanied by the information required by the application form, and by the information required 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 Preliminary Partition application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.65.

1 G. Expiration of a Decision. Refer to Section 50.90. The filing of a
2 Final Land Division application in accordance with Section
3 40.45.15.7 shall occur within two (2) years of the date of
4 Preliminary Partition approval. [ORD 4265; September 2003]
5

6 H. Extension of a Decision. Refer to Section 50.93.
7

8 **4.3. Preliminary Subdivision.**
9

10 A. Threshold. An application for Preliminary Subdivision shall be
11 required when the following threshold applies:
12

- 13 1. The creation of four (4) or more new lots from a at least
14 one (1) lot of record in one (1) calendar year. , ~~except~~
15 ~~where approval of a Replat is required under Section~~
16 ~~40.45.15.2.~~
17

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19

20 C. Approval Criteria. In order to approve a Preliminary
21 Subdivision application, the decision making authority shall
22 make findings of ~~fact~~ based on evidence provided by the
23 applicant demonstrating that all the following criteria are
24 satisfied:
25

- 26 1. The ~~proposal~~ application satisfies the threshold
27 requirements for a Preliminary Subdivision application. If
28 the parent parcel is subject to a pending Legal Lot
29 Determination under Chapter 40.47, further division of
30 the parent parcel shall not proceed until all of the
31 provisions of Section 40.47.C have been met.
32
33 2. All City application fees related to the application under
34 consideration by the decision making authority have been
35 submitted.
36
37 3. The proposed development does not conflict with any
38 existing City approval, except the City may modify prior
39 approvals through the subdivision process to comply with
40 current Code standards and requirements.
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4.3. Oversized lots resulting from the subdivision shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed subdivision and ~~lots as well as the~~ future potential development on oversized lots.

5.4. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards ~~can be carried out in a manner which satisfies the approval criteria~~ and provides for necessary public improvements for each phase as the project develops.

6. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,
- b) Complies with minimum density requirements of this code, provides appropriate lot size transitions adjacent to differently zoned properties, minimizes grading impacts on adjacent properties, and where a street is proposed provides a standard street cross section with sidewalks.

7. Applications that apply the lot area averaging size standards of Section 20.05.50.1.B do not require further Adjustment or Variance for the Land Division.

8. The proposal does not create a parcel which will have more than one (1) zoning designation.

9.5. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

1 D. Submission Requirements.

2
3 1. An application for a Preliminary Subdivision shall be
4 made by the owner of the subject property, or the owner's
5 authorized agent, on a form provided by the Director and
6 shall be filed with the Director. Provided, however, where
7 the application is made in conjunction with a Legal Lot
8 Determination under Chapter 40.47, the City may
9 consider the application even if fewer than all the owners
10 of the existing legal lot or parcel have applied for the
11 approval. The Preliminary Subdivision application shall
12 be accompanied by the information required by the
13 application form, and by Section 50.25 (Application
14 Completeness), and any other information identified
15 through a Pre-Application Conference.

16
17 2. The Director may consider and act upon a request to
18 develop a subdivision in phases. If the ~~When an applicant~~
19 ~~desires to phase the development of a~~ subdivision is to be
20 phased, the applicant shall propose a phasing program in
21 writing ~~it shall be indicated~~ at the time of Preliminary
22 Subdivision application submittal. The ~~Director~~ applicant
23 is responsible for providing ~~approving~~ a time schedule for
24 the final platting of the various phases. In no case shall
25 the total time period for the final platting of all stages be
26 greater ~~then~~ than five (5) years without filing a new
27 Preliminary Subdivision application.

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29 *****

30
31 G. Expiration of a Decision. Refer to Section 50.90. Except where
32 a phasing program is approved under Section 40.45.15.4.C.7, the
33 filing of a Final Land Division application in accordance with
34 Section 40.45.15.7 shall occur within two (2) years of the date of
35 Preliminary Subdivision approval. For a phased project, the
36 total time period for the filing of a final plat, shall not exceed
37 five (5) years from the date of the City's final Preliminary
38 Subdivision Approval decision. After five (5) years, unless
39 otherwise vested, the preliminary approval shall expire.

40
41 H. Extension of a Decision. Refer to Section 50.93.
42
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1 **5.4. Preliminary Fee Ownership Partition.**

2
3 A. Threshold. An application for Preliminary Fee Ownership
4 Partition shall be required when the following threshold applies:

- 5
6 1. The creation of up to and including three (3) new lots
7 parcels from at least one (1) a lot of record in one (1)
8 calendar year in a Commercial, Industrial or Multiple Use
9 zones, ~~any of which do not meet the access requirements~~
10 ~~contained in Section 60.55.40.1 of this Code, or where any~~
11 ~~of which do not meet all~~ where one or more of the
12 proposed parcels does not meet one or more of the
13 setback, lot coverage, floor area ratio, and/or lot
14 dimension standards of Chapter 20 (Land Uses), as
15 applicable; ,setback, lot, or both dimension Site
16 Development Requirements for new lots in Commercial,
17 Industrial, or Multiple Use zones and where modification
18 to the same setback and/or lot dimension standard(s) is
19 not requested through another type of Adjustment,
20 Variance, or Planned Unit Development application;
21 ~~except where approval of a Replat is required under~~
22 ~~Section 40.45.15.2. is not will not be filed to address the~~
23 ~~same Site Development Requirements. [ORD 4265;~~
24 ~~September 2003] [ORD 4397; July 2006]~~

25
26 *****

27
28 C. Approval Criteria. In order to approve a Preliminary Fee
29 Ownership Partition application, the decision making authority
30 shall make findings ~~of fact~~ based on evidence provided by the
31 applicant demonstrating that all the following criteria are
32 satisfied:

- 33
34 1. The ~~proposal~~ application satisfies the threshold
35 requirements for a Preliminary Fee Ownership Partition
36 application. If the parent parcel is subject to a pending
37 Legal Lot Determination under Chapter 40.47, further
38 division of the parent parcel shall not proceed until all of
39 the provisions of Section 40.47.C. have been met.
40
41 2. All City application fees related to the application under
42 consideration by the decision making authority have been
43 submitted.
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3. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the Preliminary Fee Ownership Partition process to comply with current Code standards and requirements.

