

**Received**  
**Planning Division**  
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# SW Choban Lane Legal Lot Determination and Partition Application

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**Date:** September 2024  
(Updated October 2024)

**Submitted to:** City of Beaverton  
Community Development Department  
Planning Division  
PO Box 4755  
Beaverton, OR 97076

**Applicant:** Ann D. Peterkort  
30345 SW Firdale Road  
Cornelius, OR 97113

**AKS Job Number:** 11096



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## Exhibits

- Exhibit A:** Preliminary Plans (**Updated October 2024**)
  - Exhibit B:** City of Beaverton Application Forms and Checklists (**Updated October 2024**)
  - Exhibit C:** Legal Lot of Record Memorandum
  - Exhibit D:** Service Provider Letters
  - Exhibit E:** Pre-Application Conference Notes
  - Exhibit F:** Trip Generation Memorandum
  - Exhibit G:** Washington County Development Code Chapter 375 (November 2003)
  - Exhibit H:** Ownership Information and Signing Authority of Trust
  - Exhibit I:** Washington County Assessor’s Map
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<b>Applicant:</b>	Ann D. Peterkort 30345 SW Firdale Road Cornelius, OR 97113
<b>Owner:</b>	Choban, Anastasia and Choban, George Family Trust 4245 NW 174 <sup>th</sup> Avenue Portland, OR 97229
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062  Contact: Jacki Herb Email: herbj@aks-eng.com Phone: (503) 563-6151
<b>Site Location:</b>	11500 SW Choban Lane (Tax Lot 1450) and 11507 SW Shilo Lane (Tax Lot 1451)
<b>Washington County Assessor's Map:</b>	1S103BA; Tax Lots 1450 and 1451
<b>Site Size:</b>	Partition affecting two tax lots: ±0.44 acres (Tax Lot 1450) and ±0.26 acres (Tax Lot 1451)
<b>Land Use Districts:</b>	Beaverton: Interim Washington County (WAcnty) Washington County: Transit Oriented Retail Commercial District (TO:RC) (Tax Lot 1450) Washington County: Transit Oriented Business District (TO:BUS) (Tax Lot 1451)



## I. Executive Summary

Ann D. Peterkort (Applicant) is submitting this legal lot determination and partition application to divide the subject property into discrete units of land to accommodate a future sale of one of the parcels. The planned legal lot determination/partition will formalize a previous separation of the site that occurred via right-of-way dedication. The application does not seek approval for improvements on the resulting parcels.

The subject site was annexed into the City of Beaverton in 2005; however, upon annexation, no City of Beaverton zoning designation was applied. Subsequently, the subject site maintains an Interim Washington County (WAcnty) zoning designation which establishes the current development standards for the site.

The property comprises two tax lots (Tax Lot 1450 and Tax Lot 1451), zoned Transit Oriented Retail Commercial District (TO:RC) (Tax Lot 1450) and Transit Oriented Business District (TO:BUS) (Tax Lot 1451) (see Figures 1 and 2, below).

This application includes the City of Beaverton (City) application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City’s approval of the application.

Figure 1: City of Beaverton Zoning Designations of Subject Site and Adjacent Properties

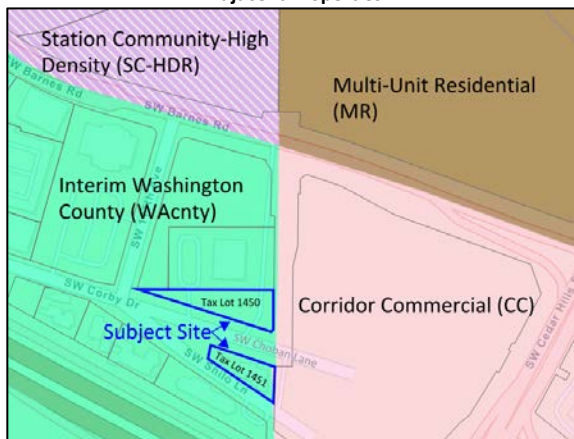
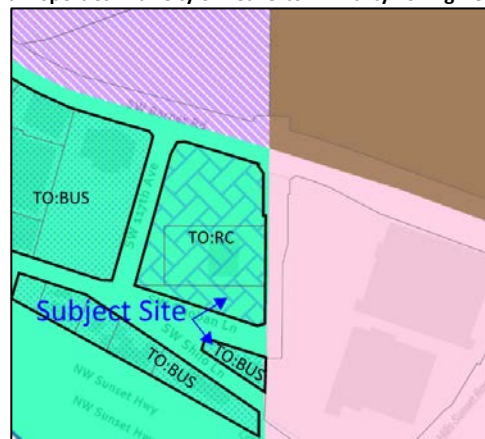


