RECOMMENDED ACTION AND JUSTIFICATION: Board of Supervisors is requested to consider and authorize specific steps that will enable the Planning Department to successfully manage problems related to a chronic shortage of planning staff and an increasing workload of General Plan and permit responsibilities. The Board is requested to:

1. Authorize an additional planning technician position to process basic permits and provide planning assistance at the Planning Counter, as has been proposed in the department's mid-year budget request;
2. Direct staff to develop procedures to out-source the preparation of staff reports for certain types of projects to qualified, independent planning consultants;
3. During periods of exceptionally high permit activity and chronic understaffing, authorize the development services departments to adjust their public hours and procedures, in order to provide additional uninterrupted hours for the review and processing of backlogged applications;
4. Authorize staff to negotiate a contract, for the Board's approval, to hire a financial planning consultant who will prepare a comprehensive revision to the Planning Department's schedule of fees, which have not been updated since 1992.

BACKGROUND AND HISTORY OF BOARD ACTIONS. The attached staff report provides a further description and analysis of these requested actions.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Staff is concerned that unless substantive steps are taken that recover the actual costs of permit processing from applicants, that relieve the extraordinary workloads of existing planning staff, and that provide more efficient staff working hours, the department will be at increasing risk of not being able to process all applications within mandated time limits, or complete important General Plan and area planning responsibilities, or carry out its traditionally high quality of planning services.

Financial Impact? ( ) Yes ( ) No
Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded (described in mid-year budget request)
Amount in Budget:
Additional Funding Needed:
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

CLERK'S USE ONLY:
R.S. No.: Ord. No. ______ Vote - Ayes: ______ Noes: ______ Absent: ______
( ) Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ______
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ______

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:
CAO: ______

Revised Dec. 2002
COUNTY of MARIPosa
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: DIRECT THE PLANNING DEPARTMENT TO UNDERTAKE STEPS NECESSARY TO RESOLVE SEVERE PROBLEMS CREATED BY STAFFING SHORTAGES AND INCREASING WORKLOADS RESOLUTION 06-76

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA
ADOPTED THIS Order on March 7, 2006

ACTION AND VOTE:

Kris Schenk, Planning Director;
Direct the Planning Department to Undertake Steps Necessary to Resolve Severe Problems Created by Staffing Shortages and Increasing Workloads.

BOARD ACTION: Kris Schenk presented information on the increase in their workload with zoning enforcement issues, permit processing, and advanced planning projects; and he advised of time constraints for processing permits. He presented recommendations to help the Department with the workload, especially during the shortage of planning staff. Discussion was held, and he advised that the recommendation to close a day a week to the public would also apply to Environmental Health and Building. The matter was continued for the following hearing to be opened.

10:02 a.m. The public hearing for General Plan Zoning Amendment No. 2005-101 together with Land Division No. 2005-102, was opened and continued until after the following items.

Continued discussion was held relative to the Planning Department staffing shortages and increasing workloads and requested actions. Rich Inman, County Administrative Officer, stated he agrees with the request to hire a financial planning consultant to prepare a comprehensive revision to the Planning Department’s fee schedule (which has not been updated since 1992); and he suggested that this be considered on a countywide basis. Supervisor Pickard expressed concern with the request to close a day a week to the public. Kris Schenk advised that they would provide public notice of the closure and still work with applicants that travel a distance or need to meet deadlines with their projects; and he recommended that it be approved on a six month to one-year trial basis. Chairman Stetson requested that the Board receive a status report in six months. Supervisor Bibby asked whether the Building and Environmental Health departments concurred with this request.

(M)Pickard, (S)Bibby, Res. 06-76 was adopted approving the allocation of an additional Planning Technician position/Ayes: Unanimous.
(M)Pickard, (S)Turpin, direction was given to staff to develop procedures to out-source the preparation of staff reports for certain types of projects to qualified, independent planning consultants/Ayes: Unanimous.

(M)Fritz, (S)Bibby, authorization was given for the development services departments (Planning, Building and Environmental Health) to close to the public on Mondays, in order to provide uninterrupted hours for the review and processing of backlogged applications. Kris advised that he does not plan to begin the closures until April 1st to allow adequate time to coordinate with the departments and to provide notice to the public. The motion was amended, agreeable with the maker and second, to include direction that this be re-evaluated in six months. Supervisor Bibby asked County Counsel to review the County Code relative to office hours to see if an adjustment needs to be made. Ayes: Unanimous.

(M)Pickard, (S)Fritz, authorization was given for staff, including the County Administrative Officer, to work on developing a request for proposal to solicit a financial planning consultant to prepare a comprehensive schedule of fees for the County/Ayes: Unanimous.

