



# County of Santa Barbara Planning and Development

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April 23, 2009

Honorable J. William McLafferty  
Presiding Judge, Santa Barbara County Superior Court  
1100 Anacapa Street, 2<sup>nd</sup> Floor  
P.O. Box 21107  
Santa Barbara, CA 93121-1107

RE: Response to the 2008-2009 Grand Jury Report, Got a Planning Problem? Appoint a Committee

Dear Judge McLafferty:

The Grand Jury requested Planning and Development respond to Findings and Recommendations of the above-referenced report. The department's formal response follows:

**Grand Jury Finding 2a: The County Executive Officer recommended further study of the Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, including those with fewer than five units.**

**Response to Finding 2 a:**

Agree. As required by State law, the County's Housing Element must be updated every five years. This update must include an evaluation of existing policies and programs, including the Inclusionary Housing Program and In-lieu Fee, which constitute Housing Element policies 1.2 and 1.3, respectively. To assist with this requirement, the Long Range Planning Division has secured the services of a land use economics and housing consultant to review the recommendations provided by the Affordable Housing Policy Committee, provide an objective determination as to the effectiveness of the existing program, and recommend any necessary changes. Public outreach for the Housing Element update will occur during the summer of 2009, including initiation for environmental review with the Planning Commission and Board of Supervisors.

**Grand Jury Finding 2b: The presentation of Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, to the Board of Supervisors did not adequately present the intent and significance of the recommendation.**

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**Response to Finding 2b:**

Wholly disagree. On June 19, 2007, the Board of Supervisors adequately discussed and understood the intent and significance of Affordable Housing Policy Committee Recommendation 5, following the presentation and dialogue with staff. Several times during the hearing, staff recommended that the Board allow for further study of Recommendation 5; however, three Board members gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Specifically, these Board members did not want to consider applying the Inclusionary Housing Program and In-lieu Fees to residential developments of less than five units.

**Grand Jury Finding 3a:** The Planning and Development Department conducted an internal survey in April 2003 to determine staff perceptions of the extent and seriousness of problems facing the Department.

**Response to Finding 3a:**

Agree

**Grand Jury Finding 3b:** There is no evidence that the original survey results were integrated into the processing used by the Planning and Development Department or Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

**Response to Finding 3b:**

Wholly disagree. The survey results, as well as the recommendations from the internal staff process improvement team's work in 2003, were integrated into the work of the original four Steering Groups which, in turn, has been carried forward into the work of the Oversight Committee.

**Grand Jury Finding 3c:** A follow-up survey has not been conducted to determine if staff perceptions have changed.

**Response to Finding 3c:**

Wholly disagree. The staff was resurveyed in 2005 and 2006.

**Grand Jury Recommendation 3:** That the Planning and Development Department conduct a follow-up survey to determine staff's current perceptions of the extent and seriousness of problems still facing the Department and integrate the results into the procedures used by the Planning and Development Department and the Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

**Response to Recommendation 3:**

This recommendation has been implemented through surveys conducted in 2005 and 2006. The department will conduct an additional survey of staff in the upcoming fiscal year to assist in directing future process improvement efforts.

**Grand Jury Finding 4: Supervisors' representatives rarely attend meetings of the Process Improvement Oversight Committee.**

**Response to Finding 4:**

Partially disagree. Attendance by Board of Supervisors representatives over the past four years has varied by supervisorial district.

**Grand Jury Finding 5: The Planning and Development Department is the primary source of issues for analysis by the Process Improvement Oversight Committee.**

**Response to Finding 5:**

Partially disagree. The Planning and Development Department works with the Oversight Committee to identify issues to be addressed. The Oversight Committee has independently raised issues in the past, including review of other departments' roles in the development review process, review of application forms and checklists, and improvements to agricultural permitting.

**Grand Jury Finding 6: The existing Planning and Development Department flow charts are inadequate for defining, analyzing and improving the processes they depict.**

**Response to Finding 6:**

Wholly disagree. The process flow charts have been successfully used to establish work flows in the Accela permit tracking system.