Figure 2: Washington County Zoning Designations of Subject Site and Adjacent Properties with City of Beaverton WAcnty Zoning Designation



## II. Site Description/Setting

The subject site is located within the City of Beaverton corporate limits, south of SW Barnes Road and east of SW 117<sup>th</sup> Avenue and is separated by the existing SW Choban Lane right-of-way. Tax Lot 1450 is currently improved with driveways that provide access to a restaurant located on Tax Lot 1300 to the north, and Tax Lot 1451 is currently improved with a small office building.

Existing commercial uses surround the property. The following table describes the zoning and land uses in the area surrounding the site:

**Table 1: Surrounding Area/Zoning**

Area	Jurisdiction	Zoning	Land Uses
North	City of Beaverton	WAcnty	Commercial
South	City of Beaverton	WAcnty	Residential and Commercial
East	City of Beaverton	CC	Commercial
West	City of Beaverton	WAcnty	Commercial

**III. Applicable Review Criteria**

**DEVELOPMENT CODE OF THE CITY OF BEAVERTON**

**CHAPTER 20 – LAND USES**

**Response:** The subject property was annexed into the City of Beaverton in February 2005. Upon annexation, no City of Beaverton zoning designation was applied. Pursuant to Beaverton Development Code (BDC) Section 10.40.1, the development standards for the zoning designation that was in place at the time of annexation are the applicable standards in this context.

The property comprises two tax lots: Tax Lot 1450 and Tax Lot 1451. Each of these properties had zoning designations that were within the Transit Oriented District zoning district at the time of annexation: Transit Oriented Retail Commercial District (TO:RC) (Tax Lot 1450) and Transit Oriented Business District (TO:BUS) (Tax Lot 1451). The applicable development standards are noted in the 2003 version of Chapter 375 of the Washington County Community Development Code, a copy of which is included in Exhibit G. The dimensional standards for these two zoning districts are noted in the below table:

**Table 2: Dimensional Standards**

Dimensional Standard	TO:RC	TO:BUS
Minimum Lot Area	None	None
Minimum Average Lot Width	None	None
Minimum Average Lot Depth	None	None
Yard Depth		
Frontage Minimum	None	None
Interior Minimum	None	None

As noted in the above table, the zoning designations where these two tax lots are located do not have minimum lot area, minimum lot width, minimum lot depth, or minimum setback (yard depth) requirements. Therefore, the parcels included in this partition will meet the applicable dimensional standards.

**CHAPTER 40 - APPLICATIONS**

**40.03. Facilities Review Committee**

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Consistent with Section 10.95.3. (Facilities Review Committee) of this Code, the Facilities Review Committee shall review the following land use applications: all Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, Public Transportation Facility Reviews, Street Vacations, and 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 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:

**Response:** This project involves a legal lot determination and partition; therefore, the provisions of this section are applicable.

1. All Conditional Use, Design Review Two, Design Review Three, Downtown Design Review Two, Downtown Design Review Three, Single-Detached and Middle Housing Design Review Two, Single-Detached and Middle Housing Design Review Three, and applicable Land Division applications: [ORD 4799; January 2021] [ORD 4822; June 2022]
  - 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.

**Response:** Chapter 90 of the BDC defines critical facilities and/or services to include, “public water, public sanitary sewer, stormwater drainage, treatment, and detention, transportation, and fire protection.” This application involves a partition application for two existing tax lots: Tax Lot 1450 (Parcel 1) and Tax Lot 1451 (Parcel 2). Parcel 2 is improved with an existing business and is served by necessary critical facilities that will remain following the partition. Parcel 1 has access to existing critical facilities in SW Choban Lane at such time future improvements on said parcel warrant.

