

Expiration Date Extension Project

REGULATORY RELIEF DUE TO THE COVID-19 PANDEMIC

PROPOSED DRAFT
APRIL 2020

www.portlandoregon.gov/bps



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.



This page is intentionally blank

The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use the City’s TTY at 503-823-6868, or Oregon Relay Service at 711.

Traducción o interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译 | Письменный или устный перевод | Traducere sau Interpretare
 الترجمة التحريرية أو الشفهية | Письмовий або усний переклад | 翻訳または通訳 | Turjumida ama Fasiraadda | ການແປພາສາ ຫຼື ການອະທິບາຍ
 503-823-7700 | www.portlandoregon.gov/bps/71701

How to Participate

The Expiration Date Extension Project will be considered by the Portland Planning and Sustainability Commission at a virtual public hearing on Tuesday, May 26, 2020. The public is invited to participate in the following ways:

1. **Watch the public hearing (live stream and recorded).** Access the Commission’s YouTube channel: portland.gov/bps/psc
2. **Submit written testimony.** Because this meeting will be held virtually, we strongly encourage written testimony. Written testimony must be received by the time of the hearing and must include your name and address.

Send an email:	Use U.S. Mail:
PSC@PortlandOregon.gov Include “Extension Project Testimony” in the subject line	Portland Planning and Sustainability Commission Extension Project Testimony 1900 SW 4th Avenue, Suite 7100 Portland, OR 97201

3. **Testify at the virtual hearing.** The hearing on May 26, 2020 will be held virtually. You can use a computer, mobile device, or phone to testify during the hearing. To testify during the hearing, please register at the following link: portland.gov/bps/edep. **The deadline to register to testify is Monday, May 25, 2020 at 5:00 p.m.** You will receive a confirmation email containing information about joining the virtual hearing. Oral testimony is limited to 2 minutes per person unless stated otherwise at the hearing.

For more information

Contact JP McNeil, Project Manager, at the Bureau of Planning and Sustainability 503-823-6046 or Jason.mcneil@portlandoregon.gov or visit the Bureau of Planning and Sustainability's website: portland.gov/bps/edep

Acknowledgments

Portland City Council

Ted Wheeler, *Mayor*

Chloe Eudaley, *Commissioner*

Nick Fish, *Commissioner (deceased)*

Amanda Fritz, *Commissioner*

Jo Ann Hardesty, *Commissioner*

Portland Planning and Sustainability Commission

Eli Spevak, *Chair*

Steph Routh, *Vice Chair*

Katherine Schultz, *Vice Chair*

Jeff Bachrach

Ben Bortolazzo

Mike Houck

Katie Larsell

Oriana Magnera

Daisy Quinonez

Chris Smith

Bureau of Planning and Sustainability

Ted Wheeler, *Mayor, Commissioner-in-charge*

Andrea Durbin, *Director*

Joe Zehnder, *Chief Planner*

Project Staff

JP McNeil, *Planner, Project Manager*

Shannon Buono, *Senior Planner*

Sandra Wood, *Principal Planner*

Table of Contents

Section I	Introduction.....	1
Section II.	Zoning Code Amendments.....	5
	33.245 Inclusionary Housing	6
	33.663 Final Plats.....	8
	33.705 Neighborhood Contact	10
	33.730 Quasi-Judicial Procedures.....	14

This page is intentionally blank

Section I: Introduction

Project Summary

The Expiration Date Extension Project addresses several issues related to the administration of the Portland Zoning Code (Title 33, Planning and Zoning) and the economic impacts of the COVID-19 pandemic on the development market. It will amend the Zoning Code to extend the expiration date of some land use reviews, final plats, and pre-application conferences; maintain inclusionary housing rates that are set to increase; and allow for virtual neighborhood contact meetings.

- 1. Land Use Review Extensions.** The Portland Zoning Code contains regulations that specify when land use review approvals expire. Most land use review approvals expire if a building permit for the project is not issued within three years of the final land use decision. Preliminary Plan approvals for land divisions expire if a final plat application is not submitted within three years of the final decision on the Preliminary Plan.

