



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

MEMORANDUM

City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: November 20, 2024
Subject: **Notice of Decision for LU22024-00810 Choban Lane Partition (PP22024-00803 / LLD12024-00804)**

Decision: Approval of **LU22024-00810 Choban Lane Partition** (PP22024-00803 / LLD12024-00804), subject to conditions of approval.

Proposal: The applicant, Ann D. Peterkort, requests Preliminary Partition approval to establish the two existing tax lots that comprise the site as separate legal lots of record (PP22024-00803). Currently, the two tax lots are a part of one lot that has not previously gone through a Land Division process. The applicant also requests approval of a Legal Lot Determination application to confirm the legal status of the existing parcel (LLD12024-00804).

Proposal Location: The site is located at 11500 SW Choban Lane, specifically identified as Tax Lot 1450 on Washington County Assessor's Map 1S103BA, and at 11507 SW Shilo Lane, specifically identified as Tax Lot 1451 on Washington County Assessor's Map 1S103BA. The site is zoned Interim Washington County and is within the Central Beaverton Neighborhood Association Committee boundaries.

Please find attached the statement of facts and conditions of approval for **LU22024-00810 Choban Lane Partition** (PP22024-00803 / LLD12024-00804). Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LU22024-00810 Choban Lane Partition is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the

contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.

- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for LU22024-00810 Choban Lane Partition (PP22024-00803 / LLD12024-00804) is 4:30 p.m., December 2, 2024.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed by contacting the project planner, Brittany Gada, at bgada@beavertonoregon.gov.

NOTE: The City of Beaverton Community Development Department customer service center is now open to the public Monday through Thursday from 8:30 a.m. to 4:30 p.m.

Accessibility Information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Brittany Gada by calling 971-724-0517 or email bgada@beavertonoregon.gov.

STAFF REPORT

Report Date: November 20, 2024

Application Name: LU22024-00810 Choban Lane Partition

Application Numbers: PP22024-00803 / LLD12024-00804

Proposal: The applicant, Ann D. Peterkort, requests Preliminary Partition approval to establish the two existing tax lots that comprise the site as separate legal lots of record (PP22024-00803). Currently, the two tax lots are a part of one lot that has not previously gone through a Land Division process. The applicant also requests approval of a Legal Lot Determination application to confirm the legal status of the existing parcel (LLD12024-00804).



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Decision: APPROVAL of **LU22024-00810 Choban Lane Partition** (PP22024-00803 / LLD12024-00804), subject to conditions of approval.

Contact Information:

City Staff Representatives: Brittany Gada, Associate Planner
971-724-0517 / bgada@beavertonoregon.gov

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

Property Owner: Choban, Anastasia and Choban, George Family Trust
4245 NW 174th Avenue
Portland, OR 97229

Applicant Representative: AKS Engineering & Forestry, LLC
Attn: Jacki Herb
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

Existing Conditions

Zoning: Interim Washington County

Site Conditions: The site is developed with a portion of a parking lot and a commercial office building and associated site improvements.

Site Size: Approximately 0.7 acres (excluding existing rights of way)

Location: At the corner of SW Choban Lane and SW 116th Avenue

Neighborhood Association Committee: Central Beaverton NAC

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Interim Washington County	Eating and Drinking Establishment
South	Interim Washington County	Commercial
East	Corridor Commercial (CC)	Recreational Facility
West	Interim Washington County	Various commercial and middle housing residential

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
PP22024-00803	Preliminary Partition	Divide the existing lot into two legal lots of record to match the current tax lot configuration	Development Code Sections 40.03.1 and 40.45.15.4
LLD12024-00804	Legal Lot Determination	Determine the legal status of the existing parcel	Development Code Section 40.47.15.1

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
PP22024-00803	Sept. 5, 2024	Oct. 4, 2024	Feb. 1, 2025	Oct. 4, 2025
LLD12024-00804	Sept. 5, 2024	Oct. 4, 2024	Feb. 1, 2025	Oct. 4, 2025

