

COUNTY OF VENTURA

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RESOURCE MANAGEMENT AGENCY  
MEMORANDUM

July 30, 1996

**TO:** Lin Koester, CAO  
**FROM:** Thomas Berg, Director *TWB*  
**SUBJECT:** 1995/96 Grand Jury Recommendations on Conditional Use Permit Process

The following response is provided to the three (3) Grand Jury Recommendations:

Recommendation No. 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."

Response - The Planning Division does review the CUP (and the entire permit) process on a regular, albeit unscheduled basis.

The permit process is regulated by State law (Govt. Code, Subdivision Map Act, CEQA, etc.), and local ordinance (Zoning Ordinance, Subdivision Ordinance, Administrative Supplement to CEQA, Fee Resolution, etc.). As such, the principal means of effectuating changes to the permit process is through legislative action. The following items illustrate relatively recent actions taken by the County to make the process more responsible:

1. The County regularly reviews and comments on all major State legislation changes related to permit processing.
2. The County has amended its Administrative Supplement to CEQA to remove Negative Declarations from being reviewed by the Environmental Report Review Committee (ERRC) at a public meeting. This action was taken to expedite the permit process. This change has eliminated a separate ERRC hearing for about 25+ projects per year.
3. The County has amended its Zoning Ordinance to allow the Planning Director to be the decision-making body on a greater number of permits, which previously had required a public hearing before the Planning Commission. This action was taken to speed the process and reduce costs related to staff report preparation.

4. The County has amended its Zoning Ordinance to allow a) the administrative closure of cases on file where applications were incomplete for more than six months; b) the denial of pending applications where the permittee has failed to pay for processing costs in a timely manner; c) the Planning Director and/or Planning Commission to "defer" applications to the next higher body, where appropriate, to speed decision-making; and d) the prohibition against receiving a permit application where a zoning violation exists unless the application abates all violations. The purpose of these changes was to prevent cases from being filed, or remove cases from the process flow where time spent by County reviewing departments would be unproductive; or to expedite processing.

In addition to the above legislative changes, the County also undertakes procedural, or process changes aimed at simplifying or expediting the permit process. A recent example is the cooperative working of the Oil Streamlining Committee appointed by the Board of Supervisors. This committee during 1995-96 reformatted the Standard Oil Permit Conditions in an attempt to aid the oil industry in processing permits and create a more friendly business atmosphere, while still protecting County interests.

The Board of Supervisors has outlined a permit review of agricultural regulators in connection with the newly re-established Agricultural Advisory Committee.

Recommendation No. 2 - "The Planning Division work with State and Federal agencies to simplify CUP requirements and the approval process."

Response - Unfortunately, progress in this area is difficult. The reasons for this include:

1. The CUP process is a "local" land use activity undertaken by all cities and counties within California. Neither the State, nor the Federal Government, directly interacts with local decisions (with the exception of the Coastal Commission on certain appeal(s)). More often, State and Federal agencies issue specialized permits following approval by a local agency of a CUP.

A mining CUP is a good example where after a CUP is issued by a local government there may be Federal permits needed (U.S. Corp of Engineers) or State permits ( Regional Water Quality Control Board, State Fish and Game, Caltrans). Each Federal or State agency that issues a subsequent permit has its own filing requirements and approval process.

2. The principal process that ties legal, State and Federal regulatory agencies together and requires their coordination is the environmental review process. The environmental document prepared for the CUP, in most cases, must address the issues raised by other Federal and/or State agencies which will subsequently issue their own permit for that use. This "dualistic" system has been in place in California, and most other states, for decades.
3. Any changes to the above described system would require major Federal and State legislative actions.

On a positive note, one area where progress is being made is the currently ongoing Santa Clara River Management Study, co-chaired by the Flood Control Districts of Los Angeles and Ventura Counties. This public/private working group includes State and Federal representatives. The Task Force is addressing improvement to the current decision-making process within the State area. The Task Force recommendation may provide a basis for improvements in other areas.

Recommendation No. 3 - "The Planning Director report to the Board of Supervisors semi-annually 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 six months."

Response - A recent analysis of the time to process CUPs through the County indicates a very favorable time (two months) for the majority of CUPs processed. Therefore, a report to the Board of Supervisors semi-annually may have no effect on most cases. For those relatively limited number of cases on file greater than six months, a number of options currently exist for either the applicant or the County. These options include:

1. The applicant may contact the County's Ombudsman (located in the CAO's office) to seek remedy.
2. Under the Zoning Ordinance, the County may seek administrative closure or denial for failure to pay costs.
3. On large cases, the County may recommend to the applicant that they pay the cost for the County to hire a "Fixed-Term" planner to work specifically on their case(s). This has been done a number of times successfully.

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It should be noted that most cases in process longer than six months fall within two broad categories; 1) very large, complicated filings where an EIR is required; or 2) cases that have been deemed "incomplete" due to the failure of the applicants, or their representatives, to provide adequate or complete information. In the latter cases, it is the responsibility of the applicant (not the County) to provide the necessary data. Therefore, the formation of a task force may not result in anymore meaningful actions.

As a practical matter, the rare, complicated filings that take in excess of six months are, in any event, known to both the Planning Director and the Agency Director and thus received heightened attention.

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