Below is a summary of the existing facilities that provide service or can provide service to the parcels included in this application:

**Sanitary Sewer, Water, and Stormwater.** As shown on the Existing Conditions Plan in Exhibit A, there is an existing sanitary sewer line, water line, and stormwater main in SW Choban Lane. Parcel 2 is served by connections to these services, and Parcel 1 can connect to the existing service lines in SW Choban Lane in the future if needed.

**Transportation.** Each of the subject parcels has frontage on two different streets and existing site access. This application seeks approval to lawfully separate the subject taxlots into discrete units of land and does not seek approval for any site improvements; therefore, additional transportation improvements are not necessary or warranted.

- 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. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

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**Response:** As previously discussed, this project involves a partition of land and does not include site improvements. Additionally, as outlined above, existing facilities and services are available to these parcels. This project does not include site improvements; and therefore, will not have impacts to facilities.

C. The proposed development is consistent with all applicable provisions of CHAPTER 20 (Land Uses), or Sections 20.25 and 70.15 if located within the Downtown Design District, unless the applicable provisions are modified by means of one or more applications 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) or Sections 20.25 and 70.15 if located within the Downtown Design District. [ORD 4799; January 2021]

**Response:** As discussed herein, the provisions of Chapter 20 are not applicable as this property is zoned Interim Washington County. The applicable dimensional requirements for the zoning that was in place at the time that this property was annexed into the City of Beaverton are addressed in Chapter 20 to demonstrate compliance with dimensional standards. To the extent applicable, this criterion is met.

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.

**Response:** As discussed herein, the project satisfies applicable provisions of Chapter 60. This criterion is met.

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, 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 maintenance by the City or other public agency.

**Response:** This project does not include site improvements. This criterion is not applicable.

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

**Response:** As previously stated, this project involves a partition to divide property that has previously been separated by right-of-way improvements and does not include site improvements. This criterion is not applicable.

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

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**Response:** As previously stated, this project involves a partition to divide property that has previously been separated by right-of-way improvements and does not include site improvements. Parcel 2 is improved with vehicular and pedestrian improvements and does not warrant additional improvements as a result of this partition. Parcel 1 has existing access to SW Choban Lane, and if it is improved in the future, a separate application will be provided to address on-site circulation.

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.

**Response:** This project does not include structures or require public facilities; therefore, this criterion is not applicable at this time. Compliance with this criterion will be evaluated at the time of future development.

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

**Response:** This project involves a legal lot determination and preliminary partition. It does not include structures or require public facilities. These criteria do not apply.

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.

**Response:** This project involves a legal lot determination and preliminary partition. It does not include grading. This criterion is not applicable.

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.

**Response:** This project does not include site improvements or new/modified buildings. This criterion is not applicable.

L. The application includes all required submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4265; October 2003]

**Response:** As discussed in Section 50.25.1, this application contains the applicable submittal materials. This criterion is met.

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

**Response:** This application does not include public transportation facility improvements, modifications, or street vacations. Therefore, the provisions of this subsection are not applicable and have been omitted for brevity.

#### 40.45. Land Division and Reconfiguration



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40.45.10.            Applicability.

The provisions of this section apply to all subdivisions, partitions, developments involving the dedications of public right-of-way, and the reconfiguration of existing property lines. Code requirements for the vacation of public rights-of-way are in Section 40.75. (Street Vacations).

**Response:**        This project involves a consolidated legal lot determination and partition application; therefore, the provisions of this section are applicable to the partition.

40.45.15.            Application.

There are nine (9) types of applications under this Section, as follows: Property Line Adjustment; Replat One; Replat Two; Preliminary Partition; Preliminary Subdivision; Preliminary Fee Ownership Partition; Preliminary Fee Ownership Subdivision; Final Land Division; and Expedited Land Division. [ORD 4584; June 2012]

(...)

