

August 12, 2003

The Honorable Clifford R. Anderson, III
Presiding Judge, Santa Barbara Superior Court
P.O. Box 21107
Santa Barbara, CA 93121-1107

David Clous
Grand Jury Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

Subject: Board of Supervisors Response to the 2002-03 Grand Jury Report Titled:
Planning and Development – “Caught in the Web”

Dear Judge Anderson and Grand Jury Members:

On August 12, 2003, the Board of Supervisors adopted the following response, as its response to the Finding and Recommendation contained in the 2002-03 Grand Jury Report titled Planning and Development–“Caught in the Web”. The Board of Supervisors is the governing body of the Planning & Development Department. The Board’s adopted responses are consistent with the responses of the Planning and Development Department.

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.

Response to Finding and Recommendation 1:

The Board of Supervisors agrees that the permitting process is cumbersome, confusing, and in many cases frustrating. The recommendation that the Board address the need to clarify and update land use policies, clean-up zoning ordinances, and implement a regular schedule for the review and revision of policies and ordinances will be implemented. Details regarding the proposed implementation are included in the

Planning and Development Department response to this Grand Jury Report, and are attached (Attachment C).

Grand Jury Recommendation 1a: The Board of Supervisors must empower the new Director of the Department to take the appropriate measures deemed necessary.

Response to Recommendation 1a:

This recommendation has been implemented. The Board of Supervisors has empowered the new Director to make improvements in the Department's operations.

Grand Jury 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.

Response to Recommendation 1b:

This recommendation has been implemented. As is noted in the Grand Jury report, the Department is undertaking a Process Improvement Project for the ministerial permit process. As indicated in the Process Improvement for Ministerial Permitting Board Letter, provided by the Planning and Development Department in their response to the Grand Jury Report, and included in this report as Attachment C, that process is underway. The Planning and Development Department's implementation plan will include appropriately timed progress reviews and reporting both inside and outside of the department. The Department will provide a status report to the Board of Supervisors, at their regularly scheduled meeting of September 23, 2003.

Grand Jury 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.

Grand Jury Recommendation 2: Explore the possibility of utilizing retired experienced planners as consultants to work on specific projects.

Response to Finding and Recommendation 2:

The Board of Supervisors agrees. As noted in the Planning and Development Department's response, turnover of planners in 2001-02 was 18.6% and 22.2% in 2002-03. The recommendation to explore the possibility of using retired experienced planners as consultants has been implemented. The department has contracted with retired planners to work on specific development projects for many years, and will continue to contract with retired planners.

Grand Jury Finding 3: Land-use issues often create adversarial relationships between the Department personnel and applicants and between applicants and appellants.

Grand Jury 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 would also expedite the planning procedure.

Response to Finding and Recommendation 3:

The Board of Supervisors agrees that land-use issues often create adversarial relationships between the Department personnel and applicants and between applicants and appellants.

This recommendation to utilize County Counsel requires further analysis. While the department believes this would be a productive approach, the cost for a facilitation process prior to Planning Commission reviews of appeals requires study and consideration by County Counsel and the Board of Supervisors, especially due to the significant staffing challenges resulting from the state budget. The cost and policy analysis will be completed within six months.

Grand Jury Finding 4: Due to an increasing number and complexity of community plans within the County, planners can overlook specific requirements of a given community.

Grand Jury Recommendation 4: Planners should carefully review plans to determine if permit applications are in compliance with community plans.

Response to Finding and Recommendation 4:

The Board of Supervisors agrees that the number and complexity of community plans may result in planners overlooking specific requirements in a given community. The recommendation to have planners carefully review plans to determine if permit applications are in compliance with community plans has been implemented. Additionally, under the Process Improvement Project, clarification and simplification of community plan policies will occur.

Grand Jury Finding 5: Applicants are often given inadequate or inconsistent information regarding the planning and appeal processes.

Response to Finding 5:

The Board of Supervisors agrees that sometimes applicants are given inadequate or inconsistent information regarding the planning and appeal process. The frequency that this occurs is difficult to measure objectively.

Grand Jury 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.

Response to Recommendation 5a:

The Board of Supervisors agrees and the recommendation will be implemented as part of the Process Improvement Project. Several parts of the recommendation are currently underway, including updating brochures and other public information, and updating the department's website to include information on the process, including fees.

Grand Jury 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.

Response to Recommendation 5b:

The recommendation will be implemented. A procedure will immediately be developed to ensure that applicants receive copies of any appeal filed on their project upon receipt by the department.

The Board of Supervisors thanks the Grand Jury for its interest and the report on this important subject matter.

Sincerely,

Naomi Schwartz, Chair
Board of Supervisors

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 7/1/03
Department Name: COA
Department No.: 012
Agenda Date: 8/12/03
Placement: Departmental
Estimate Time: 20 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Lori Norton, Analyst
X 3421

SUBJECT: Board of Supervisors' Response to the 2002-2003 Grand Jury Report on Planning and Development Department - "Caught in the Web"

Recommendation(s):

That the Board of Supervisors:

- A.** Consider adopting the recommended responses contained in Attachment A as the Board's responses to the 2002-2003 Grand Jury Report on Planning and Development – "Caught in the Web"
- B.** Authorize the Chair of the Board to sign the attached transmittal letter (Attachment A) to Clifford R. Anderson, Presiding Judge of the Superior Court, transmitting the adopted responses to the Grand Jury Report.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with the Board of Supervisors' Strategic Goal # I : An Efficient Government Able to Anticipate and Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The Grand Jury Report was released on May 22, 2003. In accordance with Penal Code Section 933(c), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury report. Consequently, the Board of Supervisors' response must be finalized and transmitted to the Presiding Judge of the Courts no later than Wednesday, August 20, 2003. The Board has two opportunities, if necessary, to discuss and adopt a response. If necessary, a second discussion will be scheduled for August 19.

The Caught in the Web Grand Jury Report (Attachment B) contains a total of 5 Findings and 5 Recommendations. The Planning Development Department and the Board of Supervisors are the only

required respondents. The proposed Board responses are consistent with the Planning and Development Department responses.

Mandates and Service Levels:

California Penal Code Section 933(c) requires that no later than 90 days after the Grand Jury submits a final report on the operations of a public agency, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under their control. These comments, in and of themselves, do not change existing programs or services levels.

Fiscal and Facilities Impacts:

The recommended responses do not have a fiscal or facilities impact.

Special Instructions:

None

C: Valentin Alexeeff, Director, Planning and Development

Attachments: Attachment A – Letter of Transmittal to Clifford R. Anderson, Presiding Judge
Attachment B – Grand Jury Report titled: Planning & Development – “Caught in the Web”
Attachment C – Planning & Development Response