



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Memorandum

To: CAO's Office, Board of Supervisors

From: John H. Ford, Director of Planning and Building

Date: July 5, 2022

Subject: Response to 2021-22 Grand Jury Report "Permitted (Eventually)"

FINDINGS

FI. The intake of applications for cannabis cultivation is done at the Planning and Building Department by a counter team of six full time employees assigned on a rotating basis to enter the application information into the Accela system.

Response: Partially Agree. The Planning and Building Department has a team responsible for assisting the public at the customer counter, with telephone calls and email activity, but their responsibility extends well beyond entering data into the Accela System. The counter team is responsible for providing service to customers including answering general land use questions, providing parcel specific information, accepting materials for permit applications currently in process and accepting new permit applications. This team also carries their own assignment of projects which do not involve significant discretion and can be processed in a short time frame. Simple projects stay at the counter, more complicated projects have a longer process.

An important component of application submittal is the counter team's responsibility for thoroughly reviewing the application materials to verify that an application is complete for submittal. This has allowed the department to modify procedures such that once an application is taken in, it is immediately put into referral. This simple efficiency probably takes between 3 and 5 weeks off the process time. Once the application has been deemed ready to come in over the counter, then the necessary information is put into Accela, by the Counter team.

It appears that this finding is focused on planners putting information into Accela. The main point of application intake is to ensure that the application is complete. A key component of processing applications effectively is ensuring that all the necessary submittal information is included. If the application comes across the counter and is not complete, it requires writing a letter to the applicant informing them of what is missing to process the application. The data entry is a very minor component of what the front counter team does. The department's goal has been to achieve completely electronic submittal. There have been technical limitations along the way and the delays have not been the result of a lack of effort on the part of the department. We are hopeful this is nearly addressed.

Remote, electronic submittal will provide an incredible public service, but from the department's perspective it will not reduce workload, it will change what we do. The application will still need to be checked for completeness prior to acceptance, all the information put into Accela by the applicant will now need to be verified to make sure it is adequate and correct. It is often more difficult to review an

application for completeness remotely than when working directly with the applicant, because there is not the opportunity to ask questions. This may increase the amount of time it takes to review for completeness and initiate an application in Accela.

F2. The Accela software cannot accept credit card payments, thus an applicant cannot utilize the online application process.

Response: Agree. When the Planning and Building Department initially tested the payment module for Accela it worked fine for all credit cards. Unfortunately, when it went live, it did not work consistently and had to be turned off. During the migration of the Division of Environmental Health to Accela, the issues that limited Accela's ability to accept credit card payment have been resolved, which we expect will translate in the Planning and Building Department's ability to take credit card payments. With this understanding we expect that in this fiscal year 2022-23 the department will be able to accept credit card payment and to complete the build-out of the Accela system to allow applications to be submitted online.

F4. Through the Accela Citizen Access portal, there is a cumbersome process for the public to access and view the status of all permit applications, including cannabis.

Response: Disagree. The Accela Citizen Access (ACA) portal provides a global search to access permit information for both building permits and land use permits. Customers have the option of registering for an Accela account or visiting the site as a guest. When visiting as a guest, access is limited to viewing records and documents only. Customers who register for an ACA account and have their project linked to the ACA account can review the permit and upload pertinent documents and information to their project. When customers upload documents and information, an email is generated to the assigned planner for land use permits and to a group email for building permits notifying them of the newly submitted information. The group email for building permit activity is monitored by a department permit specialist.

F5. The State will not issue new provisional cannabis licenses after June 30, 2022. Thereafter, applicants must meet all requirement of State regulations for the issuance of a license. Holders of a provisional license will be allowed to continue in operations until final resolution after which the County will be notified.

Response: Partially agree. The State will stop issuing new Provisional Licenses as of July 1, 2022. The state will extend existing provisional licenses beyond this date. For people who have an existing Provisional License from the State, there will be no change for them until they receive their permanent County Permit and then can obtain their Annual License from the state. The sunset date for existing provisional licenses is in 2024. It is important to note that state licenses are granted based upon the status of local permitting, not the inverse.

F6. As of January 2022, there were over 900 pending cannabis permits, many of which are amendments to existing permits.

Response: Agree

RECOMMENDATIONS

R1. *The Humboldt County Civil Grand Jury recommends that for Fiscal Year 2022-2023, the Board of Supervisors approve sufficient funding for the Planning and Building Department to upgrade the Accela system so that applicants can complete the application, including payment, on-line. This will reduce the need for applicants to come into the Planning and Building office. (F1, F2)*

Response: In the process of being implemented.

R4. *The Humboldt County Civil Grand Jury recommends that in Fiscal Year 2022-2023, the Planning and Building Department provide in the Citizen Access Portal specific instructions for the general public to search a location without creating an account in Accela or the need to contact the Planning and Building staff. (F4)*

Response: Will not be implemented. It is not necessary for the public to create an account in Accela to view permit records. With a global search function, members of the public can view records using a variety of search criteria. The user can type in a portion of an address, a parcel number, name, or record number. While the information available to registered users who are linked to their account affords greater access to information and features, all members of the public have the ability use the ACA to view permit and parcel data. In addition, the opening page of the ACA provides instructions of how to use the Accela search function.

R5. *The Humboldt County Civil Grand Jury recommends that the Planning and Building Department act on all County interim cannabis permits upon receiving notice of approval or denial of the State provisional license. (F6, F5)*

Response: Will not be implemented. This reflects a misunderstanding of both the local permitting and state licensing systems in place. The State issues licenses based upon the application status in the County process. A cultivator must possess a local permit to obtain a state license. The State refers applications to the County to determine if the applicant has obtained all necessary local permits.

R6. *The Humboldt County Civil Grand Jury recommends that for applications pending more than 30 days, the Planning and Building Department notify applicants of the corrective actions required for approval. (F6)*

Response: Will not be implemented. Planning and Building currently reviews the submission at intake for completeness. Following intake, referral notifications are provided to other departments and agencies with an interest in the development. That allows the department to provide a 30-day notice to the applicant of information that is missing, to proceed to action. It is the practice of the department to provide written notice to an applicant when information is needed.

At this point all Cannabis Applications regardless of age have been provided written notification of outstanding items.