4.3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.

5. The proposal does not create a parcel which will have more than one (1) zoning designation.

6.4. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

D. Submission Requirements.

1. An application for a Preliminary Fee Ownership Partition 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. Provided, however, where the application is made in conjunction with a Legal Lot Determination under Chapter 40.47, the City may consider the application even if fewer than all the owners of the existing legal lot or parcel have applied for the approval. The application shall be accompanied by the information required by the application form, and by the information required by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

6.5. Preliminary Fee Ownership Subdivision.

A. Threshold. An application for Preliminary Fee Ownership Subdivision shall be required when ~~one or more~~ of the following thresholds applies:

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1. The creation of four (4) or more new lots from at least one (1) lot of record in one (1) calendar year in a Commercial, Industrial or Multiple Use zones, ~~any of which do not meet the access requirements contained in Section 60.55.40.1 of this Code, or where any of which do not meet all~~ where one or more the proposed lots do(es) not meet the setback, lot coverage, floor area ratio, and/or lot dimension standards of Chapter 20 (Land Uses), as applicable; ~~setback, lot, or both dimension Site Development Requirements for new lots in Commercial, Industrial, or Multiple Use zones and where modification to the same setback and/or lot dimension standard(s) is not requested through another type of Adjustment, Variance, or Planned Unit Development application,; except where approval of a Replat is required under Section 40.45.15.2. is not will not be filed to address the same Site Development Requirements. [ORD 4265; September 2003] [ORD 4397; July 2006]~~

~~2. The creation of four (4) or more new lots from a lot of record in one (1) calendar year any of which do not meet the access requirements contained in Section 60.55.40.1 of this Code.~~

C. Approval Criteria. In order to approve a Preliminary Fee Ownership Subdivision 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~~ application satisfies the threshold requirements for a Preliminary Fee Subdivision application. If the parent parcel is subject to a pending Legal Lot Determination under Chapter 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.C have been met.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.

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- 3. The parent parcel shall meet the minimum setback requirements for the applicable zoning district unless the setback is subject to an Adjustment, Variance, Flexible Setback, or Zero Side Yard Setback for a proposed Non-Residential Land Division application which shall be considered concurrently with the subject proposal.
- 4. The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the Preliminary Fee Ownership Subdivision process to comply with current Code standards and requirements.
- 5. If phasing is requested by the applicant, the requested phasing plan meets all applicable City standards and provide for necessary public improvements for each phase as the project develops.
- 6. The proposal does not create a parcel which will have more than one (1) zoning designation.
- 7.4. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence.

D. Submission Requirements.

- 1. An application for a Preliminary Fee Ownership Subdivision 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. Provided, however, where the application is made in conjunction with a Legal Lot Determination under Chapter 40.47, the City may consider the application even if fewer than all the owners of the existing legal lot or parcel have applied for the approval. The application shall be accompanied by the information required by the application form, the information required by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

1 2. The Director may consider and act upon a request to
2 develop a subdivision in phases. If the ~~When an applicant~~
3 ~~desires to phase the development of a~~ subdivision is to be
4 phased, the applicant shall propose a phasing program in
5 writing ~~it shall be indicated~~ at the time of Preliminary
6 Fee Ownership Subdivision application submittal. The
7 ~~Director~~ applicant is responsible for providing ~~approving~~ a
8 time schedule for the final platting of the various phases.
9 In no case shall the total time period for the final platting
10 of all stages be greater than five (5) years without filing a
11 new Preliminary Fee Ownership Subdivision application.

12 *****

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15 G. Expiration of a Decision. Refer to Section 50.90. Except where
16 a phasing program is approved under 40.45.15.6.D.2, the filing
17 of a Final Land Division application in accordance with Section
18 40.45.15.7 shall occur within two (2) years of the date of
19 Preliminary Fee Ownership Subdivision approval. For a phased
20 project, the total time period for the filing of a final plat, shall
21 not exceed five (5) years from the date of the City's final
22 Preliminary Fee Ownership Subdivision Approval decision.
23 After five (5) years, unless otherwise vested, the preliminary
24 approval shall expire. {ORD 4265; September 2003}

25 *****

26
27
28 **7. Final Land Division.**

29
30 A. Threshold. An application for Final Land Division shall be
31 required when the following threshold applies:

32
33 1. A proposal to finalize a previously approved, unexpired,
34 Preliminary Partition, Preliminary Subdivision,
35 Preliminary Fee Ownership Partition, ~~or~~ Preliminary Fee
36 Ownership Subdivision, ~~or~~ Replat, or Legal Lot
37 Determination, as applicable.

38 *****

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41 C. Approval Criteria. In order to approve a Final Land Division
42 application, the decision making authority shall make findings
43 of ~~fact~~ based on evidence provided by the applicant
44 demonstrating that all the following criteria are satisfied:

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1. The ~~proposal~~ application satisfies the threshold requirements for a Final Land Division ~~application~~.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The application ~~proposal~~ contains all applicable ~~application~~ submittal requirements materials as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]
4. The ~~proposal is consistent with~~ Final Land Division substantially conforms to the ~~applicable~~ previously approved and unexpired Preliminary Partition, Preliminary Subdivision, Preliminary Fee Ownership Partition, ~~or~~ Preliminary Fee Ownership Subdivision, or Replat.
5. Applications and documents related to the Final Land Division requiring further City approval shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Final Land Division 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. Provided, however, that if the preliminary land division approval was on an application signed by fewer than all the owners of the subject property, as allowed in conjunction with Chapter 40.47 Legal Lot Determinations, the City may similarly approve a final plat application made by fewer than all the owners of the subject property. The Final Land Division 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 Final Land Division application to ensure compliance with the approval criteria. Following approval by the City of the Final Land Division, the applicant shall record the plat with Washington County. The applicant shall submit a mylar copy of the recorded plat to the City prior to issuance of building permits for any of the new lots.~~

1 E.F. Appeal of a Decision. Refer to Section 50.6035.

2
3 F.G. Expiration of a Decision. Refer to Section 50.90.

