DEPARTMENT: Planning  BY: Sarah Williams, Deputy Director
PHONE: 742-1215

RECOMMENDED ACTION AND JUSTIFICATION:
The Planning Commission adopted Planning Commission Resolution No. 2005-25 recommending the Board of Supervisors adopt a resolution establishing county policy for maximum timeframes for Planning Department permit application inactivity. The item was noticed in the Mariposa Gazette. There was no public input regarding the draft policy.

This item was scheduled for Planning Commission consideration by Planning Department staff as there is no formal county policy regarding the issue of inactive planning applications.

Justification for the action is contained within the resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
No prior action.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action would result in no established county policy.

Financial Impact? ( ) Yes (X) No  Current FY Cost: $  Annual Recurring Cost: $  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded Amount in Budget: $  
Additional Funding Needed: $  
Source:
Internal Transfer
Unanticipated Revenue  4/5's vote
Transfer Between Funds  4/5's vote
Contingency  4/5's vote
( ) General ( ) Other

List Attachments, number pages consecutively
1. Draft Board of Supervisor's Resolution

CLERK'S USE ONLY:
Res. No.: 55-277  Ord. No. _____
Vote – Ayes: 5  Noes: _____
Absent: _____

Approved
Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended
No Opinion

Comments:

CAO: _____

Revised Dec. 2002
STATE OF CALIFORNIA
COUNTY OF MARIPosa
BOARD OF SUPERVISORS

Resolution
No. 2005-377 A Resolution Establishing County Policy for Maximum Timeframes for Planning Department Permit Application Inactivity

WHEREAS the Mariposa County Planning Department (Mariposa Planning) is responsible for processing current planning applications including, but not limited to, applications for land divisions, lot line adjustments, variances, conditional use permits, general plan amendments, zoning ordinance amendments, general plan and zoning map amendments, specific plans and specific plan amendments, parcel mergers, mining and reclamation plans, bed and breakfast and transient rentals, and design review; and

WHEREAS Mariposa Planning has established minimum requirements for application submittals pursuant to established county ordinances and policies, and state law; and

WHEREAS the purpose of the minimum requirements for application submittals is to ensure there is adequate information available to staff, affected agencies, the public, and decision makers, in order to review and take action on the project in accordance with established laws and policies; and

WHEREAS the purpose of the minimum requirements for application submittals is also to ensure that the applicant pays for all of the costs associated with processing their private development project; and

WHEREAS upon receipt of a complete application, Mariposa Planning processes applications pursuant to established county ordinances and policies, and state law; and

WHEREAS the processing of applications involves other affected state and local agencies; and

WHEREAS state law establishes maximum timeframes within which Mariposa Planning staff must process a complete application; and

WHEREAS there are occasions where applications are put “on hold” and are inactive, and are not processed by staff. This can occur when additional information or processing fees are needed from an applicant and staff is awaiting receipt of that information or the fees. This
can occur when an applicant is revising their application or project to address comments received during the agency comment period; and

WHEREAS when an application is formally “on hold”, this “stays” the state requirements for processing timeframes; and

WHEREAS when an application is “on hold” or inactive for an extended period of time, application information can get stale or dated, so that it is no longer useful. This is particularly true for information submitted for the project’s environmental determination pursuant to the California Environmental Quality Act; and

WHEREAS development standards and requirements change over time, and projects are typically designed in accordance with the requirements in effect at the time a project is submitted; and

WHEREAS the lead agency must take action on an application in accordance with the standards and requirements in effect on the date of project action; and

WHEREAS when an application is “on hold” or inactive for an extended period of time, the applicant may be under the erroneous impression that Mariposa Planning staff is still processing the application or that the application will be processed pursuant to the standards in effect at the time the application was submitted; and

WHEREAS staff still spends time on an application which is formally “on hold” or inactive, even though that time is not processing time. Staff often spends time addressing concerns of the community or affected property owners or affected agencies, and that time takes away from the time available to staff to spend on other active current planning projects; and

WHEREAS a project which is “on hold” or inactive for an extended period of time is often never completed or built as applicants’ objectives may change over time, community values may change over time, and local and regional economies may change over time; and

WHEREAS following public notice in the Mariposa Gazette published the 13th day of July 2005, the Planning Commission considered this issue at their meeting on the 22nd day of July, 2005 and adopted Planning Commission Resolution No. 2005-25 by unanimous vote, recommending the Board of Supervisors adopt a resolution establishing a County Policy for maximum timeframes for permit application inactivity; and

WHEREAS public notice of the Board of Supervisor’s consideration of this issue was in the Mariposa Gazette published the 27th day of July 2005.

