

**17.58.160 Permit time limits, exercising of permits, and extensions.**

A. Time Limits for Action by County. As provided by California Government Code Section 65950, an administrative review, minor or conditional use permit shall be approved or disapproved by the granting authority within the following time limits:

1. If a negative declaration is adopted or if the project is exempt from regulation under the California Environmental Quality Act (CEQA) pursuant to Chapter 18 of this code, the project shall be approved or disapproved within three months from the date of adoption of a negative declaration, or, for those projects which are exempt from regulation under CEQA, within three months from the date that the application is determined to be complete pursuant to Section 17.58.050 (Initial review of applications), unless the project proponent requests an extension of the time limit (see Section 17.58.160(A)(3)).

2. If an environmental impact report is prepared for the project pursuant to the provisions of Chapter 18 of this code, the project shall be approved or disapproved within six months from the date of certification by the hearing body of the environmental impact report, unless the project proponent requests an extension of the time limit (see Section 17.58.160(A)(3)).

3. If a project proponent requests, in writing, an extension of the time limits specified in Sections 17.58.160(A)(1) and 17.58.160(A)(2), the agency director may grant or deny such a request for good cause. A request for a decision by the agency director to grant an extension of the time limits specified above shall be made prior to the expiration of such time limits. The agency director may grant an extension for such a reasonable additional time period as is deemed appropriate.

4. If the county fails to approve or disapprove a development project within the time limits specified by this section, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. (See California Government Code Section 65956(b).)

5. Except that where the land use permit application is accompanied by an application for a general plan amendment, rezoning or zoning text amendment that is needed to allow the processing of the land use permit, the above time limits shall commence as of the effective date of the general plan amendment, rezoning or zoning text amendment, whichever is chronologically later in time.

B. Permit Expiration. An approved administrative review permit, minor use permit, conditional use permit

or variance is subject to the following time limits. It shall be the responsibility of the applicant alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

1. Time Limit for Permit Implementation. An approved permit is valid for twenty-four months from its effective date (Section 17.58.140(D)), or for any other period specified by the granting authority in conditions of approval, or other provision of this chapter. At the end of twenty-four months, the permit shall expire and become void unless by that time:

a. The permit has been implemented because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and a foundation inspection has been conducted and approved by the building official or a designee; or

b. The permit has been implemented because a use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or

c. The permit has been implemented for a multiple building or multiple structure project because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and foundation inspections for each and every building or structure have been conducted and approved by the building official or a designee (Note: For multiple phase projects which require a discretionary permit, the conditions of approval for that permit can provide for extended dates of expiration); or

d. A conditional use permit granted for a planned residential development (Section 17.54.080) has been implemented through the recordation of the final subdivision map pursuant to the approved PD; or

e. An extension of time has been granted according to subsection C of this section.

2. Lapse of Permit After Implementation. Once a project has been implemented as set forth in Section 17.58.140(E), the permit that authorized the use shall remain valid and in force and shall run with the land, including any conditions of approval adopted with the permit, unless one of the following occurs:

a. Work under an approved construction permit toward completing the project and complying with the permit conditions of approval ceases such that the construction permit expires pursuant to Chapter 15 of this code (Construction Requirements), and one additional year elapses after the expiration of the construction permit.

b. After a use has been established and/or operated as approved, the use (if no appurtenant structure is required for its operation) is discontinued for more than twelve consecutive months, or (if an appurtenant structure is required for the conditionally-permitted use) the structure is removed from the site for more than twelve consecutive months. If a structure associated with the operation of a conditionally permitted use is issued a certificate of occupancy and all other conditions of approval of the conditional use permit are satisfactorily completed, the entitlement remains in effect even if the structure is vacant for more than twelve consecutive months; however, no use may be reestablished in the structure and/or on the site unless the use is determined by the planning director to be substantially the same as the original conditionally permitted use.

c. The time limit set for the duration of the use by a condition of approval expires.

3. If one of the foregoing events occurs, the permit shall be deemed to have lapsed. No use of land, building or structure for which a permit has lapsed shall be reactivated, re-established or used unless a new permit is first obtained as provided by this subchapter. The site of a lapsed permit shall be used only for uses allowed in the applicable zone district by Articles 17.06 through 17.52 (Zone districts and allowable uses of land) without a permit pursuant to this chapter.

C. Extensions of Time. The time limit established by subsection (B)(1) of this section for the implementation of an approved administrative review permit, minor use permit, conditional use permit or variance may be extended by the granting authority for a total of no more than three years as provided by this section:

1. Time For Filing an Extension Request. The applicant for an approved permit shall request an extension of time not later than the date of expiration of the permit established by subsection B of this section. The request shall be in writing, shall explain the reasons for the request, and shall be accompanied by the nonrefundable filing fee established by the most current planning department fee schedule. Upon the filing of an extension request as required by this subsection, the time limit for expiration of the permit established by subsection B of this section shall be suspended until a decision is made by the appropriate hearing body regarding the extension request.

2. Notice of Requested Extension. The planning department shall send notice of the requested extension by mail to all individuals and entities (or their legal successors in interest) which were provided notice of the hearing that preceded the approval of the permit re-

quested for extension, and to all members of the development review committee. The notice shall state that any person who objects to the requested extension of time shall notify the planning director, in writing, of the objection within fifteen days from the date of mailing of the notice.

3. Hearing on Objections to Extension. If any objection to the time extension is received, the granting authority that approved the original permit shall follow the entire procedure set forth in Section 17.58.140 (Permit issuance) to consider and approve or disapprove the requested extension, as well as the following subsection.

4. Approval of Extension. After a public hearing, or if no objection to an extension is received, without a public hearing, the granting authority may extend the expiration date of the approved administrative review permit, minor use permit, conditional use permit or variance by no more than a total of three years, provided that the granting authority first finds that:

a. No change of conditions or circumstances has occurred that would have been grounds for denying the original application;

b. The applicant has been diligent in pursuing implementation of the permit; and

c. Modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements. (Ord. 5373-B (part), 2005; Ord. 5126-B (part), 2001)

#### ~~17.58.170 Applications deemed approved.~~

~~Any permit application deemed approved pursuant to California Government Code Section 65956 shall be subject to all applicable provisions of this chapter, which shall be satisfied by the applicant before any construction permit is issued or a use not requiring a construction permit is established. (Ord. 5126-B (part), 2001)~~

#### ~~17.58.180 Changes to an approved project.~~

~~A new land use authorized through an administrative review permit, minor use permit, conditional use permit or variance shall be constructed or otherwise established only as approved by the granting authority and subject to any conditions of approval, except where changes to the project are approved as set forth in this section. An applicant shall request any desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.~~