

EXHIBIT A: PROPOSED CODE AMENDMENTS

85.090 EXPIRATION OF APPROVAL - CONTINUATION

~~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, **unless an extension is granted per CDC 85.095, which would then require the final plat to be recorded with the County within two years. If not,** the approval expires. **The two-year extension period shall be measured from the date that the original three-year approval lapses.**

85.095 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of subdivisions, planned unit developments and minor partitions the extension requires that the final plat be recorded with the County within two years of the date of the approval of the extension. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

- (1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to**

regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

(2) Where new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application would result in the loss of lots to meet those regulations, the elimination of those lots shall not render the application invalid.

89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT

- A. Within ~~one year~~ three years after approval of the tentative plan, 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:

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.

55.040 EXPIRATION OF APPROVAL - CONTINUATION

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 55.045.

55.045 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of design review, the applicant must begin substantial construction per 55.040 within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design

or layout, the Planning Commission shall have discretion to deny the extension request.

56.040 EXPIRATION OF APPROVAL - CONTINUATION

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 per CDC 56.045. Phased improvements to a park or natural area, with clearly stated timeline, are permitted under the provisions of CDC 56.060. However, substantial construction of the final phased improvement must be begun within five years of the original approval date.

56.045 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of park design review, the applicant must begin substantial construction per 56.040 within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that , if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

C. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

58.110 EXPIRATION OF APPROVAL - CONTINUATION

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 58.115.

58.115 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Historic Review Board after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of Willamette Falls Drive Commercial District design review, the applicant must begin substantial construction within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal.

If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Historic Review Board shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

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 60.045, if:

1. Substantial construction of the approval plan has not begun within that three-year period.
2. Construction on the site is a departure from the approved plan.

60.045 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a conditional use permit, the applicant must begin substantial construction per 60.040 within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design

or layout, the Planning Commission shall have discretion to deny the extension request.

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 75.045. (ORD. 1408)

75.045 EXTENSIONS OF APPROVAL

- A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a variance, the applicant must begin substantial construction per 75.040 within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.**

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

- (1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.**
- (2) The applicant's submittal shall include:**
- (a) Completed application form and payment of fees.**

- (b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.**
- (c) Electronic or digital copy of the submittal in an acceptable format.**

B. Approval Criteria:

- (1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.**

24.030

EXPIRATION OF APPROVAL -CONTINUATION

If no substantial construction 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 24.035, which would then require the final plat to be recorded with the County within five years. If not, the approval expires. The two-year extension period shall be measured from the date that the original three-year approval lapses.

24.035 **EXTENSIONS OF APPROVAL**

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a planned unit development, the extension requires that the final plat be recorded with the County within two years.

The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

(2) Where new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application would result in the loss of lots to meet those regulations, the elimination of those lots shall not render the application invalid.

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 28.035.

28.085 EXTENSIONS OF APPROVAL

A. Approvals shall be extended by two years by the Planning Commission after the applicant has submitted a completed application form

accompanied by payment of fees and where findings are made by the decision making body that the approval criteria, below, is met. In the case of a Willamette and Tualatin River protection permit, the applicant must begin substantial work per 28.080 within the two-year extension period. The two-year extension period shall be measured from the date that the original three-year approval lapses.

The applicant has no burden of proof to demonstrate compliance with the original approval criteria. This extension application shall not constitute a re-hearing of the original application.

B. Submittal Requirements:

(1) A Pre-application Conference is required and shall include discussion of any new engineering, environmental and other changes to regulations in the CDC that, if applicable to the applicant's site, could have a significant impact upon the applicant's proposal.

(2) The applicant's submittal shall include:

(a) Completed application form and payment of fees.

(b) Written request for two-year extension to include discussion of whether or not new engineering, environmental and other changes to regulations in the CDC are applicable to the proposal. If there are changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal.

Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations.

(c) Electronic or digital copy of the submittal in an acceptable format.

B. Approval Criteria:

(1) The applicant shall demonstrate "just cause" that the two-year extension should be allowed. The Planning Commission shall have reasonable and appropriate latitude to interpret "just cause" to include new engineering, environmental, or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project. If the new regulations would significantly modify the application's design or layout, the Planning Commission shall have discretion to deny the extension request.

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 the provisions of the specific chapters.**

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 COMMISSION AUTHORITY

- B. The Planning Commission shall have the authority to:
1. Make a recommendation to approve, deny, or approve with conditions to the Council:
 - a. A quasi-judicial Comprehensive Plan Map amendment. (ch. 105). (ORD 1568)

- b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment as provided by Section 99.030(A) (ch. 35). (ORD 1568)
- 2. Approve, deny, or approve with conditions:
 - I. Extensions of Approval**

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. (ORD. 1474)

8. Extensions of Approval

99.080 NOTICE

Land Use Action	Type of Notice
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
Flood Management Area	B**
Final Plat and Partition Plat	No Notice
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
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit: 60 days or less; 60-day extension Over 60 days, up to 1 year	No Notice A
Tualatin River Setback: Uses permitted outright & not subject to design review Uses permitted outright & subject to design review Uses requiring conditional use permit & design review	No Notice B A
Street Vacations	(per state statute requirements)
Variances: Class I (Involves a small change with minor or no effect) Class II (Involves a significant change from code requirements)	B A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway: Development Permit Uses requiring conditional use permit & design review	A** A**
Zone Change	A

Extensions of Approval same notice as original application

**Plus COE/DSL is notified

***Plus DLCD notice

(ORD. 1474, ORD.1545,ORD.1547,ORD.1565, ORD 1568)

Staffreports2009-CDC-09-04-Approved PC-Sonnen changes 10-13-09