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

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Exhibits

- Exhibit 1. Materials submitted by Staff
 - Exhibit 1.1 Zoning Map (page 7 of this report)
 - Exhibit 1.2 Vicinity Map (page 8 of this report)
 - Exhibit 1.3 Exhibit 1.3 ODOT Map 1A-18-17 dated 1965
 - Exhibit 1.4 Exhibit 1.4 Deed 2020-015916
- Exhibit 2. Public Comment – No public comment was received as of the date of this report.
- Exhibit 3. Materials submitted by the Applicant
 - Exhibit 3.1 Application Narrative
 - Exhibit 3.2 Preliminary Plans
 - Exhibit 3.3 Legal Lot of Record Memo
 - Exhibit 3.4 2003 Washington County Development Code
 - Exhibit 3.5 Transportation Memo
 - Exhibit 3.6 Application Forms
 - Exhibit 3.7 Service Provider Letters
 - Exhibit 3.8 Pre-Application Summary
 - Exhibit 3.9 Ownership Information
 - Exhibit 3.10 Assessors Map

Exhibit 1.1 Zoning Map

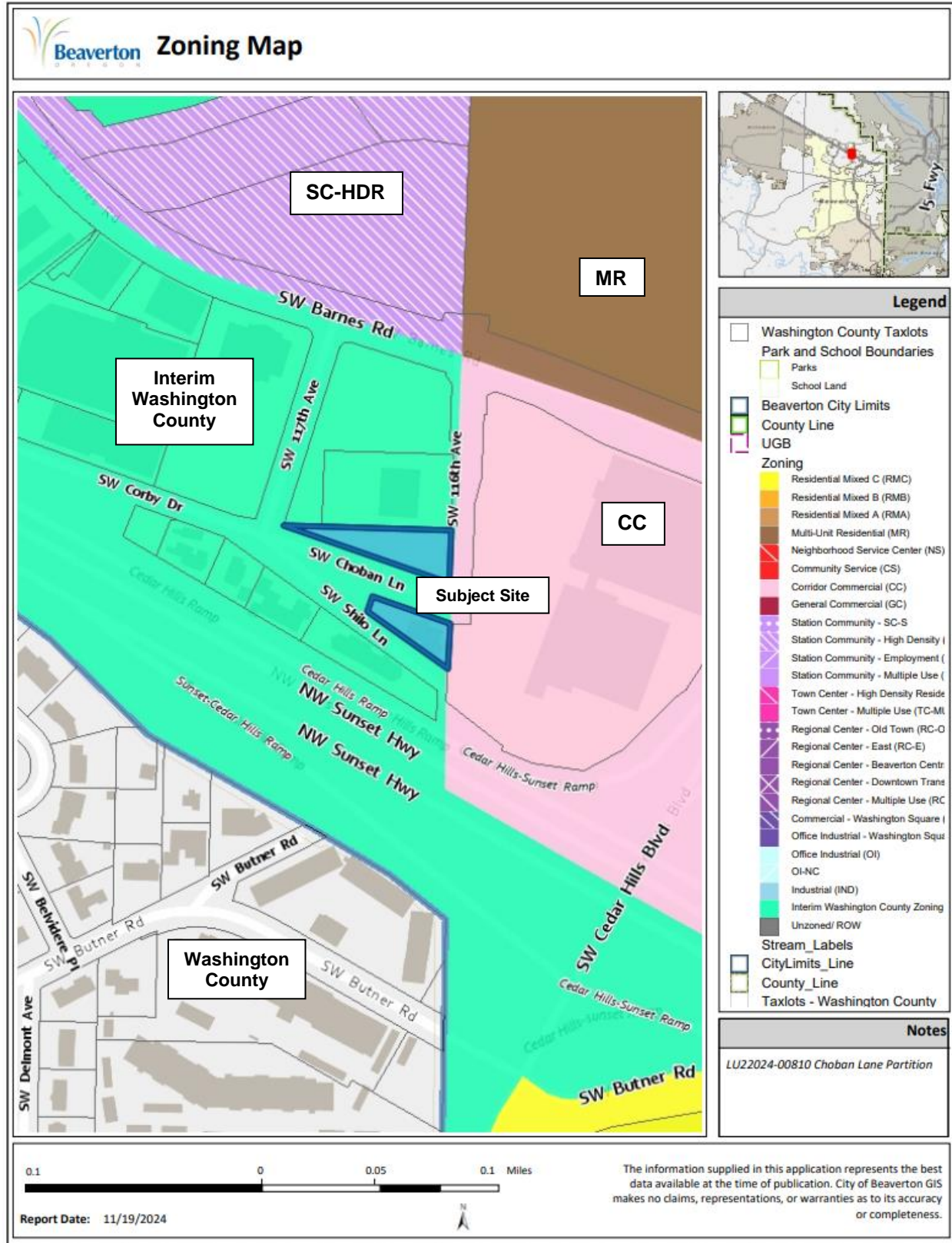


Exhibit 1.2 Vicinity Map



ATTACHMENT A: FACILITIES REVIEW COMMITTEE

TECHNICAL REVIEW AND RECOMMENDATIONS

Application: LU22024-00810 Choban Lane Partition

Proposal: The applicant, Ann D. Peterkort, requests Preliminary Partition approval to establish the two existing tax lots that comprise the site as separate legal lots of record (PP22024-00803). Currently, the two tax lots are a part of one lot that has not previously gone through a Land Division process. The applicant also requests approval of a Legal Lot Determination application to confirm the legal status of the existing parcel (LLD12024-00804).

Recommendation: APPROVE LU22024-00810 Choban Lane Partition (PP22024-00803 / LLD12024-00804), subject to conditions.

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application(s) as identified below:

- All twelve (12) criteria are applicable to the Preliminary Subdivision (PS22024-00803) application as submitted.
- Facilities Review Committee criteria do not apply to the submitted Legal Lot Determination (LLD12024-00804) application.