The COVID-19 crisis has created economic uncertainty in the market making it more difficult for development projects to move forward and has also slowed the pace of construction. Additionally, the public health emergency declaration impacted the Bureau of Development Services' ability to intake and issue permits. Given these conditions, it is more difficult for applicants to proceed within the timelines set out in the Zoning Code, increasing project cost and delay that could hinder the city's economic recovery.

To address these issues **this project proposes to extend expiration dates of land use reviews and preliminary plans approved up to three years prior to the effective date of this ordinance (approximately July 2017) and approximately six months after the effective date of this ordinance (January 1, 2021) until January 1, 2024.** This means that land use reviews approved in the 33 months leading up to the COVID-19 crisis hitting Portland in March 2020 and for 6 months following will be granted an extension of up to 42 months. While it remains unclear how long the COVID-19 economic effects will linger, the extension period will provide a buffer for applicants to see these projects through to completion. The goal is to allow sufficient time for approved projects to weather the current market situation, while also limiting the length of the extension so that conditions and regulations considered at the time of the approval remain relevant.

This project is in alignment with similar land use review extensions that were passed in 2009 and 2012 in response to the 2008 economic crisis. At that time, City Council first extended the expiration dates for land use reviews approved between May 2006 and December 2008 to June of 2012. When the economy had not recovered by 2012 as expected, City Council extended those land use expirations until June of 2014.

- 2. Pre-Application Conference Extensions.** Pre-application conferences are a part of the land use review process that provide applicants with technical, design, and procedural assistance prior to the submittal of an application. Pre-applications also provide notification to recognized organizations of large-scale projects.

For Type III and Type IV reviews, which includes most high-impact reviews, a pre-application is required. For most other reviews, a pre-application conference is optional. Following the pre-

application conference, the planner and relevant City agencies provide the applicant with a summary of recommendations and information from the meeting. For reviews that require a pre-application conference, the land use review application must be submitted within one year of the conference or else the pre-application conference expires and a new conference must be held.

Given the impacts the COVID-19 crisis is having on the development market, pre-application conferences may expire during this period of economic uncertainty and when the ability to submit a building permit or meet with City staff is limited. To address these issues **this project proposes to extend expiration dates of pre-application conferences held between March 13, 2019 and January 1, 2021 for one year beyond the original expiration date.** For example, a pre-application held on April 1, 2019 would normally expire on April 1, 2020, but under this proposal it will expire on April 1, 2021.

- 3. Final Plat Extensions:** The final plat process is the second step of the land division process that follows the approval of the preliminary plan. The final plat shows the final surveyed layout of the land division including all lots, tracts, easements and rights-of-way. Information documenting compliance with all City requirements and conditions of approval is reviewed with the final plat.

Final plats must be completed within three years from the time the first response for additional information (checksheet) is sent to the applicant by the planner assigned to the final plat. The process generally involves some back-and-forth between the applicant and the planner. Under the current code, the applicant is given 180 days to respond to a request for information or to otherwise make progress towards completing the final plat. If they fail to do so, the application can be voided. **This project proposes to grant the applicant 365 days to respond to a request for information or make progress on their application before it is voided.** The change applies to all final plats submitted before January 1, 2021, excepting those that have already expired or been voided as of the effective date of this proposal. The intent is to grant some flexibility to applicants in light of the uncertainty facing the development and construction markets due to COVID-19.

- 4. Neighborhood Contact Meetings:** Neighborhood contact is a set of outreach steps that must be taken before certain land use reviews and development permits can be submitted for approval. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. Certain types of development proposals require the applicant to set up a public meeting or a meeting with the neighborhood association to present the project. Given the social distancing necessary to prevent the spread of the COVID-19 pandemic, **this proposal will allow neighborhood contact meetings held between March 13, 2020 and January 1, 2021 to be held remotely using video conferencing technology, provided a phone-in option is also available.**
- 5. Extension for Inclusionary Housing Provision Rates:** The Inclusionary Housing (IH) standards set the rate at which affordable housing must be provided for housing projects. Under the current code, the standard for projects outside of the Central City and Gateway plan districts is lower than is required inside these plan districts. The lower rate is currently set to expire on January 1, 2021. **This project proposes to delay the January 2021 increase of the inclusion rates in neighborhoods outside the Central City and Gateway plan districts to January 1, 2024.**

The Bureau of Planning and Sustainability and Portland Housing Bureau closely monitor the City's Inclusionary Housing program to ensure that the program is producing affordable units through multi-family development. There are currently a significant number of projects with Inclusionary Housing units already permitted or in the permitting process. The disruption to the national and regional economy due to the COVID-19 pandemic is creating uncertainty for residential development projects. This amendment will alleviate some of that uncertainty.

