

POD -20-013

(Underline indicates addition)

(~~Strikeout~~ indicates deletion)

ORDINANCE NO. _____ (NEW SERIES)

**AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, TITLE 8, DIVISION 1,
OF THE SAN DIEGO COUNTY CODE TO ADD A PROCEDURE FOR THE CLOSING OF
INACTIVE PERMIT APPLICATIONS**

The Board of Supervisors of the County of San Diego, State of California, ordains as follows:

Section 1. The Board of Supervisors intends by this ordinance to codify an administrative process for the closing of inactive permit applications.

Section 2. Section 81.102 DEFINITIONS of the San Diego County Code is hereby amended to add new defined terms to read as follows:

SEC. 81.102. DEFINITIONS.

(a) - (t) [no changes].

(u) [add new terms alphabetically and renumber from “u” forward]

“Extenuating Circumstances” means events or requirements that are out of the control of the applicant, including but not limited to the following: mandated requirements or review from other government agencies (e.g., United States [U.S.] Army Corp of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, or San Diego Regional Water Quality Control Board permit requirements); the need to complete studies that include surveys or other associated requirements that are outside the applicant’s control (e.g. seasonal surveys, traffic counts during school year, etc.); the discovery of new environmental issues affecting the project; and/or financial hardship (e.g., loss of financing, change in circumstances affecting a loan, unanticipated and/or extraordinary costs).

“Inactive Permit Application” means the condition which occurs when requested materials, funds, and/or other information necessary to proceed with processing a discretionary permit application (e.g., a Tentative Map, Tentative Parcel Map, or other discretionary permit) have not been submitted within 12 months of the last written request by PDS.

“Inactive Permit Application Holder” means the applicant or owner of an Inactive Permit Application.

Section 3. Section 81.112 of the San Diego County Code is hereby added to read as follows:

SEC. 81.112. CLOSING OF INACTIVE PERMIT APPLICATIONS.

(a) Inactive Permit Applications. Permit applications require the payment of fees and deposits for permit processing, and submittal of application materials as specified in SECS. 81.201-207, 81.301-305, 81.604, 81.903, 81.1002, 81.1103, 81.1203, 81.1302, and adopted Schedule of Filing Fees and Deposits. A permit application shall be deemed inactive as specified in the definition of "Inactive Permit Application", Section 81.102.

(b) Application Withdrawal or Extension of Time. Once a permit application is deemed Inactive, the Director, or their designee, shall provide written notification to the Inactive Permit Application Holder that certain materials, funds, and/or other information are needed in order to continue processing the permit application or that the applicant may request an extension in accordance with subparagraph "2" below. The applicant shall have 60 days from the date of the written notification to submit the requested materials, funds, and/or other information or to request an extension.

(1) If the materials, funds, and/or other information, or a written request for an extension, is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close the application in accordance with subparagraph "d" of this section.

(2) If the Director finds that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant, an extension may be granted. The applicant shall then have two years to submit the required materials, funds, and/or other information. No later than 60 days before the expiration of the two-year extension, the Director shall provide written notification to the permit holder that the two-year extension is expiring, that certain materials, funds, and/or other information are needed in order to continue processing the permit application, or that the applicant may request an additional extension in accordance with subparagraph "4" below.

(3) If the materials, funds, and/or other information, or a written request for an extension, is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close it in accordance with subparagraph "d" of this section.

(4) If the Director finds that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant, an extension may be granted. The applicant shall then have an additional two years to submit the requested materials, funds and/or other information. No later than 60 days before the expiration of the two-year extension, the Director shall

provide written notification to the permit holder that the two-year extension is expiring, that certain materials, funds, and/or other information are needed in order to continue processing the permit application.

(5) If the requested materials, funds, and/or other information, or a written request for an extension, is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close it in accordance with subparagraph "d" of this section, unless the project applicant requests another two-year extension due to extenuating circumstances in accordance with subparagraph "c" of this section.

(c) Extenuating Circumstances. The applicant may request an additional extension of the Inactive Permit Application for two years due to extenuating circumstances, as specified in the definition of "Extenuating Circumstances", Section 81.102, in accordance with the following:

(1) The applicant shall submit a written request for an extension 60 days prior to the expiration of the permit application describing the extenuating circumstances applicable to the project.

(2) If the Director finds that there are extenuating circumstances applicable to the project, the Director may approve an additional extension of the Inactive Permit Application for up to two years.

(3) No later than 60 days before the expiration of the two-year extension for extenuating circumstances, the Director shall provide written notification to the permit holder that the final two-year extension is expiring, that certain materials, funds, and/or other information are needed in order to continue processing the permit application. If the materials, funds, and/or other information are not received within the 60 days, the project application will be deemed withdrawn and closed in accordance with subparagraph "d" of this section.

(d) Project Closure. Upon deeming an inactive project application withdrawn, the Director shall notify the applicant in writing that the project application has been deemed withdrawn and is closed. Projects which require a deposit account shall be charged for the project closure, and any unused funds will be refunded pursuant to Section 81.207.

(e) Reapplication. Once closed, a permit application cannot be reopened. To reapply, the applicant shall submit a new development permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

(f) Decisions by the Director under this section may be appealed by the permit applicant in accordance with Section 7200 through 7206 of the Zoning Ordinance.

Section 4. The San Diego County Code Section 81.207 is hereby amended to read as follows:

SEC. 81.207. REFUND PROCEDURE.

An applicant is entitled to a refund of unused deposits after: (a) the approval process is completed or an application is denied ~~or~~ withdrawn, or closed, (b) each County department determines that it has been paid in full for all costs and fees it is due and (c) the Director of DPW or Director of PDS determines no further action will be required by any County department. A project is completed when the County accepts or approves or where appropriate, accepts and approves all engineering, improvements, plans, maps, documents and reports and when required by this division, all recording of documents has occurred.

Section 5. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published, with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of San Diego, State of California.

Approved as to form and legality

By: _____, Senior Deputy County Counsel