

D#59 INACTIVE LAND USE APPLICATIONS

SUPPLEMENTAL STAFF REPORT

SUMMARY: This Supplemental Staff Report provides responses to issues that were raised at a Planning Commission meeting regarding amendments to the Development Regulations (Title IV). It also includes additional information that staff has identified as being necessary to include in the analysis for amendments.

General Description

These new provisions would allow for the inactive land use applications ("on hold" applications) to expire or become null and void after official notice has been provided to the project applicant and ample time has been provided to reactivate such project.

Planning Commission Issue: What is "ample" time? How much time should be provided for applicant's to reactivate their inactive land use applications?

Staff Response: Staff has reviewed this issue and proposes the following time allowances. When an application is determined to be "incomplete" the proposed responses time would be ninety (90) days for the requested matters. For applications that are inactive or "on hold" staff proposes six months after receipt of a certified letter. In addition, staff proposes an opportunity for the applicant to request an extension for an additional one year if the applicant has shown reasonable reliance and due diligence to complete the application. Please see Attachment A for draft code language.

4-8-100 APPLICATION AND DECISION – GENERAL:**C. LETTER OF COMPLETENESS:**

1. Timing: Within twenty eight (28) days after receipt of an application, the Development Services Division shall provide a written determination that the application is deemed complete or incomplete according to the submittal requirements as listed in RMC 4-8-120A, B or C, and any site-specific information identified after a site visit. In the absence of a written determination, the application shall be deemed complete.

2. Applications Which are Not Complete:

a. If an application is determined incomplete, the necessary materials for completion shall be specified in writing to the contact person and property owner. The contact person and/or property owner shall provide the necessary materials to complete the application within ninety (90) days of written notice. In such circumstances where a project is complex or conditions exist that require additional time the CED Administrator or designee may allow the contact person and/or property owner additional time to provide the requested materials.

b. Within fourteen (14) days of submittal of the information specified as necessary to complete an application, the applicant will be notified whether the application is complete or what additional information is necessary. (Ord. 4587, 3-18-1996, Ord. 4660, 3-17-1997)

3. Additional Information May Be Requested: A written determination of completeness does not preclude the Development Services Division from requesting supplemental information or studies, if new information is required to complete review of an application or if significant changes in the permit application are proposed. The Department of Community and Economic Development may set deadlines for the submittal or supplemental information. (Ord. 4587, 3-18-1996, Ord. 4660, 3-17-1997)

4. Expiration of Applications: Any application type described in Section 4-8-080 that was pending on (date of ordinance), that does not contain all submittal items and required studies that are necessary for a public hearing or an administrative decision or has not been reviewed by the Hearing Examiner in a public hearing shall become null and void six months after the certified notice is mailed to the applicant, contact person and property owner. A one-time, one-year extension may be granted if a written extension request is submitted prior to the expiration date identified in the certified notice and the applicant, contact person or property owner(s) has demonstrated due diligence and reasonable reliance towards project completion. In consideration of due diligence and reasonable reliance the CED Administrator or designee shall consider the following:

- a. Date of initial application
- b. Time period the applicant had to submit required studies
- c. Availability of necessary information
- d. Potential to provide necessary information within one year
- e. Applicant's rationale or purpose for delay
- f. Applicant's ability to show reliance together with an expectation that the application would not expire.