Staff Recommendation

The Bureau of Planning and Sustainability seeks Planning Commission's recommendation of approval of these amendments. This recommendation should include the following actions:

- Recommend that City Council adopt this report;
- Recommend that City Council amend the Zoning Code as shown in this report;
- Recommend that City Council adopt the ordinance; and
- Direct staff to continue to refine the recommended code language and commentary, as necessary.

This page is intentionally blank

Section II: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

Underlined formatting indicates added text, while ~~strikethrough~~ formatting shows what text is deleted.

Commentary

33.245 Inclusionary Housing

These changes extend the expiration date for the lower inclusionary housing rates that currently apply outside the Central City and Gateway plan districts.

33.245.040.A.2.1 Inclusionary Housing Standards

A phase-in period of lower inclusion rates for both the mandatory and voluntary options outside the Central City and Gateway plan districts were adopted on December 21, 2016. The rates for these areas were set at 15 percent of units at 80 percent MFI and 8 percent of units at 60 percent MFI. In 2018, the phase-in period was extended to January 1, 2021, which would increase the inclusion rate to 20 percent of units at 80 percent MFI and 10 percent of units at 60 percent MFI citywide. This proposal extends the phase-in period to January 1, 2024.

The Bureau of Planning and Sustainability and Portland Housing Bureau closely monitor the City's Inclusionary Housing program to ensure that the program is producing affordable units through multi-family development. There are currently a significant number of projects with Inclusionary Housing units already permitted or in the permitting process. The disruption to the national and regional economy due to the COVID-19 pandemic is creating uncertainty for residential development projects. Therefore, the Bureau of Planning and Sustainability and the Portland Housing Bureau proposes delaying the January 2021 increase of the inclusion rates in neighborhoods outside the Central City and Gateway Regional Center to allow time for the development market to adjust to economic disruption caused by the COVID-19 pandemic.

33.245 Inclusionary Housing

245

33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

- A. On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
1. [No change]
 2. Outside the Central City and Gateway plan districts. Outside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:
 - a. Rates before January 1, ~~2021~~2024:
 - (1) 8 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
 - (2) 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.
 - (3) Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.
 - b. Rates on and after January 1, ~~2021~~2024. The rates shown in Paragraph A.1. apply outside the Central City and Gateway plan districts on and after January 1, ~~2021~~2024.
- B.** [No change]

Commentary

33.663 Final Plats

The changes in this chapter allow extra time for applicants to complete final plats that were in process prior to the onset of the COVID-19 crisis and also grants some flexibility for plats submitted through the end of 2021.

33.663.110 Voiding of Final Plat Application

Generally, final plat applicants must respond to requests for additional information regarding the final plat within 180 days, otherwise the City can void the final plat application. This code change allows for 365 days of inactivity before the final plat is voided. This is a temporary reprieve and only applies to plats submitted before January 1, 2021 and that have not expired or been voided prior to the effective date of the ordinance.

33.663 Final Plats

663

33.663.110 Voiding of Final Plat Application

- A. Generally.** An application for Final Plat review will be voided when:
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 the applicant has not provided any of the requested information or completed any steps toward meeting the outstanding requirements within 180 days. If the applicant provides some information or completes some steps toward meeting the outstanding requirements within 180 days the application of final plat review will not be voided; or
 2. It has been more than 3 years since the Director of BDS has sent the initial set of written comments requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided all of the requested information and completed all of the steps necessary to meet the outstanding requirements. This paragraph does not apply to applications for final plat review submitted on or before May 16, 2012.
- B. Exception.** For final plat applications that were submitted before ~~December 31, 2009~~January 1, 2021, the 180-day period identified in A.1, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of ~~May 27, 2009~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE].

Commentary

33.705 Neighborhood Contact

The changes in the section expand the options for conducting neighborhood contact that meet social distancing requirements.