Section 40.03.1.A

Approval Criterion: *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.*

FINDING:

Chapter 90 of the Development Code defines "critical facilities" to be services that include potable and non-potable public water; public sanitary sewer; stormwater drainage, treatment, and retention; transportation; and fire protection.

Potable Water: The subject site is located in the Tualatin Valley Water District. No physical development is proposed at this time. Existing water service is provided to tax lot 1S103BA01451, and water service is available for future development on tax lot 1S103BA01450. Therefore, the Committee finds that adequate potable public water service can be provided to the site to serve the site and future development.

Non-Potable Water: There is no non-potable water network in the area, and physical development is not proposed at this time.

Sanitary Sewer: There is an existing 8-inch City of Beaverton public sanitary sewer main located in SW Choban Lane. This sewer main provides the existing sanitary sewer service to the building on tax lot 1S103BA01451, and sanitary sewer service is available for future development on tax lot 1S103BA01450. The Committee finds that adequate sanitary sewer service can be provided to the site to serve the site and future development.

Stormwater Drainage, Treatment, and Retention: An existing City of Beaverton 12-inch public stormwater main is located in SW 116th Avenue right of way, and a 10-inch City of Beaverton public stormwater main is located with SW Shilo Lane right of way. The existing development on tax lot 1S103BA01451 is served by an existing stormwater main connection, and service is available for future development on tax lot 1S103BA01450. As such, the Committee finds that adequate stormwater drainage, treatment, and retention can be provided to the site to serve the site and future development.

