

December 9, 2008

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Subject: RECEIVE AND FILE THIRD STATUS REPORT ON DISCRETIONARY LAND USE REGULATORY SYSTEM STUDY IMPLEMENTATION AND APPROVE STAFF RECOMMENDATIONS RELATED TO THE REMAINING ORIGINAL RECOMMENDATIONS FROM THE CONSULTANT REPORT

Recommendation:

1. Receive and file this third status report on analysis of recommendations in the Review of Discretionary Land Use Regulatory System consulting study presented to your Board on April 8, 2008.
2. Approve staff recommendations summarized in Table 1 related to the remaining original recommendations from the consultant report.

Fiscal Impact:

The fiscal impact is an estimated \$20,000 to \$30,000 in existing staff time. (Applies to remaining recommendations addressed in this report only.)

Discussion:

Today's report is the third to your Board resulting from the Discretionary Land Use Systems Analysis Study authored by consultant Tom Berg. Today's report is intended to present the final recommendations of the Discretionary Land Use Interagency Oversight Committee (IOC) on the remaining Berg Report recommendations (items 1, 6, 11, 12, 13, 14, 15, 16, 17 and 19).

For background purposes a brief chronology of previous reports and related actions by your Board is provided in the following paragraphs.

Chronology of Board Reports To Date

April 8, 2008 – Initial Presentation Of Berg Report

On April 8, 2008, your Board received a Land Use Regulatory System Study authored by consultant, Tom Berg. This study detailed issues and recommendations with the County's discretionary land use permitting approval process. At that time, your Board directed that an interagency oversight committee be established to study the feasibility, cost and potential

alternatives to the 19 major recommendations contained within the "Berg Report."

July 1, 2008 – First Status Report and Initial Recommendations

On July 1, 2008, your Board was presented with an initial status report and management committee recommendations regarding six of the specific recommendations included within the Berg Report . This initial status report also contained new recommendation 20, which recommended that a formal "Lean" process analysis of the discretionary land use permitting process be conducted before addressing the remaining report recommendations.

At the conclusion of the July 1, 2008 presentation time your Board approved the following for recommendations 2, 3, 4, 5, 10, 18 and 20:

- 2) establish a *permanent* Interagency Oversight Committee (IOC) to oversee the discretionary land use process,
- 3) convene ongoing interdepartmental staff meetings,
- 4) create a single enforcement unit within RMA,
- 5) create a Civil Penalty Program to strengthen PWA grading enforcement as a first step in future consideration of all permit-related enforcement functions into RMA,
- 10) mandate the use of an upgraded single automated countywide permitting system,
- 18) upgrade the County CEQA Guidelines,,
- 20) conduct a Lean process analysis of the entire discretionary Land Use Permitting process.

Costs associated with these recommendations included \$40,000 to \$50,000 in Lean process analysis consulting and up to \$2.5 million one-time and \$500,000 in annual on-going costs for a new countywide permitting system.

September 16, 2008 – Second Status Report on Get To Excellence Plan

On September 16, 2008 your Board received a second interim status report detailing a Get To Excellence Plan (GTEP) that resulted from the Lean process analysis. The GTEP contained 23 recommendations of three types: major "projects" requiring 180 days or more to complete, additional single-week Lean process "events" or immediately implementable "just do it" changes which have or are currently being implemented.

Major GTEP recommendations approved by your Board on September 16, 2008 included establishing and funding a new high-level intake coordinator position within RMA, creation of a new comprehensive permit checklists and applications, establishment of a new development review committee to provide a forum for all involved departments to review new complex permits and meet with applicants, establishment of metrics to facilitate improved future process benchmarking and the creation of a new comprehensive website for permit related information, in addition to 17 additional GTEP recommendations.

Several of the GTEP recommendations mirrored recommendations contained in the Berg Report including the addition of a pre-submittal planner, establishment of new case (permit) Development Review Committee and updating of the County's CEQA guidelines. Therefore, as part of its 23 recommendations the Get To Excellence Plan also addressed Berg Report recommendations 7, 8 and 9.

December 9, 2008 – Today’s Third Report on Remaining Consultant Report Recommendations

As previously noted, the purpose of today’s report is to present the IOC’s recommendations on the remaining Berg Report recommendations (items 1, 6, 11, 12, 13, 14, 15, 16, 17 and 19). These recommendations are summarized in Table 1 below and will be further reviewed in a presentation accompanying this report. These remaining recommendations primarily focus on the addition of two additional positions and updates to multiple County land use policies, ordinances and plans.