4
5 G.H. Extension of a Decision. Refer to Section 50.93.

6
7
8 **8.7. Expedited Land Division**

9
10 An application for, and any appeal of, an expedited land division shall
11 be subject to the provisions in ORS 197.360 through ORS 197.380.

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13
14 **Section 4: The Development Code, Ordinance No. 2050, Chapter 40 –**
15 **Applications, Section 40.47, LEGAL LOT DETERMINATION, is added to**
16 **read as follows in highlight:**

17
18 **40.47 Legal Lot Determination**

19
20 A. Threshold. An application for Legal Lot Determination shall be
21 required when any of the following thresholds apply:

22
23 1. The owner of a lot or parcel, or the owner's authorized
24 representative or contract purchaser, has requested the
25 Legal Lot Determination for one or more contiguous lots
26 or parcels under the same ownership.

27
28 2. The owner or contract purchaser of a lot or parcel may
29 requests a Legal Lot Determination to validate a unit of
30 land alleged to be improperly created by sale. Under this
31 threshold, fewer than all the owners of a unit of land may
32 apply for a Legal Lot Determination, provided the
33 applicant is the purchaser of an interest in the subject lot
34 or parcel and the purchase occurred prior to January 1,
35 2007.

36
37 3. The Director requires a Legal Lot Determination be made
38 as a prerequisite to, or concurrently with, the filing of a
39 land use application.

40
41 B. Procedure Type. The Type 1 procedure, as described in Section
42 50.40 of this Code, shall apply to an application for Legal Lot
43 Determination. The decision making authority is the Director.

1 C. Approval Criteria. In determining if ~~whether~~ the subject lot or
2 parcel is a Legal Lot, the decision making authority shall make
3 findings based on evidence provided by the applicant
4 demonstrating that all the following criteria are satisfied:

5
6 1. The application satisfies the threshold requirements for a
7 Legal Lot Determination.

8
9 2. All City application fees related to the application under
10 consideration by the decision making authority have been
11 submitted.

12
13 3. The unit of land conforms to the lot area and dimensional
14 standards of Chapter 20 (Land Use); except where a unit
15 of land was created by sale prior to January 1, 2007 and
16 was not lawfully established, the Director may deem the
17 unit of land a Legal Lot upon finding:

18
19 a. The unit of land could have complied with the
20 applicable criteria for creation of a lawful parcel or lot
21 in effect when the unit of land was sold; or

22
23 b. The City, or County prior to annexation, approved a
24 permit as defined in ORS 215.402 or 227.402 for the
25 construction or placement of a dwelling or other
26 structure on the unit of land after the sale, and such
27 dwelling has all of the features listed in ORS
28 215.755(1)(a)-(e).

29
30 4. Applications and documents related to the request
31 requiring further City approval shall be submitted to the
32 City in the proper sequence.

33
34 D. Submission Requirements. An application for a Legal Lot
35 Determination shall be made by the owner of the subject
36 property, the owner's authorized agent, or contract purchaser on
37 a form provided by the Director and shall be filed with the
38 Director; provided, however, fewer than all the owners of a unit
39 of land created by sale prior to January 1, 2007, may apply for a
40 Legal Lot Determination. The Legal Lot Determination
41 application shall be accompanied by the all of following
42 information:
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1. The information required by the application form and by Section 50.25 (Application Completeness);
2. An application for Legal Lot Determination where the unit of land was created by sale prior to January 1, 2007 and was not lawfully established, shall include a sworn statement that the applicant is the purchaser of an interest in the subject lot or parcel and that their interest was represented at the time of their purchase to be that of a discrete lot or parcel but that it appears the discrete lot or parcel may have been improperly created;
3. Any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The City may impose conditions on the Legal Lot Determination to ensure compliance with applicable Code requirements. For a unit of land created by sale for which the City has made a Legal Lot Determination pursuant to Chapter 40.47, such unit of land shall not become a lawfully established parcel until the owner of the unit of land records a Final Land Division with Washington County ~~the County Clerk,~~ subject to review by the County Surveyor, and within 90 days after the city makes the Legal Lot Determination. The Final Land Division shall conform to the City's Legal Lot Determination and conditions thereof.

E. Appeal of a Decision. Refer to Section 50.60.

Section 5: The Development Code, Ordinance No. 2050, Chapter 50 – Procedures, Section 50.25.1, APPLICATION COMPLETENESS, is amended to read as follows with deleted matter in ~~strikethrough~~ and new matter in **highlight**:

50.25.1 Application Completeness.

B. A written statement, supported by substantial evidence, that identifies the criteria and development regulations considered relevant to the application, states the facts alleged to show that the application complies with applicable criteria and development regulations, and explains why the application

1 should be approved based on the criteria and development
2 regulations and facts set forth in the application. In addition to
3 addressing applicable criteria and development regulations
4 relevant to the application type, the written statement shall
5 address all the technical criteria specified in Section 40.03
6 (Facilities Review Committee) of the Code for the following Type
7 2 and Type 3 land use applications: all Conditional Use, Design
8 Review Two, Design Review Three, and applicable Land
9 Divisions. Applicable land division applications are Partitions,
10 Subdivisions, Fee Ownership Partitions, Fee Ownership
11 Subdivisions, and Replats. Applications exempt from Facilities
12 Review are Legal Lot Determinations, Public Transportation
13 Facility, Street Vacations, and Property Line Adjustments. ~~all~~
14 ~~Conditional Use, Design Review Two, Design Review Three, all~~
15 ~~Land Division, Public Transportation Facility, and Street~~
16 ~~Vacation.~~
17
18

