



Community Development Department - Permitting Review

The internal auditor was asked to analyze the County's performance in terms of the timely delivery of permits. The Audit reviewed an 11-month period of performance for the permitting process for commercial, subdivision application approvals, and single-family (residential) dwelling permits, and a preliminary review was conducted of mobile homes, electrical and mechanical permits.

The auditor requested and received building services statistics for the period of January – November 2022. The statistical data outlined the average number of business days it took for the county to issue permits each month for single-family (residential) dwellings, commercial, mobile home permit, and subdivision applications. Months that indicated the issuance of permits outside of the allotted timeframes were closely reviewed. Thus, supporting documents for the following areas were requested and reviewed:

Residential Permits: March, May, June, and November 2022

Commercial Permits: January, February, June, and October 2022

Subdivision Application Approvals: February and August 2021; March, April, and July 2022

NOTE: Due to the small number of subdivision applications requested, the time range was expanded to collect a more representative sample size.

Criteria

The Community Development Department (CDD) bases its review periods on guidance from the Unified Development Code (UDC), as well as internally set standards. Review periods are as follows:

Residential/Single-Family Dwelling Permit – 15 business days (initial review); 15 business days (subsequent reviews).

Commercial Permit – 30 business days (initial review); 30 business days (subsequent reviews).

Subdivision Application Approvals – 5 business days for a completeness review (from application received until it is passed along to the applicable agencies for review); 30 business days for agencies to complete the first review; 15 business days for reviewing agencies to complete any follow-up (subsequent) reviews.

Unified Development Code 350-212. Section D. Agency Review. Subsection 3 states the following:

All reviewing agencies shall have 30 days from their receipt of the plat to review and return an opinion regarding the plat for the initial review and 15 days thereafter for subsequent reviews, unless additional time is requested by the reviewing agency. The CDD shall maintain receipts or other proof showing the date the opinion request was received by each state or local agency.

Analyses

Audit analyses of metrics for months that indicated the issuance of permits outside of the allotted timeframes were closely reviewed, revealing the following statistical data –

1. Of the 263 Residential Permits issued (Jan – November 2022), 26 [10%] indicated review periods longer than CDD criteria.
 - a. 11 [4%] permits indicated client-caused delays, as corrections were required
 - b. 5 [2%] permits were delayed by only one day beyond the set criteria
 - c. 10 [4%] were delayed due to internal agency reviews within the county
2. Of the 12 Commercial Permits issued (Jan – November 2022), 4 [33%] indicated review periods longer than CDD criteria.
 - a. Two [17%] indicated client-caused delays, as corrections were required
 - b. Two [17%] were delayed due to internal agency reviews within the county
3. Of the five Subdivision Approvals issued (Feb 2021 – July 2022), three [60%] indicated review periods longer than CDD criteria.
 - a. One was delayed due to an interagency (county) request for additional review time
 - b. One was delayed due to being held for an excessive period of time before being forwarded to reviewing agencies
 - c. One was delayed due to extended internal agency reviews within the county

NOTE: All applicable subdivision application approvals reviewed took more than the standardized five working days for completeness reviews before being remitted to other agencies.

A peripheral review and trend comparison of the number of permits issued is cited below.

Permit Type	Jan – Nov 2022	Jan – Nov 2021	Jan – Nov 2020
Mobile Home	219	235	185
Single Family	263	302	152
Commercial	12	15	10
Electrical	2,106		
Mechanical	1,124		

Conclusions & Resolutions

With residential permits experiencing a greater than one business day delay in only 4% of the cases reviewed, the CDD is very consistent in meeting its prescribed timetable. However, commercial permit delays of greater than one business day occurred nearly a fifth (17%) of the times reviewed. This suggests room for improvement, and compelled the internal auditor to consult with CDD leadership for input. Leadership purported that some of the internal delays were caused by staff errors in entering target dates, or not entering a denial outcome in a review when additional information was needed. Management has addressed these errors by training staff on protocols with regard to entering information for accurate reporting. In addition, plan review staff positions have been added through reclassifications and these staff have been cross-trained to ensure a plan reviewer is always available.

Subdivision approvals appear to be project-specific in nature, making it difficult to consistently adhere to a prescribed timeframe. In addition, the UDC does not place a time limit on additional review time needed. However, not getting subdivision applications out for interagency review within the prescribed 5-day period appears to be an area that could be improved upon. Per management, planning applications are not well supported by the iWorQ software, which does not automatically track milestones for these application types. Thus, planners are required to independently track milestones and targets, leaving room for errors when managing multiple applications.

To its credit, the CDD has already filled one of the planner vacancies and continues to seek out qualified applicants. In the case of residential permitting, management has put into place back-up personnel to take over the duties of a primary. Additionally, new GIS personnel are being trained on some of the administrative applications to assist planning staff. However, the occasional personnel error that involves an incorrect target date or the need to place work orders for contractors are by nature, susceptible to extended completion times.

