

ORDINANCE NO. 1424

**AN URGENCY ORDINANCE OF THE
NAPA COUNTY BOARD OF SUPERVISORS
ADDING A NEW CHAPTER 8.80 ENTITLED
2017 NAPA FIRE COMPLEX DISASTER RECOVERY
TO THE NAPA COUNTY CODE**

The Napa County Board of Supervisors, State of California, ordains as follows:

SECTION ONE. AUTHORITY.

This urgency ordinance is adopted pursuant to Government Code Section 25123 (d) and shall take effect immediately upon its approval by at least four-fifths vote of the Board of Supervisors.

SECTION TWO. EMERGENCY FINDINGS.

The Board of Supervisors hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

A. Conditions of extreme peril to the safety or persons and property within Napa County were caused by fast-moving and widespread fires, referred to as the Napa Fire Complex, commencing on October 8, 2017, at which time the Board of Supervisors was not in session.

B. Government Code Section 8630 and Napa County Code Section 2.80.060 (a)(2) authorize and empower the Napa County Executive Officer/Director of Emergency Services to proclaim the existence of or threatened existence of a local emergency when the County is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven (7) days.

C. On October 8, 2017, the Interim County Executive Officer of Napa County proclaimed the existence of a local emergency within Napa County and also requested that the Governor of the State of California make available California's Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for Presidential Declaration of a Major Disaster.

D. On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Napa and other counties and has declared Napa County eligible for Fire Management Assistance Grant and other relief programs.

E. On October 10, 2017, the Board of Supervisors adopted Resolution No. 2017-163 ratifying the Interim County Executive Officer's proclamation of the existence of a local emergency within Napa County and requesting that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a Presidential Declaration of a Major Disaster.

F. On October 10, 2017, the President declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the 2017 Napa Fire Complex, beginning on October 8, 2017, and continuing.

G. To date, the 2017 Napa Fire Complex has consumed well over 144,000 acres and has led to the damage or destruction of over 1,200 homes, accessory structures and businesses. It is estimated that at least 650 households in unincorporated Napa County.

H. The Board of Supervisors has previously found that Napa County is experiencing a housing crisis. Even prior to the 2017 Napa Fire Complex, there existed in the unincorporated area of the County a lack of rental housing that is affordable to lower and moderate income residents.

I. The housing destroyed by the 2017 Napa Fire Complex increased this rental housing shortage by several orders of magnitude and also severely limited the number of owner-occupied housing in the County.

J. Destruction of housing in other nearby counties, including Lake, Sonoma and Solano Counties further exacerbates the ability of persons who live and work in Napa County and have been displaced by the 2017 Napa Fire Complex to relocate to other housing.

K. On October 24, 2017, the Board of Supervisors adopted Resolution No. 2017-174 which established a County policy for providing responsive and effective post-disaster permitting services to assist property owners in rebuilding their homes and businesses immediately after a natural disaster. That Resolution further directed the Director of the Planning, Building and Environmental Services (PBES) Department to propose various changes to the Napa County Code to address the most immediate housing needs being faced by the citizens of Napa County.

L. The Director of the PBES Department has prepared a list of approximately 650 property owners who have lost their homes or other structures as a result of the 2017 Napa Fire Complex. The Board of Supervisors desires to provide these property owners immediate and expedited assistance with the rebuilding process.

M. It is essential that the changes made by this ordinance to the Napa County Code and various County policies related to use, occupancy and construction of dwellings and other structures be implemented immediately to allow the fastest possible transition of displaced residents and property owners to reconstruct structures lost or damaged by the 2017 Napa Fire Complex and return to their properties. The changes are summarized in Attachment A-1.

SECTION THREE. ADDITION OF NEW CHAPTER 8.80 ENTITLED NAPA COMPLEX FIRE DISASTER RECOVERY.

A new Chapter 8.80 entitled 2017 Napa Fire Complex Disaster Recovery, as set forth in Exhibit A to this ordinance, is hereby added to the Napa County Code, to remain in effect until December 31, 2019, unless extended or otherwise modified by the Board of Supervisors.

SECTION FOUR. SEVERABILITY.

