

EXHIBIT A

LEAVE CDC "AS IS" OFFER NO EXTENSIONS

Currently, there are no Community Development Code (CDC) provisions allowing extensions of approvals of land use cases. This option: to leave the CDC "as is" and offer no time extensions - anticipates a quick end to the recession, that financial institutions will start lending for land development and that there will be a quick rebound by the housing industry.

If that economic scenario fails to materialize, approvals will lapse and new and costly re-applications will be required.

EXHIBIT B: PROPOSED CODE AMENDMENTS
AS RECOMMENDED BY THE PLANNING COMMISSION

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 of the approval date of extension. If not, the approval expires.

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 by the County within two years of the date of approval of the extension.

B. Submittal Requirements:

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

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

(2) 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.

(3) Where new environmental, engineering 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

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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application’s design or layout.

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

56.040 EXPIRATION 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 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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval

date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

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

58.110 EXPIRATION 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 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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other

changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

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

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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

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

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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

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

24.030 EXPIRATION OF APPROVAL

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. (ORD. 1408)

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 PUD, the applicant must record the final plat within the two year extension period.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application's design or layout.

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

(3) Where new environmental, engineering 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.

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.

B. Submittal Requirements:

(1) Pre-application Conference to include discussion of any new engineering, environmental and other changes to 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) submittal of application form and fees.

(b) written request for two year extension to include discussion of whether or not new engineering, environmental and other changes to 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.

(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 environmental, engineering or other regulations approved during the intervening years since the original approval date of the application that apply specifically to this project and, if applied, would significantly modify the application’s design or layout.

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

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 Construction of non-exempt accessory structures/ garages	B 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-Ordinance approved by PC

EXHIBIT C: PROPOSED CODE AMENDMENTS

PROPOSED CHANGES SINCE CITY COUNCIL WORKSESSION (11-16-09)

"DE NOVO FOR ERRORS AND OMISSIONS" OPTION

SUBDIVISIONS

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 one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

If not, the approval expires.

85.095 EXTENSIONS OF APPROVAL

- A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 one year of the date of the approval of the extension or two years if a second extension has been approved.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the extension to include:

i) identification and discussion all new engineering, environmental and other changes to regulations in the CDC that may be applicable to the proposal. If there are CDC changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal and any modifications to the proposal or plan needed to meet the CDC changes or new regulations. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations; and

ii) summarize how the application still meets the approval criteria of the specific application(s). Submittal of a copy of

initial application and accompanying studies and maps etc. is required.

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

(d) Three hard copies of initial application and plans (full blueprint size and 11 X 17 inches) as well as three hard copies of narrative and plans addressing 2(b)(i) and (ii) above.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) increased traffic volumes, street alignments or new points of ingress/egress which require major on or off site improvements; or,

(c) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

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.

SUBDIVISION AND PARTITION PLATS

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:

DESIGN REVIEW

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. If an extension is granted, substantial construction must have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

- 55.045** A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions,

or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the 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) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) increased traffic volumes, street alignments or new points of ingress/egress which require major on or off site improvements;

(c) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or

(d) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

PARK DESIGN REVIEW

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. If an extension is granted, substantial construction must have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

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

- A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.
- (2) The extension periods shall be measured from the date that the original three-year approval lapses.
- (3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The

intent of the extension review is not to re-hear every aspect of the 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 the 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) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

- (a) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements;
 - (b) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or
 - (c) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.**
- (3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

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. unless an extension is granted per CDC 55.045. **If an extension is granted, substantial construction must have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.**

58.115

A. (1) Approvals may be extended by **one year with the opportunity to re-apply for an additional one year.** The initial decision making body, as

designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or

(b) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

CONDITIONAL USE PERMIT

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

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body

and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations

adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations

which were approved since the date that the original application

was vested would not significantly impact or modify the approved

application. Significant modification is defined as:

(a) increased traffic volumes, street alignments or new points of

ingress/egress which require major on or off site

improvements; or,

(b) a modified site plan that includes different alignment of

streets, driveways, building pads or utilities to the extent

that it bears little relationship to the originally approved

plan.

(3) The applicant has the burden of proof to demonstrate continued

compliance with the original CDC approval criteria.

VARIANCE

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

- A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.**
- (2) The extension periods shall be measured from the date that the original three-year approval lapses.**
- (3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater); or,

(b) increased traffic volumes, street alignments or new points of ingress/egress which require major on or off site improvements; or,

(c) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan; or,

(d) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

PLANNED UNIT DEVELOPMENT

24.030 EXPIRATION OF APPROVAL -CONTINUATION

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 24.035.