Transportation: The subject site has public street frontage on SW 116th Avenue, SW Choban Lane, and SW Shilo Lane. The existing development on tax lot 1S103BA01451 takes access from SW Shilo Lane, and the access point on tax lot 1S103BA01450 connects to SW Choban Lane. No physical development is proposed at this time, so the requested Preliminary Partition approval would not result in additional trips compared to existing conditions. Based on the scope of the project, neither right of way dedication nor frontage improvements are required. If development on either parcel is proposed in the future, trip generation information and compliance with applicable standards of the Beaverton Development Code (BDC) and Engineering Design Manual (EDM) will be assessed at that time. Therefore, the Committee finds that adequate transportation facilities can be provided to the site to serve the site and future development.

Fire Protection: Fire protection will be provided by Tualatin Valley Fire and Rescue (TVF&R). Since no physical development is proposed, a TVF&R Service Provider Permit (SPP) was not required for the project. If development is proposed in the future, a TVF&R SPP will be required at that time. Therefore, the Committee finds that adequate fire protection service can be provided to the site to serve the site and future development.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.B

Approval Criterion: *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.*

FINDING:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.

Schools: The proposed development is within the boundaries of the Beaverton School District. No new housing is proposed with this project, so the proposal will not impact school district facilities.

Transit Improvements: There are no TriMet facilities abutting the subject site. TriMet bus stops for line 88 between the Hillsboro Transit Center and the Sunset Transit Center are located on SW Barnes Road north of the site. The Committee finds there is adequate transit service to serve the site and future development. No transit improvements are required for the project.

Police Protection: The City of Beaverton Police Department will provide police services to the site. As of the date of this report, Beaverton Police have not provided comments or recommendations to the Committee. Any comments from Beaverton Police will be forwarded directly to the applicant, and the Committee finds that adequate police protection service can be provided to the site to serve the site and future development.

Pedestrian and Bicycle Facilities: The subject site abuts SW 116th Avenue, SW Choban Lane, and SW Shilo Lane. Public sidewalks are available across the street from the site on SW 116th Avenue and along a portion of the south side of SW Shilo Lane. Bike lanes are not available abutting the site, but existing bike lanes are located north of the site along SW Barnes Road. No physical development is proposed at this time, and existing pedestrian and bicycle facilities are adequate to serve the existing site. If development is proposed in the future, adequacy of pedestrian and bicycle facilities serving the site will be assessed at that time. Therefore, the Committee finds that adequate public pedestrian and bicycle facilities are adequate to serve the site and can be improved, if necessary, to support future development.

For these reasons, the Committee finds that essential facilities and services related to the proposed development are available with adequate capacity to serve the site.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.C

Approval Criterion: *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.*

FINDING:

The subject site is zoned Interim Washington County. Consistent with BDC Section 10.40.1, Chapter 20 standards do not apply to properties zoned Interim Washington County. Instead, the equivalent land use and site development regulations of the Washington County zone that were in effect at the time of annexation apply to the proposal. Since the development of new land uses or buildings is not proposed, this request is not subject to land use regulations or site development standards applicable to buildings. Those Washington County site development standards related to lot size and dimensions that were in effect at the time of annexation apply to this Preliminary Partition application.

At the time of annexation of the site on February 7, 2005, tax lot 1S103BA01450 was zoned Washington County Transit Oriented Retail Commercial District (TO:RC), and tax lot 1S103BA01451 was zoned Transit Oriented Business District (TO:BUS). The applicant submitted the applicable Washington County Development Code land use and site development regulations that were in effect for the site's two zoning districts on the date of annexation. The Committee refers to the Washington County Development Code Site Development Requirements table in Attachment A, which evaluates the project as it relates to the applicable Washington County Development Code requirements in lieu of BDC Chapter 20 standards. As demonstrated in the table, this proposal complies with all applicable Washington County Development Code standards that were in effect at the time of annexation.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.D

Approval Criterion: *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.*

FINDING:

The Committee cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it relates the applicable Code requirements of Chapter 60 (Special Requirements).