19 **Section 6: The Development Code, Ordinance No. 2050, Chapter 50 –**
20 **Procedures, Section 50.35.7, is added to read as follows in highlight:**

21
22 **50.35. Type 1**

23 *****

24
25
26 7. The Director's determination that a Final Land Division substantially
27 conforms or does not substantially conform to the previously approved
28 and unexpired Preliminary Partition, Preliminary Subdivision,
29 Preliminary Fee Ownership Partition, Preliminary Fee Ownership
30 Subdivision, or Replat is not a land use or limited land use decision.
31 However, notice of such a determination shall include the following:

32
33 A. A statement that the decision is final but may be appealed to a
34 court of competent jurisdiction.

35
36 B. A statement that the complete case file is available for review.
37 The statement shall list when and where the case file is
38 available and the name and telephone number of the City
39 representative to contact for information about the case.
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1 **Section 7: The Development Code, Ordinance No. 2050, Chapter 50 –**
2 **Procedures, Section 50.90.1.B, EXPIRATION OF A DECISION, is amended**
3 **to read as follows with deleted matter in strikethrough and new matter in**
4 **highlight:**

5
6 *****

7 ~~Administrative Conditional Use (40.15.15.3)~~

8
9 *****

10 ~~Lot Line Adjustment (40.45.15.1)~~

11
12 *****

13 Property Line Adjustment (40.45.15.1)

14
15 *****

16 Replat (40.45.15.2)

17
18 *****

19
20
21 **Section 8: The Development Code, Ordinance No. 2050, Chapter 60 –**
22 **Special Regulations, Section 60.05.25.7, LANDSCAPE, OPEN SPACE, AND**
23 **NATURAL AREAS DESIGN STANDARDS, is amended to read as follows**
24 **with new matter in highlight:**

25
26 *****

27
28 **7. Minimize significant changes to existing on-site surface**
29 **contours at residential property lines.**

30
31 Exempting the circumstances listed in Section 60.15.10.2, the following
32 standards shall apply to design review proposals where grading is
33 proposed:

34
35 A. When grading a site within twenty-five (25) feet of a property
36 line within or abutting any residentially zoned property, the on-
37 site surface contours shall observe the following:

38
39 *****

1 **Section 9: The Development Code, Ordinance No. 2050, Chapter 60 –**
2 **Special Regulations, Section 60.15, LAND DIVISION STANDARDS, is**
3 **amended to read as follows with deleted matter in ~~strikethrough~~ and new**
4 **matter in highlight:**
5

6 **60.15. LAND DIVISION STANDARDS. [ORD 4224; August 2002]**
7

8 **60.15.05. Purpose.** It is the purpose of this section to establish uniform design
9 and development standards and requirements for all land division
10 applications in Section 40.45 of this Code.
11

12 **60.15.10. Grading Standards.**
13

14 1. **Applicability.** The on-site surface contour grading standards specified
15 in Section 60.15.10.3. are applicable to all land use proposals where
16 grading is proposed, including land division proposals and design
17 review proposals, as applicable. This Section does not supersede
18 Section 60.05.25 Design Review and the exemptions listed in Section
19 60.15.10.2 will apply equally to design review proposals.
20

21 2. **Exemptions.** The following improvements will be exempted from the
22 on-site surface contour grading standards specified in Section
23 60.15.10.3:
24

25 A. **Public right-of-way road improvements** such as new streets,
26 street widening, sidewalks, and similar or related
27 improvements.
28

29 B. **Storm water detention facilities** subject to review and approval
30 of the City Engineer.
31

32 C. **On-site grading** where the grading will take place adjacent to an
33 existing public street right-of-way, and will result in a finished
34 grade that is below the elevation of the subject public street
35 right-of-way; provided such grading is subject to the approval of
36 the City Engineer, who may require appropriate erosion and
37 sediment control mitigation measures.
38

39 3. **On-site surface contouring.** When grading a site within twenty-five
40 (25) feet of a property line within or abutting any residentially zoned
41 property, the on-site surface contours shall observe the following:
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- A. 0 to 5 feet from property line: Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- B. More than 5 feet and up to and including 10 feet from property line: Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- C. More than 10 feet and up to and including 15 feet from property line: Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- D. More than 15 feet and up to and including 20 feet from property line: Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- E. More than 20 feet and up to and including 25 feet from property line: Maximum of ten (10) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.
- F. Where an existing (pre-development) slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, above, the slope after grading (post-development) shall not exceed the pre-development slope.

4. Significant Trees and Groves. Notwithstanding the requirements of Section 60.15.10.3, above, grading within 25 feet of a significant tree or grove ~~Preserved Tree~~, where the tree is located on- or off-site, shall observe the following:

- A. 0 to 10 feet from the trunk of a significant tree or grove ~~preserved tree~~: No change in pre-development ground elevation;
- B. More than 10 feet, and up to and including 25 feet, from the trunk of a significant tree or grove ~~Preserved Tree~~, or to the outside edge of the tree's drip line, whichever is greater: Maximum 10% slope gradient difference from the pre-development ground elevation;

1 C. Based on a recommendation of the City Arborist, the decision
2 making body may require additional setbacks and/or other tree
3 protection measures to protect the public health, safety and
4 welfare.
5

6 **60.15.1015. General Provisions. Final Plat Standards.**
7

8 1. **Easements and Rights-of-Way.** Refer to Chapter 9.05 of the
9 Beaverton Municipal Code and Section 120 of the Beaverton
10 Engineering Design Manual.
11