If an extension is granted, the final plat must be recorded with the County within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

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

24.035

- A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the extension application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 one year of the date of the approval of the extension or two years if a second extension has been approved.
- (2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application

was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements; or,

(c) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.**

(d) **re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater.**

(3) **The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.**

WILLAMETTE AND TUALATIN RIVER PROTECTION

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

A. (1) Approvals may be extended by **one year with the opportunity to re-apply for an additional one year.** The initial decision making body, as

designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 extension period.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo but only for errors, omissions or where facts were misinterpreted by the initial decision making body and where regulations have been adopted since the project initially vested. The intent of the extension review is not to re-hear every aspect of the 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 the 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.

C. Approval Criteria:

1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) a significant re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater;

(c) a significantly modified site plan (including significant ramp and dock re-alignment or design); or,

(d) an increase in ramp length by 50% or 50 feet whichever is greater.

(e) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.330 REVOCATION OF APPROVALS - FAILURE TO FULFILL CONDITIONS

A.

- 1.** 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.**
- 2.** **Applications for extensions must be submitted along with the appropriate deposit to the Planning Director prior to the three-year time limit lapsing. Applications for extensions will be processed and decisions rendered by the decision making body(s) even if the three-year time limit lapses during the review and decision making period.**
- 3.** **Any application that would expire within six months of the adoption of the ordinance that allows one-year extensions shall be exempt from expiration so long as the person or entity responsible for the land use approval submitted an application and deposit fee to the Planning Director during that six-month period and so long as the extension application is ultimately approved.**
- 4.** **In all cases, (2) and (3) above, the one-year extension shall go from the date that the application's initial three-year approval lapsed. The second one-year extension shall go from the date that the first extension lapsed.**
- 5.** 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. (ORD. 1474, 1568)

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 or in the case of applications for a second one-year extension.****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:**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. (ORD. 1474)

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

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 Plan/Code Text Amendment (Legislative Action)	A A***
Conditional Use	A
Design Review: Class I Class II	B A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-Conforming Use/Structure: Commercial or Industrial Single-Family Residential	A 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 Demolition New Home Construction Major Renovations or Additions Minor Renovations or Additions Construction of non-exempt accessory structures/ garages	A A B B B 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)

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EXHIBIT D: PROPOSED CODE AMENDMENTS
PROPOSED CHANGES FOR CITY COUNCIL HEARING
INCLUDING MORE RECENT CHANGES HIGHLIGHTED IN YELLOW
“DE NOVO” OPTION

SUBDIVISIONS

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 one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.**
If not, the approval expires.

85.095 **EXTENSIONS OF APPROVAL**

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 one year of the date of the approval of the extension or two years if a second extension has been approved.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) **The initial one-year extension** hearing or review by the decision making body shall be de novo. **The second year extension review by the Planning Director shall require the applicant to address regulations that have been adopted since the project initially vested.**

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 the extension to include:

i) identification and discussion all new engineering, environmental and other changes to regulations in the CDC that may be applicable to the proposal. If there are CDC changes to regulations that are deemed applicable, the applicant shall discuss their impact on the proposal and any modifications to the proposal or plan needed to meet the CDC changes or new regulations. Drawings, to scale, shall communicate any changes to the design or layout required by the new regulations; and

ii) summarize how the application still meets the approval criteria of the specific application(s). Submittal of a copy of initial application and accompanying studies and maps etc. is required.

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

(d) Three hard copies of initial application and plans (full blueprint size and 11 X 17 inches) as well as three hard copies of narrative and plans addressing 2(b)(i) and (ii) above.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements; or,

(c) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.**

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

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.

SUBDIVISION AND PARTITION PLATS

89.010 SUBMISSION OF SUBDIVISION OR PARTITION PLAT

- A. Within ~~one year~~ **three years** after approval of the tentative plan **or after the completion of all granted extensions (whichever is greater)**, 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:

DESIGN REVIEW

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. If an extension is granted, substantial construction must have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.**

55.045

- A. **(1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-**

year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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 the 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) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,**
- (2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:**
 - (a) the increase or decrease of more than three or 10% of the lots (whichever is greater);**
 - (b) increased traffic volumes, street alignments or new points of ingress/egress which require major on or off site improvements;**
 - (c) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or**
 - (d) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.**
- (3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.**

PARK DESIGN REVIEW

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. If an extension is granted, substantial construction must

have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

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

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.

