

**POD -20-013**

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(~~Strikeout~~ indicates deletion)

**ORDINANCE NO. \_\_\_\_\_ (NEW SERIES)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO  
ADD DEFINITIONS AND PROCEDURES 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 1110 DEFINITIONS (E) of the Zoning Ordinance is hereby  
amended to add the term “Extenuating Circumstance”, inserted into the appropriate  
alphabetical location to read as follows:

Extenuating Circumstances: 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).

**Section 3.** Section 1110 DEFINITIONS (I) of the Zoning Ordinance is hereby  
amended to add the terms “Inactive Permit Application” and “Inactive Permit Application  
Holder”, inserted into the appropriate alphabetical locations to read as follows:

Inactive Permit Application: The condition which occurs when requested materials,  
funds, and/or other information necessary to proceed with processing a discretionary  
permit application (e.g., a Use Permit, Administrative Permit, Site Plan, Variance, or other  
discretionary permit) have not been submitted within 12 months of the last written request  
by the Department.

Inactive Permit Application Holder: The applicant or owner of record of an Inactive  
Permit Application.

**Section 4.** Section 7018 of the Zoning Ordinance is hereby added to read as follows:

7018 CLOSING OF INACTIVE PERMIT APPLICATIONS.

The time parameters for processing discretionary permit applications are established by numerous state and local laws, ordinances, and policies. Timely permit processing increases efficiency and decreases costs for the Department and for applicants. The purpose of this section is to establish a procedure for closing Inactive Permit Applications.

a. Inactive Permit Applications. A permit application shall be deemed inactive as specified in the definition of "Inactive Permit Application", Section 1110 (I).

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 it in accordance with subparagraph "c" 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 "c" 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 have an additional 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.

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 "c" of this section, unless the project applicant requests another two-year extension due to extenuating circumstances in accordance with subparagraph "b" of this section.
- b. Extenuating Circumstances. The applicant may request an additional extension of the Inactive Permit Application for two years (for a total of 6 years since the permit application was deemed inactive) due to extenuating circumstances, as specified in the definition of "Extenuating Circumstances", Section 1110 (E), 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 material, 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 "c" of this section.
- c. 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. Any unused deposit account funds after project closure will be refunded.
- d. Reapplication. Once closed, a permit application cannot be reopened; however, the applicant can reapply. To reapply, the applicant shall submit a new 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.

e. 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 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

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