



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

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April 9, 2010

Humboldt County Grand Jury  
825 Fifth Street  
Eureka, CA 95501

Regarding: Grand Jury Report 2010-PW-01

Members of the 2009-2010 Grand Jury:

I am responding to Grand Jury Report 2010-PW-01 Findings and Recommendations 1 and 2.

**Finding #1:** In this case there was a lack by the County Planning Department to refer concerned neighbors to other appropriate agencies that may not have been included in a County review process (such as the North Coast Quality Control Board).

**Finding Response #1:** During the permit process in question, when our office received complaints about water quality impacts from a neighbor, we referred the neighbor to the County Environmental Health Department. There is no established mechanism within a discretionary permit process for pro-actively advising neighbors on the role of state agencies if the state agencies are not involved in the County permit process. In general, Planning Division staff explains the relative roles of regulatory agencies when asked by a neighbor but it is beyond the scope of our responsibilities to provide referrals to state agencies outside of the formal County permit process.

**Finding #2:** Humboldt County is compensated for processing the zoning change...by the "Secure Rural Schools and Community Self-Determination Act of 2000.

**Finding Response #2:** The Secure Rural Schools and Community Self-Determination Act of 2000 (Title III) did fund the creation of the Williamson Act Preserve. Title III funds were also provided for the re-zoning of the property because the re-zoning was a required condition of the formation of the Preserve.

**Recommendation #1:** When it becomes known to the County that a neighbor has concerns that may not be included in the County review process, the County should—in a timely manner—direct the neighbor to contact other appropriate agencies.

**Recommendation Response #1** Agreed. Planning Division staff can provide this referral information to neighbors upon request.

**Recommendation #2:** To better understand the reimbursement of project costs an explanation is needed as to how the public can review ongoing use of "The General Plan Policy & Ordinance Integration" account (including the names of the department to contact where account appears in overall County expenses and /or budget accounts). The public should be advised where it can see specific project costs applied in a County expense report.

**Recommendation Response #2:** Allocations of the Title III funds; for example, to The General Plan Policy & Ordinance Integration account, are determined by the Board of Supervisors at noticed public hearings. Staff prepared Board reports brief Board members and the public on the issues, the proposed allocations and available alternatives to the proposed allocations. Adopted Board allocations are secondarily reviewed within the County annual budget process and reflected in approved Department budgets. These budgets are published and available on-line to the general public. Each Department tracks expenditures of individual funded projects through detailed expense codes. These expenditures are reflected in the County central accounting system maintained by the Auditor's office and summarized on an annual basis during the fiscal year budget closeout process. Periodically, Title III Board reports include summaries of revenues, expenses and program accomplishments broken down by Title III program allocation. These reports on past Title III program allocations are reviewed in open Board session and are available to the public on-line.

Each level of accounting and reporting on Title III funds presents opportunities for public review and involvement. If members of the public cannot get the information they are seeking from published reports and budgets, they can request additional information from the County Administrative Office, Auditor's Office or directly to the Department managing Title III programs.

Please let me know if I can answer any further questions or provide additional clarification.

Sincerely,

Kirk Girard

Cc: Wendy Chaitin, County Counsel  
Linda Hill, Assessor



**COUNTY ADMINISTRATIVE OFFICE  
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**INTEROFFICE MEMORANDUM**

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**TO:** BOARD OF SUPERVISORS  
**FROM:** PHILLIP SMITH-HANES, COUNTY ADMINISTRATIVE OFFICER *PSH*  
**SUBJECT:** RESPONSE TO 2009-10 GRAND JURY REPORT 2010-PW-01  
**DATE:** 5/3/2010

Grand Jury report 2010-PW-01 concerns a situation in which a complaint was filed regarding the County's approval of a zoning change upstream from the complainant. The complainant was also concerned about water quality and agricultural uses.

**Finding 1:**

In this case there was a lack by the County Planning Department to refer the concerned neighbors to other appropriate agencies that may not have been included in a County review process (such as the North Coast Quality Control Board).

**Recommendation 1:**

When it becomes known to the County that a neighbor has concerns that may not be included in a County review process, the County should—in a timely manner—direct the neighbor to contact other appropriate agencies.

**Proposed Board of Supervisors Responses to F.1. and R.1:**

**The Board of Supervisors partially disagrees with the finding and will not implement the recommendation as the finding and recommendation are outside the County's scope of work.**

*It is a professional courtesy of the Planning Division to explain the roles of regulatory agencies, when asked; however, the Planning Division cannot be held responsible at all times to provide referrals to State agencies which are not involved in the County permit process. To do so would require development of new processes (and expenditure of time and funds) specifically to double-check a referral that is outside the scope of the Division's work.*

**Finding 2:**

Humboldt County is to be compensated for processing the zoning change stated under "Source of Funding" in 11/25/08 Report to Board of Supervisors "Costs for processing the application are covered

by the US Forest Service". (The account used BY the county is called the "General Plan Policy & Ordinance Integration" account which is part of a larger account covered by Public Law 106-393 (HR2389), "Secure Rural Schools and Community Self Determination Act of 200).

Recommendation 2:

To better understand the reimbursement of project costs an explanation is needed as to how the public can review ongoing use of "The General Plan Policy & Ordinance Integration" account (including the names of the department to contact where account appears in overall County expenses and /or budget accounts). The public should be advised where it can see specific project costs applied in a County expense report.

**Proposed Board of Supervisors Responses to F.2. and R.2:**

**The Board of Supervisors agrees with the finding and recommendation as this recommendation is already in practice.**

The General Plan Policy & Ordinance Integration account's use of Title III funds is allocated during public hearings and thereby accessible to the public. The Board receives updates from Community Development Services and County Administrative Office staff on Title III - Secure Rural School funds in the form of agenda items. These agenda items are public information and can be found on the County website. Further, department budget allocations are adopted during the annual budget process, which is subject to public hearings. The County budget can be found on the County's website.