

# Exhibit A

## 99.060 APPROVAL AUTHORITY

This section explains the authority of Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

### PLANNING DIRECTOR AUTHORITY

- A. The Planning Director shall have the authority to:
1. Approve, deny, or approve with conditions, ~~applications for~~ the following ~~development~~ applications.

**u. Extensions of approval when the Planning Director acted as the initial decision making authority**

### PLANNING COMMISSION AUTHORITY

- B. The Planning Commission shall have the authority to:
2. Approve, deny, or approve with conditions, the following applications:

**l. Extensions of approval when the Planning Commission acted as the initial decision making authority.**

### HISTORIC REVIEW BOARD AUTHORITY

- D. The Historic Review Board shall have the authority to approve, deny, or approve with conditions, applications for the following development applications.

**8. Extensions of approval when the Historic Review Board acted as the initial decision making authority.**

**99.080**

**NOTICE**

<b>Land Use Action</b>	<b>Type of Notice</b>
Amendment or Modification of Application or Permit	Same as original application
Appeal or Review of Decision	A
Boundary Change:	Special
Code Interpretation	Notice to parties requesting the interpretation
Comprehensive Plan:	
Map Amendment	A
Plan/Code Text Amendment (Legislative Action)	A***
Conditional Use	A
Design Review:	
Class I	B
Class II	A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-Conforming Use/Structure:	
Commercial or Industrial	A
Single-Family Residential	B
Erosion and Sediment Control Permit	No Notice
Expedited Land Division	per state statute requirements
<b><u>Extensions of Approvals</u></b>	<b><u>Same notice as original application</u></b>
Flood Management Area	B**
	No Notice
Final Plat and Partition Plat	
Historic District:	
Amendments	A
Demolition	A
New Home Construction	B
Major Renovations or Additions	B
Minor Renovations or Additions	B
Construction of non-exempt accessory structures/ garages	B
Home Occupation:	
	No Notice
Lot Line Adjustment	No Notice
Minor Partition	A
Planned Unit Development	A
Revocation of Approval	A
Sidewalk Use Permit	No Notice
	No Notice
Sign Permit	
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright & not subject to design review	No Notice
Uses permitted outright & subject to design review	B
Uses requiring conditional use permit & design review	A
Street Vacations	(per state statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway:	
Development Permit	A**
Uses requiring conditional use permit & design review	A**
Zone Change	A

\*\*Plus COE/DSL is notified

\*\*\*Plus DLCD notice

**99.330 REVOCATION OF APPROVALS - FAILURE TO FULFILL CONDITIONS**

- A. Conditions of approval shall be fulfilled within the time limit set forth in the decision; or, by specific provisions in this code; or, if no time limit is set forth, within three years, **unless an extension is granted per CDC Section 99.325.** Failure to fulfill any condition of approval within the time limitations provided will be grounds for revocation of approval after notice and an opportunity to be heard as an administrative action as provided in Section 99.330. Alternately, the Planning Director shall pursue compliance through Section 106.000.

**99.325 EXTENSIONS OF APPROVAL**

- A. The Planning Director may grant an extension from the effective date of approval of two (2) years pertaining to applications listed in Section 99.060.A upon finding that:**

- 1. the applicant has demonstrated, and staff and the Planning Commission concur, that the application is in conformance with applicable CDC provisions and relevant approval criteria enacted since the application was initially approved; and**
- 2. there are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project, including, but not limited to, existing conditions, traffic, street alignment and drainage; or**
- 3. the applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with Subsection 2, in conformance with any applicable limits on modifications to approvals established by the CDC.**

- B. The Planning Commission may grant an extension from the effective date of approval of two (2) years pertaining to applications listed in Section 99.060.B, consistent with subsections 99.325 A (1-3).**

**C. The Historic Review Board may grant an extension from the effective date of approval of two (2) years for applications listed in Section 99.060.D, consistent with subsections 99.325 A (1-3).**