4.                    Preliminary Partition.

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

1.                    The creation of up to and including three (3) new parcels from at least one (1) lot of record (parent parcel) in one (1) calendar year. [ORD 4487; August 2008] [ORD 4584; June 2012]

**Response:**        This application includes a division of one lot of record into two parcels. Pursuant to Chapter 90, a lot of record is “a legally created lot meeting all applicable regulations in effect at the time of creation and held in separated ownership or any other lot deemed a legal lot under the provisions of Section 40.47 (Legal Lot Determination).” As discussed in detail in Section 40.47.15 and in Exhibit C, the underlying property is a legal lot of record. Therefore, it meets the above threshold for a Preliminary Partition. This criterion is met.

B.                    Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Preliminary Partition. The decision making authority is the Director.

**Response:**        It is understood that this application will be reviewed under a Type 2 procedure.

C.                    Approval Criteria. In order to approve a Preliminary Partition 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 application satisfies the threshold requirements for a Preliminary Partition. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47., further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C. have been met. [ORD 4584; June 2012]

**Response:**        This application involves a legal lot determination and preliminary partition. As discussed herein, the partition meets the threshold requirements for a preliminary partition. As these applications are consolidated, approval of the preliminary partition will occur at the same time the legal lot determination has been approved, thereby meeting the provisions of Section 40.47.15.1.C.

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

**Response:** The requisite fees are included with the application materials. This criterion is met.

3. The application is consistent with applicable requirements of CHAPTER 20 and CHAPTER 60, unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application. [ORD 4822; June 2022]

**Response:** As discussed herein, this project meets the applicable criteria found in Chapters 20 and 60 of the BDC.

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

**Response:** As previously stated, this property was annexed into the City of Beaverton in 2005 and had existing structures permitted through Washington County. As discussed in the Pre-Application Conference Notes (Exhibit E), the subject site does not have existing City approvals. To the extent applicable, this criterion is met.

5. Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape that facilitates the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of the Development Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots. Easements and rights-of-way shall either exist or be proposed to be created such that future partitioning or subdividing is not precluded or hindered, for either the oversized lot or any affected adjacent lot. Oversized parcels in the RMA (except for multi-dwelling structures), RMB and RMC zones shall be subject to provisions in Section 20.25.05.d. [ORD 4584; June 2012] [ORD 4822; June 2022]

**Response:** The subject site was previously separated by right-of-way (SW Choban Lane), and this project involves a partition application to create parcels that will match the existing tax lot lines that were created when that right-of-way was dedicated. The applicable development standards for these parcels are those that are included in Exhibit G, which does not have a minimum or maximum lot size. Therefore, the parcels that will be created by this partition are not considered “oversized” and this criterion does not apply.

6. For proposals that create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district. [ORD 4782; April 2020]

**Response:** The subject site has an Interim Washington County (WAcnty) zoning designation over its entirety. The partition will not create a parcel with more than one zoning designation; therefore, this criterion is not applicable.

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7. Applications and documents related to the request requiring further City approval shall be submitted to the City in the proper sequence. [ORD 4487; August 2008] [ORD 4822; June 2022]

**Response:** Following the approval of the applications contained herein, the Applicant will submit the required documents to begin a final plat land use application. This criterion can be met.

- 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 Section 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. [ORD 4487; August 2008]

**Response:** This application includes applicable forms signed by the property owner and other relevant documents noted on the application forms in Exhibits A through I. This submittal requirement is met.

- 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.

**Response:** It is understood that conditions of approval may be included with the approval of this project.

#### 40.47. Legal Lot Determination

##### 40.47.15. Application.

There is a single Legal Lot Determination application which is subject to the following requirements.

1. Legal Lot Determination.

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

1. The owner of a lot or parcel, or the owner's authorized representative or contract purchaser, has requested the Legal Lot Determination for one or more contiguous lots or parcels under the same ownership.
2. The owner or contract purchaser of a lot or parcel requests a Legal Lot Determination to validate a unit of land alleged to be improperly created by sale. Under this threshold, fewer than all the owners of a unit of land may apply for a Legal Lot Determination, provided the applicant is the purchaser of an interest in the subject lot or parcel and the purchase occurred prior to January 1, 2007.
3. The Director requires a Legal Lot Determination be made as a prerequisite to, or concurrently with, the filing of a land use application.

