

PLANNING AND DEVELOPMENT DEPARTMENT

"CAUGHT IN THE WEB"

INTRODUCTION

The Santa Barbara County Planning and Development Department (Department) has been investigated by numerous Grand Juries. This year is no exception. Several complaints were received, all expressing frustration over policies and procedures.

Over the last several years, Grand Juries have repeatedly responded to complaints, evaluated and analyzed the concerns and prepared findings and recommendations - ad nauseum. The public, when encountering the Department for the first time, stands bewildered and overwhelmed by the costs and time involved in the process of obtaining a permit.

OBJECTIVES

The Jury's first objective was that we were determined **not** to repeat what had been said by earlier Grand Juries. However, we quickly learned that everything that needed to be said HAD already been said--several times. The conclusions reached by earlier Juries, and published in their reports, were essentially the same. It appeared to this year's Panel that many Findings and Recommendations were received with a "wink and a nod". Responses by the Board of Supervisors and the Department have been carefully worded to indicate an awareness of "problems" and assurances of efforts to address the needs of the County. Although some changes have been made, the process still remains cumbersome and, in many cases, costly.

The Jury's second objective was to examine closely the ministerial permitting process. A ministerial permit is supposedly a simple permit to obtain, requiring only administrative approval, as opposed to a discretionary permit which requires more review, time and costs.

OBSERVATIONS

The former Director of the Department retired in October 2002. The Board of Supervisors appointed an Interim Director. Due to the efforts of the Interim Director, training has been expanded within the Department. In addition, a temporary position of "process improvement consultant" has been created to help streamline the ministerial permit process.

A newly appointed Director of the Department assumed leadership as of April 28, 2003. Major questions confronting the new Director are: How can the Department better respond to the differing needs of the ordinary homeowner, the developer attempting to create livable and affordable housing, and the commercial developer? How can the permitting process be better streamlined and tailored to these diverse needs? How can reasonable timelines for projects be established?

New leadership cannot operate under antiquated policies and certainly cannot operate under an "old vision". This is a golden opportunity for the Board of Supervisors to step up to the plate to clarify policies, clean up zoning ordinances and give the newly appointed Director of the Department authority to do whatever it takes to make the Department more functional.

The Department is attempting to operate effectively despite a morass of conflicting regulations, layered over time, as a result of state and local ordinances. Land use regulations are confusing, extremely complicated and have evolved over many decades, causing even experienced planners to have difficulty in navigating the maze of rules, policies and procedures.

For the past few years, the Department has had difficulty attracting and retaining qualified planners. Experienced personnel have left for the private sector and other venues where the workload is less stressful and where they receive better pay. With land use applications increasing and staff dwindling, a backlog of casework results. Cases often go from one planner to another, causing confusion for the applicant as well as delays to a project.

The Department and the Planning Commission often spend undue time considering appeals that could be resolved by other means prior to a formal hearing.

Planners often are not familiar with community plans or do not refer to community plans when applicable. As an example, the Jury was unable to obtain information about the Orcutt Community Plan from either North County or South County Planning and Development offices.

PROCEDURES

The Jury investigated several complaints. We interviewed Department employees, members of the community, some members of the Board of Supervisors and the County Administrator. We also extensively reviewed prior Grand Jury reports.

One of the first complaints we received appeared to involve a simple project. The applicant desired to replace two existing windows with two bay windows. Because the home was a condominium, any changes to the "footprint" of the

condo plan would require extensive and expensive title work as well as involvement of all other condominium owners. The Jury feels that the Department should have explained all the procedures and estimated fees that lay ahead for this applicant during the initial consultation with a planner. However, the applicant got "Caught in the Web" of confusion and lack of information.

After waiting 27 months, the applicant abandoned the project, but not before paying \$2,563 in fees to the Department, with another bill of \$965 still in dispute. If he had been informed and aware of potential problems at the outset, he might have reconsidered applying for the permit.