It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, section, paragraph or sentence of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION FIVE. EFFECTIVE DATE.

This urgency ordinance is adopted pursuant to Government Code Section 25123 (d) and shall take effect immediately upon its approval by at least four-fifths vote of the Board of Supervisors.

SECTION SIX. CEQA COMPLIANCE.

The Board of Supervisors finds that adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080 (b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080 (b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269 (a) regarding maintaining, repairing, restoring, demolishing or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

SECTION SEVEN. REPORT.

The Director of PBES is hereby directed to prepare and submit to the Board of Supervisors a written report regarding the number of rebuilding permits, processing time and effectiveness of the recovery measures provided in this ordinance within one year after adoption of this ordinance.

SECTION EIGHT. PUBLICATION.

A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing urgency ordinance was introduced, read and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on November 21, 2017, by the following four-fifths vote:

AYES: SUPERVISORS GREGORY, DILLON, WAGENKNECHT,
PEDROZA and RAMOS

NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

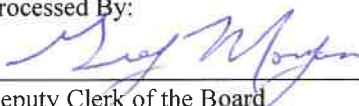

ABSENT: SUPERVISORS NONE

NAPA COUNTY, a political subdivision of the State of California

By: 
BELIA RAMOS, Chair of the Board of Supervisors

Attachment:

- Exhibit A

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| <p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (e-sign)</u> Deputy County Counsel</p> <p>By: <u>Susan Ingalls (e-sign)</u> County Code Services</p> <p>Date: <u>November 21, 2017</u></p> | <p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: November 21, 2017</p> <p>Processed By:  Deputy Clerk of the Board</p> | <p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: </p> |
|--|---|--|



I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON November 22, 2017.
, DEPUTY 
GLADYS I. COIL, CLERK OF THE BOARD

EXHIBIT A
CHAPTER 8.80
2017 NAPA FIRE COMPLEX DISASTER RECOVERY

Division VII. 2017 Napa Fire Complex

Chapter 8.80

2017 Napa Fire Complex Disaster Recovery

Sections:

- 8.80.010 Purpose and Intent.**
- 8.80.020 Definitions.**
- 8.80.030 Administration.**
- 8.80.040 Applicability.**
- 8.80.050 Effective Period.**
- 8.80.060 General Standards for Rebuilding on Fire-Damaged Properties.**
- 8.80.070 Applicability of the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.080 Replacement of In-Kind Projects Subject to Administrative Review under the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.090 Projects Subject to Administrative Review under the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.100 Projects Subject to Review by the Zoning Administrator under the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.110 Projects Subject to Review by the Planning Commission for Exceptions to the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.120 Required public and private notification of zoning administrator public hearings conducted pursuant to the Viewshed Protection Program for Fire-Damaged Properties.**
- 8.80.130 Conservation Regulations for Fire-Damaged Properties.**
- 8.80.140 Legal Nonconformities on Fire-Damaged Properties.**
- 8.80.150 Automatic Expiration of Use Permits.**

8.80.010 Purpose and Intent.

The purpose and intent of this chapter is to establish procedures to facilitate expediency in the process of rebuilding, repairing or replacing structures that were damaged or lost as a result of the 2017 Napa Fire Complex disaster. Notwithstanding any other provisions that may conflict, this section shall control with respect to redevelopment or repair of structures and properties that incurred damage during the 2017 Napa Fire Complex disaster.

8.80.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

“Department” means the planning, building and environmental services department.

“Designated public roads” shall mean those roads identified in Napa County General Plan Community Character Element Figure CC-3.

“Director” means the director of the planning, building and environmental services department or the director’s designee.

The “Fire” or “Fire disaster” means the 2017 Napa Fire Complex and natural occurrences related to or caused by the fire.

“Fire-damaged property” means property on which a structure was declared by the director to be unsafe to use or occupy, as a result of the fire disaster.

“Fire-damaged structure” means a structure that was declared by the director to be unsafe to use or occupy, as a result of the fire disaster.

“Major ridgeline” or “Minor ridgeline” shall have the same definition as contained in Section 18.106.020 (Definitions).