The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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 the 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) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements;

(b) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or

(c) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent**

that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

WILLAMETTE FALLS DRIVE COMMERCIAL DISTRICT DESIGN STANDARDS

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. unless an extension is granted per CDC 55.045. If an extension is granted, substantial construction must have occurred within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

58.115

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied

by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater; or

(b) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

CONDITIONAL USE PERMIT

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

- A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.**
- (2) The extension periods shall be measured from the date that the original three-year approval lapses.**

- (3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.**

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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements; or,

(b) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.**

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

VARIANCE

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

A. (1) Approvals may be extended by **one year with the opportunity to re-apply for an additional one year.** The initial decision making body, as designated by CDC Chapter 99, **shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application.** The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C below is met.

- (2) The extension periods shall be measured from the date that the original three-year approval lapses.
- (3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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.

C. Approval Criteria:

- (1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,
- (2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application

was vested would not significantly impact or modify the approved application. Significant modification is defined as:

- (a) the increase or decrease of more than three or 10% of the lots (whichever is greater);
- (b) increased traffic volumes, **street alignments or new points of ingress/egress** which require major on or off site improvements;
- (c) a modified site plan **that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan; or,**
- (d) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

PLANNED UNIT DEVELOPMENT

24.030 EXPIRATION OF APPROVAL -CONTINUATION

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 24.035.

If an extension is granted, the final plat must be recorded with the County within one year from the date that the original three-year approval lapses or two years from the date that the original three-year approval lapses if a second extension has been approved.

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

24.035

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the extension application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 one year of the date of the approval of the extension or two years if a second extension has been approved.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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 the 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.

C. Approval Criteria:

(1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) increased traffic volumes, street alignments or new points of ingress/egress which require major on or off site improvements;

(c) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan; or,

(d) re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

WILLAMETTE AND TUALATIN RIVER PROTECTION

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

A. (1) Approvals may be extended by one year with the opportunity to re-apply for an additional one year. The initial decision making body, as designated by CDC Chapter 99, shall approve, approve with conditions, or deny the initial one-year extension application. For the second one-year extension, the Planning Director shall be the decision making body and shall approve, approve with conditions or deny the application. The applicant shall submit a completed application form accompanied by payment of fees and where findings are made by the decision making body that the approval criteria in subsection C 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 extension period.

(2) The extension periods shall be measured from the date that the original three-year approval lapses.

(3) The initial one-year extension hearing or review by the decision making body shall be de novo. The second year extension review by the Planning Director shall only require the applicant to address regulations that have been adopted since the project initially vested.

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 the 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.

C. Approval Criteria:

1) Compliance with all applicable regulations, including regulations adopted since the project initially vested; or,

(2) Demonstrate that engineering, environmental or other regulations which were approved since the date that the original application

was vested would not significantly impact or modify the approved application. Significant modification is defined as:

(a) the increase or decrease of more than three or 10% of the lots (whichever is greater);

(b) a significant re-design of the proposed structure resulting in an increase or reduction in square footage of over 30% or 1,000 square feet, whichever is greater;

(c) a significantly modified site plan (including significant ramp and dock re-alignment or design); or,

(d) an increase in ramp length by 50% or 50 feet, whichever is greater.

(e) a modified site plan that includes different alignment of streets, driveways, building pads or utilities to the extent that it bears little relationship to the originally approved plan.

(3) The applicant has the burden of proof to demonstrate continued compliance with the original CDC approval criteria.

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.330 REVOCATION OF APPROVALS - FAILURE TO FULFILL CONDITIONS

A.

1. 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.

2. Applications for extensions must be submitted along with the appropriate deposit to the Planning Director prior to the three-year time limit lapsing. Applications for extensions will be processed and

decisions rendered by the decision making body(s) even if the three-year time limit lapses during the review and decision making period.

3. Any application that would expire within six months of the adoption of the ordinance that allows one-year extensions shall be exempt from expiration so long as the person or entity responsible for the land use approval submitted an application and deposit fee to the Planning Director during that six-month period and so long as the extension application is ultimately approved.

4. In all cases, (2) and (3) above, the one-year extension shall go from the date that the application's initial three-year approval lapsed. The second one-year extension shall go from the date that the first extension lapsed.

5. 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. (ORD. 1474, 1568)

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 or in the case of applications for a second one-year extension.

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:
 - 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. (ORD. 1474)

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

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 Plan/Code Text Amendment (Legislative Action)	A A***
Conditional Use	A
Design Review: Class I Class II	B A
Determination of Unlisted Use	No Notice
Enlarge or Alter Non-Conforming Use/Structure: Commercial or Industrial Single-Family Residential	A 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 Demolition New Home Construction Major Renovations or Additions Minor Renovations or Additions Construction of non-exempt accessory structures/ garages	A A B B B 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)

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