

ORDINANCE NO. 21-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT 21-001 ADDING SECTION 9.08.240 TO CHAPTER 9.08 (ADMINISTRATION) OF TITLE 9 (PLANNING AND ZONING) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE REGARDING THE CLOSING OF DEVELOPMENT PERMIT APPLICATIONS THAT ARE INACTIVE FOR 180 DAYS OR LONGER, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

WHEREAS, on December 10, 2002, the City of Rancho Santa Margarita adopted the Rancho Santa Margarita General Plan; and

WHEREAS, on April 11, 2007, the City Council of the City of Rancho Santa Margarita adopted Title 9 of the Rancho Santa Margarita Municipal Code (the "Rancho Santa Margarita Zoning Code"), establishing standards for development within all zoning districts; and

WHEREAS, on March 11, 2020, the City Council of the City of Rancho Santa Margarita adopted the Rancho Santa Margarita General Plan Update; and

WHEREAS, applicants for development permits periodically fail to respond to requests from staff for additional information required to process a development permit application; and

WHEREAS, to ensure efficient processing of development permit applications, the City Council of the City of Rancho Santa Margarita seeks to establish a reasonable deadline for applicants to provide requested information and to authorize staff to close inactive applications; and

WHEREAS, the City of Rancho Santa Margarita has initiated Zoning Code Text Amendment 21-001 in accordance with Section 9.08.080 of the Rancho Santa Margarita Municipal Code, to amend the Rancho Santa Margarita Municipal Code in order to provide for the closing of development permit applications that are inactive for 180 days or longer; and

WHEREAS, the Permit Streamlining Act, California Government Code Section 65920 *et seq.*, governs the processing of development permit applications submitted pursuant to the Rancho Santa Margarita Municipal Code; and

WHEREAS, the Planning Commission on April 7, 2021 held a duly noticed public hearing and, after considering public comments and the written and oral information and testimony presented by City staff, community residents and other interested parties, voted to recommend that the City Council approve Zoning Code Text Amendment 21-001; and

WHEREAS, the City Council on April 28, 2021 held a duly noticed public hearing and considered public comments and the written and oral information and testimony presented by City staff, community residents and other interested parties.

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In accordance with Section 9.08.080(d) of the Zoning Code, the following findings for approving Zoning Code Text Amendment 21-001; are hereby made:

(A) GENERAL PLAN

Finding: That the proposed Zoning Code text amendment is consistent with the goals, policies, programs, and land uses of applicable elements of the General Plan.

The proposed Zoning Code text amendment is consistent with the goals, policies, programs and land uses of applicable elements of the General Plan because the purpose of the proposed Zoning Code text amendment is to clarify and update regulations to facilitate efficient use of staff time for processing of development applications. Prolonged processing delays due to applicants' failure to respond to requests for information in a timely manner causes inefficiencies in the use of staff time. Incomplete development applications cannot be reviewed for consistency with goals, policies, programs, and land uses of the General Plan. Therefore, closure of inactive applications after a reasonable period of time is consistent with the General Plan.

(B) COMPATIBILITY

Finding: That the proposed Zoning Code text amendment will not adversely affect surrounding properties or the surrounding environment.

The proposed Zoning Code text amendment clarifies and updates the regulations for processing of development permit applications. The purpose of the proposed Zoning Code text amendment is to clarify and update regulations to facilitate efficient use of staff time for processing of development applications. The proposed Ordinance does not authorize any changes to the environment and will have no impacts to properties in the City or surrounding environment.

(C) GENERAL WELFARE

Finding: That the proposed Zoning Code text amendment promotes public health, safety, and general welfare and serves the goals and purposes of [Title 9].

Zoning Code Text Amendment 21-001 will promote public health, safety and general welfare and serve the goals and purposes of Title 9 of the Rancho Santa Margarita Municipal Code by clarifying and streamlining the regulations applicable to the processing of development permits. The proposed Ordinance does not authorize any changes to the environment and will have no impacts to health, safety, and general welfare.

SECTION 2. Section 9.08.240 (Closing of Inactive Permit Applications) is hereby added to Chapter 9.08 (Administration) of Title 9 (Planning and Zoning) of the City of Rancho Santa Margarita Municipal Code to read as follows:

Sec. 9.08.240. – Closing of Inactive Permit Applications.

- (a) A permit application filed under this Title 9 shall be considered inactive and closed if the applicant fails to submit, resubmit, or respond to a request for materials, or additional information within 180 calendar days from the date the application was deemed incomplete. Once closed, the application materials will be archived by the Development Services Director in accordance with the City's records retention policies. To reapply, the applicant shall submit a new permit application with required submittal materials and applicable fees in effect on the date the new application is submitted.
- (b) The provisions of this Section shall apply to all pending permit applications on file with the Development Services Department as of the effective date of this Section.

SECTION 3. The City Council of the City of Rancho Santa Margarita determines that Zoning Code Text Amendment 21-001 is not subject to the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Approval of Zoning Code Text Amendment 21-001 would not approve any development project.


SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause,

phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF MAY, 2021, BY VOTE AS FOLLOWS:

- AYES: Council Members Gamble, Holloway, McGirr, Mayor Pro Tempore Figueroa and Mayor Beall (5)
- NOES: None (0)
- ABSTAIN: None (0)
- ABSENT: None (0)



 L. ANTHONY BEALL, MAYOR

ATTEST:



 AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss
 CITY OF RANCHO SANTA MARGARITA)

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 21-01 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 28th day of April, 2021, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 12th day of May, 2021.



 AMY DIAZ, CITY CLERK

AFFIDAVIT OF POSTING
AND PUBLICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

AMY DIAZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 21-01, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT 21-001 ADDING SECTION 9.08.240 TO CHAPTER 9.08 (ADMINISTRATION) OF TITLE 9 (PLANNING AND ZONING) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE REGARDING THE CLOSING OF DEVELOPMENT PERMIT APPLICATIONS THAT ARE INACTIVE FOR 180 DAYS OR LONGER, INCLUDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTIONS 15060(C)(2) AND (C)(3)

on the 21st day of April 2021, was published in the Coto De Caza News; and was, in compliance with City Resolution No. 00-01-06-07, on the 21st day of April, caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall
Fire Station 45
Trabuco Canyon Water District



AMY DIAZ, CITY CLERK
Rancho Santa Margarita, California