

ORDINANCE NO. 10783 (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.

Terms used in this division that are defined in the SMA but not defined in this division shall have the same meaning as in the SMA. The following definitions shall apply to this division:

(a) "Access restriction easement" means a permanent easement a property owner dedicates to the County that prohibits any person from obtaining access to a road or right-of-way adjacent to the property.

(b) "Adjustment plat" means a drawing filed with the Director as part of the application process for a lot line adjustment adjusting the boundaries between two to four adjoining parcels, where land taken from one parcel is added to an adjoining parcel, but does not create any additional parcels.

(c) "Average daily trips, ADT" means the average total number of motor vehicle trips per day to and from a location.

(d) "Basis of bearings" means the source of uniform orientation of all measured bearings shown on a map using the California Coordinate System of 1983, Zone 6, established by Public Resources Code sections 8801 et seq.

(e) "Bicycle route" means a facility where the main form of travel is by bicycle.

(f) "Cable lines" means electronic cable, conduit and their appurtenances which distribute television signals or telephone or internet connections.

(g) "CEQA" means the California Environmental Quality Act, Public Resources Code sections 21000 et seq.

(h) "Certificate of compliance" means a document the County issues pursuant to Government Code section 66499.35 identifying real property and signifying that the division of the real property complies with applicable provisions of the SMA and this division.

(i) "Conservation subdivision" means a residential subdivision design that improves preservation of environmental resources in a balance with planned densities and community character subject to applicable Community Plans, the Zoning Ordinance, Subdivision Ordinance, Resource Protection Ordinance and Groundwater Ordinance.

(j) "County fire official" means a person designated by the Director of Public Safety to implement and enforce the County Fire Code.

(k) [Reserved.]

(l) "Designated remainder parcel" means a unit of land a subdivider designates pursuant to Government Code section 66424.6 which is not divided for the purpose of sale, lease or financing and is designated on a tentative map or tentative parcel map at the time the subdivider files the map.

(m) "Director" means the Director of Planning & Development Services or a person the Director designates to implement or enforce this division.

(n) "Director DEHQ" means the Director of the Department of Environmental Health and Quality or a person the Director DEHQ designates to implement or enforce this division.

(o) "Director DPW" means the Director of Public Works or a person the Director designates to implement or enforce this division.

(p) "Director DPR" means the Director of Parks and Recreation or a person the Director DPR designates to implement or enforce this division.

(q) "PDS" means the Department of Planning and Development Services.

(r) "DPR" means the Department of Parks and Recreation.

(s) "DPW" means the Department of Public Works.

(t) "Environmental resource" means natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands.

(u) "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).

(v) "Feasible" has the same meaning as the term "feasible" in Government Code section 66473.1(e).

(w) "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.

(x) "Inactive Permit Application Holder" means the applicant or owner of an Inactive Permit Application.

(y) "Lease" means an agreement for the use of real property that creates a landlord-tenant relationship between the parties to the lease and includes a written or oral agreement. In addition to an agreement that creates a tenancy for a specific term, a lease also includes an agreement that creates a tenancy at will or a month-to-month tenancy.

(z) "Lot" means a unit of land and may also be referred to in this division as a "parcel."

(aa) "Lot area" means the same as the term "Lot Area, Net" as defined in the County Zoning Ordinance.

(bb) "Major subdivision" means a subdivision creating five or more lots or units not counting a "designated remainder parcel," as defined in this chapter, as one of the five or more lots.

(cc) "Major transmission facilities, mains and lines" means electrical transmission lines with 64,000 volts capacity or more, gasoline or oil transmission lines six inches or more in diameter, natural gas mains six inches or larger in diameter, sewer outfall or transmission mains thirteen inches or larger in diameter, water transmission mains fourteen inches or larger or telephone long distance and trunk communication facilities.

(dd) "Minor subdivision" means a subdivision creating four or fewer lots or units not counting a "designated remainder parcel," as defined in this chapter as one of the four or fewer lots.

(ee) "Parcel map" means a map required by Government Code sections 66426(f) or 66428 prepared in compliance with Government Code sections 66444 et seq.

(ff) "Road" has the same meaning as the term "street" as defined in this chapter.

(gg) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 0775217 (5-1-12 (13, CR29)) (Public Roads Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego

Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained within the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), and with respect to development within the Valley Center Community Planning Area, the standards and specifications contained within the "Valley Center Community Right-of-Way Development Standards" on file with the Office of the Clerk as Document Number N/A shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

(hh) "SMA" means the Subdivision Map Act of the State of California contained in Government Code sections 66410 et seq.

(ii) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road, private road or an alley which affords primary access to an abutting lot.

(jj) "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way, but a freeway, as defined in Streets and Highways Code section 23.5 shall not be considered a road or street for the purpose of interpreting this section. "Subdivision" includes a condominium project, as defined in Civil Code section 1351(f), a community apartment project, as defined in Civil Code section 1351(d) or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code section 1351(m).

(kk) "Tentative map" means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision and the existing conditions in and around it.

(ll) "Tentative parcel map" means a map prepared for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around it.

(mm) "Through lot" means a lot having frontage on two parallel streets or a lot that is not a corner lot that has frontage on two streets, each of which may provide access to the lot.

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 Chapter 2 of Division 1 of Title 8, and adopted Schedule of Filing Fees and Deposits. To determine if a project is "inactive", a permit application shall meet the criteria 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. 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 in accordance with subparagraph "1" below.

(1) No later than 60 days before the expiration of the two-year period of inactive status, the Director shall provide written notification to the permit holder that the two-year period of inactive status is expiring, and that certain materials, funds, and/or other information are needed in order to continue processing the permit application. Upon the receipt of a request for an extension of inactive status, a two-year extension of inactive status may be granted. 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.

(2) No later than 60 days before the expiration of the first two-year extension of inactive status, the Director shall provide written notification to the permit holder that the first two-year extension of inactive status is expiring, and that certain materials, funds, and/or other information are needed to continue processing the permit application. If the materials, funds, and/or other information, or a written request for a second extension pursuant to subparagraph "3" below, 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.

(3) Upon the receipt of a request for a second extension, the Director may grant a second extension of inactive status pursuant to subparagraph "c" of this section. If granted a second extension, 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 second two-year extension, the Director shall provide written notification to the permit holder that the second 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 requested materials, funds, and/or other information 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.

(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.

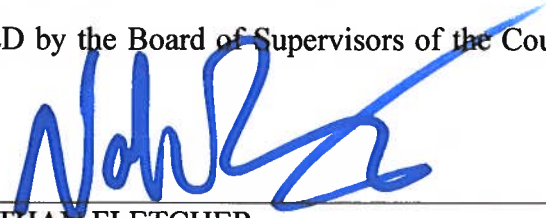
An applicant is entitled to a refund of unused deposits after: (a) the approval process is completed or an application is denied, withdrawn, or closed, (b) each County department determines that it has been paid in full for all costs and fees it is due and (c) the Director of DPW or Director of PDS determines 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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 27th day of April 2022.



NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 27th day of April 2022.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Nancy Vizcarra, Deputy



Ordinance No.: 10783 (N.S.)
Meeting Date: 04/27/2022 (02)