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**Response:** This application involves a legal lot determination of a property that was created through a land sale prior to January 1, 2007, to facilitate a partition of the property. The owners of the property are requesting this legal lot determination to validate the property at this time.

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

**Response:** This application includes a legal lot determination (Type 1) and a preliminary partition (Type 2). Pursuant to Section 50.15.3, consolidated applications are subject to the procedure type that provides the broadest noticing requirements, and for this application that is the Type 2 procedure.

C. Approval Criteria. In determining if the subject lot or parcel is a Legal Lot, 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 Legal Lot Determination.

**Response:** As discussed above, the legal lot determination is being sought by the owner to validate a unit of land that was created through a land sale prior to January 1, 2007. Therefore, the threshold requirements are satisfied, and this requirement is met.

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

**Response:** The requisite fees are included with this application. This requirement is met.

3. The unit of land conforms to the lot area and dimensional standards of CHAPTER 20 (Land Use) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District; except where a unit of land was created by sale prior to January 1, 2007 and was not lawfully established, the Director may deem the unit of land a Legal Lot upon finding: [ORD 4799; January 2021]

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

**Response:** Exhibit C includes detailed information and documents that establish that the subject site is a legal lot of record that was compliant with applicable criteria at the time of its creation. This criterion is met.

4. The application contains all applicable submittal materials as specified in Section 50.25.1. of the Development Code. [ORD 4584; June 2012]

**Response:** As discussed herein, this application includes the applicable submittal materials noted in Section 50.25.1. This criterion is satisfied.

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

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**Response:** Following the approval of the applications contained herein, the Applicant will submit the required documents to begin a final plat land use application. This criterion can be met.

- D. **Submission Requirements.** An application for a Legal Lot Determination shall be made by the owner of the subject property, the owner’s authorized agent, or contract purchaser on a form provided by the Director and shall be filed with the Director; provided, however, fewer than all the owners of a unit of land created by sale prior to January 1, 2007, may apply for a Legal Lot Determination. The Legal Lot Determination application shall be accompanied by 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. [ORD 4584; June 2012]

**Response:** This application includes applicable forms signed by the property owner and other relevant documents noted on the application forms in Exhibits A through I. This submittal requirement is met.

- 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 Section 40.47.15, 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, 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.

**Response:** It is understood that conditions of approval may be included with the approval of this project.

## CHAPTER 50 – PROCEDURES

### 50.15. Classification of Applications.

1. An application shall be subject to the procedure type specified in the Code, if any. If the Code does not specify a procedure type for a given application and another procedure is not required by law, the Director shall determine the appropriate procedure based on the following guidelines. Where two or more procedure types could be applied to a particular application, the selected procedure will be the type providing the broadest notice and opportunity to participate.
  - A. A Type 1 procedure typically involves an application that is subject to non-discretionary criteria or criteria that require the exercise of professional judgment only about technical issues.
  - B. Type 2 procedure typically involves an application that is subject to criteria that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest.

**Response:** This application involves a legal lot determination (Type 1 procedure) and a partition (Type 2 procedure) in a consolidated application. Pursuant to the provisions of Section 50.15.1.3, consolidated applications are subject to the procedure type that provides the

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broadest noticing requirements; and for this application that is the Type 2 procedure. Therefore, this application will be reviewed through a Type 2 process.

(...)

3. When an applicant submits more than one complete application for a given proposal, where each application addresses a separate set of code requirements and the applications are subject to different procedure types, all of the applications are subject to the procedure type of the application which requires the broadest notice and opportunity to participate. For example, a Type 2 application will be consolidated with a Type 3 application for the same proposal on the same site, in which case, the Type 2 application will be reviewed by the decision making authority of the Type 3 application. The decision making authority's action on the Type 2 application will be based on the approval criteria governing the Type 2 application. An appeal of the decision will be processed according to the provisions of Section 50.70. of this Code.