“Substantial views” shall have the same definition as contained in Section 18.106.020 (Definitions).

“Unique topographic or geologic features” shall mean the following landforms: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John.

8.80.030 Administration.

This chapter shall be administered under the direction of the board of supervisors, by and through the director of the department.

8.80.040 Applicability.

Except where so stated in this chapter, this ordinance shall apply to each parcel existing as of October 1, 2017, on which one or more buildings were destroyed, or for which the director declared one or more structures to be unsafe to use or occupy, as a result of the fire disaster.

8.80.050 Effective Period.

The provisions in this chapter shall expire on December 31, 2019, unless otherwise specified herein, and shall be of no further force or effect unless extended or modified by the board of supervisors.

8.80.060 General Standards for Rebuilding on Fire-Damaged Properties.

A. The development regulations, permitted uses and conditionally permitted uses for any fire-damaged property shall be the development regulations, permitted uses and conditionally permitted uses of the zoning district in which the property is located.

B. The requirement for a twenty-eight-foot road setback from the centerline of private roads, as specified in Section 18.112.100 (Private Roads), shall be waived for any fire-damaged property.

C. Single-family residences located in the RS, RM, RC or PD zoning districts shall not be subject to compliance with subsection (A)(1) of Section 18.110.050, provided that the paved surface to be utilized for off-street parking for the residence is no greater than forty percent of the total surface area of the minimum required front yard and does not encroach into a corner side yard.

D. Site plan approval shall not be required for residential and residential accessory structures on fire-damaged properties but instead shall be integrated into the building permit process. The requirements of Section 18.140.030 (Processing application - Conditions of approval) shall not apply to building permits for any single-family dwelling unit, guest cottage,

accessory dwelling unit or accessory residential structure, nor for any agricultural use of land or buildings as defined in Section 18.08.040 (Agriculture).

E. Prior to determining that a project meets the criteria contained in this chapter, the department may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements or documentation of the location and size of structures existing prior to the fire.

8.80.070 Applicability of the Viewshed Protection Program to Fire-Damaged Properties.

A. Applicability of Viewshed Protection Manual. Each replacement, expanded or new structure, or any replacement, improved or new roadway on fire-damaged properties shall be subject to review for compliance with applicable provisions of the Design Manual, as that document is referenced and defined in Section 18.106.020 (Definitions), if the portion of the property on which the structure or roadway is proposed is:

1. Located on a major or minor ridgeline; or
2. Located on a slope of fifteen or more percent. For purposes of this section, the slope in the area of disturbance shall be calculated using the slope determination methodology described in Exhibit A of Resolution Number 94-19, as may be amended, for any proposed building or road site.

B. Relationship to Previously Approved Use Permits and Small Lot Subdivisions. All structures and small lot subdivisions meeting the requirements of subsection (D) of Section 18.106.030 (General Provisions) are exempt from the requirements of this chapter.

C. Relationship to Prior Approvals Pursuant to Chapter 18.106. All residential structures or accessory structures for which approval was granted pursuant to Chapter 18.106 (Viewshed Protection Program), and were subsequently damaged, destroyed or deemed unsafe to occupy as a result of the fire disaster, may be rebuilt in accordance with the prior approval and are exempt from this chapter. Requests for modifications to plans that were previously granted approval pursuant to Chapter 18.106 shall be subject to review by the director in accordance with this chapter.

8.80.080 Replacement of In-Kind Projects Subject to Administrative Review under the Viewshed Protection Program for Fire-Damaged Properties.

A. General Provisions. Applications for a building permit or grading permit subject to this chapter shall be submitted to the department for review by the director.