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.E

Approval Criterion: *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.*

FINDING:

The proposed partition would not create any private common facilities on either lot.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.F

Approval Criterion: *There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.*

FINDING:

The proposal does not include new physical development and would result in two legal lots of record that match current conditions upon recordation of a final plat. If development is proposed in the future, the safety and efficacy of vehicular and pedestrian circulation patterns within the boundaries of that development will be evaluated at that time.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.G

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

FINDING:

Staff cites the findings for Facilities Review Criteria 40.03.1.A as relevant to this approval criterion. The proposal does not include physical development. The existing site improvements on tax lot 1S103BA01451 takes access from SW Shilo Lane, and the access point on tax lot 1S103BA01450 connects to SW Choban Lane. Existing conditions are adequate to serve current conditions. If development is proposed in the future, on-site vehicular and pedestrian circulation patterns and connections to the surrounding network will be evaluated at that time.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Section 40.03.1.H

Approval Criterion: *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.*

FINDING:

Fire protection will be provided by TVF&R. No new structures or public facilities are proposed with this Preliminary Partition application. If development is proposed in the future, compliance with City codes and standards and requirements for fire protection will be evaluated, as applicable, at that time.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.I

Approval Criterion: *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.*

FINDING:

Beaverton Police will provide law enforcement services to the subject site. As of the date of this report, Beaverton Police have not raised any concerns about crime or accident at the site. If received, any comments from Beaverton Police will be forwarded directly to the applicant.

No new structures or public facilities are proposed with this Preliminary Partition application. If development is proposed in the future, the Committee finds that review of construction documents at that time through the Site Development and Building Permit

processes, as applicable, will ensure protection from hazardous conditions due to inadequate, substandard, or ill-designed development.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.J

Approval Criterion: *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.*

FINDING:

Grading is not proposed with this Preliminary Partition application. If development is proposed in the future, the project will be required to obtain grading permit or site development permit approval which will confirm that grading and contouring of the site meets applicable requirements and will not result in adverse effects to neighboring properties, rights of way, or other facilities.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.K

Approval Criterion: *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.*

FINDING:

Physical development is not proposed with this Preliminary Partition application. If development is proposed in the future, the project will be required to meet all applicable accessibility standards of the International Building Code, Fire Code, and other standards as required by the ADA at that time.

Conclusion: Therefore, the Committee finds that the criterion for approval is not applicable.

Section 40.03.1.L

Approval Criterion: *The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.*

FINDING:

The applicant submitted the Preliminary Subdivision and Legal Lot Determination applications on September 5, 2024. The application was deemed complete on October 4, 2024. As of the date of this report, all required submittal materials as specified in Section 50.25.1 of the Code have been received.

Conclusion: Therefore, the Committee finds that the proposal meets the approval criterion.

Code Conformance Analysis

Washington County Development Code Site Development Requirements – Interim Washington County Zoning District

Effective on Date of Annexation: February 7, 2005

APPLICABLE SITE DEVELOPMENT REQUIREMENTS			
Washington County Development Code Article III Section 375 Table B			
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Minimum Lot Area	TO:RC (tax lot 1S103BA01450): None TO:BUS (tax lot 1S103BA01451): None	Tax Lot 1S103BA01450: 0.44 acres Tax Lot 1S103BA01451: 0.26 acres	YES
Minimum Average Lot Width	TO:RC (tax lot 1S103BA01450): None TO:BUS (tax lot 1S103BA01451): None	Tax Lot 1S103BA01450: Approx. 50 feet Tax Lot 1S103BA01451: Approx. 191 feet	YES
Minimum Average Lot Depth	TO:RC (tax lot 1S103BA01450): None TO:BUS (tax lot 1S103BA01451): None	Tax Lot 1S103BA01450: Approx. 189 feet Tax Lot 1S103BA01451: Approx. 65 feet	YES