In general, given there is substantial investment and work underway toward implementing the Berg Report and 23 GTEP recommendations previously approved by your Board, the IOC is not supporting new investment or work on these remaining recommendations at this time. However, as detailed below and in Exhibit B, there is current work underway on a number of County land use policies and guidelines in addition to longer term strategies planned to accomplish ordinances and general plan updates in the future. The IOC recommends these continue, that they be continually reviewed to identify and remove any bottlenecks and/or conflicts, and that any needed specific recommendations be brought back to the Board as necessary to further improve the permitting process.

Table 1: Summary of Recommendations 1, 6, 11, 12, 13, 14, 15, 16, 17, 19

Recommendation Number	Description and Summary Committee Recommendation
1	<p>Re-establish the CEO Ombudsman Position</p> <p>Committee Recommendation: IOC DOES NOT CONCUR.</p> <p>Although there is strong public stakeholder preference for a dedicated CEO Ombudsman position, given current resource constraints the IOC recommends that consideration of this position be deferred 12 to 18 months until after the Berg Report and GTEP recommendations are implemented and their effect on the permitting process determined. Several Berg Report and GTEP recommendations will provide increased opportunities for both underlying process improvement and increased applicant interaction directly with Planners and their supervisors. This recommendation is also consistent with the CEO’s de facto role as Ombudsman for all County functions and operations.</p> <p>Fiscal Impact: Estimated 200 to 300 hours of senior CEO staff time at an estimated annual value of \$20,000 to \$30,000. This compares to \$125,000 to \$150,000 in cost if a dedicated position for an Ombudsman were created, (exact cost depends on classification level.)</p>
6	<p>Re-establish the RMA Receptionist Position</p> <p>Committee Recommendation: IOC DOES NOT CONCUR.</p> <p>Similar to their recommendation on the dedicated Ombudsman position, the IOC recommends that consideration for a new receptionist position be deferred 12 to 18 months until after the remaining Berg Report and GTEP recommendations are implemented and their effect on the permitting process</p>

Recommendation Number	Description and Summary Committee Recommendation
	<p>determined. Several Berg Report and GTEP recommendations will provide increased opportunities for both underlying process improvement and increased applicant interaction directly with Planners and their supervisors. Perhaps the most important of these is the new Permit Coordinator position, which will be dedicated, in large part, to being readily available to discretionary permit applicants.</p> <p>Fiscal Impact: No incremental cost associated with IOC recommendation.</p>
11	<p>Review and Update of County Biological Resource Policies.</p> <p>Committee Recommendation: IOC RECOMMENDS ALTERNATIVE OF CONTINUING WORK UNDERWAY.</p> <p>There is substantial work already underway to address the concerns raised in the area of biological resources including new study guidelines, consultant training, work on the new biological resources overlay zone and updated <i>Initial Study Assessment Guidelines</i> policies. It is recommended that no additional updating of the biological resource policy occur at this time until the impact of work already underway can be assessed.</p> <p>Fiscal Impact: No incremental cost associated with IOC recommendation.</p>
12	<p>Review and Update of County Ag Land Protection Policies</p> <p>Committee Recommendation: IOC RECOMMENDED ALTERNATIVE OF CONTINUING WITH UPDATES TO AGRICULTURAL RESOURCES SECTION OF INITIAL STUDY ASSESSMENT GUIDELINES.</p> <p>Follow-up discussions have clarified that the "root" issue here is with the <i>CEQA Initial Study Assessment Guidelines</i> and a recent "re-interpretation" by the Agricultural Commissioner's Office. As the Guidelines are actively being updated (see Recommendation #18), it appears this issue will initially, if not completely, be addressed in the recommendation for #18. Therefore, it is recommended that no additional action be taken on this specific recommendation until the Agricultural Resources section of the <i>Initial Study Assessment Guidelines</i> has been updated and the impact of these updates on the permitting process can be assessed.</p> <p>Fiscal Impact: No incremental cost associated with IOC recommendation.</p>
13	<p>Review and Update of County Transportation Polices.</p> <p>Committee Recommendation: IOC RECOMMENDS ALTERNATIVE OF CONTINUING WITH UPDATES TO TRANSPORTATION SECTION OF INITIAL STUDY ASSESSMENT GUIDELINES.</p> <p>The primary concerns in this area center around 1) the general plan policy prohibiting discretionary development which generates traffic on a roadway which is not operating up to County standards, and 2) the procedures in</p>

