

Ventura County Grand Jury 2008 - 2009



Final Report

Land Use Permitting Process "Get to Excellence Plan"

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Land Use Permitting Process “Get to Excellence Plan”

Summary

The Ventura County (County) Resource Management Agency (RMA) is responsible for the issuing of permits for land use, developments, and changes thereto in all unincorporated areas in the County. In 2007, the County Executive Officer (CEO) and the Ventura County Board of Supervisors (BOS) received an increasing number of complaints from applicants about delays, unresponsive behavior, and high costs in obtaining land use permits. In response, the CEO contracted with Mr. Thomas Berg for a study (Berg Report) to evaluate and propose improvements to the discretionary land use permitting process. This report, released in April 2008, recommended a number of improvements and systemic changes. Subsequently, the County has embarked on a process to develop and implement major reforms to the permitting process; this has been named the “Get to Excellence Plan.” Implementation of this plan continues to be a work in progress. The 2008-2009 Ventura County Grand Jury (Grand Jury) investigation focused on the progress to date.

The Grand Jury believes that with recommendations from the Berg Report, coupled with development of the “Get to Excellence Plan,” the County is on a path to implement effective reforms. However, the Grand Jury remains concerned that there may be resistance to change in the various operating departments.

The Grand Jury recommends that the BOS continue to review the status of the “Get to Excellence Plan” implementation with the goal of ensuring that procedures are streamlined, and the time to process permits is reduced. After implementation of all the planned changes, the CEO should continue to provide independent oversight of all the involved departments.

The Grand Jury recommends that the County continue meetings among permittees, users, the public, and County planning personnel (stakeholders) as long as needed.

The Grand Jury recommends that the CEO and/or RMA should make personnel changes, if required to achieve the goals of the “Get to Excellence Plan” in a timely manner.

Background

The County, primarily through the Planning Division of the RMA, accepts and processes applications for discretionary land use developments in County unincorporated areas. Over the past few years, the permitting process has come under increasing criticism for delays, non-responsive behavior, poor customer relations, and high costs to the applicants.

In 2007, the County contracted with Thomas Berg, a retired County executive, to investigate and report on the County's Planning Division and its permitting process, and all other activities related to the issuing of discretionary land use

permits. This report, *Ventura County Discretionary Land Use Regulatory System*, Berg Report [Ref-01], was released in April 2008, and called for “systemic changes” to the land use permitting process.

The County appointed an Assistant County Executive Officer to oversee the development and implementation of new procedures and protocols for improving the entire permitting process. Subsequently, the RMA released statistics on the amount of time that it was currently taking to process permits which validated the complaints from land owners, developers, and other users.

Methodology

Members of the Grand Jury met with one County Supervisor, the CEO, an Assistant CEO, and the Director of RMA’s Planning Division to discuss the permitting process. The Grand Jury also attended several of the on-going stakeholder meetings that were established to get feedback from the user community. The Grand Jury also monitored BOS meetings at which progress reports were given on the status of the planned improvements.

Findings

F-01. In 2007, members of the BOS and the CEO concluded that something needed to be done to address the increasing number of complaints regarding the discretionary land use permitting process.

F-02. In 2007, the County issued a contract to consultant Thomas Berg to evaluate the discretionary land use permitting process which resulted in the Berg Report released in early 2008.

F-03. In April of 2008, the County assigned an Assistant CEO to head a committee of County executives to oversee the development and implementation of new procedures, protocols, and other changes to address the permitting problems. This resulted in a program known as the “Get to Excellence Plan.”