12 A. ~~The minimum public utility and drainage easements for~~
13 ~~residential land divisions shall be as follows:~~

14 1. ~~A six foot (6) public utility easement along all front lot~~
15 ~~lines.~~

16 2. ~~A three foot (3) utility and drainage easement along all~~
17 ~~side and rear lot lines.~~

18 B. ~~Public water, sanitary sewer, and storm drainage lines on~~
19 ~~private property shall be centered within a permanent easement~~
20 ~~granted to the City, with a minimum width of fifteen feet (15)~~
21 ~~along its entire length. The actual required width of an~~
22 ~~easement may be greater than the minimum required as the~~
23 ~~required easement width shall be measured from both outside~~
24 ~~edges of the pipe zone outward to the catch points where the~~
25 ~~theoretical lines at a 1:1 slope would daylight unless permanent~~
26 ~~soil reinforcements or other measures are provided to the~~
27 ~~satisfaction and approval of the City Engineer. No~~
28 ~~encroachment within a public utility easement of any private~~
29 ~~utility or structure shall be allowed without prior itemized~~
30 ~~approval. Under no circumstances, shall these items be placed~~
31 ~~within the pipe zone. Private utilities that cross public utility~~
32 ~~easements shall do so as close as practical to right angles with~~
33 ~~the public utility. The City can not approve any encroachment~~
34 ~~location which would adversely affect the ability of the City to~~
35 ~~maintain City utilities. Such easements, when directed by the~~
36 ~~City, shall be accompanied by temporary easements granted to~~
37 ~~the City of adequate width to allow construction of water and~~
38 ~~sewer. The Engineer or developer's surveyor shall provide the~~
39 ~~City with documents necessary to record the easements. The~~
40 ~~width of combination easements is evaluated at the site~~
41 ~~development permit stage on a case by case basis.~~

42 ~~Upon issuance of a Site Development Permit and Final Land~~
43 ~~Division application, the Director will notify the Washington~~
44 ~~County surveyor that a cadastral review of the Final Land~~

1 ~~Division may begin. It is within the authority of the City~~
2 ~~Engineer or designee to refuse to approve or sign any land~~
3 ~~partition, partition plat, or subdivision plat for a development~~
4 ~~that has not installed the necessary public utilities to serve the~~
5 ~~proposed and affected existing lots. Such approval may be~~
6 ~~withheld until it can be verified that the location and width of~~
7 ~~proposed rights of way and easements are adequate for the~~
8 ~~completed utilities.~~

9 ~~C. Where a land division is traversed by a water course, drainage~~
10 ~~way, channel, or stream, a storm water easement or drainage~~
11 ~~right of way conforming substantially with the lines of such~~
12 ~~water course, and such further width as will be adequate for the~~
13 ~~purpose, may be required. Streets or parking ways parallel to~~
14 ~~water courses may be required.~~

15
16 2. **Building Lines.** The Director may approve special setbacks based
17 upon the consideration for safety, topography, geology, solar access or
18 other such reasons. If special building setback lines are to be
19 established in the land division that are greater than required by this
20 Code, they shall be shown on the final land division and included in
21 the deed restriction.

22
23 3. **Dedications.** Infrastructure or public improvements such as public
24 streets, sidewalks, pedestrian ways, bikeways, multi-use paths,
25 sanitary sewer, storm water system, water system, traffic control
26 devices, parks, open space, and other public rights-of-way required as
27 ~~mitigation for on-site or off-site impacts in proportion to the identified~~
28 ~~impacts of the proposed development and reasonably related to the~~
29 ~~development~~ as needed to serve the development, shall be installed at
30 the expense of the developer and dedicated or otherwise conveyed to
31 the City or the appropriate jurisdiction for maintenance. Dedication of
32 any land for park or open space purposes must be approved by the
33 jurisdiction to which the park or open space is being dedicated prior to
34 Final Land Division approval.

35
36 4. **Homeowner Associations and Declarations.** When a
37 Homeowner's Association Agreement or other restrictive covenants are
38 to be recorded with the development, a copy of the appropriate
39 documents shall be submitted with the final plat. The City shall
40 review such documents to ensure that common areas are properly
41 maintained and that other restrictions required by the City are
42 included.

1 **5. Monuments and Bench Marks.** The developer shall establish and
2 designate monuments and bench marks on the Final Plat.

3
4 **6. Street Trees.** Prior to City approval of the Final Plat, street trees
5 shall be planted along street frontages in accordance with the
6 following:

7
8 A. For detached dwelling land divisions, the Developer shall pay a
9 fee to the City. The City shall be responsible for tree purchase
10 and planting, and maintenance for one year, consisting of
11 pruning, disease control and watering. The fee shall be based
12 upon a standard of one tree per thirty (30) lineal feet of street
13 frontage, with standard rounding methods applied for fractions
14 thereof. The fee to be charged and collected shall be established
15 and from time to time amended by Resolution of the City
16 Council.

17
18 B. For all other land divisions, trees shall be planted in accordance
19 with an approved street tree plan.

20
21 C. Trees shall be planted in accordance with the City's Tree
22 Planting and Maintenance Policy.
23

24 **60.15.15. — Compliance With Land Division Approvals.**

25
26 ~~1. — Requirements Prior to Commencement of Work. — Prior to any~~
27 ~~construction, improvements or land development, the developer shall~~
28 ~~perform the following:~~

29 ~~A. — The developer shall file detailed plans and specifications for all~~
30 ~~public improvements and land development together with a~~
31 ~~detailed cost estimate to complete such improvements for~~
32 ~~approval by the City Engineer or designee.~~

33 ~~B. — The developer shall enter into a contract with the City of~~
34 ~~Beaverton to make, install and complete within the time fixed,~~
35 ~~but in no case more than two years from the date of execution of~~
36 ~~said contract without written approval by the City Engineer,~~
37 ~~City Attorney and the Director, all improvements (Section~~
38 ~~60.10.15.3.), land development, or both in accordance with the~~
39 ~~approved plans. The developer shall cause to be filed with the~~
40 ~~City Recorder a security acceptable to the City Attorney payable~~
41 ~~to the City of Beaverton in a principal sum determined from the~~
42 ~~approved estimate of the costs of said improvements, land~~
43 ~~development, or both of this section. The security shall assure~~

1 the performance of the said contract and the completion of the
2 said improvements, or land development, free of liens.