Cc: Chris Ebie, Auditor
    Sandi Laird, Personnel
    Mary Hodson, Deputy County Administrative Officer
    File
MEMORANDUM

Date: March 7, 2006 Agenda
To: Board of Supervisors
From: Kris Schenk, Planning Director
Subject: Planning Workload and Staffing Solutions

BACKGROUND

Board members are by now familiar with the challenges facing the Planning Department as it struggles to manage an extraordinary volume of planning applications and programs. Mariposa Planning staff is coping with and anticipating the following priorities:

- Requests for new lots and lot line adjustments estimated at 25% above the recent 3-year average;
- A tremendous submittal of detailed criticisms of the September, 2005 Draft General Plan and EIR. Staff is working with Parsons consultants to address these comments and to propose revisions to policies and the General Plan maps;
- Major revisions to the County's Williamson Act procedures, and related legal appeals and issues;
- Major proposals for new development under way or on the planning horizon in Lake Don Pedro, Wawona, Fish Camp, and Mariposa. Major new applications may challenge the County's ability to comply with state-mandated permit review times;
- The need to consider appropriate revisions to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) following adoption of the General Plan Update, along with a pent-up demand from area residents to complete (and initiate) long-awaited Community Plans;
- Increasing concerns about code compliance, including the approaching May, 2006 deadline for non-conforming signs.

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
Mariposa County does not control the national and regional forces that drive interest in new development. Absent a national economic recession, the expansion of UC Merced facilities, the need for National Park Service/DNC employee housing, and the desirability of Mariposa communities are unlikely to disappear. Pressures confronting the Development Services departments are expected to continue for the foreseeable future. Adoption of the new General Plan will provide clearer policies and standards for development than now exist; however, the new plan will also trigger the submission of new projects.

There are specific steps that can and should be taken now to manage these workload issues. Planning staff is requesting the Board of Supervisors to consider and authorize specific steps to hire an additional entry-level planner; to begin using off-site planning consultants to review certain types of development proposals; to adjust working hours to increase productivity; and to commission a comprehensive update of the Planning Department’s antiquated schedule of fees.

PLANNING TECHNICIAN POSITION FOR THE FRONT COUNTER

The department’s Senior Planner position has been vacant for the last two years. Despite continuous and creative efforts to attract qualified candidates, there are no prospects at this time. The department has attempted to compensate for the absence of the Senior Planner by: (a) utilizing senior-level, part-time, extra-help positions; (b) assigning existing planning staff to complex assignments; and (c) hiring a contract planning consultant to provide in-house current planning services. In January the Board of Supervisors approved such a contract for planning services -- unfortunately that individual decided to leave Mariposa County before his contract was signed.

The chronic vacancy of a key senior departmental position places a burden on the remaining full-time planning staff. That senior position should be helping the Deputy Director interpret codes and procedures, taking on complex development projects, providing assistance to other staff, improving policies and procedures, and helping planning customers understand and comply with complex regulations while meeting their development objectives. Other rural California planning departments are reporting an unprecedented degree of difficulty in attracting and retaining senior-level planning staff. Mariposa Planning does anticipate being able to hire an experienced, 20-hour-per-week extra-help planner in April, which should improve the situation for the Community Plans.

The central issue remains that there is far too much work to be performed by the existing planning staff. A major component of the current planning workload is known as the “planner on duty” demands -- a constant stream of activity involving planning and zoning questions, phone calls, conferences, parcel inquiries, research, interpretation and coordination with other departments and agencies. The understaffing at senior levels combined with the extraordinary development workload means that planners are unable to take on major new project assignments because of the “on duty” demands.

The necessary and effective solution to this problem is to hire an entry-level planning technician who will be assigned to handle public counter planning contacts. The department has historically been able to find and retain employees for junior-level
positions. The possibility exists that a local resident or a County employee with a strong interest in planning will be attracted to such a planning counter position.

The cost for such a position for the remainder of the fiscal year, assuming it could be created and filled by April 1, 2006, would be $13,000. The annual cost of the Planning Technician, including salary and benefits, would be approximately $52,000.

OUTSOURCING SELECTED PROJECTS TO QUALIFIED PLANNING CONSULTANTS

For a number of years Mariposa Planning has contracted with independent planning consultants who are familiar with the California Environmental Quality Act (CEQA) requirements to prepare Environmental Impact Reports (EIRs). This procedure, commonly used by California planning agencies, generally results in accurate and timely EIR documents. Outsourcing EIRs does involve a significant allocation of staff time to communicating with applicants and consultants, editing administrative draft documents, and administering contract and fiscal details. The procedure has proven to be far more cost-effective than assigning planners to prepare their own project EIRs.