33.705.020 Neighborhood Contact Steps

Certain types of development proposals require the applicant to present the proposal at a public meeting or a meeting with the neighborhood association. Given the social distancing necessary to prevent the spread of the COVID-19 pandemic, this proposal will allow neighborhood contact meetings held between March 13, 2020 and January 1, 2021 to be held remotely using video conferencing technology, provided a phone-in option is also available.

Chapter 33.705 Neighborhood Contact

705

33.705.020 Neighborhood Contact Steps

- A. [No change]
- B. **Neighborhood contact II.** Neighborhood contact II requires the following meeting, notification and posting steps:
 - 1.-3. [No change]
 - 4. Meeting. The applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:
 - a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs B.2. and B.3.
 - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings held between March 13, 2020 and December 31, 2021 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;
 - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting;
 - d. Be open to the public; and
 - e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.
 - 5. [No change]

Commentary

C. Neighborhood contact III. Neighborhood contact III requires the following meeting, notification and posting steps:

1.-3. [No change]

4. Meeting. If the neighborhood association does not reply to the applicant meeting request within 14 days, or hold a meeting within 45 days, the applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:

- a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs C.1. and C.2.
- b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings held between March 13, 2020 and December 31, 2021 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;
- c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; and
- d. Be open to the public; and
- e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.

5. [No change]

Commentary

33.730 Quasi-Judicial Procedures

The changes in this chapter extend the expiration dates for certain pre-application conferences and land use reviews. The economic consequences of the COVID-19 pandemic have created uncertainty in the development markets and the public health emergency declaration impacted the Bureau of Development Services' ability to intake and issue permits. Given these conditions, it is more difficult for applicants to proceed within the timelines set out in the Zoning Code, increasing project cost and delay that could hinder the city's economic recovery. These code changes are designed to allow flexibility for developers and property owners to adjust to these changing conditions. The goal is to allow sufficient time for approved projects to weather the current market situation, while also limiting the length of the extension so that conditions and regulations considered at the time of the approval remain relevant.

33.730.050 Pre-Application Conference

Pre-application conferences normally expire after one year from the date of the conference if the land use review or building application are not submitted by that date. This code change will grant an extension of one year for those pre-application conferences held up to one year prior to the date the COVID-19 social distancing measures impacted BDS normal business practices and through the end of 2020. The extension allows pre-application conferences to remain valid during the onset of the economic downturn while not extending the timeframe to the point where information provided at the conference is outdated.

33.730 Quasi-Judicial Procedures

730

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. Exception. Pre-application conferences held between March 13, 2019 and January 1, 2021 are valid for two years from the date of the pre-application conference. 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.

Commentary

33.730.130 Expiration of an Approval

Land use review and preliminary plan approvals normally expire after three years from the date approval. This code change will grant an extension of up to 42 months for those land use reviews, and preliminary plans, approved between July [X], 2017 and January 1, 2021.

The existing expiration periods in the Zoning Code are intended to ensure that regulations and policies that were applied at the time of land use approval continue to be valid at the time the project is built. The longer the period between approval and actual construction, the greater the chance regulations and policies will change. Additionally, substantive changes in the neighborhood surrounding the site are more likely to occur with longer expiration periods; neighborhood characteristics are often considered during land use approvals. This code change balances the need to provide relief to applicants affected by the economic downturn while respecting the value of the existing timeframes in the Zoning Code.

33.730.130 Expiration of an Approval

A. [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~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 ~~or between May 16, 2009 and June 30, 2011~~ expire if a City permit has not been issued for approved development or the approved activity has not commenced by ~~June 30, 2014~~January 1, 2024.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, 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~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 ~~or between May 16, 2009 and June 30, 2011~~ and a City permit is not issued for all development by ~~June 30, 2014~~January 1, 2024, 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.

Commentary

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~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or ~~between May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024.
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 on preliminary plans that became effective between ~~May 27, 2006~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or ~~between May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024. 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 on preliminary plans that became effective between ~~May 27, 2006~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or ~~between May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024.

Commentary

- 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~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 ~~or between May 16, 2009 and June 30, 2011~~, the improvements must have been made by ~~June 30, 2014~~January 1, 2024.
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~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 ~~or between May 16, 2009 and June 30, 2011~~, the improvements must have been made by ~~June 30, 2014~~January 1, 2024.
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.

C.-D. [No change]

