



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: March 6, 2014

AGENDA ITEM NO: 4

Project Description:

Applicant: Land Use Services Department
Proposal: Development Code Amendment to add provisions pertaining to the expiration of inactive applications.
JCS: P201300608
Community: Countywide
Location: Countywide
Staff: Jim Squire

Background

In January 2010, the Land Use Services Department initiated a project to analyze the status all of the Planning Division’s trust accounts and the projects associated with each account. The significant number of open accounts indicated that the management system tracking these accounts needed to be reexamined. This review identified 5,420 trust accounts that required action. By August 2012, staff had closed 3,836 of those accounts.

As a result of this cleanup process and the continuing issues in managing these accounts, staff has determined that new provisions should be added to the Development Code to establish application expiration standards for inactive projects to enable proper account management. These standards will inform the public and staff that applications that do not demonstrate any progress by the applicant in the review process will expire after a designated period of time. Specifically, the proposed Development Code Amendment states that “an application shall expire and be considered abandoned 180 days after the last date that additional information is requested, if the applicant has failed to provide the information.” Some exceptions to this standard are included in these provisions that allow extensions of time based upon the circumstances of the delay.

Furthermore, the implementation of the proposed amendments will enable staff to more accurately monitor the Department’s workload and more effectively assign new projects to the proper Department staff.

FINDINGS:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan because the Development Code implements the General Plan and these changes simply provide a mechanism to expire inactive applications;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County;

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No
 Note: Recommendations to the Board of Supervisors are not appealable.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
4. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA). Since the requirements are administrative in nature it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and thus, the project is exempt from CEQA pursuant to state CEQA Guidelines §15061(b)(3).

RECOMMENDATION: The Planning Commission recommends that the Board Of Supervisors:

- A. ADOPT the proposed Development Code Amendment to add provisions pertaining to the expiration of inactive applications;
- B. ADOPT the findings as contained in the staff report;
- C. FILE the Notice of Exemption.

ATTACHMENTS:

1. [Proposed Development Code Changes](#)

Attachment #1

Proposed Development Code Revisions (Strike-out/Underline Version)

85.03.115 Expiration of Inactive Applications

An application shall expire and be considered abandoned 180 days after the last date that additional information, revisions, or funds are requested, if the applicant has failed to provide the items requested, except that:

- (a) **Special Studies.** Whenever special studies (e.g., CEQA, etc.) are requested by the County that are reasonably expected to take longer than 180 days to complete, the application will not be considered inactive on the basis of the time required to complete such special studies. Staff will estimate a completion date and should these studies be delayed beyond the initial projected completion date, a new projected date of completion shall be established after which the application shall expire and be considered abandoned in 180 days if no action occurs on the project.
- (b) The Planning Director may grant one 90-day extension if the following criteria are met:
 - (1) A written request for extension is submitted at least 30 days prior to the expiration date;
 - (2) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested revisions or information; and
 - (3) The applicant provides a reasonable schedule for submittal of the requested revisions or information.
- (c) Applications made as a result of a code enforcement action may be expired in less than 180 days if the applicant does not proceed through the application process in a timely and businesslike manner. Expiration of a permit application sought as a result of a code enforcement action does not relieve the responsible parties from the requirement to obtain the permits necessary to abate violations of the San Bernardino County Code. An active application does not authorize any requested activity.
- (d) No application shall expire when under review by the Department following submittal of a complete application or timely resubmittal of an application when all required information has been provided.
- (e) At the sole discretion of the Planning Director, the Department may extend an expiration date for an application with no written request from an applicant, when additional time for County processing or scheduling of appointments is required, when the Department needs information or responses from other agencies, or under other similar circumstances.

Adopted Ordinance 40xx (2014)