Miscellaneous Extensions

Extension of Validity Periods

Approvals for subdivisions, site plans, variances, conditional use permits and other development activities are issued by the Planning Commission, Board of Appeals, or the Director of Land Use and Growth Management ("Director"), depending on the type of approval. Approvals are valid for a fixed period of time. This is known as the approval's "validity period." The validity period, which is different for different types of approvals, is set forth in the Comprehensive Zoning Ordinance ("CZO") and the Subdivision Ordinance ("SO").

If a project does not advance to the next step in the development process before expiration of the validity period, the approval is lost, and an applicant must re-apply. For this reason, the CZO and SO allow extensions of the validity period.

Applicants invest significant resources to obtain project approval. Once an approval is obtained, applicants are entitled to a reasonable period of time to implement their project.

However, projects which do not move forward in timely fashion must be terminated at some point. Each approved project holds a claim on transportation, water/sewer or other infrastructure capacity that could be used by other applicants. Older projects may have been approved under superseded comprehensive plans and zoning standards, such that the project is no longer consistent with community objectives.

The following policies are intended to provide a fair opportunity to all applicants to complete their projects, while also protecting the public interest.

<u>Available Extensions</u>

Ordinary Extensions: Under CZO § 21.1.3.a and SO § 21.1.3.a, an applicant may request an extension of time with respect to any validity period.

The cumulative length of all ordinary extensions may not exceed twice the length of the original validity period. For example, if the original validity period was one year, an applicant may request extensions of another two years, which if granted would result in a total validity period of three years.

Extensions for Economic Conditions: Under CZO § 21.1.3.b and SO 21.1.3.b, an applicant whose validity period expires between January 1, 2008 and December 31, 2010 may request up to two additional years, in addition to ordinary extensions. This provision responds to the serious economic downturn that began in 2008 and slowed many projects.

Departmental Policy for Reviewing Extension Requests *(effective January 1, 2011)*

1. A request for extension shall be made by letter or email addressed to the Department. Letters are preferred. Please retain a copy of your request.

2. A request must be **received** by the Department **before** the approval expires. The request should be made no sooner than 90 days, and no later than 30 days, before expiration of the approval. Applicants are responsible for knowing their expiration dates and requesting extension before the approval expires. If an approval expires without a request for extension having been received by the Department, the applicant will be required to re-apply for the underlying approval.

3. Extensions are liberally granted, but they are not automatic. As required by the Ordinances, a request shall state "good cause" for the extension. Indications of "good cause" may include:

- The project has been pursued diligently but still needs more time
- The project has been delayed by unanticipated events or conditions
- Extending the validity period is in the public interest.

4. A request for extension of an approval that was issued by the Board of Appeals will be transmitted by the Department to that body for a decision.

5. For other approvals, the Director will review the request and if appropriate issue an extension. Normally such extensions are issued in one-year increments. In appropriate cases, the Director may refer the request to the Planning Commission.

6. If an approval is set to expire before the Board of Appeals or Planning Commission can schedule consideration of the request, the Director will issue a short-term extension to keep the approval in place.

Other Agency Approvals

This Policy covers approvals issued under the C.Z.O. and S.O. Approvals issued by other County or State agencies are subject to the time limits of those agencies. Building permits are subject to Chapter 203 of the County Code, which provides that they may be extended for an additional period of six months upon a showing of good cause.

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