3 ~~C. In cases where both land development and public improvements
4 are to be made, the security required shall be cumulative.~~

5 ~~D. The amount of the security shall be based on an estimate of the
6 cost of the work approved by the City Engineer in accordance
7 with the following schedule:~~

8 1. ~~Public Improvements = 100% of cost estimate.~~

9 2. ~~Land Development = 100% of cost estimate.~~

10 ~~2. Improvement Procedures. All improvements shall conform to the
11 requirements of this Code and any other improvements standards or
12 specifications adopted by ordinance of the City Council and shall be
13 installed in accordance with the following procedure:~~

14 ~~A. Improvement work shall not be commenced until plans have
15 been checked for adequacy and approved by the City. To the
16 extent necessary for evaluation of the land division proposal,
17 such plans may be required before Final Land Division
18 approval.~~

19 ~~B. Improvement work shall not be commenced until the developer
20 has secured a site development permit. If work has been
21 discontinued for any reason for a period of time exceeding thirty
22 (30) calendar days, it shall not be resumed until the City has
23 been notified and consented in writing.~~

24 ~~C. All required improvements shall be constructed to the
25 satisfaction of the City Engineer according to Beaverton Code
26 9.04-010 through .120 and 9.05.005 through .170, the
27 Engineering Design Manual and Standards Drawings, and any
28 amendments thereto. The City may require changes in typical
29 sections and details if unusual conditions arise during
30 construction to warrant such change in the interests of the City
31 or the developer. Upon acceptance of the required
32 improvements, the City Engineer shall notify the developer that
33 the improvements are acceptable pursuant to the Beaverton
34 Code. Acceptance shall be in writing.~~

35 ~~D. All public and private underground utilities installed in streets
36 in accordance with Section 60.65 (Utility Undergrounding), shall
37 be constructed prior to the surfacing of such streets. Stubs for
38 service connections for all public and private underground
39 utilities shall be extended such that future connections thereto
40 will not require cutting above ground street improvements.~~

41 ~~E. Plans showing all public improvements as built shall be filed
42 with the City Engineer upon completion of said improvements.~~

43 ~~3. Improvement Requirements. The improvements that are
44 reasonably related and roughly proportional to the impacts of the~~

1 proposed development that shall be installed at the expense of the
2 developer are as follows:

3 ~~A. — Streets:~~

4 1. — ~~All streets, including alleys, within the land division.~~

5 2. — ~~Streets adjacent to the land division.~~

6 3. — ~~The extension of the land division streets to the
7 intercepting paving line of existing streets with which the
8 land division streets intersect.~~

9 4. — ~~Streets which intersect with streets within the
10 development that provide ingress or egress to the
11 development or on which there are traffic impacts
12 reasonably related to the development.~~

13 5. — ~~All streets shall be built or improved to City standards.~~

14 ~~B. — Catch basins. Catch basins shall be installed and connected to
15 drainage tile leading to storm sewers or drainage ways.~~

16 ~~C. — Monuments and bench mark.~~

17 ~~D. — Surface drainage and storm sewer system. Drainage facilities
18 including, but not limited to, conveyance, detention, and water
19 quality facilities, shall be provided within the land division to
20 connect the land division drainage to drainage ways or storm
21 sewers outside the land division. Design of drainage shall be in
22 accordance with the standards established by the City Engineer
23 and shall allow for the extension of the system to serve other
24 areas.~~

25 ~~E. — Sanitary sewers. Sanitary sewers shall be installed to serve the
26 land division and to connect the land division to existing mains.~~

27 ~~F. — Water system. Water lines with valves and fire hydrants
28 serving the land division, connecting the land division to City
29 mains, shall be installed in conformance with the City
30 specifications. The design and construction by the developer
31 shall provide for extension beyond the land division, for
32 extensions to adequately grid the City system, and for proper
33 connection of adjoining pressure zones, where required.~~

34 ~~G. — Street Trees. Street trees shall be planted along street
35 frontages in accordance with the following:~~

36 1. — ~~For detached dwelling land divisions, the Developer shall
37 pay a fee to the City. The City shall be responsible for
38 tree purchase and planting, and maintenance for one
39 year, consisting of pruning, disease control and watering.
40 The fee shall be based upon a standard of one tree per
41 thirty (30) lineal feet of street frontage, with standard
42 rounding methods applied for fractions thereof. The fee to
43 be charged and collected shall be established and from
44 time to time amended by Resolution of the City Council.~~

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~~2. For all other land divisions, trees shall be planted in accordance with an approved street tree plan.~~

~~3. Trees shall be planted in accordance with the City's Tree Planting and Maintenance Policy.~~

~~H. Bike and pedestrian ways. Bike and pedestrian ways shall be constructed according to City Engineering Design Manual and Standard Drawings.~~

~~I. Pedestrian Circulation. [ORD 4332; November 2004]~~

~~1. Walkways are required between parts of a site where the public is invited or allowed to walk.~~

~~2. A walkway into the site shall be provided for every 300 feet of street frontage. A walkway shall also be provided to any accessway abutting the site.~~

~~3. Walkways shall connect building entrances to one another and from building entrances to adjacent public streets and existing or planned transit stops. On site walkways shall connect with walkways, sidewalks, bicycle facilities, alleyways and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institution or park use. The City may require connections to be constructed and extended to the property line at the time of development.~~