NOW THEREFORE BE IS RESOLVED, the Mariposa County Board of Supervisors hereby establishes the following policy:

Planning project applications which are “on hold” or inactive for a period of six (6) consecutive months or more may be closed by Mariposa Planning staff, after written notification to the applicant or representative, without the consent of the applicant, and staff shall refund unused fees if applicable. Inactive applications are defined as a) applications for which additional information has been required by staff and the required
information has not been received, and/or b) applications for which additional application or processing fees have been required and the additional required fees have not been received, and/or c) applications which have been formally put on hold by the applicant for purposes of redesigning their project and the new design has not been received.

BE IT THEREFORE FURTHER RESOLVED, this policy is based upon the following findings:

1. There is no public benefit served by keeping a project application “on hold” or inactive indefinitely.
2. There is no benefit to the project applicant served by keeping a project application “on hold” or inactive indefinitely.
3. It is a disservice to the public and to an applicant to keep a project “on hold” or inactive indefinitely.

BE IT FINALLY RESOLVED THAT this policy shall be effective immediately and may be applied to applications currently on file with Mariposa Planning.

ON MOTION BY Supervisor Stetson, seconded by Supervisor Bibby, this resolution is duly passed and adopted this 2nd day of August, 2005 by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

BOB PICKARD, Chairman
Mariposa County Board of Supervisors

Attest:
MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Approved as to form:

THOMAS P. GUARINO
County Counsel
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: ADOPTION OF COUNTY POLICY FOR MAXIMUM TIMEFRAMES FOR PLANNING DEPARTMENT PERMIT APPLICATION INACTIVITY

Resolution 05-377

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 2, 2005

ACTION AND VOTE:

11:08 a.m. Kris Schenk, Planning Director;

Adopt a Resolution Establishing County Policy for Maximum Timeframes for Planning Department Permit Application Inactivity

BOARD ACTION: Discussion was held with Kris Schenk relative to the request.

Input from the public was provided by the following:

Ken Baker stated he was representing several property owners in the County, and they like the resolution because it clarifies the policy for them. He noted that several of his clients are present today. However, he stated he is concerned that someone not get caught by this action by surprise. He stated he feels that there needs to be some type of notification, and he noted that not everyone reads the Gazette.

Trish Oakander advised that she is dealing with an issue in Fresno County that could not be resolved in six months. She suggested that one-year be used for the timeframe; and she asked what the safeguards would be to prevent a future Planning Commission that may be “no growth” from kicking things back.

Chairman Pickard noted that the Planning Commissioners are appointed by the Board members, and that the Board members are elected by the citizens. Trish further asked for clarification of who determines “progress.”

Theresa Castaldi stated she is a property owner and has concerns about some of the details of this, and she requested that the Board take time to carefully consider this matter.

Norm Miller stated he is a property owner, appreciates the concerns, and he hopes that things can be resolved.

Discussion was held.

Ken Baker advised of a question relative to the status of the rules that are in place at the time an application is approved for processing. Chairman Pickard provided input relative to the process for tentative maps.

Further discussion was held. Supervisor Bibby clarified that the number of extensions and timelines would still need to be complied with. (M)Stetson, (S)Bibby, Res. 05-377 was adopted with direction for staff to include language relative to proper notification. The motion was amended, agreeable with the maker and second, to include language in the resolution that planning project applications which are “on-hold” or inactive for a period of six consecutive months or more may be closed by the Mariposa Planning staff after written notification to the applicant or agent without the consent of the applicant. Supervisor Turpin asked
about having acknowledgement that contact was made. Tom Guarino, County Counsel, stated the notification safeguards should be in place with the current practice. Supervisor Bibby clarified that notes will be made in the file relative to the notification and decision. Ayes: Unanimous.

cc: File