

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING CHAPTER 18.04 OF THE VISTA DEVELOPMENT CODE TO ALLOW WITHDRAWAL OF DEEMED INACTIVE APPLICATIONS

The City Council of the City of Vista does resolve as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The City intends to amend Chapter 18.04, of the Development Code, to allow an administrative process to withdraw applications that have been deemed inactive, and to refund any used fees, within the City of Vista.

C. The proposed Development Code amendments would be consistent with the General Plan Land Use and Community Identity Element, Policy 11.1, in that applications that are deemed inactive are not consistent with this Policy and therefore this code amendment provides staff a process to withdraw inactive applications to focus on promoting public interest and involvement in development and implementation of the City's land use planning policies, plans and programs where applications for development are actively being pursued.

D. The proposed amendments to chapter 18.04 of the Development Code would allow staff to administratively withdraw applications that have been deemed inactive, and, therefore, are exempt pursuant to CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption, because there is no possibility that the proposed amendments may have a significant effect on the environment.

2. Code Amendment.

A. Chapter 18.04, General Requirements, is amended, as follows:

**"Chapter 18.04
General Requirements**

Sections:

18.04.010	Application for Zone Changes - Commission Authority
18.04.020	Application Signatures - Evidence of Notice
18.04.030	Filing Fees
18.04.040	Waiver of Fees
18.04.050	Public Hearings - Setting of Date
18.04.060	Public Hearings - Notice Requirements
18.04.070	Required Wording and Size of Notices
18.04.080	Combined Proceedings
18.04.090	Investigation of Facts
18.04.100	Conduct of Hearings - Rules Established

18.04.110	Conduct of Hearings - Administering Authority
18.04.120	Filing of Recommendation - Action by Commission
18.04.130	Continuation of Hearing
18.04.140	Withdrawal of Application - Refund of Fees
18.04.142	Withdrawal of Deemed Inactive Application
18.04.150	Appeals
18.04.160	City Projects
18.04.170	Certificates of Occupancy

Section 18.04.010 through Section 18.04.130 (no changes)

Section 18.04.140 Withdrawal of Application - Refund of Fees

A. At any time prior to final action on any application filed pursuant to this title, the applicant by written request filed with the Planning Department or with the City Council, if action by the Planning Department has been completed thereon, may withdraw the application and terminate further consideration thereof.

B. Where such written request has been filed and the application withdrawn, any unused fees paid for the filing of such application shall be refunded based on calculating staff's time spent reviewing such project application and, upon applicant's request, materials returned. Unused fees do not include those that remain due to the City for processing of the application.

Section 18.04.142 Withdrawal of Deemed Inactive Application

A. Any application filed pursuant to this title shall be deemed inactive and may be withdrawn when the applicant has not adequately responded within twelve (12) months to submittal items required by staff for processing, as provided in an incomplete letter. The Director may grant thirty (30) day extensions to that period if the applicant requests an extension in writing prior to the expiration date. Upon expiration of the twelve (12) months and any applicable extensions, and prior to the application being deemed withdrawn, the Director shall send a letter notifying the applicant of the withdrawal determination. Such determinations are subject to appeal to the Zoning Administrator pursuant to the procedures of Development Code section 18.04.150.C.

B. After passage of the appeals period, any unused fees paid for the filing of such application shall be refunded and, upon applicant's request, materials returned. Unused fees do not include those that remain due to the City for processing of the application. Deemed inactive applications that are withdrawn are actions without prejudice, thereby enabling a re-application for a project of the same, or similar nature by any applicant. The re-application shall be subject to all current City fees and codes in effect at the time of re-application.

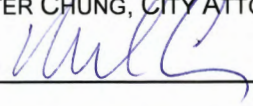
Section 18.04.150 through Section 18.04.170 (no changes)"

4. Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption.

5. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on March 26, 2024 by the following vote:

AYES: Mayor Franklin, Green, Contreras, Melendez, O'Donnell
NOES: None
ABSTAIN: None

APPROVED AS TO FORM:
WALTER CHUNG, CITY ATTORNEY

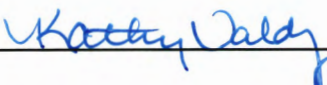
By:  _____

APPROVED
Walter C. Chung
20240311144620



JOHN FRANKLIN, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By:  _____