~~4. Walkways shall be reasonably direct between pedestrian destinations and minimize crossings where vehicles operate.~~

~~5. Walkways shall be paved and shall maintain at least four feet of unobstructed width. Walkways bordering parking spaces shall be at least seven feet wide unless concrete wheel stops, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Stairs or ramps shall be provided where necessary to provide a reasonably direct route. The slope of walkways without stairs shall conform to City standards.~~

~~6. The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. The ADA applies to the walkway that is the principal building entrance and walkways that connect transit stops and parking areas to building entrances. Where the ADA applies to a walkway, the stricter standards of ADA shall apply.~~

~~7. On site walkways shall be lighted to an average 0.5 foot-candle level. Lighting shall have cut off fixtures so that~~

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~~no glare is emitted beyond the property line or onto the public right-of-way.~~

~~J. — Other improvements reasonably related to the impacts of the development which may be required in rough proportion to the impacts of the proposed development at the partial or total expense of the developer.~~

~~1. — Improvement of streets providing primary access to land division streets.~~

~~2. — Signals, traffic control devices, and traffic calming devices.~~

~~3. — Intersection improvements.~~

~~4. — Fences, privacy screens, retaining walls, and sound walls.~~

~~5. — Slope stabilization and erosion control.~~

~~6. — Parks and open space shall be improved as required by the City and appropriate jurisdiction.~~

~~K. — Street Lights. Street lights shall be installed in accordance with City standards.~~

~~L. — Curb cuts and driveway installations are not required of the developer but, if installed, shall comply with City standards.~~

~~4. — Maintenance Security. The developer shall enter into a contract with the City of Beaverton to ensure the continued maintenance of all required improvements in a manner consistent with Section 9.05 Site Development of the Municipal Code.~~

~~5. — Grading. [ORD 4332; November 2004]~~

~~A. — When grading a site within twenty five (25) feet of a property line within or abutting any residentially zoned property, the on-site surface contours shall observe the following:~~

~~1. — 0 to 5 feet from property line. Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.~~

~~2. — More than 5 feet and up to and including 10 feet from property line. Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.~~

~~3. — More than 10 feet and up to and including 15 feet from property line. Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.~~

~~4. — More than 15 feet and up to and including 20 feet from property line. Maximum of eight (8) foot slope differential from the existing or finished slope of the abutting property, whichever is applicable.~~

~~5. — More than 20 feet and up to and including 25 feet from property line. Maximum of ten (10) foot slope differential~~

1 from the existing or finished slope of the abutting
2 property, whichever is applicable.

3 ~~B. Notwithstanding the requirements of subsection A.1. above,~~
4 ~~grading within 25 feet of a property line shall not change the~~
5 ~~existing slopes by more than ten percent within a tree root zone~~
6 ~~of an identified significant grove or tree, or an identified historic~~
7 ~~tree located on an abutting property unless evidence provided by~~
8 ~~a certified arborist supports additional grading that will not~~
9 ~~harm the subject grove or tree. For the purpose of this standard,~~
10 ~~the tree root zone extends the same distance from a tree trunk~~
11 ~~as the tree canopy.~~

12
13
14 **Section 10: The Development Code, Ordinance No. 2050, Chapter 60 –**
15 **Special Regulations, Section 60.55.25, STREET AND BICYCLE AND**
16 **PEDESTRIAN CONNECTION REQUIREMENTS, is amended to read as**
17 **follows with new matter in highlight:**

18
19 **60.55.25 Street And Bicycle And Pedestrian Connection Requirements**

20
21 *****

22
23 **10. Pedestrian Circulation.**

- 24
25 A. Walkways are required between parts of a development where
26 the public is invited or allowed to walk.
27
28 B. A walkway into the development shall be provided for every 300
29 feet of street frontage. A walkway shall also be provided to any
30 accessway abutting the development.
31
32 C. Walkways shall connect building entrances to one another and
33 from building entrances to adjacent public streets and existing
34 or planned transit stops. Walkways shall connect the
35 development to walkways, sidewalks, bicycle facilities,
36 alleyways and other bicycle or pedestrian connections on
37 adjacent properties used or planned for commercial, multifamily,
38 institution or park use. The City may require connections to be
39 constructed and extended to the property line at the time of
40 development.
41
42 D. Walkways shall be reasonably direct between pedestrian
43 destinations and minimize crossings where vehicles operate.
44

1 E. Walkways shall be paved and shall maintain at least four feet of
2 unobstructed width. Walkways bordering parking spaces shall
3 be at least seven feet wide unless concrete wheel stops, bollards,
4 curbing, landscaping, or other similar improvements are
5 provided which prevent parked vehicles from obstructing the
6 walkway. Stairs or ramps shall be provided where necessary to
7 provide a reasonably direct route. The slope of walkways
8 without stairs shall conform to City standards.

9
10 F. The Americans with Disabilities Act (ADA) contains different
11 and stricter standards for some walkways. The ADA applies to
12 the walkway that is the principal building entrance and
13 walkways that connect transit stops and parking areas to
14 building entrances. Where the ADA applies to a walkway, the
15 stricter standards of ADA shall apply.

16
17 G. On-site walkways shall be lighted to 0.5 foot-candle level at
18 initial luminance. Lighting shall have cut-off fixtures so that
19 illumination does not exceed 0.5 foot-candle more than five (5)
20 feet beyond the property line.

21
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23
24 Subsequently numbered subsections of 60.55.25. shall be re-numbered to
25 reflect the addition of subsection 10.

