



Oregon

Theodore R. Kubongosi, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

06/05/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 19, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Douglas Hardy, City of Portland
Gloria Gardiner, DLCD Urban Planning Specialist

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DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	MAY 29 2009
	LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only	

Jurisdiction: **City of Portland**Local file number: **Ordinance # 182810**Date of Adoption: **5/20/09**Date Mailed: **5/27/09**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **2/5/09**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The proposed Zoning Code amendment extends for a limited period the expiration dates for land use approvals and related actions. Specifically, the Code amendment extends the expiration period for land use approvals included in Zoning Code Section 33.730.130.B, and the expiration period for pre-application conferences included in Zoning Code Section 33.730.050. The amendment also extends the period for voiding final plat applications (Zoning Section 33.663.110). The amendment was passed by emergency ordinance, and became effective May 27, 2009.

Does the Adoption differ from proposal? Please select one

Yes. The affected Zoning Code sections remain unchanged, but the length of the extensions in the adopted ordinance are different than those included in the original Notice of Proposed Amendment that was sent to DLCD.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD FILE No. 001-09(17354)[15536]

DLCD file No. See First Page

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Multnomah County
Metro

Local Contact: **Douglas Hardy**

Phone: (503) 823-7816 Extension:

Address: 1900 SW 4th Ave, Suite 5000

Fax Number: 503-823-5630

City: **Portland**

Zip: **97201**

E-mail Address: **dhardy@ci.portland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE No. 1 82810 As Amended

*Amend Title 33, Planning and Zoning, to extend for a limited period the expiration date for approved land use decisions and related land use actions (Ordinance; amend Code Chapters 33.730.050, 33.730.130 and 33.663.110)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. Title 33, Planning and Zoning, specifies when approved land use decisions expire. Typically, if a building permit is not issued within three years of the final land use decision, the land use decision expires.
2. Title 33 also states that the preliminary plan approval for a land division expires if a final plat application has not been submitted within three years of the decision on the preliminary plan. Additionally, for final plat applications, if the Bureau of Development Services (BDS) has requested additional information from the applicant and the information is not submitted within 180 days of when the request was made, the application is voided.
3. Title 33 also specifies that pre-application conferences, which must be attended by applicants prior to submitting a Type III land use review application, expire if the land use review application is not submitted within one year of when the pre-application conference was held.
4. In the current economic climate, applicants are not pursuing, or have delayed requesting, building permits for development, and the number of commercial and residential building permit applications submitted for review to the BDS has decreased significantly. In April 2008, the number of building permit applications (for any type of development) submitted to BDS declined 22 percent compared to April 2007. By the end of 2008, building permit applications were down nearly a third compared to the previous year. Residential permits showed an even sharper decline. In April 2008 there was a 57 percent decline in the number of permit applications submitted for new residential development compared to the number of such permit applications submitted in April 2007. By December 2008, there were 64 percent fewer applications submitted for new residential development than that seen in December 2007. Similarly, applications for land use reviews are down an estimated 36 percent from FY 2006/2007 to FY 2008/2009.
5. In stable economic conditions, development projects typically can meet the existing expiration periods identified in the Zoning Code. However, projects that would otherwise have proceeded to completion in a better economy are now delayed, and face the expiration of their approvals. Once expired, these projects must go through the entire land use review process again at substantial cost and further delay. This cost and delay could further slow the City's economic recovery. Additionally, conducting such land use reviews for a second time would divert City staff resources from other priority projects.
6. The proposed amendment to Title 33 (Planning and Zoning) will extend the timelines for land use approvals and related actions for a limited period of time (Attachment A of Exhibit 1). By limiting the proposed extension to a limited period, the amendment acknowledges that the existing timelines in Title 33 are intended to better ensure that regulations and policies that were applied at the time of

land use approval (or considered at the pre-application conference) 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. The proposed amendment respects the value of the existing timeframes in the Zoning Code, but acknowledges that the current economic downturn supports extending these timelines for a limited period for this rare event.

Findings on Statewide Planning Goals

7. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
8. **Goal 1, Citizen Involvement**, requires the provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement:
 - On February 5, 2009, notice of the proposed amendment was mailed to the Department of Land Conservation and Development. The notice summarized the proposed amendment, identified applicable statewide planning goals, and included text for the proposed amendment.
 - On February 20, 2009, notice announcing the Planning Commission public hearing on this proposed amendment was mailed to all neighborhood associations and district coalitions, applicants who have attended a pre-application conference within the past year, applicants who have a land use approval that will expire shortly, and other interested persons.
 - A notice of the hearing was published in *The Oregonian*, and an article appeared in the *Daily Journal of Commerce*. Notice was also published in the March/April 2009 issue of the *Plans Examiner*, a bi-monthly BDS publication intended to inform the building-design and construction community.
 - Information was posted on the websites of both the Bureau of Development Services and the Bureau of Planning and Sustainability.
 - The proposal was discussed at the Regulatory Improvement Stakeholder Advisory Team (RISAT) meeting on March 5, 2009. RISAT membership includes representatives from neighborhoods, housing providers, developers, the business community, and City bureaus.
 - On March 24, 2009, the Planning Commission held a hearing to discuss and take testimony on the proposed amendment. Staff presented the proposal and public testimony was received. Planning Commission closed the hearing, but as there was not a quorum, the vote on the proposed amendment was delayed until April 14, 2009.
 - On April 14, 2009, the Planning Commission voted unanimously to recommend that City Council adopt the staff recommendation for the proposed code amendment (Exhibit 1).
 - On April 22, 2009, notice announcing the City Council public hearing on the proposed amendment was mailed to those who provided testimony at the Planning Commission hearing, and all district coalitions.

9. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendment supports this goal as development of the recommendations followed established City procedures for legislative actions.
10. **Goal 9, Economic Development**, requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity. The proposed amendment supports this goal by providing additional time for projects approved through the land use review process to continue through to completion. Without the limited extensions to the expiration periods that are proposed in the amendment, projects approved through the land use review process would not be able to move forward. The time delay and additional costs associated with reviewing these projects a second time through a subsequent land use review procedure would further hamper to City's ability to weather the current economic downturn.
11. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The proposed amendment is supportive of this goal. Many of the previously approved land use reviews that will be expiring in the near future include projects that expand the City's housing stock, or provide potential housing development sites (in the case of residential land division cases). Allowing these approvals to expire will delay these new housing opportunities. See also findings for Portland Comprehensive Plan Goal 4 (Housing), and Metro Title 1.
12. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. While the proposed amendment will extend the expiration date for some land use approvals by as much as three years, these approved projects will still be subject to the City's rules and regulations regarding public facilities and services that are in effect at the time the applicant submits the building permit application. As such, the City's most current rules and regulations on public facilities and services will still be applied to projects.
13. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility. The proposed amendment is consistent with this goal as it does not change the policy or intent of any of the existing regulations pertaining to transportation.

Findings on Metro Urban Growth Management Functional Plan

14. The following element of the Metro Urban Growth Management Functional Plan is relevant and applicable to the proposed Zoning Code amendment:
15. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The proposed amendment facilitates achieving the goals of this title by ensuring that land use decisions that approved residential and commercial development are not forced to expire due to the current economic situation. The proposed amendment provides land use applicants the opportunity to pursue building permit applications (and subsequent land use review approvals) that are needed for these projects to be a reality and to contribute to the City's economic health and expanding residential base.

Findings on Portland's Comprehensive Plan Goals

16. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
17. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to the proposed Zoning Code amendment.
18. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. In general, the amendment is consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.

Policy 1.4, Intergovernmental Coordination, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendment supports this policy because other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development.

19. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

The amendment supports this goal by allowing projects that have been approved through the City's public land use review process to proceed to development despite the current economic conditions. The amendment provides applicants with additional time to receive a building permit (or apply for subsequent needed land use reviews). Without the extension, commercial and residential projects that would enhance the City's role as an employment and population center would be stopped or delayed.

20. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The proposed Zoning Code amendment supports this goal by extending the expiration date of approved land use actions, many of which include housing development. See also findings for Statewide Planning Goal 10, Housing.
21. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The proposed amendment supports this goal by providing additional time for projects approved through the land use review process to continue through to completion. Without the limited extensions to the expiration periods that are proposed in the amendment, projects approved through the land use review process would not be able to move forward. The time delay and additional costs associated with reviewing these projects a second time through a subsequent land use review procedure would further hamper to City's ability to weather the current economic downturn.

22. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
23. **Goal 10, Plan Review and Administration**, includes several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The proposed amendment is consistent with this policy by making the Zoning Code more flexible in dealing with the current economic downturn. Because existing regulations provide no opportunity for an applicant to request an extension of the expiration period for a land use approval or related land use action, development projects that will contribute to a growing City will not be possible, or will be significantly delayed. The proposed amendment provides the additional time necessary to allow these projects to proceed.
24. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The proposed amendment is intended to allow those projects that have received approval through the land use review process, often through the Design Review process, to proceed to construction and contribute to the City's urban vitality.

NOW, THEREFORE, the Council directs:

- a. Adopt the memorandum from the Bureau of Development Services and the Bureau of Planning and Sustainability to the Planning Commission, dated March 13, 2009, which outlines the purpose for the proposed Zoning Code amendment (Exhibit 1); and
- b. Amend Title 33, Planning and Zoning, as shown in Attachment A of Exhibit 1.

Section 2: The Council declares an emergency exists because there should be no delay in the implementation of the proposed amendment; therefore, this Ordinance shall be in full force and effect seven days from its passage by the Council.

Passed by the Council: **MAY 20 2009**

Mayor Sam Adams
Commissioner Randy Leonard

Prepared by:
Douglas Hardy, Bureau of Development Services
April 23, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

**ATTACHMENT A:
Proposed Amendments to the Zoning Code**

Language to be added to the Zoning Code is underlined. Language to be deleted is shown in ~~strike through~~.

**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 ~~up to~~ 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 [three years before the effective date of this regulation] 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 [three years before the effective date of this regulation] 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 [three years before the effective date of this regulation] 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 [three years before the effective date of this regulation] 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 [three years before the effective date of this regulation] 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 ~~three~~ 3 years of approval of the final plat. For final plats approved between [three years before the effective date of this regulation] 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 ~~three~~ 3 years of final approval of the PUD or PD. For a PUD or PD receiving final approval between [three years before the effective date of this regulation] 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 ~~complete~~ application for Final Plat review will be voided where:

A. 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

B. ~~The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.~~

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 [effective date of this regulation].