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	Development subject to Design Review is not proposed.	N/A
Development Code Section 60.07			
Drive-Up Window Facilities	Requirements for drive-up, drive-through, and drive-in facilities.	No drive-up window facilities are proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The site is not located within a floodplain.	N/A
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food carts and food cart pods.	The applicant is not proposing a food cart or food cart pod.	N/A
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits are requested.	N/A
Development Code Section 60.15			
Land Division Standards	On-site contouring within 25 feet of a property line within or abutting any residentially zoned property, and within 25 feet of a Significant Tree or Grove.	Grading is not proposed. Compliance with final plat standards of Section 60.15.15 will be evaluated at the time of Final Land Division application.	N/A
Development Code Section 60.20			
Mobile and Manufactured Home Regulations	Requirements for the placement of mobile and manufactured homes.	No mobile or manufactured homes are proposed.	N/A
Development Code Section 60.25			
Off-Street Loading	Minimum: None	No loading space is proposed.	N/A
Development Code Section 60.30			
Maximum Off-Street Motor Vehicle Parking	Existing Conditions	No on-site parking is proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.30			
Required Bicycle Parking	Existing Conditions	Bicycle parking is not proposed.	N/A
Development Code Section 60.33			
Park and Recreation Facilities and Service Provision	Requirements for annexing property to THPRD.	The site is already within THPRD's boundaries.	N/A
Development Code Section 60.35			
Planned Unit Development	Development and design principles for Planned Unit Developments.	No Planned Unit Development is proposed.	N/A
Development Code Section 60.40			
Sign Regulations	Requirements for signs.	All signs requiring a permit will be reviewed under a separate sign permit.	N/A
Development Code Section 60.50			
Fences	Height restrictions for fences and walls.	Fences and retaining walls are not proposed.	N/A
Development Code Section 60.55			
Transportation Facilities	Requirements pertaining to the construction or reconstruction of transportation facilities	<p>The applicant submitted a Trip Generation Memo demonstrating that the proposal does not include physical development and will not increase trip generation to the parcels beyond existing conditions. Therefore, a Traffic Impact Analysis was not required.</p> <p>If development is proposed in the future, compliance with applicable Section 60.55 standards will be evaluated at that time.</p>	YES
Development Code Section 60.60			
Trees and Vegetation	Regulations pertaining to tree removal and preservation.	Tree removal is not proposed.	N/A
Development Code Section 60.65			
Utility Undergrounding	Requirements for placing overhead utilities underground.	Existing utilities are not affected by the proposal, and new utilities are not proposed.	N/A

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.67			
Significant Natural Resources	Regulations pertaining to wetlands and riparian corridors.	No Significant Natural Resources are located on site.	N/A
Development Code Section 60.70			
Wireless Communication Facilities	Regulations pertaining to wireless facilities.	No wireless communication facilities are proposed.	N/A

ATTACHMENT B: PRELIMINARY PARTITION PP22024-00803

ANALYSIS AND FINDINGS FOR PRELIMINARY PARTITION APPROVAL

Recommendation: Based on the facts and findings presented below, staff recommends **APPROVAL** of **PS22024-00803**, subject to the applicable conditions identified in Attachment D.

Section 40.03.1 Facilities Review Approval 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:

Facilities Review Approval Criteria Section 40.03.1.A-L

FINDING:

Staff has reviewed the applicable Facilities Review Committee approval criteria in Attachment A of this report and cites the findings in response to those criteria. As identified in Attachment A, the proposal meets Approval Criteria 40.03.1.A through L, subject to conditions of approval identified in Attachment D.

Conclusion: Therefore, the Committee finds that the proposal meets the criteria.

Section 40.45.05 Purpose:

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

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:

Section 40.45.15.4.C.1

The application satisfies the threshold requirements for a Preliminary Partition application. 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.

FINDING:

The proposed Preliminary Partition application includes the creation of two lots from one existing lot of record. Therefore, the proposal meets Threshold 1 for a Preliminary Partition which states:

- 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.*

The proposal is subject to a concurrent Legal Lot Determination; the final plat for which must be recorded prior to or concurrent with the final plat for this partition.

Conclusion: Therefore, staff finds the proposal meets the approval criterion.