**D. Eligibility for extensions.**

- 1. Only those applications approved between July 1, 2006 and December 31, 2009 shall be eligible for an extension.**
- 2. Any application eligible for an extension under Subsection D(1) that would expire by June 30, 2010 shall be exempt from expiration pending a decision regarding the extension application, provided that a complete application and deposit fee has been submitted to the Planning Director prior to that date. However, the extension shall begin on the date that the application's initial approval lapsed.**

**E. Extension Procedures.**

- 1. The application for extension of approval may be submitted only after a preapplication meeting under 99.030.B.**
- 2. The application shall satisfy the neighborhood meeting requirements of 99.038 for those cases that require compliance with that section.**
- 3. Applications for extensions must be submitted along with the appropriate deposit to the Planning Department.**
- 4. Applications for extensions will be processed if the initial approval lapses prior to issuance of a decision, consistent with 99.325D(2).**
- 5. Notice of the decision shall be issued consistent with Section 99.080.**
- 6. The decision shall not become effective until resolution of all appeal periods, including an opportunity for City Council call-up pursuant to this chapter.**

**24.030      EXPIRATION OR EXTENSION OF APPROVAL**

If ~~no substantial construction~~ **the final plat has not been recorded with the County** has occurred within three years from the date of approval of the final plat or development plan, the application shall be null and void **unless an extension is granted per CDC Section 99. 325. If an extension is granted, the final plat must be recorded with the County before the extension lapses.**

**28.080      TIME LIMIT ON APPROVAL**

A. Approval of a protection area permit shall be void if

1. Substantial work (e.g. piling installation etc) is not completed within three years of the approval date, **unless an extension is granted per CDC Section 99.325.**

**55.040      EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, **unless an extension is granted under CDC Section 99.325.**

**56.040      EXPIRATION OR EXTENSION OF APPROVAL**

If substantial construction, as defined in CDC chapter 2, has not occurred within three years from the date of approval of the development plan, the approved proposal will be void **unless an extension is granted under CDC Section 99.325.**

**58.110      EXPIRATION OR EXTENSION OF APPROVAL**

**If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void, unless an extension is granted per CDC Section 99. 325.**

**60.010 PURPOSE**

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met.

~~A. The Planning Commission may approve an application subject to a specific time period, at the termination of which there will be a renewal hearing. The decision at the renewal hearing shall be based on the factors in B1 and B2 below.~~

~~B. Approval of a conditional use shall be void after one year or such lesser time as the approval may specify, unless substantial construction pursuant thereto has taken place. The Planning Commission after a public hearing as provided by Section 99.060(B) may extend authorization for an additional period not to exceed one year, on request and a finding that:~~

~~1. There have been no changes in the facts on which the approval was based; and,~~

~~2. There have been no changes in the policy or applicable standards on which the approval was based.~~

**60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL**

Approval of a conditional use by the Commission shall be void after three years, unless an extension is granted per CDC Section 99.325

**75.040 TIME LIMIT ON A VARIANCE**

Approval of a variance shall be void after three years unless substantial construction pursuant thereto has taken place unless an extension is granted per CDC Ch. 99.

**85.090 EXPIRATION OR EXTENSION OF APPROVAL**

~~If the~~ The final plat has not been map shall be submitted to the Planning Director and recorded with the County within three years from the date of approval of the tentative plan, or as approved under CDC Section 99.325. If the final plat is not recorded by that time, the approval expires.

**85.110 STAGED DEVELOPMENT**

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of Section 99.125. However, notwithstanding the provisions of Section 99.125, in no case shall the time period for final platting and recording all stages with the County be greater than five years without re-filing the application.

**89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT**

- A. Within ~~one year~~ **three years** after approval of the tentative plan **and after the completion of all granted extensions**, the developer shall cause the final plat, or any part thereof, to be surveyed and a final plat prepared by a licensed land surveyor and submitted to the Planning Director in conformance with: