

Policy

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: August 2, 2005
AGENDA ITEM NO. 6

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: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		
Source:		1. Draft Board of Supervisor's Resolution
Internal Transfer _____		2. Planning Commission Resolution No. 2005-25
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
() General () Other		

CLERK'S USE ONLY:

Res. No.: 05-377 Ord. No. _____
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

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

CAO: [Signature]

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:

for 
MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Approved as to form:


THOMAS P. GUARINO
County Counsel