

Ventura County Planning Division Conditional Use Permit (CUP) Process

REASON FOR INVESTIGATION

The 1995/96 Ventura County Grand Jury received information which drew attention to the work of the Ventura County Planning Division in processing Conditional Use Permits (CUPs). The primary focus of this investigation was on the time between the completion of an application and action on the application, with additional attention to costs incurred in the approval process.

PROCEDURES FOLLOWED

- Interviewed a Ventura County Supervisor, the Director of the Resource Management Agency, the Director of the Planning Division and several staff members, concerned citizens and an applicant.
- Reviewed background materials provided by the Planning Division.
- Reviewed an Environmental Impact Report.
- Reviewed related costs for an applicant.
- Observed a Planning Commission appeal hearing.
- Consulted with the Chief Administrative Officer.

FINDINGS

- With 48 authorized positions, the Planning Division is responsible for Planned Development Permits, Subdivisions, General Plan Amendments, Variances, Zone Changes, and Appeals, in addition to processing CUPs.
- CUPs are required for projects considered to be "major," potentially controversial and impactive to surrounding uses. Time limits are placed on CUPs to review the continued consistency of use with surroundings, and to ensure that conditions are being followed and are still effective as originally designed.
- Requirements for approval have become much more complex in recent years.
- In 1995, action was taken for 24 CUPs. The time from completion of the application to action averaged just over 2 months. In April 1996, about 220 cases were in process.
- During 1995, 49 additional CUPs were in process.

APPLICANT SUBMITTAL DATE	CUP
1986	1
1987-1990	0
1991	1
1992	4
1993	1

1994	12
1995	30
TOTAL	49

- In 1995, the average charges by the Planning Division for CUPs on which action was taken totaled \$2336.90, with the highest charges being \$16,418.50, and one free. Based on 1993-94 and 1994-95 data, the Planning Division estimates its time per transaction for a CUP to be 22 hours of County staff time.
 - a. A chronology for the 1986 CUP submittal shows that an incomplete application for the 12th in a series of modifications over its 20 year history was filed one day before the previous CUP expired.
 - b. In 1988 the California Environmental Quality Act (CEQA) was the basis for requiring an Environmental Impact Report (EIR).
 - c. After significant delays, with three firms selected over several years to prepare the EIR, slow responses by the 1986 owner/applicant, inadequate and incomplete EIR submissions, time-consuming differences with the selected firms, interaction with the State Mining and Geology Board, withdrawal/refile letters from the applicant, requirements for revegetation and reclamation from the State Reclamation Unit, an Environmental Report Review Committee direction in October 1994 that (Planning) staff prepare the Preliminary Final EIR, and transfer of the assigned staff person to another branch of the County in June 1995, the Second Revised Draft EIR was submitted in March 1996.
 - d. The current owner/applicant for the 1986 submittal purchased the business in 1993, with assurance from the Planning Director that operations could continue, though the previous owner was not in compliance on several matters. The County Zoning Ordinance allows continued processing of a CUP renewal request after its expiration, with development of a Compliance Agreement carrying forward the CUP conditions.
 - e. The current owner/applicant reports payments of \$99,258.39 for remediation and \$666,738.47 for permitting through December 31, 1995. These are mainly charges payable to attorneys and vendors other than the County for required work. In 1996, this applicant paid \$30,322.71 to the County and \$23,742.22 in other costs related to securing the CUP, through February 24.
 - f. A neighbor's 1990 lawsuit involving zoning restrictions and subsequent appeals were generally unsuccessful, with considerable costs in time and money for the litigants and the Planning Division.
- County officials concerned about the complexity of CUP approvals are working on ways to streamline the process.

COMMENDATION

The 1995/96 Grand Jury commends the Planning Division for their efforts to respond to the rapid proliferation of governmental requirements and regulations.

RECOMMENDATIONS

The 1995/96 Grand Jury recommends the following:

1. The Planning Division regularly review the CUP process to ensure that applicants and impacted individuals, groups and businesses receive prompt and appropriate action at minimal cost.
2. The Planning Division work with state and federal agencies to simplify CUP requirements and the approval process.
3. The Planning Division report to the Board of Supervisors semiannually on CUPs in process with estimated completion dates. The Planning Division appoint a task force for immediate attention to any application in process more than 6 months.

RESPONSE REQUIRED

Ventura County Planning Division