

**Chapter 18.20**  
**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

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**18.20.010 Compliance**

- A. Compliance. Uses, developments, and construction, reconstruction, alteration, occupation, and use of structures must conform to the provisions of this title. Any officials, departments, or employees of the city vested with authority to grant approvals must adhere to and require compliance with this title, and may not grant approval for any development or use that violates or fails to comply with this title. Any approval issued or granted in conflict with the provisions of this title is void.
- B. Obligation by successor. The regulations of this title apply to the person undertaking the development or the use of the development and to the person's successor in interest.
- C. Most restrictive regulations apply. Where this title imposes greater restrictions than those imposed or required by other regulations, the most restrictive or that imposing the higher standard governs. When regulations in this title are in conflict, the most restrictive regulation governs unless stated otherwise.
- D. Required improvements. A lot area, setback, open space, or off-street parking or loading area required by this title for a development may not be used to meet the requirements for another development, except as specifically provided otherwise. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

**18.20.020 Land Use Applications and Development Permits**

- A. Land use applications. An applicant who proposes a use or development that is governed by this title must obtain approval of all required land use applications prior to establishment or construction. New development, changes to existing development, and changes in the type or number of uses may require a land use approval.
- B. Development permits. An applicant who proposes a use or development governed by this title must obtain approval of all required development permits prior to establishment or construction. New development, changes to existing development, and changes in the type or number of uses may require a permit.
- C. Certificate of occupancy. A structure or use may not be used or occupied for the purposes provided in the development permit until the city has issued a certificate of occupancy. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain. (Ord. 18-23 §2; Ord. 17-22 §2)

### **18.20.030      Violations**

- A. Violations. It is unlawful to violate any provisions of this title including but not limited to provisions relating to a land use approval or conditions of land use approval. Erection, construction, alteration, maintenance, or use of any building or structure in violation of this title; or use, division, or transfer of any land in violation of this title is prohibited. Each violation of a separate provision of this title constitutes a separate infraction, and each day that a violation of this title is committed or continued constitutes a separate infraction.
- B. Responsible party. The responsible party is the person responsible for curing or remedying a violation, which includes:
  - 1. The owner of the property, or the owner's manager or agent or other person in control of the property on behalf of the owner;
  - 2. The person occupying the property, including bailee, lessee, tenant, or other person having possession; or
  - 3. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property.
- C. Enforcement. In any case where a violation of this title occurs, such violation constitutes a nuisance and a Class I Civil Infraction as provided in Title 6 of the Tigard Municipal Code. The city may remedy the violation by any appropriate means necessary as allowed by the municipal code and available to the city. (Ord. 18-23 §2; Ord. 17-22 §2)

### **18.20.040      Timeliness of Regulations**

- A. Vesting. Land use applications are processed based on the regulations in effect on the date an application is submitted to the city as provided in ORS 227.178. If a land use application is approved, development rights are vested when the land use approval is utilized as described in Subsection 18.20.040.G. Vested development rights do not expire unless new land use approvals are obtained and utilized that supersede any preexisting vested rights.
- B. Modifications. Modifications to pending land use applications that have been deemed complete are processed based on the regulations in effect on the date the original application was submitted, unless the modification substantially changes the proposal so as to constitute a new application, as described in Chapter 18.710, Land Use Review Procedures.
- C. Use of new regulations or mapping. Land use applications will not be accepted for development proposals based on proposed amendments to regulations or the zoning map that have not been adopted or have been adopted but are not yet in effect. Pre-application conferences may be requested and held to discuss implications of proposed amendments.
- D. Pre-existing approvals. Land use applications for which approvals were granted prior to the effective date of the ordinances codified in this title may occur in compliance with such approvals.
- E. Conditions of approval. Conditions of land use approval remain valid even if the regulations requiring the conditions are subsequently modified. Conditions of approval may be amended or removed through the following actions:

1. Appeal of the original application;
  2. Submittal of a new land use application that supersedes the original application;
  3. Submittal of a new land use application that modifies the original application or condition of approval through the process provided by Chapter 18.765, Modifications; or
  4. Submittal of a new land use application that modifies the original condition of approval through the process provided by Chapter 18.730, Director Determinations. The Director will approve a modification through this process when one or more of the following criteria are met:
    - a. The condition of approval violates a mandatory federal or state law or regulation; or
    - b. The condition of approval imposes an objective limitation that is no longer required by this title or is more restrictive than required by this title as a result of an amendment to this title.
- F. Transfer of approval rights. Approvals of ministerial and quasi-judicial land use applications run with the land and are transferred with ownership. Any conditions, time limits, or restrictions apply to all subsequent owners.
- G. Expiration of approvals.
1. Approvals granted pursuant to this chapter expire and are void unless utilized as described below within the applicable time periods.
    - a. For an approval requiring any kind of development permit, the development must:
      - i. Submit and pay for all applicable development permits, excluding trade permits, within 3 years of the effective date of a conditional use, planned development (detailed plan), planned development (consolidated plan), or site development review approval, or within two years of the effective date of all other approvals; and
      - ii. Pass final inspection or obtain a permanent certificate of occupancy within 5 years of the effective date of a conditional use, planned development (detailed plan), planned development (consolidated plan), or site development review approval, or within 4 years of the effective date of all other approvals.
    - b. For an approval not requiring any kind of development permit, such as a planned development (concept plan), the development must utilize its approval within 2 years of the effective date of the approval.
  2. Approvals expire and are void as specified above unless one of the following applies:
    - a. An extension application is submitted as provided by Chapter 18.745, Extensions. If the extension application is denied, the approval expires on the effective date of the extension decision.
    - b. The expiration date for an approval is specified in another chapter of this title.
  3. The following approvals are exempt from expiration:

- a. Adequate Public Facilities Exceptions,
- b. Annexations,
- c. Comprehensive Plan Amendments,
- d. Development Code Amendments,
- e. Director Determinations,
- f. Historic Resource Overlay Zone Designations,
- g. Nonconforming Use Determinations, and
- h. Zoning Map Amendments. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2) ■