

ORDINANCE NO. 10784 (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.** To determine if a project is “inactive”, a permit application shall meet the criteria in the definition of “Inactive Permit Application”, Section 1110 (l).
- 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 two years 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.
 - i. 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.
 - ii. 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.
 - iii. Upon the receipt of a request for a second extension, the Director may grant a second extension of inactive status pursuant to subparagraph “b” 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 (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.
- 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. Any unused deposit account funds after project closure will be refunded.
- e. **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.
- 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.**

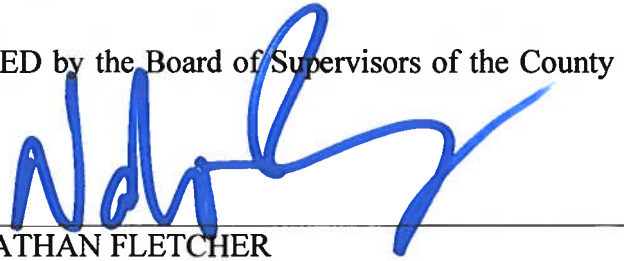
Meeting Date: 04/27/2022 (2)

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.: 10784 (N.S.)
Meeting Date: 04/27/2022 (02)