Section 40.45.15.4.C.2

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

FINDING:

The City of Beaverton received the appropriate fee for a Preliminary Partition application.

Conclusion: Therefore, staff finds the proposal meets the approval criterion.

Section 40.45.15.4.C.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.

FINDING:

Staff cites the findings in response to Facilities Review criteria 40.03.1.C and D and the findings in the Code Conformance Analysis tables (Washington County Development Code Site Development Requirements and Chapter 60 Special Requirements) in Attachment A of this report as relevant to this criterion.

The subject site is zoned Interim Washington County. Consistent with BDC Section 10.40.1, BDC Chapter 20 standards do not apply to properties zoned Interim Washington County. Instead, the equivalent applicable land use and site development regulations of the Washington County zone that were in effect at the time of annexation apply to the proposal. Chapter 60 requirements of the Beaverton Development Code apply to this request. As demonstrated by the findings in Attachment A, this proposal complies with all applicable Washington County Development Code standards that were in effect at the time of annexation and applicable BDC Chapter 60 requirements.

Conclusion: Therefore, staff finds the proposal meets the approval criterion.

Section 40.45.15.4.C.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.

FINDING:

The proposal does not conflict with any existing City approval, nor does it propose to modify a previous approval.

Conclusion: Therefore, staff finds the proposal meets the approval criterion.

Section 40.45.15.4.C.5

Oversized parcels (oversized lots) resulting from the Partition 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 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.

FINDING:

The proposed Preliminary Partition does not result in any oversized lots.

Conclusion: Therefore, staff finds the approval criterion is not applicable.

Section 40.45.15.4.C.6

For proposals which 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.

FINDING:

The proposal does not create a parcel with more than one zoning designation.

Conclusion: Therefore, staff finds the approval criterion is not applicable.

Section 40.45.15.4.C.7

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

FINDING:

The applicant has submitted a Legal Lot Determination application to be reviewed concurrently with this Preliminary Partition request. This Preliminary Partition application is dependent upon approval of the Legal Lot Determination, a condition of approval has been provided requiring the Legal Lot Determination be approved. No additional applications or documents are needed at this time.

Conclusion: Therefore, staff finds that, by meeting the conditions of approval, the proposal meets the approval criterion.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of PS22024-00803, subject to the applicable conditions identified in Attachment D.

ATTACHMENT C: LEGAL LOT DETERMINATION LLD12024-00804

ANALYSIS AND FINDINGS FOR LEGAL LOT DETERMINATION

Decision: Based on the facts and findings presented below, staff recommends **APPROVAL** of **LLD12024-00804**, subject to the applicable conditions identified in Attachment D.

Section 40.47.05 Purpose

The purpose of the Legal Lot Determination is to determine the legal status of lots and subdivisions that were created prior to the enactment of current subdivision regulations or prior to the City annexing a particular property. This section provides criteria for rendering decisions on the legal status of lots and subdivisions consistent with State Statute. This Section is carried out by the approval criteria listed herein.

Section 40.47.15.1.C Approval Criteria

In determining if the subject lot or parcel is a Legal Lot, the decision making authority shall make findings based in evidence provided by the applicant demonstrating that all the following criteria are satisfied:

Section 40.47.15.1.C.1

The application satisfies the threshold requirements for a Legal Lot Determination.

FINDING:

This Legal Lot Determination request is associated with a Preliminary Partition application which requests approval to create two new lots from one existing lot which has not been a part of a previously recorded plat or a previous Legal Lot Determination. This Legal Lot Determination request evaluates the legal status of the existing lot, which is required either prior to or concurrently with a Preliminary Partition application (BDC 40.45.15.4.C.1). Additionally, the property owners are requesting this Legal Lot Determination as stated in the project narrative. As such, the application satisfies Threshold numbers 1 and 3 for a Legal Lot Determination which read:

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

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.2

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

FINDING:

The applicant has paid the required fee related to the Legal Lot Determination application.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.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:

- 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
- b. The City, or the County prior to annexation, approved a permit as defined in ORS 215.402 or 227.160(2) for the construction or placement of a dwelling or other structure on the unit of land after the sale, and such dwelling has all the features listed in ORS 215.755(1)(a)-(e).