B. Administrative Criteria. A project shall be certified and cleared for further processing pursuant to Title 15 (Buildings and Construction) if the department determines that a project meets all of the following conditions:

1. The project is an In-Kind replacement of a fire-damaged structure (s), meaning:
 - a. The replacement building foundation is the same size and dimension, and is in the same location,
 - b. The building square footage is the same,
 - c. The building height, width, depth, and roof slope are the same;
2. The project as designed meets the following standards in the Design Manual:
 - a. The project lighting, including site lighting, has been designed to avoid off-site visibility and glare,

- b. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms, and
- c. Exterior windows and trim are non-reflective;
- 3. The exterior treatment of the building is designed to reduce its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road;
- 4. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements, will be located to avoid environmentally sensitive areas as defined by Section 18.08.270;
- 5. A detailed landscape plan has been prepared that incorporates the criteria set forth in the Design Manual for provision of defensible space and substantial screening of the structure or road; and
- 6. The project as designed is consistent with Chapter 18.108 (Conservation Regulations).

C. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with subsection (B) of this section.

D. Administrative review and approval or denial pursuant to this section shall be considered a ministerial final action and not subject to appeal pursuant to Chapter 2.88 (Appeals).

E. Projects that do not satisfy the administrative criteria and standards contained in this section shall be subject to review and approval under Sections 8.80.090, 8.80.100 or 8.80.110 of this chapter.

8.80.090 Projects Subject to Administrative Review under the Viewshed Protection Program for Fire-Damaged Properties.

A. General Provisions. Applications for a building permit or grading permit which are not exempt from this chapter pursuant to subsection (B) or (C) of Section 8.80.070 or which do not meet the criteria in subsection (B) of Section 8.80.080 shall be submitted to the department for review. If the application meets the criteria specified in subsection (B) or (C) of this section, the department shall certify that the project complies with the applicable provisions of this chapter and the project shall be cleared for continued processing pursuant to Title 15 (Buildings and Construction).

B. Visibility Determination. If the department determines that the road or structure would not be visible from any of the designated public roads, because of the relationship of the road or structure to surrounding topography or existing vegetation, then the project shall be cleared for further processing.

C. Administrative Criteria. A project shall be certified and cleared for further processing if the department determines that a project meets all of the following conditions:

- 1. The highest point of the proposed structure is located more than twenty-five vertical feet below a major or minor ridgeline;
- 2. The project as designed and sited meets all of the following standards:

a. The height of the building is twenty-four or fewer feet as measured from finished grade along fifty percent or more of the longest wall as viewed from any designated public road,

b. The improvement(s), including any required earthmoving or grading associated with the structure or roadway, shall avoid removal of existing vegetation with emphasis on preserving mature trees. If the improvements require the removal of any tree with a diameter of six or more inches at breast height, the application shall include a detailed landscaping plan specifying the location and replacement of trees and vegetation in a manner that screens the improvements from substantial views from designated public roads and provides for defensible space in conformance with state law,

c. The project site is located within a conifer forest, hardwood forest or hardwood woodland area mapped by the State of California, and a significant portion of naturally vegetated lands on-site has been retained to provide opportunity for natural screening of the development from substantial views from designated public roads,

d. Landscaping will be installed and designed to screen the project from substantial views from designated public roads,

e. The project lighting, including site lighting, has been designed to avoid off-site visibility and glare,

f. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms,

g. Exterior windows and trim are non-reflective, and

h. Roof angles and composition are designed to conform to existing landforms and landscape;

3. The project as sited and designed reduces its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road;

4. The project requires fewer than two thousand cubic yards of earthwork if the average slope of the area of disturbance is less than ten percent or one thousand cubic yards if the average slope is ten percent or greater, and the overall limits of grading do not extend beyond one and one-half acres of land;

5. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements will be located to avoid environmentally sensitive areas as defined by Section 18.08.270 of the code; and

6. The project as designed is consistent with Chapter 18.108 (Conservation Regulations).

D. Prior to the issuance of a building permit for any project authorized under subsection (B) or (C) of this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with either subsection (B) or (C) of this section.

E. Administrative review and approval or denial pursuant to this section shall be considered a ministerial final action and not subject to appeal pursuant to Chapter 2.88 (Appeals).

F. Projects that do not satisfy the administrative criteria and standards contained above shall be subject to review and approval under Sections 8.80.100 or 8.80.110 of this chapter.

8.80.100 Projects Subject to Review by the Zoning Administrator under the Viewshed Protection Program for Fire-Damaged Properties.