Given the continuing demand for development services and the struggle to find and retain permanent senior staff, the Planning Department proposes referring certain types of development proposals to independent planning consultants for preparation, subject to the following criteria:

- Eligible projects would be large or technically complex proposals in which report writing and interagency coordination could be successfully performed by a planning contractor with out-of-county offices. Examples of potential candidates for this procedure might be the Mt. Gaines mining project, the development proposal for the Hazel Green property outside Yosemite National Park, the Silver Tip development in Fish Camp, the SDA Camp project in Wawona, and large projects in Lake Don Pedro such as South Shore or Deerwood at the Lakes. Under certain circumstances, a Community Plan might also be assigned to an independent planning consultant with exceptional local planning experience and conflict-resolution skills;
- Selection of the planning consultant and the acceptance of the consultant's conclusions and work products would be the responsibility of the Planning Department, as is the case with EIRs currently. The planning consultant would need to have demonstrated expertise in rural Sierra planning issues, and be available when needed in the community. A designated outside consultant must not have other contracts or clients that would pose an actual or apparent conflict of interest for the applicant;
- Outsourcing to a private planning consultant would only occur with the concurrence of the applicant and agent for the proposal. Since outsourcing could be expected to cost an applicant more money, only applications that are charged fees on a “time and materials” basis would be candidates for the new procedure.
Mariposa Planning proposes to test this outsourcing procedure over a 6-month trial period, and then report back to the Board regarding successes or problems encountered. The initial step will involve issuing a Request for Proposals (RFP), followed by (teleconference) interviews and a review of credentials. A list of qualified planning consultants will be established, from which available consultants can be selected for designated projects on a rotating basis. Planning will begin designing and implementing the new outsourcing procedures when authorized to do so by the Board of Supervisors.

MODIFYING WORK HOURS AND PROCEDURES TO INCREASE EFFICIENCY

The Development Services departments, Building, Planning and Health, are open to the public and applicants from 7 am to 5 pm, Monday through Fridays. This provides an outstanding level of access to staff by Mariposa residents, and it contributes to the generally high levels of public service that the Development Services employees provide. During these working hours staff responds to requests for information and assistance, meets with applicants and contractors, conducts inspections and site visits, and investigates code compliance on an as-requested basis. The three departments' common permit counter, working hours and close collaboration on planning, building and environmental health issues provides residents with "one stop" local development services.

All three departments are experiencing difficulty responding to high volumes of requests for development services, and all departments have encountered problems attracting and retaining experienced staff. Planners report that they are constantly struggling to find time in which to prepare and review their staff reports carefully, coordinate with many other reviewing agencies, keep project files organized and up-to-date, return telephone and email messages promptly, and focus their attention on longer-range priorities. Staff operate in an environment that is chaotic at times; they may be interrupted constantly during critical tasks; and they become frustrated when they make mistakes. Current planners who have "burned out" and left the Planning Department in recent years typically have cited too much work, constant interruptions, and lack of time as instrumental in their decisions to leave.

There are actions that all departments are taking, in part to reduce job stress and overworked employees. These measures include:

- New computer technology and software, including GIS systems, that can increase staff productivity. Such systems, of course, require resources and staff and public training time in order for them to become effective.
- Expanded use of appointments, coordinated agency project meetings and site visits, pre-application conferences, and a trend toward "time shifted" communications instead of drop-in visits. These methods of communication are increasingly used in business environments. When meetings and site visits are based on participants having had the opportunity to review relevant information beforehand, more efficient conversations and better decisions result.
- Constant search to improve work methods, public handout materials, and keep abreast of professional developments. This too takes time, some of it quiet, uninterrupted time.
An additional step that has been taken by many California agencies is to adjust public access hours for the purpose of improving the overall quality of public services. The Mariposa County landfill is closed during certain days of the week so that it can provide better services for the days that it is open. Court systems have also used limited hours to be able to keep up with greatly increased caseloads. A number of planning and community development departments have experimented with restructured work hours in order to improve productivity and work environments. Employees who have participated in modified work hours commonly report improved morale and the ability to better anticipate and manage work priorities. The general public appears to have accepted fewer hours of public access when:

- They understand that there is an unusually high workload;
- They are concerned about the consequences of staff not being able to prepare high quality reports and well-planned neighborhoods;
- They actually observe an improvement in the services that they want; AND
- They get used to the new hours.

An important factor in successfully implementing a change in public hours is to provide the opportunity for applicants and agents, contractors, outside agencies and individuals to leave recorded messages, schedule inspections and request appointments, and report urgent matters during closure hours. During staff discussions of potential hours and days when general access could be limited, Monday emerged as the day that would be most beneficial for employees to complete unfinished business and plan the rest of their week’s activities, and also the day that would cause the least disruption to other schedules and meetings. Department Services managers and their staff would each use the restructured work hours in the best interests of each department, but one advantage of the common closure period would be the ability to schedule opportunities for staff training and professional advancement.

It is also important to remember that periods of high and low development activity have occurred historically, largely in response to regional and economic trends. When building and development activity once again slows down, as it inevitably will, then public access hours can and should be restored.

It is therefore recommended that, due to heavy, continuing demands on the Development Services departments’ resources and services, the Board authorize the Monday closure of access hours. Staff will use the restricted hours to get caught up with “backlogged” applications and projects; keep research, project files, reports and correspondence up to date; participate in training and work process improvements; and better accomplish other County programs and priorities.

**REVISION OF PLANNING FEES**

The resolution that establishes the fees that are charged for various categories of permit applications and planning services was last reviewed and adopted by the Board of Supervisors in 1992. There have been no revisions to the resolution since 1992. As a consequence, with the exception of a few permits that are assessed on a “time and
materials basis, many applicants are charged far less than the actual costs involved in issuing their approvals. Mariposa County's fees generally lag far behind those of neighboring, rural jurisdictions in the Sierras.

This may appear to be a good thing from the perspective of an individual applicant. But the consequence of allowing fees to remain far below cost recovery levels is that requests for enough staff to process permit requests in a timely manner are judged, not against a related permit revenue stream, but against competing demands on the County General Fund. If development fees more nearly reflected the true time spent on processing, the need for additional staff during periods of high permit activity would become readily apparent. When there is not enough permit revenue to justify additional staff, the risk is that the quality of staff reviews will decline, mistakes can be made, and state-mandated permit deadlines may not be achieved.

Mariposa Planning's revenue shortfall has been growing over the last 14 years. It is in need of urgent attention as permit workloads continue to increase. The need to study and amend these fees appropriately is a logical corollary to the other recommendations in this memorandum, particularly the request to add a Planning Technician position and to outsource planning proposals to private consultants.

There are financial and municipal services firms that have direct experience in helping planning departments establish fee schedules. The Board recently interviewed the representatives of two such firms who are being considered to prepare the Capital Improvements Program and Impact Fee Ordinance (impact fees are a different mechanism from permit application fees, but the expertise required is similar.) One of these consultants would have the ability to study and recommend revisions to the planning fees. Given that a considerable volume of permit tracking and time allocation records have already been assembled by planning staff, a fee study could probably be completed by a financial consultant within a short period (3 to 4 months) and at a reasonable cost ($10-12,000.) The FY 2005-06 Planning Department budget has sufficient money in the Professional Services account to pay for the cost of a comprehensive update of the planning fees.

An additional note regarding planning fees -- state law allows jurisdictions to charge development applicants a reasonable fee for the preparation and periodic revisions to the General Plans. Such fees can also be applied to the preparation and revision of Community Plans. The new planning resolution should include such a fee. The Board is requested to direct planning staff to contact financial planning consultants and prepare a contract proposal, for the Board's consideration, to carry out a revision to the Planning Department fee resolution.

**SUMMARY**

The Planning Department requests that the Board of Supervisors consider and approve four significant actions that will enable staff to better manage its tremendous load of planning applications and programs:
1. Authorize an additional Planning Technician position to process basic permits and provide planning assistance at the Planning Counter, as has been proposed in the department’s mid-year budget request;

2. Direct staff to develop procedures to outsource the preparation of staff reports for certain types of projects to qualified, independent planning consultants;

3. During periods of exceptionally high permit activity and chronic understaffing, authorize the Development Services departments to adjust their public hours and procedures to be able to close general public access on Mondays, in order to provide additional uninterrupted hours for the review and processing of backlogged applications and to accomplish related planning and development priorities;

4. Authorize staff to negotiate a contract, for the Board’s approval, to hire a financial planning consultant to prepare a comprehensive revision to the Planning Department’s schedule of fees, which have not been updated since 1992.

These measures are requested as an interconnected set of actions designed to improve Mariposa Planning staff’s ability to respond to the County’s staggering permit volumes and planning priorities. Staff does not foresee a satisfactory outcome to the current staffing and workload crisis unless all these issues are addressed and resolved appropriately.

Other solutions which were discussed but not presented for action at this time include:

- Establishing a stipend for planning positions, in an effort to attract applicants for the senior planner position.
- Establishing an overtime budget, to enable payment to planners for overtime hours in lieu of their continued accumulation of “comp time”. It has become increasingly difficult for the planners to find time to use their “comp time” hours.
- Requiring all planning application submittals to be prepared by appropriately licensed professionals. This could result in a reduction in staff time necessary to assist one-time applicants who choose to prepare their own applications and maps.
- Hiring additional staff to deal with code enforcement investigations.