Proposed Amendments to the Zoning Code

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CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

33.730.050 Pre-Application Conference

A - F. [No Change}

G. Time limit.

1. Generally. A pre-application conference is valid for one year. If more than one year has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

2. Exceptions.

    a. Pre-application conferences held between April 1, 2007 and December 31, 2008 are valid through December 31, 2010. If a land use review application is not submitted by December 31, 2010, a new pre-application conference is required.

    b. Pre-application conferences held between January 1, 2009 and December 31, 2009 are valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

33.730.130 Expiration of an Approval

A. Expiration of unused land use approvals issued prior to 1979. [No change]

B. When approved decisions expire.

1. Land use approvals, except as otherwise specified in this section, expire if:

    a. Generally.

        1. Within 3 years of the date of the final decision a City permit has not been issued for approved development; or

2. Within 3 years of the date of the final decision the approved activity has not commenced.

b. Exception. Final decisions that became effective between May 27, 2006 and December 31, 2008 expire if a City permit has not been issued for approved development or the approved activity has not commenced by June 30, 2012.

2. Zoning map and Comprehensive Plan map amendments do not expire.

3. Conditional Use Master Plans and Impact Mitigation Plans expire as specified in Chapters 33.820 and 33.848, or in the plans themselves.

4. Multiple developments.

a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals.

b. Exception. On sites where the final decisions became effective between May 27, 2006 and December 31, 2008, and a City permit is not issued for all development by June 30, 2012, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

6. Preliminary plans.

a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.

b. Exception. Final decisions on preliminary plans that became effective between May 27, 2006 and December 31, 2008 expire if an application for approval of Final Plat has not been submitted by June 30, 2012.

7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:

   a. Generally.

      1. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.

      2. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

   b. Exception. Final decisions for Preliminary Plans that became effective between May 27, 2006 and December 31, 2008 expire if an application for approval of a Final Plat for part or all of the site has not been submitted by June 30, 2012. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:

   a. Application for approval of a Final Plat for part or all of the site.

      1. Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.

      2. Exception. Final decisions for Preliminary Plans that became effective between May 27, 2006 and December 31, 2008 expire if an application for approval of a Final Plat for part or all of the site has not been submitted by June 30, 2012.

   b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:

    a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;

    b. The final plat of the land division has not expired; and

    c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between May 27, 2006 and December 31, 2008, the improvements must have been made by June 30, 2012.

11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

    Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

    a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;

    b. The PUD or PD has not expired;

    c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. For a PUD or PD receiving final approval between May 27, 2006 and December 31, 2008, the improvements must have been made by June 30, 2012.

12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supercede the regulations of this section.

CHAPTER 33.663
FINAL PLATS

33.663.110 Voiding of Final Plat Application

A. Generally. An application for Final Plat review will be voided where:

1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval; and

2. The final plat review has remained inactive for 180 days from the date the Director's letter was mailed. The plat is considered inactive if the applicant has not provided any of the requested information, or completed steps toward meeting any of the outstanding requirements for final plat approval.

B. Exception. For final plat applications that were submitted before December 31, 2009, the 180 day period identified in B.2, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of May 27, 2006.