A. If a project is exempt from this chapter under subsection (B) or (C) of Section 8.80.070 or if it does not meet the administrative criteria in subsection (B) of Section 8.80.080 or Section 8.80.090 of this chapter, the project shall not be cleared for further processing unless the zoning administrator can make the following findings:

1. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and color tone;
2. If the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, existing vegetation, proposed landscaping, topographical siting, architectural design, and color tone screen the predominant portion of the proposed structure;
3. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;
4. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;
5. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;
6. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;
7. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road; and
8. The project as designed or modified is consistent with the requirements of Chapter 18.108 (Conservation Regulations).

B. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with subsection (A) of this section.

C. The decision of the zoning administrator shall be final unless an appeal has been filed by the applicant or any interested person pursuant to Chapter 2.88 (Appeals).

D. If one or more of the findings in subsection (A) of this section cannot be made, the application shall be forwarded to the planning commission for processing in accordance with Chapter 18.106 (Viewshed Protection Program) and for a possible exception pursuant to Section 18.106.070 (Exceptions).

8.80.110 Projects Subject to Review by the Planning Commission for Exceptions to the Viewshed Protection Program for Fire-Damaged Properties.

Applications for a building permit or grading permit which are not exempt from this chapter pursuant to subsection (B) or (C) of Section 8.80.070 or which do not meet the criteria in subsection (B) of Section 8.80.080, Section 8.80.090 or in subsection (A) of Section 8.80.100 shall be reviewed by the Planning Commission. Upon application by the property owner, an exception shall be processed pursuant to Section 18.106.070 (Exceptions).

8.80.120 Required public and private notification of zoning administrator public hearings conducted pursuant to the Viewshed Protection Program for Fire-Damaged Properties.

Notice shall be given by the department in the manner set forth in subsection (B) of Section 18.106.060.

8.80.130 Conservation Regulations for Fire-Damaged Properties.

Chapter 18.108 (Conservation Regulations) shall apply to fire-damaged properties, except that the zoning administrator shall be authorized to hear and decide requests for exceptions to the conservation regulations in the form of a use permit pursuant to Section 18.108.040 (Exceptions).

8.80.140 Legal Nonconformities on Fire-Damaged Properties.

A. Except as provided herein, Chapter 18.132 (Legal Nonconformities) shall apply to fire-damaged properties.

B. A fire-damaged structure that was a legal nonconformity prior to the fire may be relocated if the director determines that such relocation would enhance opportunities for use of renewable energy sources, decrease the area of impervious surfaces on the property, or would reduce the extent of nonconformity with the minimum setbacks from utilities contained in Section 13.28.040 (Clearance from other facilities).

C. "Voluntary abandonment" for fire-damaged properties shall mean cessation of the use or portion thereof for six consecutive months or twelve nonconsecutive months in any two-year period or, if the use is seasonal, for more than one season. However, if the cessation is caused by the destruction in whole or in part of conforming or legal nonconforming facilities or structures that are essential to continuation of the use, and that destruction was caused by the fire disaster, then the use shall be deemed voluntarily abandoned unless recommenced as follows: before December 31, 2019, if a building permit is not required to repair the structure or facility; or within two years of final inspection if a building permit is required for the fire-damaged structure and such permit is obtained before May 1, 2019. Upon a showing of good cause, the director may extend by six months the timelines within which a building permit must be obtained or a final inspection conducted.

D. The provisions for waiver of hearing, and waiver of notice and hearing in subsections (C) (1) and (2), respectively, of Section 18.132.050 (Certificate of present extent of legal nonconformity - Application - Procedure) shall apply to both residential and non-residential fire-damaged properties.

8.80.150 Automatic Expiration of Use Permits.

In recognition of the limitation of resources for rebuilding in the wake of the fire disaster, any discretionary zoning permit approved after January 1, 2016, and before December 31, 2018, shall, without further action by any county officer or body, expire and become void three years after the date the approving officer or body approved the use permit or, if any appeal is taken to the board of supervisors, three years after the date the decision of the board on appeal becomes final. However, if a shorter or longer time period is included in the conditions of approval of the use permit, that time period shall control.