In the event that the completed applications involve applications where the decision making authority is a combination of the Director and Planning Commission, the decision making authority will be the Planning Commission. [ORD 4532; April 2010] [ORD 4584; June 2012]

Notwithstanding any other provision and at no cost to the applicant, the Director may choose to combine multiple applications for the same development as a way to increase the efficiency of development review. [ORD 4265; October 2003]

**Response:** As previously discussed, this consolidated application is to be reviewed through a Type 2 process.

50.25. Application Completeness.

1. A complete application is one which contains the information required by the Director to address the relevant criteria, development requirements, and procedures of this Code. Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement. All other complete applications shall consist of the requisite number of copies of the following:
  - A. A completed original application form provided by the Director and application checklist provided by the Director, signed by:
    1. The applicant.
    2. If the applicant is not the owner, the owner of the property, or the authorized agent of the property owner. If an authorized agent, a written statement made by the owner of the property shall be submitted stating that the agent is authorized to sign on the owner's behalf.

**Response:** An application form signed by the appropriate parties is included with the application materials. This criterion is met.

- 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 should be approved

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based on the criteria and development regulations and facts set forth in the application. In addition to addressing applicable criteria and development regulations relevant to the application type, the written statement shall address all the applicable technical criteria specified in Section 40.03. (Facilities Review Committee) of the Code.

**Response:** This narrative and accompanying documents respond to applicable approval criteria, regulations, and development standards. This submittal requirement is met.

C. The Director may require an applicant to submit information in addition to that required on the form to aid in deciding whether an application satisfies applicable criteria and development regulations. The Director shall attempt to identify additional necessary information in the pre-application conference.

**Response:** This application includes the additional materials noted by City staff in the Pre-Application Conference Notes (Exhibit E).

D. The information required by Section 50.30.4. regarding Neighborhood Meeting requirements, if applicable.

**Response:** Pursuant to Section 50.30.2, neighborhood meetings are not required for Type 2 applications. This application involves a consolidated legal lot determination and partition to be reviewed through a Type 2 process. Therefore, a neighborhood meeting is not required.

E. For a Type 2 or Type 3 application, a copy of the pre-application conference summary.

**Response:** This project was discussed with City staff at a pre-application conference held on June 18, 2024, and a copy of the Pre-Application Conference Notes are included in Exhibit E.

F. Documentation from service providers, as determined by the Director, stating that essential and critical facilities are available or can be made available or will not be adversely affected by the proposal.

**Response:** As discussed in the Pre-Application Conference Notes (Exhibit E), service provider letters (SPLs) from Clean Water Services (CWS) and Tualatin Valley Fire & Rescue (TVF&R) are included in Exhibit D. This submittal requirement is met.

G. The applicable fee in effect at the date of submittal.

**Response:** Payment of applicable fees for this application is included in the submittal. This requirement is satisfied.

50.30. Neighborhood Review Meeting.

(...)

2. Prior to submittal of an application subject to a Type 3 procedure, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses (hereinafter collectively referred to as "neighbors") as well as representatives from the NAC within whose boundaries the site is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Neighborhood Review Meeting provided such meeting is held within six months prior to submitting an application for one specific site. This requirement does not apply to applications required by Design Review Three

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threshold number 7 (Section 40.20.15.3.A.7.) or applications for Quasi-Judicial Zoning Map Amendment (Section 40.97.15.1.), Discretionary Annexation Related Zoning Map Amendment (Section 40.97.15.4.). [ORD 4332; January 2005] [ORD 4483; June 2008] [ORD 4584; June 2012]

**Response:** This application involves a consolidated legal lot determination and preliminary partition to be reviewed through a Type 2 process; therefore, a neighborhood review meeting is not required. These criteria do not apply and have been omitted for brevity.

## CHAPTER 60 - SPECIAL REQUIREMENTS

### 60.15. Land Division Standards

#### 60.15.07. South Cooper Mountain Natural Resources.

**Response:** The subject site is not within the South Cooper Mountain Community Plan Area. Therefore, the provisions of this section are not applicable and have been omitted for brevity.

#### 60.15.10. Grading Standards.

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

**Response:** This application involves a partition and does not include site improvements such as grading. Therefore, these standards do not apply, and this section has been omitted for brevity.

