



**COUNTY OF PLACER**  
**Community Development/ Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
CDRA Director

**DATE:** October 19, 2010

**SUBJECT:** Proposed Ordinance Granting Automatic Two-Year Time Extension to Certain Land Use Entitlements (PZTA 20100183)

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**ACTION REQUESTED:**

The Planning Services Division is requesting that the Board of Supervisors adopt an Ordinance that would grant an automatic two (2) year time extension for certain categories of land use entitlements including Administrative Review Permits, Use Permits, Design Site Review and Variances that had not expired as of July 1, 2010.

**BACKGROUND:**

The national, state, and local economy have undergone a downward transformation in recent years and this economic downturn has resulted in elusive financing, foreclosures on properties and construction delays with Placer County. With the current decline in the economy, developers, land and business owners face the prospect of having their land use entitlements expire before they can obtain financing or have their project constructed.

The State Legislature passed two statutes (SB 1185 and AB 333) that extended the life of certain subdivision maps. On February 9, 2010, the Board of Supervisors adopted Ordinance 5583-B that extended the expiration date of entitlements such as use permits or variances that were approved in conjunction with a Tentative Subdivision Map or Tentative Parcel Map, where the map qualified for an automatic time extension under State law. At that time, the Board of Supervisors requested the Planning staff to research an automatic Extension of Time ordinance for similar planning entitlements that were not associated with a map.

This proposed ordinance would automatically extend the expiration date for two years for all open planning entitlement that had not expired as of July 1, 2010, and for those which expired before July 1, 2010, for which an application for an Extension of Time had been submitted by June 30, 2010. Entitlements would include Administrative Review Permits, Conditional and Minor Use Permits, Design Site Reviews, and Variances. As the two years an applicant usually is granted to implement entitlements for development may not be enough to complete the due diligence process in the current economic climate, this proposed ordinance would help to support the future economic recovery of the County and allow businesses to take advantage of any economic resurgence.

**DISCUSSION OF ISSUES:**

Effective Date

Under the County's existing Zoning Ordinance, land use entitlements generally have a life of two years, with the opportunity to request a time extension of up to one year for each entitlement for a total of no more than three years. The zoning ordinance specifies implementation as:

1. 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
2. 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
3. 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
4. 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
5. An Extension of Time has been granted according to Subsection C of Section 17.58.160.

The proposed ordinance uses July 1, 2010, as the effective date for which an entitlement would qualify for an automatic extension of two (2) years if it had not already expired. Alternative dates considered included July 15, 2009, which was the date Assembly Bill 333 utilized or January 1, 2010, which was the beginning of this calendar year. The Planning Commission recommended July 1, 2010, because it will likely be close to the date the proposed ordinance would take effect.

Active Permits

In the last three years the planning staff has processed approximately 2,373 different land use entitlements. The majority of these land use entitlements have been implemented. However, it is estimated that 300 to 350 land use entitlements are still considered active permits, many of which might qualify under this proposed ordinance for an Extension of Time.

<b>Permit Activity by Fiscal Year</b>		
	<b>Permit Total</b>	<b>Permit Not Associated w/ Subdivision</b>
<b>Permit activity for 2009-2010</b>	502	430
<b>Permit activity for 2008-2009</b>	714	590
<b>Permit activity for 2007-2008</b>	1157	942
<b>Total</b>	<b>2373</b>	<b>1962</b>

Extension Length

The proposed ordinance would grant an additional two (2) years in length to a permit. A typical extension of time allows for an additional year in length to a permit. Staff recommends an automatic two (2) year extension, which would be to be consistent with the period of time granted for subdivision maps under AB 333.

**FISCAL IMPACT:**

Adoption of the Ordinance could result in the loss of fees for the processing of time extension requests (at the average rate of \$888 per application). Extensions of Time fees are calculated at 40 percent of the base land use entitlement fee. Conversely, future building permit fees, development impact fees and property tax, sales tax, and business license revenues could be lost should current development applications expire.

**CEQA COMPLIANCE:**

This action is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because no new entitlements will be granted pursuant to this action and therefore no new environmental impacts will occur. All land use entitlements which will receive an extension were previously subject to environmental review.

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:**

A Public Hearing Notice was published in the *Sacramento Bee* newspaper. Other appropriate public interest groups and citizens were sent copies of the Public Hearing Notice.

**PLANNING COMMISSION RECOMMENDATION:**

On June 24, 2010, the Planning Commission considered the proposed ordinance for an automatic two-year time extension for certain land use entitlements. At that hearing, the Planning Commission unanimously adopted a motion (6:0, with Commissioner Johnson absent) to recommend to Board of Supervisors for a two-year extension of time for planning land use entitlements.

**RECOMMENDATION:**

The Planning Services Division forwards the Planning Commission's recommendation that the Board of Supervisors approve the attached ordinance providing for an automatic time extension for land use entitlements that had not expired as of July 1, 2010, or for which an application for an Extension of Time has been submitted by June 30, 2010.