26
27 **Section 11: The Development Code, Ordinance No. 2050, Chapter 90 –**
28 **Definitions, is amended to read as follows with new matter in highlight:**

29
30 *****

31
32 **Property Line Adjustment (Lot Line Adjustment).** The adjustment of a
33 property lot line of a between two (2) lots of record by the relocation of a common
34 boundary where an additional lot is not created and where the number of an
35 existing lots is not reduced, and the resulting lots do not conflict with below the
36 minimum requirements of the zoning district in which they are located. established
37 by the zoning ordinance. [ORD 4405; September 2006]

38
39 **Lot of Record.** A legally created lot meeting all applicable regulations in effect at
40 the time of creation, and held in separate ownership as shown on the records of the
41 Washington County Department of Records and Elections at the time of the passage
42 of an ordinance or regulations establishing the zoning district in which the lot is
43 located. (ORD 3293; November, 1982.) or any other lot deemed a legal lot under the
44 provisions of Chapter 40.47 Legal Lot Determination.

1 **Section 12: The Development Code, Ordinance No. 2050, Chapter 60 –**
2 **Special Regulations, Section 40.10.15, is amended to read as follows with**
3 **deleted matter in strikethrough and new matter in highlight:**

4
5 **40.10.15. Application.**

6
7 There are Two (2) Adjustment applications which are as follows: Minor
8 Adjustment, Major Adjustment. [ORD 4397; July 2006]

9
10 **1. Minor Adjustment.**

11 *****

12
13
14 C. Approval Criteria. In order to approve a Minor Adjustment
15 application, the decision making authority shall make findings
16 of fact based on evidence provided by the applicant
17 demonstrating that all the following criteria are satisfied:

- 18 1. The proposal satisfies the threshold requirements for a
19 Minor Adjustment application.
- 20 2. The application complies with all applicable submittal
21 requirements as specified in Section 50.25.1 and includes
22 all applicable City application fees.
- 23 3. Special conditions or circumstances exist on the site that
24 make it physically difficult or impossible to meet the
25 applicable development standard for an otherwise
26 acceptable proposal.
- 27 4. The special conditions and circumstances do not result
28 from the actions of the applicant and such conditions and
29 circumstances do not merely constitute financial hardship
30 or inconvenience.
- 31 5. Granting the adjustment as part of the overall proposal
32 will not obstruct pedestrian or vehicular movement.
- 33 6. City designated significant trees and/or historic resources,
34 if present, will be preserved.
- 35 7. If more than one adjustment is being requested
36 concurrently, the cumulative effect of the adjustments
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1 will result in a proposal which is still consistent with the
2 overall purpose of the applicable zoning district.

3
4 8. Any adjustment granted shall be the minimum necessary
5 to permit a reasonable use of land, buildings, and
6 structures.

7
8 9. The proposal incorporates building, structure, or site
9 design features or some combination thereof that
10 compensate for the requested adjustment.

11
12 10. The proposal is consistent with all applicable provisions of
13 Chapter 20 (Land Uses) unless applicable provisions are
14 modified by means of one or more Adjustment, Variance,
15 Planned Unit Development applications that already have
16 been approved or are considered concurrently with the
17 subject proposal.

18
19 11. The proposal is consistent with all applicable provisions of
20 Chapter 60 (Special Requirements) and that all
21 improvements, dedications, or both required by the
22 applicable provisions of Chapter 60 (Special
23 Requirements) are provided or can be provided in rough
24 proportion to the identified impact(s) of the proposal.

25
26 12. Adequate means are provided or can be provided to
27 ensure continued periodic maintenance and necessary
28 normal replacement of the following private common
29 facilities and areas: drainage ditches, roads and other
30 improved rights-of-way, structures, recreation facilities,
31 landscaping, fill and excavation areas, screening and
32 fencing, ground cover, garbage and recycling storage
33 areas and other facilities, not subject to periodic
34 maintenance by the City or other public agency.

35
36 13. The proposal does not include any lot area averaging as
37 authorized by Section 20.05.50.1.B.

38
39 ~~14.13.~~ Applications and documents related to the request, which
40 will require further City approval, shall be submitted to
41 the City in the proper sequence.

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1 **2. Major Adjustment.**

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4
5 B. Procedure Type. The Type 3 procedure, as described in Section
6 50.45 of this Code, shall apply to an application for Major
7 Adjustment. Upon determination by the Director, the decision
8 making authority will be either the Planning Commission or the
9 Board of Design Review. The determination will be based upon
10 the characteristics of the proposal and any other associated
11 applications.

12
13 C. Approval Criteria. In order to approve a Major Adjustment
14 application, the decision making authority shall make findings
15 of fact based on evidence provided by the applicant
16 demonstrating that all the following criteria are satisfied:

- 17
18 1. The proposal satisfies the threshold requirements for a
19 Major Adjustment application.
20
21 2. The application complies with all applicable submittal
22 requirements as specified in Section 50.25.1 and includes
23 all applicable City application fees.
24
25 3. Special conditions or circumstances exist on the site that
26 make it difficult or impossible to meet the applicable
27 development standard for an otherwise acceptable
28 proposal.
29
30 4. The special conditions or circumstances do not result from
31 the actions of the applicant and such conditions and
32 circumstances do not merely constitute financial hardship
33 or inconvenience.
34
35 5. Granting the adjustment as part of the overall proposal
36 will not obstruct pedestrian or vehicular movement.
37
38 6. City designated significant trees and/or historic resources,
39 if present, will be preserved.
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41 7. If more than one adjustment is being requested
42 concurrently, the cumulative effect of the adjustments
43 will result in a proposal which is still consistent with the
44 overall purpose of the applicable zoning district.

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- 8. Any adjustment granted shall be the minimum necessary to permit a reasonable use of land, buildings, and structures.
- 9. Either it can be demonstrated that the proposed modification equally or better meets the intent of the standard to be modified or the proposal incorporates building, structure, or site design features or some combination thereof that compensate for the requested adjustment.
- 10. The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless applicable provisions are modified by means of one or more applications that already have been approved or are considered concurrently with the subject proposal.
- 11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
- 12. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.
- 13. The proposal does not include any lot area averaging as authorized by Section 20.05.50.1.B.
- 14.13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.