FINDING:

The applicant submitted a title report for the subject site which confirms that the legal lot of record was established by deed in 1924. Further city staff research found that the legal lot of record's current configuration was not the result of sales prior to January 1, 2007, but is the result of multiple right of way takings and dedication. As shown in Exhibit 1.3 (ODOT Map 1A-18-17, dated 1965), an ODOT taking occurred in 1965 associated with the rerouting of SW Barnes Road, now the location of SW Choban Lane, which separated the legal lot of record into two disconnected areas of land. Exhibit 1.3 also confirms that right of way for the current location of SW Shilo Lane had previously been acquired (pre-1965). Lastly, Exhibit 1.4 (Deed, recording number 2020-15916) confirms that the property owners dedicated a portion of the legal lot of record as right of way in 2020 to the City of Beaverton for the construction of SW 116th Avenue and associated facilities. Together, these rights of way takings and dedication have resulted in the lot's current configuration.

Based on these findings, the existing unit of land must conform to the lot area and dimensional standards of Chapter 20 to be deemed a legal lot, consistent with this approval criterion. Staff cites the findings in Attachment A in response to Facilities Review criterion 40.03.1.C and the findings in the Washington County Development Code Site

Development Requirements Code Conformance Analysis table as relevant to this criterion. Since the subject site is zoned Interim Washington County, Chapter 20 standards do not apply pursuant to Section 10.40.1. Instead, the equivalent applicable land use and site development regulations of the Washington County zone that were in effect at the time of annexation apply. As detailed in the Code Conformance Analysis table, the current configuration of the unit of land meets all applicable lot area and dimensional standards of the equivalent Washington County regulations. Therefore, the unit of land, in its current configuration, may be deemed a legal lot and will be established as a legal lot upon recordation of a final plat.

This Legal Lot Determination is being processed concurrently with a Preliminary Partition application which requests approval to divide this unit of land into two legal lots of record. Since recordation of a final plat is a requirement following both the Legal Lot Determination and Preliminary Partition approvals, recordation of one final plat will be required to memorialize the concurrent approvals and establish two legal lots of record.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.4

The application contains all applicable submittal materials as specified in Section 50.25.1 of the Development Code.

FINDING:

The applicant submitted the Legal Lot Determination application on September 5, 2024. The application was deemed complete on October 4, 2024. Staff finds that the proposal contains all applicable submittal materials.

Conclusion: Staff finds that the proposal meets the approval criterion.

Section 40.47.15.1.C.5

Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING:

The applicant also submitted a Preliminary Partition application to be processed concurrently with this Legal Lot Determination request. Recordation of a final plat is required by BDC 40.47.E. This recordation must occur prior to or concurrent with any final plat associated with a future partition or subdivision of the land and must conform to the condition of this Legal Lot Determination. No additional applications or documents are needed at this time.

Conclusion: Staff finds that the proposal meets the approval criterion.

CONCLUSION & RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of LLD12024-00804.

ATTACHMENT D: CONDITIONS OF APPROVAL

Application: LU22024-00810 Choban Lane Partition

Recommendation: APPROVE LU22024-00810 Choban Lane Partition (PP22024-00803 / LLD12024-00804), subject to conditions.

Preliminary Partition (PP22024-00803)

A. General Conditions:

1. Ensure that the Legal Lot Determination (LLD12024-00804) application has been approved and is consistent with the submitted plans. (Planning / BG)
2. The project shall conform to the approved plans, dated November 20, 2024, unless modified pursuant to applicable regulations and procedures. (Planning / BG)

Legal Lot Determination (LLD12024-00804)

No conditions.