**Grand Jury Recommendation 6: That the Planning and Development Department and the Process Improvement Oversight Committee use properly constructed process flow charts as the basis for defining, analyzing and improving the processes applicable to the Department.**

**Response to Recommendation 6:**

The recommendation will not be implemented because it is not warranted. The existing flow charts developed over the past 18 months provide the information necessary for defining, analyzing and improving the department's process.

**Grand Jury Finding 7: The Ministerial Permit Process has been the single consistent area of emphasis selected by the Planning and Development Department for analysis and improvement.**

**Response to Finding 7:**

Partially disagree. In addition to the ministerial permit process, the department has worked on the other priorities established by the Board of Supervisors in May of 2005, including appeals, agricultural permitting, customer service and the Zoning Ordinance Reformatting Project (adopted as the County and Montecito Land Use and Development Codes).

**Grand Jury Recommendation 7: That the Planning and Development Department and the Process Improvement Oversight Committee immediately focus on the Ministerial Permit Process for analysis, improvement and closure.**

**Response to Recommendation 7:**

This recommendation has not yet been implemented, but will be implemented in the future. A significant amount of work has already been completed related to ministerial permits, including developing and applying the zoning clearance process, improving noticing to encourage earlier input into the process, and clarifying the appeals process. The Oversight Committee is currently completing additional improvements to noticing for ministerial permits and changes to agricultural permitting (expected to be considered for adoption by the Board of Supervisors in summer/fall 2009) which will complete the current efforts related to ministerial permitting. However, the department recognizes that process improvement is an ongoing effort and additional improvements are expected.

**Grand Jury Finding 8: The Planning and Development Department has not effectively involved interfacing departments in its process improvement efforts.**

**Response to Finding 8:**

Partially disagree. The Planning and Development Department has improved the coordination between departments a number of ways through:

- The role of John Baker as both the Department Director and Assistant County Executive Office overseeing the other departments involved in the development review process and
- Mr. Baker's and the department's emphasis on project management through the upgraded Accela permit tracking system which links the processes of other development departments to the P&D project management system;
- Coordination efforts at the Subdivision/Development Review Committee; and,
- Departmental presentations and discussions at the Oversight Committee (Fire, Environmental Health, Surveyor, Transportation, Flood Control and Project Clean Water).

**Grand Jury Recommendation 8: That the Planning and Development Department and the Process Improvement Oversight Committee involve all interfacing departments in the analysis and process improvement effort.**

**Response to Recommendation 8:**

The recommendation has not yet been implemented, but will be implemented. This effort will be worked on through FY 09-10 with the implementation of the Accela permit tracking system and increased project management and coordination efforts.

**Grand Jury Finding 9: The Planning and Development Department and the Process Improvement Oversight Committee have a stated policy of focusing on non-controversial subjects when selecting issues for analysis.**

**Response to Finding 9:**

Wholly disagree. No such policy exists. The mission statement of the Oversight Committee, as endorsed by the Board of Supervisors, is to “make the process easier to navigate, and more time efficient and cost effective, while maintaining quality development in Santa Barbara County”.

**Grand Jury Recommendation 9: That the Planning and Development Department and the Process Improvement Oversight Committee identify problems in the process that require analysis and improvement, without regard to the problem’s potential political implications.**

**Response to Recommendation 9:**

The recommendation has been implemented. The Department and the Oversight Committee have brought items of controversy to the Board of Supervisors, including the Oak Tree Protection Guidelines, the Zoning Ordinance Reformatting Project, some of the downshifting proposals and the Director’s recommendations presented to the Board of Supervisors in March of 2007, including elimination of tree policies in the community and general plans, standardizing design guidelines and standardizing community plans.

Thank you for the opportunity to respond to the 2008-2009 “Got a Planning Problem? Appoint a Committee – Worthy Goals, Little Follow-through” Grand Jury report.

Sincerely,

  
John Baker  
Director