Another applicant applied to obtain a building permit. Clearly noted in the General Project Notes on the first page of the drawings submitted to the Department, was the statement that "one tree would require consultation with an arborist to provide input on protection/mitigation of root structure." The "Community Plan" states that certain native trees need protection; however, the planner did not catch this provision and, consequently, a planning permit was issued to the applicant. It was only later, during an appeals process, that the error was discovered, causing the applicant more work and further delay to the project.

The Grand Jury also had an opportunity to follow an applicant through the process of obtaining a ministerial permit. This was an educational experience because the Jury was able to get up close and personal with all that an applicant encounters during the planning process, as well as the appeals procedures.

Contrary to much public commentary, the applicant indicated that all Department staff were helpful, highly motivated and sincerely dedicated to their work. However, the applicant did experience lengthy delays, transfers to new or inexperienced planners and in some cases, inconsistent and inadequate information. It took five months, with no delay on the applicant's part, to get conditional planning approval of a ministerial permit.

The personal experience of one applicant cannot be viewed as the manner in which all projects are handled. All permit applications are treated differently, depending on the type of project.

CONCLUSION

Following an applicant through the permitting process gave the Jury firsthand information. We found the process did work, but it was slow, frustrating and confusing. The permitting process needs to be further streamlined.

The Department is staffed with intelligent, motivated professionals who are unable to overcome the "old vision" within the Department. Slow growth, no

growth, or, in some cases, whimsical growth seems to pervade the thinking, which in turn creates an environment in which it is difficult to maintain reasonable and wholesome growth.

The problems with the Department are systemic and of long standing. Blame cannot and should not be placed on any one individual, but rather on sets of outmoded regulations and laws, philosophies and approaches to land use issues.

As this report was scheduled for final review, the Jury had the opportunity to meet with the new Director of the Department. We were particularly interested in what his “vision” was and how he intended to address problems within the Department. He had only been on the job for three days, but he did have this to say, “It is time to make this better.”

We are hopeful that through the leadership of the new Director of the Department, and changes made by the Board of Supervisors, the Department can and will be improved.

FINDINGS AND RECOMMENDATIONS

Finding 1

The permitting process is cumbersome, confusing and, in many cases, frustrating.

Recommendation 1

It is imperative that the Board of Supervisors address the need to clarify and update land use policies, clean up zoning ordinances and implement a regular schedule for review or revision.

Recommendation 1a

The Board of Supervisors must empower the new Director of the Department to take the appropriate measures deemed necessary.

Recommendation 1b

The newly appointed Director and key staff support professionals need to focus attention on the improvement of operational flows and systems, the tracking of such systems and process improvement. Appropriately layered daily, weekly and quarterly progress reviews need to be adopted.

Finding 2

Many of the more experienced and highly trained planners have left the Department, resulting in a preponderance of lower level planners with limited experience.

Recommendation 2

Explore the possibility of utilizing retired experienced planners as consultants to work on specific projects.

Finding 3

Land use issues often create adversarial relationships between the Department personnel and applicants and between applicants and appellants.

Recommendation 3

The County Counsel has staff that will provide mediation service which would be able to assist in disputes if an appeal is upheld by the Planning Commission, prior to the appeal being presented to the Board of Supervisors. This service should be offered to applicants and appellants prior to a Planning Commission meeting, thereby saving the Department staff and Planning Commissioners many hours of work, which also would expedite the planning procedure.

Finding 4

Due to an increasing number and complexity of community plans within the County, planners can overlook specific requirements of a given community.

Recommendation 4

Planners should carefully review plans to determine if permit applications are in compliance with community plans.

Finding 5

Applicants are often given inadequate or inconsistent information regarding the planning and appeal processes.

Recommendation 5a

Applicants should be provided written as well as verbal information regarding the permit process. All brochures and other information given to the public should be reviewed for clarity and periodically updated. Complete information should be provided on the Internet regarding planning processes, discretionary and ministerial permits, including fee structures and timelines.

Recommendation 5b

In an appeal process, the applicant should be provided a copy of the written complaint together with, or immediately following, the initial appeal notice.

AFFECTED AGENCIES

Santa Barbara County Planning and Development Department

Findings 1-5

Recommendations 1-5

Santa Barbara County Board of Supervisors

Findings 1-5

Recommendations 1-5