F-04. According to an article published in the Ventura County Star, dated September 4, 2008, there were 352 discretionary planning applications processed by the RMA between January 2006 and December 2007. The average time to process from customer application to approval was: [Ref-02]

- projects approved by the BOS 340 days
- projects approved by the Planning Commission 366 days
- conditional use permits 184 days
- major modifications 325 days
- minor modifications 251 days
- parcel maps 405 days
- planned developments 285 days
- parcel map waiver lot line adjustments 191 days
- large lot subdivisions 487 days

- F-05.** Applicants are charged an hourly fee for processing requests.
- F-06.** The “Get to Excellence Plan” identifies 23 projects, nine of which were completed as of May 6, 2009. (Att-01)
- F-07.** Periodic stakeholder meetings are being held to provide status and feedback on the proposed changes, as well as any other permit related problems.
- F-08.** The CEO provides periodic briefings to the BOS on the progress of the “Get to Excellence Plan.”
- F-09.** The County anticipates full implementation of the “Get to Excellence Plan” in the Fall of 2009. However, the current budgetary crisis may cause some Berg Report recommendations and some plan action items to be delayed or not implemented.
- F-10.** A high level “Intake Coordinator” position has been created and filled to implement one-stop application submittals. County officials state this is having positive results. (Att-01) [Ref-03]
- F-11.** To date, there has been little change in the RMA Planning Division personnel that were in place at the time that public complaints were received.

Conclusions

- C-01.** The BOS and CEO recognize the existing land use permitting problems and are committed to resolving these issues and implementing solutions. (F-01 through F-03)
- C-02.** As long as the current land use permitting departments and personnel remain substantially unchanged, successful implementation of the “Get to Excellence Plan” will require continuous oversight. (F-01 through F-03, F-11)
- C-03.** Ongoing face-to-face interaction between the public and the County at stakeholder meetings is highly beneficial to understanding and resolving land use permitting problems. (F-07)
- C-04.** The “Get to Excellence Plan” will require procedural and attitudinal changes before the various departments operate fully in the spirit and intent of the planned reforms. (F-04, F-06, F-09 through F-11)

Recommendations

- R-01.** Both the BOS and CEO should continue frequent and in-depth reviews of the progress and metrics of the Berg Report recommendations and the “Get to Excellence Plan” related to the land use permitting process. (C-01, C-02)
- R-02.** The CEO should continue to hold stakeholder meetings until all parties agree they are no longer needed. (C-03)

- R-03.** After implementation of the “Get to Excellence Plan,” the CEO should establish and maintain a committee of qualified County executives to oversee the performance of departments involved in the land use permitting process and monitor complaints from users. (C-02 through C-04)
- R-04.** The CEO and/or RMA should make personnel changes, if required to achieve the goals of the “Get to Excellence Plan” in a timely manner. (C-04)

Responses

Responses Required From:

Board of Supervisors, County of Ventura (R-01, R-03, R-04)

Responses Requested From:

County Executive Officer, County of Ventura (R-01 through R-04)

References

- Ref-01.** Berg, Thomas, *Ventura County Discretionary Land Use Regulatory System*, April 2008
<http://gsa-docushare.countyofventura.org/dscqi/ds.py/File-19643/000024BA.pdf>
- Ref-02.** *Officials concede land use problems*, Ventura County Star, September 4, 2008
<http://www.venturacountystar.com/news/2008/sep/04/officials-concede-land-use-problems/?printer=1/>
- Ref-03.** *Planning process will be put to the test*, Ventura County Star, April 20, 2009
<http://www.venturacountystar.com/news/2009/apr/20/planning-process-will-be-put-to-the-test/?printer=1/>

Attachments

- Att-01.** “Get to Excellence Plan,” for the Land Use Permitting Process

Attachment 1

“Get to Excellence Plan,” for the Land Use Permitting Process

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Get-to-Excellence Plan					
Project #	Priority	Recommendation	Problem Statement	Status	Additional Comments
1	1	Create Application Checklists by Permit or Project Type	Develop an intelligent, on-line questionnaire and create project type specific checklists for applicants, based on the permit type. Each checklist to include the requirements of all development review agencies (e.g. traffic, drainage, fire, etc. requirements).	COMPLETE	There are approximately 10 different application project types. Currently the application only directs the applicant to confer with other agencies. This would create one comprehensive checklist for the applicant.
2	1	Create a Template for a Comprehensive Project Description and Comprehensive Site Plan (or Map) to Be Submitted with All New Applications	Address existing problem of inadequate site plan and project description submittals that lead to predictable delays in permit processing. Often, the submitted project descriptions or site plans do not satisfy all agencies. This would be an attempt to define the requirements for all agencies at the outset of the process.	COMPLETE	A comprehensive project description and site plan will decrease delays during the "incomplete" stage of permit processing.
3	1	Create New Positions for a "High-Level Intake Coordinator" and Assistant to Facilitate One-Stop Application Submittal	Delays in permit processing frequently occur due to the absence of someone familiar with the requirements from all of the agencies/departments involved in the discretionary review process. Many departments have no-one available to answer general questions or to make standards and regulations clear at the beginning of the process. Lack of face-to-face contact early in the review process has been cited as an issue by many customers.	COMPLETE	The new Intake Coordinator would be knowledgeable on permitting requirements for all agencies (i.e. planning, environmental health, fire, drainage, traffic, etc.). He/she would attend Development Review Committee meetings, keep abreast of changing regulations, meet with applicants to carefully review application submittals, and ensure that project descriptions and site plans were complete for all agencies.
4	1	Draft a Written Procedure for How Other Agencies Should Respond to Requests by Applicants for Modifications to Permit Conditions and Mitigation Measures After Project Approval	Applicants frequently request individual agencies to modify project conditions and mitigation measures after the Board and Planning Commission have already approved the permit.	COMPLETE	The solution to this is a memo from Planning to reviewing agencies restating the policies in regard to modification of conditions/mitigation measures (i.e., any substantial revisions require approval by the original decision making body).

Get-to-Excellence Plan					
Project #	Priority	Recommendation	Problem Statement	Status	Additional Comments
5	1	Establish and Convene a Development Review Committee that Will Meet Regularly to Provide Agency Coordinated, Quality Responses to Applicants Early in the Permitting Process	Currently the customer is required to travel between departments to receive general feedback on a proposed project, leading to longer processing time and haphazard agency communication and coordination.	COMPLETE	The Development Review Committee would provide a means for opening communication between departments and a forum for applicants to receive immediate feedback on proposed plans. Representatives from all of the agencies involved in the development review process would be present at these meetings to identify any major issues or fatal flaws early in the process.
6	1	Update Land Use Permitting Policies & Procedures in Each Department Responsible for Development Review	Address problem of outdated departmental policies and procedures as they relate to permit processing.	In Process	This will have the added benefit of improving policy coordination between agencies.
7	1	Update Initial Study Assessment Guidelines (Each Agency/Department Responsible for Updating Their Section)	Address problem of outdated Initial Study Assessment Guidelines and improve policy coordination between agencies.	In Process	Team has added a "beta test" to the process to ensure there is proper coordination and consistency within the document.
8	1	Standardize Mitigation Measures and the Conditions of Approval Used by Each Agency/Division for Development Projects	The standardization of CEQA mitigation measures and conditions of approval for all land use entitlements (by permit type) will eliminate the potential for mitigation measures and conditions to be inconsistent among like and similar projects.	In Process	Drafting standard conditions of approval and mitigation measures will aid in decreasing project approval delays. This project is to be undertaken in conjunction with updates to the Initial Study Assessment Guidelines.
9	1	Update Individual Agency/Division Website Information Related to the Discretionary Permit Process	Much of the information available to applicants on individual department websites does not reflect current regulations and standards.	In Process	Individual agencies/departments would be responsible for updating and maintaining permitting information to be linked to the centralized website (above).
10	1	Create a Customer Friendly One-Stop Website for Discretionary Permit Applicants	Permitting information on the internet is found on many different webpages for various agencies and departments, is often outdated, and sometimes unavailable. This would be a centralized, agency-neutral website that would incorporate pertinent information from all agencies/departments.		This project is scheduled for a later timeline as it is dependent upon Initial Study Guidelines and other documents to be updated.

