

The Grand Jury of Humboldt County



**2005 – 2006
Final Report**

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downs, etc. All this activity, combined with servicing over 200,000 air travelers annually establishes the Arcata/Eureka Airport as Humboldt County's major transportation center.

The Arcata/Eureka Airport maintains a National Weather Service Bureau Automated Surface Observation System (ASOS) at no cost to the county. This equipment sends moisture (fog) readings to pilots approaching the airport to advise them on ground conditions. FAA regulations require certain minimum visibility distances before planes are allowed to land. The ASOS is very dependable and requires little maintenance.

Security personnel is on site at all times. All emergency response equipment is in good condition. The principal emergency response vehicle, is a crash truck, immaculate in appearance, well maintained, but 30-years old. Its age makes it difficult to find replacement parts. Airport management stated it is well past time to replace this crucial piece of equipment. Safety concerns of deer wandering onto the runway have been mitigated by the construction of a fence.

The Grand Jury of Humboldt County commends airport staff for the accomplishments achieved under severe budgetary restraints.

Findings and Recommendations:

Finding 1: Obsolete items left over from when the airport facility was under the control of the U.S. Government present a degree of hazard and liability.

Recommendation 1: The Grand Jury recommends the Board of Supervisors and County Department of Aviation personnel appeal to the U.S. Army Corp of Engineers for the removal of all "left-over" government material from the airport.

Finding 2: The Arcata/Eureka Airport's principal emergency response vehicle is thirty years old.

Recommendation 2: The Grand Jury strongly recommends the Board of Supervisors and County Department of Aviation management determine if there is a need to replace or upgrade the airport's emergency response vehicles.

Grand Jury Report #2006-PW-02
Department of Community Development Services (CDS)
Planning Division

Executive Summary:

The 2006 Grand Jury of Humboldt County received several citizen complaints concerning aspects of the county's Department of Community Development Services (CDS) operations. The Grand Jury was introduced to a large, specialized, and complex county agency during its investigation.

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CDS is divided into three main divisions; building, planning, and economic development. Most of the complaints received dealt with problems in the planning division, consequently the Grand Jury focused its attention on this area.

Who Shall Respond:

Pursuant to California Penal Code Sections 933 and 933.05, responses to the **Findings and Recommendations of the GRAND JURY REPORT #2006-PW-02** shall be provided as follows:

- The Board of Supervisors shall respond to Findings 1 and 2 and Recommendations 1 and 2.
- The Director of the Department of Community Development Services shall respond to Finding 2 and Recommendation 2.

Report:

Permit processing procedures and requirements in the planning division for any alteration of existing parcels are cumbersome, time-consuming, and costly. Planners must take into consideration hundreds of codes and ordinances that could impact any project and must seek the approval of other regulatory agencies that have jurisdictional authority. These referral agencies can be county-level such as Public Works and the Department of Environmental Health; or state-level such as California Department of Forestry, California Department of Fish and Game, and the California Coastal Commission. In addition, CDS planners must review each permit application as it applies to such state laws as the California Environmental Quality Act (CEQA), The Subdivision Map Act, The Williamson Act, and The Permit Streamlining Act. Many of these state laws have spawned local county ordinances, further complicating the permitting process.

Individuals who enter into the permitting process for the first time are often overwhelmed by the time and cost necessary to get their project approved. Even experienced developers complain about the timeliness, lack of communication, and unexpected setbacks they encounter attempting to get their sites approved for building.

It is no surprise that most Grand Juries receive complaints about CDS. In fact, the 2004 Grand Jury of Humboldt County polled the County Board of Supervisors and found that these five individuals personally handled over 200 constituent complaints concerning CDS in the course of a year. CDS is also very aware of the nature and validity of many of the complaints it receives. In 2005, CDS conducted a survey of past permit applicants and followed it up with an October 2005, public comment session at the County Board of Supervisors meeting.

Citizen feedback to CDS highlights a consistent cluster of complaints. Briefly stated, applicants are frustrated over the time it takes to get a permit approved. Many feel delays from referring agencies back to CDS staff about issues that need attention or corrections, and the further delay from CDS staff communicating these concerns back to the applicant is excessive. Associated with this generally held complaint are the additional frustrations some applicants feel when they are directed to do different things by different CDS staff and when unexpected additional studies or reports are required after a project is well into the permitting process.

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To address these complaints the Humboldt County Board of Supervisors created a Permit Reform Committee. Committee members are selected from the Board of Supervisors, the County Planning Commission, and county departments affecting permit approvals. This committee has met numerous times in the past year and has developed a number of reform measures to decrease processing timeframes, improve coordination between agencies, increase communication with applicants, and improve the consistency of staff feedback to applicants about what is required to complete the permitting process.

Reforms already approved by the Board of Supervisors include the addition of five new positions in CDS, the creation of a Permit Assistance division within CDS, and the development of a Permit Processing Center supervised by a knowledgeable senior planner to accurately convey information to applicants and to streamline the processing of all CDS permits in both the planning and building divisions. The Permit Reform Committee is developing additional short-term, mid-term, and long-term reforms for consideration by the Board of Supervisors.

Application Assistance: The purpose of the Application Assistance Division is to provide "for-a-fee" services to permit applicants who want special help from CDS. Applicants not experienced in compiling the material necessary as part of a complete permit application can pay for CDS assistance. A crucial piece of all application material is a plot plan. This detailed map locates and identifies most of the information that can affect the issuance of a permit such as: existing structures, roads, utility lines, septic systems, storm drains, grading, and unstable topography. A CDS project facilitator can prepare plot plans and assist in other application material so when the application is submitted it is complete and should be able to be processed efficiently.