Finally, the department is in the process of implementing a new land development software that will eliminate some of the potential for error that currently exists. The software will enable electronic review that will route plans to all reviewers simultaneously as well as automate target dates. It will be customized to support land use applications that will allow for better tracking, automated reminders, and will automate some of the more routine functions. This software project is expected to begin in March of 2023, and is predicted to take 12-18 months for development and implementation.

Appendix - Permitting Details

Residential

March – Reviewed 14 permits. Seven met the time standard; Two were delayed due to required customer corrections; Two were only delayed by one day; Three were delayed due to internal operations.

May – Reviewed three permits. One met the time standard; one was delayed due to required customer corrections; one was delayed due to internal operations.

June – Reviewed 18 permits. Five met the time standard; Six were delayed due to required customer corrections; Three were only delayed by one day; Four were delayed due to internal operations.

November – Reviewed five permits. One met the time standard; Two were delayed due to required customer corrections; Two were delayed due to internal operations.

March Internal Delays:

- 1) A 10-day delay due to lack of staff and due to a 3-4 week turn around when having the contractor fill a work order to obtain a price to install a sewer tap - Utilities. (Permit # 47371)
- 2) A 9-day delay, as the Flood Commission did not disapprove the application for needing an elevation certificate thus the review timetable was not reset. (Permit # 47345)
- 3) An 8-day delay, as the planner allowed the applicant to make revisions to the site plan before sending the plans to the next reviewer. The planner should have denied the initial review and allowed for the routing to continue while waiting for a revised site plan. (Permit # 47343)

May Internal Delay:

- 1) A 7-day delay due to an extended time lapse between Utilities and Building Services. This delay appears to have been caused by an error in routing the plans, which resulted due to the training of new permit staff. (Permit # 47622)

June Internal Delays:

- 1) An 8-10 day delay due to a lack of staffing. In-house reviews can now prevent such delays. (Permit # 47642)
- 2) A 4-7 day delay due to a lack of staffing. In-house reviews can now prevent such delays. (Permit # 47717)
- 3) A 2-6 day delay due a lack of staffing. In-house reviews can now prevent such delays. (Permit # 47731)
- 4) A 4-day delay due a lack of staffing. In-house reviews can now prevent such delays. (Permit # 47746)

Note: The June delays were in the electrical review component in which the county was relying on a temporary employee for an extended period. This employee works mostly weekends thus there would be a delay in his receiving plans for review. Staff have since been cross-trained so that multiple staff members (in-house) can now do electrical reviews.

November Internal Delays:

- 1) A 13-day delay due to document technicians inputting the incorrect target date (thus all internal parties perceived a greater than allowed timeframe). This error was due to the training of new permit intake staff who has since been advised on the correct way to calculate target dates. (Permit # 48333)
- 2) A 4-day delay due to a lack of staff; the CDD now has back-up personnel to cover the duties of other staff, which should prevent a future occurrence. (Permit # 48329)

Commercial

Jan – November 2022 – Reviewed five permits. One met the time standard; Two were delayed due to required customer corrections; Two were delayed due to internal operations.

October Internal Delays:

- 1) An 8-day delay. This delay was caused due to missing information in the application. Instead of denying the review, the plans examiner waited for the additional information before entering the review outcome. Instead, the review should have been denied while the required information was received. (Permit # 48223)
- 2) A 3-day delay as Fire and Engineering needed to coordinate to ensure that proper specifications existed in the application. (Permit # 48287)

Subdivision

The Sanctuary Phase 2A Subdivision (Case SD20-005b) application was received on July 7, 2022, and concluded well within the standardized timeframe allotted. This was a final plat.

The Melodies (Case SD18-003) application was received on April 8, 2022, and concluded well within the standardized timeframe allotted. This was a final plat.

Flemish Subdivision (SD21-031) application was received on August 4, 2021. Reviewing agencies required 43 working days in lieu of the normal 30 days, to complete its initial review. As necessary, reviewing agencies may request a 15-day extension to complete its initial review. As this was a preliminary plat, additional time was requested by an unidentified internal agency and the initial review was completed within the extended timeframe.

Mesilla Vineyard Estates (Case SD22-009) was received on March 10, 2022, but was not passed on to agencies for review until April 27, 2022. This standard 5-day process took 34 working days to be passed on to reviewing agencies. This was a preliminary plat. Per CDD leadership, the department had two vacancies and was down to only one Planner to process most of the land use cases at that time. Thus, a temporary delay in processing all applications was experienced during this timeframe.

Mountain Valley Subdivision (SD20-005) application was received on February 12, 2021. The application required three reviews before going to the Board of County Commissioners (BOCC); it took 65 working days in lieu of the normal 30 days before going before the BOCC for approval. While this time includes the mandatory minimum of 21 days of public notice, it still took 20 days (rather than 15) to complete the second review for this preliminary plat.

NOTE: While the CDD sets standard review periods, the UDC does not place a limit on the amount of additional time that reviewing agencies may request.