Get-to-Excellence Plan					
Project #	Priority	Recommendation	Problem Statement	Status	Additional Comments
11	2	Review Discretionary Permits for Project Types That May Lend Themselves to Being Processed Ministerially with Adopted Development Standards	This item entails review of the existing Use Matrix in the Non-Coastal Zoning Ordinance to identify uses or projects that could be approved over-the-counter (ministerially) rather than through the longer discretionary review process.		Removing projects from discretionary review automatically decreases processing time, because CEQA review is no longer required. This may be appropriate for specific project types, such as new cell towers, when specific development standards are met. Implementing new development standards would require amendments to the Non-Coastal Zoning Ordinance.
12	2	Provide Input to the VS Champions for one Countywide Permitting Database to Tie all Agencies Together	There are too many databases across the county that don't "talk" to each other. This hinders the ability of County agencies to easily share information during the permit process.	In Process	The intent is to provide feedback from the group on the types of different databases currently being used and the potential for connecting them.
13	2	Establish Future Benchmarking Based on Current Metrics For On-Going Evaluation of the Discretionary Permit Process	Currently there is no on-going feedback loop for evaluation of the permitting process.	COMPLETE	The new entries to Permits Plus by project planners will, over time, allow a comparison and evaluation of permit processing efficiency.
14	2	Review Existing Customer Service Survey for Potential Improvements	Generate a Customer Service Survey that Allows for Public Comments on All Agencies Involved in Development Review	In Process	The intent is to use this survey as an additional feedback loop for evaluation of permit processing efficiency and/or identification of improvement areas.
15	2	Assess the Need for a Public Kiosk with Web Access for Applicants in Various Locations	Currently, it's nearly impossible for an applicant to collect the necessary information to file for a permit without driving to the Government Center. A public kiosk with web access in Simi Valley or the Fire Dept. headquarters in Camarillo might make it possible for applicants to gather and print information in more convenient locations.	COMPLETE Implementation options being reviewed.	This project is dependent on the development of the new one-stop permitting website.
16	2	Provide Routine Training on the County's General Plan Policies and CEQA Regulations to Staff in Other County Agencies/Divisions	Cross agency information and basic CEQA training for agencies outside of the Planning Division are lacking.	COMPLETE	Senior Planning staff, with assistance from County Counsel, could provide CEQA 101 and General Plan workshops to staff in other agencies involved in the development review process.
17	2	Identify and Address the Roadblocks to a Viable Condition Compliance Process	There is a notable lack of coordination between agencies when it comes to enforcement of permit conditions after a permit is issued.		This issue may be addressed in part by drafting of standardized conditions (above). However, in addition, this item would require a review of enforcement procedures and responsibilities by agency.

Get-to-Excellence Plan					
Project #	Priority	Recommendation	Problem Statement	Status	Additional Comments
18	3	Identify GIS Datalayers Currently Underutilized by Other Agencies and Facilitate Better Sharing of this Data	Existing, valuable GIS information is not available to all agencies.	In Process	Create a protocol to ensure any identified datalayers meet multiple user needs and are available on a common GIS repository
19	3	Develop One Billing/ Deposit/ Fee Process for Applicants	Eliminate duplication of effort and streamline - customer pays at one location or receives one bill rather than three.	COMPLETE	
20	3	Explore the Potential for Applicants to use Credit Cards or Paypal to Pay Permit Fees, Deposits and Monthly Bills	Applicants often voice the desire to pay their bills by credit card.	In Process	Being evaluated as part of County-wide review of credit card payment system use of third party vendors.
21	3	Improve Existing Signage at the RMA and PWA Public Counters	There is a lack of customer-friendly signage to guide customers to the appropriate locations for permit processing.	In Process	
22	3	Create Regular Public/Consultant Training Sessions on Topical Land Use Development Issues	Permitting materials submitted by applicants and consultants are often inadequate. Regular trainings would address this by clearly spelling out the requirements. Ideally, these workshops would also create a feedback loop to provide more input from the "voice of the customer".		Training would not occur until the new permitting process and detailed application checklists are completed.
23	N/A	Improve the Environmental Impact Report Contract (EIR) Administration Process	No consistency in the procedures for contracting with outside firms for preparation of EIRs for projects that require them.	COMPLETE	Streamlining of the RFO/RFP process to contract with consulting firms for preparation of project Environmental Impact Reports.

PRIORITY RATING
 1 = ESSENTIAL/SHOWSTOPPER
 2 = HIGHLY RECOMMENDED
 3 = HIGHLY DESIREABLE