Another applicant service developed by CDS is intended to alleviate most of the communication complaints the department receives. Presently, CDS staff does not have the time to check on the status of all active applications and report back to applicants. Usually, applicants call the planner handling their project to find out "How's it going?" A common response is that CDS is waiting for additional information or responses from one of several possible referral agencies. The applicant must then contact these agencies personally to get a verbal status report in an attempt to move the project along. CDS's new On-Track Program will provide applicants with a customized permit processing timeline and a CDS planner will notify applicants when their project passes "milestones" in the scheduled timeline. The planner will also maintain close communication with other agencies in an attempt to keep the project on track.

Fees: A common complaint by individuals is the cost to complete the application process. The fees charged by CDS and the referral agencies are often viewed as too high, and the additional cost of hiring outside firms to provide the surveys, reports, and documents required as part of the application adds considerably to the final permit cost. These costs and any additional money spent on special applicant services often leads to "sticker shock" when one inquires about a permit.

CDS officials claim the special application services mentioned above must pay for themselves. Budget cutbacks and constraints throughout county government require CDS to get as close to

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self-sufficiency as it can. Existing permit fees and other revenue generating sources combined are projected to cover only 70% of the planning division's financial liabilities in the 2005-06 fiscal year. General fund contributions must cover the difference.

Legally Non-Recognized Parcels: The Grand Jury was made aware of a persistent but generally ignored problem in the county that affects many rural parcels of land. The Subdivision Map Act, formally named in a 1937 revision of the state's subdivision laws dating back to 1893, prohibits the issuance of any permit on pieces of land which have been divided in violation of the rules set forth in the Subdivision Map Act.

Humboldt County has many duly recorded deeds and taxable parcels of land that are not legally recognized by CDS. These parcels often originated in the county's many wilderness areas when large tracts of timberland were broken into pieces and sold without being properly represented by an approved subdivision map. As a result, when an owner of such a parcel attempts to develop it, he/she learns no permits can be issued until an approved subdivision map is recorded. This is often a shock to the landowner and is the start of a costly and time-consuming process to remedy the situation.

California Government Code 66499.36 states:

"Whenever a local agency has knowledge that real property has been divided in violation of the provisions of this division or of local ordinances enacted pursuant to this division, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation . . ."

However, CDS does not comply with this code because the parcels in question are considered "suspect" but not necessarily illegal.

To determine the legal status of a parcel, a property owner must apply for a Determination of Status. This pays for CDS to research the history of the parcel to determine if at the time of its creation it was **subdivided in accordance with the subdivision laws applicable at that time**. If so, CDS will issue a Certificate of Compliance certifying that the parcel is legally created. If the parcel is not legally created the property owner will receive a Conditional Certificate of Compliance listing conditions to make the parcel legal. This will require the parcel to be subject to existing subdivision ordinances.

Although no one has actually counted the number of "suspect" parcels in the county, one official estimated it is at least 2,000. This number continues to increase whenever the County Assessor assigns an Assessor's Parcel Number (APN) to a newly recorded piece of property when entering it onto the tax roll. This information is passed on to CDS, who then notes the new parcel in the appropriate map book and shades it as "suspect" if it doesn't correspond to an existing approved subdivision map.

CDS officials admit this is a big problem. They experience first-hand the frustrations felt by individuals who purchase land with the expectation of building a home on it only to be

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confronted with the fact no building permits can be issued until the parcel's legal status is determined.

The county does not notify owners of "suspect" properties that they have a problem, because CDS officials claim the man-hours necessary to accomplish this feat are not included in the budget. Higher priority tasks take up all available staff time. Additionally, the responses to such a notice would obviously cause an overwhelming increase in work load for the existing CDS staff. CDS has previously held workshops for the real estate community and encouraged them to ask for Certificates of Compliance when negotiating sales of all rural parcels. CDS only deals with these problems on an individual basis.

Findings and Recommendations:

Finding 1: The Planning Division of Humboldt County's Department of Community Development Services (CDS) is responsible for planning and facilitating land use development based on the policies of the county's General Plan, Community Plans, Codes, and Ordinances as well as state and federal regulations. This complex division receives numerous complaints from permit applicants that CDS acknowledges and for which it is attempting to develop solutions.

Recommendation 1: The Grand Jury strongly urges the Board of Supervisors to assist, approve, and expedite the recommendations of the Permit Reform Committee when presented and to closely monitor the effectiveness of the reforms implemented.

Finding 2: Many parcels of land in Humboldt County are of "suspect" legality under California's Subdivision Map Act. CDS does not proactively attempt to rectify this problem by contacting the owners of these "suspect" properties.

Recommendation 2: The Grand Jury understands the size and complexity of this problem is beyond CDS's present resources to rectify. This does not mean the problem should continue to be allowed to grow. The Grand Jury strongly recommends that CDS begin sending form letters to the taxpayers of all newly assigned Assessor Parcel Numbers that are not recognized on an approved subdivision map. The purpose of the letter would be to alert the property owner of CDS's inability to process any permits for the property until a Determination of Status is made and, if necessary, a Certificate of Compliance is issued. Similar form letters need be sent to landowners of existing "suspect" parcels as staff and time allows.

Grand Jury Report #2006-CC-01
Follow-up on Responses to 2004-2005 Grand Jury Final Report

Note: The following continuity report is included in this report because the responses contained herein arrived after the publication of the *Responses to the 2004 - 2005 Grand Jury Report*, which is currently online and available at the Humboldt County Public Library.

Executive Summary: