

Appellate Decision Provides Guidance on Permit Streamlining Act Submittal Checklists

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In *Old Golden Oaks v. County of Amador*, the Third Appellate District of the California Court of Appeal affirmed in part and reversed in part an Amador County Superior Court decision. (Cal. Ct. App., May 30, 2025, No. C099948.) The Court concluded that the County of Amador ("County") violated the Permit Streamlining Act by requiring information for application completeness that was not specified on the County's permit submittal checklist, but that the County could condition application completeness on additional information required by or needed to assess and analyze the project under the California Environmental Quality Act ("CEQA").

The Court's ruling is important because it serves as a reminder that local agencies should: (1) "specify in detail" the information needed for project applications to be considered complete; and (2) identify which applications are subject to CEQA. The ruling also clarifies that a local agency can maintain several submittal checklists, and that a local agency is not required to keep all information required for a permit on a single checklist or to keep all lists in one location.

Legal Background

Under the Permit Streamlining Act, public agencies must maintain "one or more lists that shall specify in detail the information that will be required from any applicant for a development project." This list of information must "indicate the criteria which the agency will apply in order to determine the completeness of any application submitted to it for a development project."

An agency may not require proof of full CEQA compliance as a prerequisite to a permit application being deemed complete, but it may require sufficient information to permit the agency to determine what level of CEQA review may be required.

After an agency receives an application for a development project, it must determine whether the application is complete and notify the applicant of its determination within 30 days. If the agency determines an application is incomplete, it must provide the applicant with an exhaustive list of items that were not complete, and that list must be limited to items actually required by the submittal checklist.

After accepting an application as complete and determining that the

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project is subject to CEQA, the agency can begin the formal environmental evaluation of the project. In doing so, the agency may require the applicant to submit additional information needed to understand the project and complete the assessment of the project's potential for environmental impacts.

Factual Background

In 2023, Old Golden Oaks applied for a grading permit and an encroachment permit from the County to develop a residential subdivision that had been previously created and approved in 1973.

For the grading permit, the County's submittal checklist required, among other things, a completed application, an erosion control plan, and a copy of right-of-way agreements. The application required a notice of intent, a storm water pollution prevention plan, and engineered plans. The County's municipal code stated that grading over 5,000 cubic yards was subject to CEQA and would require an indemnification agreement.

For the encroachment permit, the submittal checklist included a catch-all provision for "[o]ther information as may be required by the director [of transportation and public works]."

Old Golden Oaks stated in its grading permit application that it planned to grade 58,740 cubic yards and acknowledged it must also submit a notice of intent, a storm water pollution prevention plan, and engineered plans. The application also asked whether CEQA compliance was required, but Old Golden Oaks did not answer the question.

One week after Old Golden Oaks submitted its applications, the County informed Old Golden Oaks that its applications were incomplete and requested additional items. These items were: (1) an on-site soil evaluation and conceptual wastewater treatment design for each parcel one acre or smaller; (2) a plan signed by the Amador Water Agency that shows the proposed locations of all water facilities, as well as the location and size of all water transmission and distribution facilities; (3) a conditional "will serve" letter from Amador Water Agency that must include input from Jackson Valley Fire Protection District; (4) a contractor's declaration and representative authorization form and related information; and (5) a signed indemnity form. The County also sought items particular to the grading permit: (1) evidence of the submission of a notice of intent and a stormwater pollution prevention plan; (2) engineering estimate for the proposed excavation; (3) an erosion control plan; and (4) a proposed right-of-way agreement.

Old Golden Oaks filed a lawsuit challenging the additional information sought by the County.

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Appellate Court Ruling

On appeal to the Third Appellate District, Old Golden Oaks contended that the catch-all provision in the encroachment permit submittal checklist was inconsistent with the Permit Streamlining Act.

As to the encroachment permit, the Court held that the catch-all provision violated the Permit Streamlining Act's mandate to "specify in detail" the requisite information for a permit, because nothing in the record showed what such "other information" in the catch-all provision could be.

The Court rejected the County's contention that it could request information for CEQA compliance as part of the encroachment permit application even though such information was not included in the submittal checklist. Unlike the grading permit, the encroachment permit application and submittal checklist made no mention of information needed for CEQA compliance. The Court acknowledged that the County could still seek environmental information from Old Golden Oaks both before and after the completion of the application, but because such information was not part of the submittal checklist, it could not be a condition for deeming the application complete.

As to the grading permit, the Court held that the County could properly request Old Golden Oaks to provide a completed application, a proposed erosion control plan, a copy of right-of-way agreements, a notice of intent, a storm water pollution prevention plan, engineered plans, and an indemnification agreement, because these items were required by the County's submittal checklist, application, and municipal code.

The Court also held that the County could request additional environmental information in connection with the grading permit because the application asked Old Golden Oaks whether the grading must comply with CEQA, and the County's municipal code expressly stated that CEQA compliance was required. According to the Court, this was sufficient to comply with the Permit Streamlining Act's mandate to "specify in detail" the information required for a permit application. Because the submittal checklist for the grading permit informed Old Golden Oaks that its project is subject to CEQA, the County could condition the completeness of the grading permit application on the additional environmental information. The County did not need to list the exact environmental information needed in its criteria for issuance of grading permits because it would be impossible to foresee the unique environmental issues presented in each development project and to include them in a standard checklist.

Finally, the Court held that the County could maintain several checklists in its municipal code and local ordinance, and the County was not required to keep all information required for a permit on a

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single checklist or to keep all lists in one location.

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