Attached to this report for the Board's information/consideration are:

**Attachment 1:** Proposed Ordinance Granting a Two Year Time Extension to Planning Land Use Entitlements

**Attachment 2:** Correspondence Received

- cc:
- Holly Heinzen – County Executive Office
- Scott Finley- County Counsel
- Loren Clark – Deputy Planning Director
- Paul Thompson – Deputy Planning Director
- Wes Zicker - Engineering and Surveying Division
- Jill Pahl - Environmental Health Services
- Tim Wegner– Chief Building Official
- Bob Eicholtz - Emergency Services

**Before the Board of Supervisors  
County of Placer, State of California**

**In the matter of:  
AN ORDINANCE GRANTING  
AUTOMATIC EXTENSIONS OF TIME  
FOR CERTAIN COUNTY DEVELOPMENT  
ENTITLEMENTS**

**Ord. No. \_\_\_\_\_**

**First Reading: \_\_\_\_\_**

**The following ORDINANCE was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held \_\_\_\_\_, 2010, by  
the following vote on roll call:**

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

\_\_\_\_\_  
**Kirk Uhler  
Chair, Board of Supervisors**

**Attest:**

\_\_\_\_\_  
**Ann Holman  
Clerk of said Board**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF  
CALIFORNIA, HEREBY FINDS:**

1. In many instances, Placer County land development regulations require a person or entity (hereinafter "Applicant") to apply for and obtain approval of an administrative use permit, a minor use permit, a conditional use permit, a design site review or a variance (generically referred to herein as a "County Permit") in order for the Applicant's project to be approved as requested. The time within which the Applicant must exercise any such County Permit is established by the conditions of the Permit and by County ordinance, and in the event an extension

of time is required to complete the project, an extension of time must be applied for and approved in accordance with County ordinances.

2. On February 23, 2010, the Board of Supervisors adopted Ordinance No. 5583-B and thereby decided it would be in best interest of the citizens of Placer County to provide for the automatic extension of time for any minor use permit, conditional use permit or variance that was approved in association with a tentative map or parcel map which qualified for an automatic extension in accordance with State law, without application therefor by an Applicant.
3. The Board of Supervisors, taking notice of the continued downward transformation in the local, state and national economy and the difficulty which many Applicants have had in obtaining financing or otherwise being able to exercise their County Permits in a timely fashion, resulting in the need to apply for extensions of time, hereby determines that it is in the best interests of the citizens of Placer County to provide for automatic extensions for County Permits that did not received extensions under Ordinance No. 5583-B.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1:** It shall be the policy of the County of Placer that each administrative use permit, minor use permit, conditional use permit, design site review or variance that was approved with an expiration date of July 1, 2010, or thereafter, or that was approved with an expiration date prior to July 1, 2010, and for which an application for extension had been received by June 30, 2010, is eligible for an automatic extension of time in accordance with this ordinance, excepting any such permit which received an extension of time pursuant to Ordinance No 5583-B, adopted by the Board of Supervisors on February 23, 2010.

**Section 2:** Every administrative use permit, minor use permit, conditional use permit, design site review or variance that was approved with an expiration date of July 1, 2010, or thereafter, or that was approved with an with an expiration date prior to July 1, 2010, and for which an application for extension had been received by June 30, 2010, shall be automatically extended for two (2) additional years from the expiration date of said permit.

**Section 3:** This ordinance shall be uncodified and shall apply to those administrative use permits, minor use permits, conditional use permits, design site reviews or variances as described in Section 2 which were not approved in common with a development application for approval of a tentative subdivision map or parcel map and which were not granted extensions of time under Ordinance No. 5583-B. The Director of the Community Development Resources Agency is authorized and directed to adopt such administrative procedures as may be necessary to implement this ordinance.

**Section 4:** This ordinance shall take effect and be in full force and effect upon thirty (30) days after its passage. The Clerk is directed to publish this ordinance within fifteen (15) days in accordance with Government Code Section 25124.



PLACER GROUP  
P.O. BOX 7167, AUBURN, CA 95604

*e-mailed to  
Commissioner*

June 23, 2010

Placer County Planning Commission  
3091 County Center Dr  
Auburn, CA 95603

Ladies and Gentlemen:

RE: ZTA (PZTA 20100183)

With all due sympathy for anyone who suffers during an economic downturn, it should not be the purview of Placer County to try to assist speculators who have not had the foresight to prepare for all kinds of economic swings. It is incumbent upon an entrepreneur to adequately plan for financing issues and construction delays. When plans go awry, the burdens should not become the county's. Is the same type of deadline extension granted to homeowners if/when their remodel or new home construction goes over costs or their loan is turned down?

One problem in approving such an automatic extension is that the land is tied up with entitlements that may have become onerous; environmental conditions may change, and/or an expiration and cancellation of the entitlements is best for the public good. We assume deadlines are established for good reason.

Another problem is that an automatic two-year extension (which actually makes any deadline rather farcical) has the potential to invite speculators to obtain the entitlements and use the automatic extensions to see which way the wind blows with market conditions as to whether to proceed or not. That may occur anyway, with the current deadline/extension process, but the county should keep control of the timelines and collect extension application fees accordingly.

The argument that expiration may mean loss of county revenues can be made for the two-year extension as well. After the two years, along with the loss of the extension fees, there are NO guarantees that the project will proceed anyway. So in essence, the loss to the county is now compounded.

We urge the Planning Commission to not grant any automatic two-year extensions. If an entitlement was approved in good faith, then the permit holders should be re-applying and paying accordingly. One alternative may be to add another extension application option for two years with fees doubled or raised accordingly (in addition to the current right to apply for a one-year extension).

Thank you for considering our views,

*Marilyn Jasper*

Marilyn Jasper, Chair

[marilyn.jasper@mlc.sierraclub.org](mailto:marilyn.jasper@mlc.sierraclub.org)

**Attachment 2**

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