### 60.55. Transportation Facilities

#### 60.55.10. General Provisions.

1. All public and private transportation facilities shall be designed and improved in accordance with the standards of this code and the Engineering Design Manual and Standard Drawings. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the City shall condition the development to obtain permits required by the other agencies. [ORD 4782; April 2020]
2. In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in rough proportion to the identified impacts of the development. [ORD 4103; May 2000]
3. For applications that meet the threshold criteria of section 60.55.15. (Traffic Management Plan) or of section 60.55.20. (Traffic Impact Analysis), these analyses or limited elements thereof may be required.
4. The decision-making authority may impose development conditions of approval per Section 10.65.1. of this code. Conditions of approval may be based on the Traffic Management Plan and Traffic Impact Analysis. Additional street, bicycle, and pedestrian connections may also be required per 60.55.25. (Street and Bicycle and Pedestrian Connection Requirements).
5. Dedication of right-of-way shall be determined by the decision-making authority.



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6. Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the Area of Influence or any additional locations identified by the City Engineer. Traffic calming measures shall be designed to City standards.
  7. Intersection performance shall be determined using the Highway Capacity Manual 2000 published by the Transportation Research Board. The City Engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual 2000.

At a minimum, the impacts of development on a signalized intersection shall be mitigated to peak hour average control delay no greater than 65 seconds per vehicle using a signal cycle length not to exceed 120 seconds. The volume-to-capacity ratio for each lane group for each movement shall be identified and considered in the determination of intersection performance. The peak hour volume-to-capacity (V/C) ratio for each lane group shall be no greater than 0.98. Signal progression shall also be considered. If the intersection is under County or ODOT jurisdiction, the V/C ratio for each lane group shall not exceed the V/C ratio imposed by that jurisdiction. [ORD 4706; May 2017]

At a minimum, the impacts of development on a two-way or an all-way stop-controlled intersection shall be mitigated to a peak hour average control delay of no greater than 45 seconds per vehicle.

If the existing control delay or volume-to-capacity ratio of an intersection is greater than the standards of this subsection, the impacts of development shall be mitigated to maintain or reduce the respective control delay or volume-to-capacity ratio.

**Response:** As discussed herein, this partition does not include or require improvements to the existing roads that abut the site. Therefore, the above provisions do not apply.

60.55.15. Traffic Management Plan.

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned RMA, RMB, or RMC. [ORD 4584; June 2012] [ORD 4822; June 2022]

60.55.20. Traffic Impact Analysis.

For each development proposal that exceeds the Analysis Threshold of 60.55.20.2, the application for land use or design review approval shall include a Traffic Impact Analysis as required by this code. The Traffic Impact Analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

1. Engineer Certification. The Traffic Impact Analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the State of Oregon.
2. Analysis Threshold.

**Response:** This project involves a two-parcel partition of a tax lot that has already been separated by right-of-way and does not include new site improvements. As the partition does not include a change in use or new use, additional trips will not be generated by the mere partitioning of the site. A Trip Generation Memorandum (Exhibit F) has been prepared and stamped by an engineer and states that the partition will not generate additional trips

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to the site. Therefore, a Traffic Management Plan and Traffic Impact Analysis are not necessary or warranted for this project.

**60.55.25. Street and Bicycle and Pedestrian Connection Requirements.**

**Response:** This application involves a partition of land that has previously been divided by right-of-way. New site improvements are not included or warranted with this project. Therefore, these standards do not apply and have been omitted for brevity.

**60.55.30. Minimum Street Widths.**

**Response:** The subject site has existing frontage on SW Choban Lane, SW 116<sup>th</sup> Avenue, and SW Shilo Lane. New streets are not included in this project, and as discussed in the Pre-Application Conference Notes (Exhibit E), frontage improvements are not necessary with this project. Therefore, these standards do not apply and have been omitted for brevity.

**60.55.35. Access Standards.**

**Response:** Each of the two parcels has existing access to SW Choban Lane, and as noted in the Pre-Application Conference Notes, additional access requirements are not identified. Therefore, this section is not applicable and has been omitted for brevity.

#### **IV. Conclusion**

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Beaverton Development Code. The evidence in the record is substantial and supports approval of the application.