



REDWOOD TIMES PHOTOS BY DAVE BROOKSHER

Roughly forty residents of the Shelter Cove area met at the Resort Improvement District to share concerns with local officials.

Code enforcement at RID

Downey suggests two-day enforcement period

Dave Brooksher
Redwood Times

Sheriff Mike Downey and outgoing 2nd district supervisor Clif Clendenen met Thursday morning, Oct. 18 with the Shelter Cove Resort Improvement District (RID) to hear out local concerns about unpermitted development and nuisance marijuana grows. Code enforcement investigator Jeff Connor and Environmental Health's John Verbeck were also in attendance, along with roughly forty community members — many of whom had complaints about inadequate enforcement of county ordinances.

"What we're seeing here is no permits being applied for, no structures, no septic, no clear access to water or power," RID president Mike Caldwell said. "I don't believe it's about pot and 215 — it's about code violations — clear and distinct unpermitted development here in the Cove."

Board member Nannette Corley made an impassioned



Left to right: Roger Boedecker, Susan Fox, Michael Caldwell, Dennis Harper, John Verbeck, Jeff Connor, Sheriff Mike Downey, Supervisor Clif Clendenen at the Shelter Cove meeting.

case about a recent lack of county code enforcement generating angst among longtime residents of Shelter Cove who have traditionally had to strictly follow the letter of the law. In the year 2000, Corley's property was the subject of an enforcement process — but since the code enforcement unit controversy of 2008 she says she's observed violations of county code going unaddressed.

"Historically, Shelter Cove was so strict that as a property owner if you put a piece of wood on your property and tried to do anything you'd hear about it. Now it's gone the opposite direction, where if you hang a 215 just about anything

goes," said Corley.

"You can hear the frustration," Caldwell observed. "Can we explore what a possible solution would be? Is there a mechanism there for the community to participate with county to work together on these things?"

Concerned citizens in the audience also pleaded for action. "If the Sheriff's department could come down and just do one thing that hits the paper, that might be a big deal," one man suggested.

Outgoing 2nd district supervisor Clif Clendenen mentioned the possibility of an ordinance that might enable county personnel to deal with problem grows through a nui-

sance abatement process, rather than relying primarily on the criminal justice system.

"We're working through that process right now — to put an ordinance into place that will deem certain techniques or growing techniques as a nuisance, not as a violation of state law in the sense of cultivation," supervisor Clendenen said. He also offered to organize a presentation giving concerned residents of Shelter Cove an opportunity to ask the Humboldt County board of supervisors for help.

"The caveat there is that we've been there and done that," said Caldwell. "All we do

Mendo homicide, home invasion under scrutiny

The Times-Standard

The Mendocino County Sheriff's Office is continuing its search for two suspects wanted in connection with a Friday morning home invasion and homicide in Redwood Valley.

According to a press release, the sheriff's office dispatch center received a call at about 2:45 a.m. Friday from a resident of a home on the 10000 block of East Road. The release said the caller reported that two unknown individuals had broken in to the home and shot two of the caller's family members.

Responding deputies to the home reportedly found one man dead and another seriously injured after being shot multiple times. The injured man was transported to an out-of-county hospital for treatment, the release said.

Following an interview of family members, the release said deputies learned that one of the suspects was described as wearing a red sweatshirt with a hood and a black bandanna covering a portion of their face. Both suspects were seen leaving the residence northbound on East Road driving a black Cadillac Escalade SUV, the release said.

Sheriff's detectives are conducting further investigation into the circumstances of the shooting. Inquiries made by the Times-Standard as to the identity of the murder victim were unanswered by press deadline Friday night.

The sheriff's office is asking anyone with information about this case or related criminal activity to call the sheriff's office crime tip line at 234-2100.

Man dies

• See RID/A2

general manager of the Humboldt Bay Mutual Water District, which provides water to communities around Humboldt Bay, including the cities of Arcata, Eureka, and Blue Lake, as well as nearby unincorporated areas.

Rische explained that she was not advocating for or against a separate Infrastructure Element, but rather she was emphasizing the importance of infrastructure to communities and for sustainable growth.

Throughout the United States the state of community infrastructure, particularly water and wastewater services, is "bordering on crisis," she said. Most systems are 50 years old or older and are suffering from an investment-funding gap, particularly as property tax revenue shortfalls and public resistance to new taxes squeeze traditional state and federal funding sources.

Rische reminded the supervisors that maintaining essential public services to avoid catastrophic failure requires a "planning horizon" of 50 to 100 years.

Lon Winburn, chief of the all-volunteer Fortuna Fire Protection District, which serves un-

county staff can help resolve the problem of providing service to areas outside FPD boundaries. "We do it willingly," he said, "but it's difficult to ask our community to pay for it."

The answer lies in annexation of surrounding areas into existing FPDs or in creating FPDs with the power to raise funds through special tax assessments in unserved areas or areas served by volunteer fire departments that rely only on donations.

This led Miller to explain how staff guided two Southern Humboldt volunteer fire departments, Briceland and Bridgeville, to successfully become FPDs, including an election to pass the tax assessment.

Interim planning director Martha Spencer pointed out that the current Framework Plan (completed 1984) actually directs the county to do this, so including provisions that support county assistance in the formation of FPDs will implement the previously established policy.

Bob Higgons, representing the Humboldt Association of Realtors, said HAR was "not initiating a movement" to eliminate a separate Infrastructure Element but that if the supervisors

Higgons also warned against the imposition of impact fees on developers to provide funding for the additional need for public infrastructure. For example, in the San Francisco Bay Area, where the median home price is around \$500,000, the cost of a single family home can increase by as much as \$70,000 in combined impact fees.

But Third District supervisor Mark Lovelace objected that costs in Humboldt would be much lower than in the Bay Area, and he asked Higgons what level of fees HAR could live with.

Between \$4,000 and \$20,000, Higgons replied, noting that \$20,000 is around 10 percent of the median home price in Humboldt County. He added that some school districts in Eureka and McKinleyville charge impact fees to new development.

After some discussion the supervisors decided to go forward with a review of each provision — goals, policies, standards, and implementation measures — from beginning to end before deciding whether to retain a separate Infrastructure Element.

As the review progressed, issues involving funding, particularly those that could lead to

that the board consider the impact to the homebuyer rather than the developer.

The board of supervisors recently directed the county Department of Public Works to study the need for impact fees for road and drainage improvements in the unincorporated areas around Eureka. But since the Request for Proposal has just been issued, it may be many months before the study is completed.

Spencer reminded the board that so far they are only taking straw votes, not making the final decision.

The supervisors disagreed on including a provision that would set "levels of service" for districts. While funding often depends on establishing levels of service, Fifth District supervisor Ryan Sundberg and First District supervisor Rex Bohn felt districts could set these without county direction. This item was one of several that the board passed by a 3-2 vote, and agreed to discuss it further before the final vote.

One provision called for impact fees on "discretionary development," meaning a project that calls for either subdivision of an existing parcel or a use permit. Such projects require at

change the wording of the policy to make it clear that an impact fee would be charged only to those projects that might require an EIR and only to "major subdivisions," that is, breaking one parcel into four or more new ones.

The supervisors unanimously agreed to leave in a policy calling for the county to "proactively" identify whether infrastructure and services improvements are needed to approve a project or to meet planning goals.

Sundberg was concerned that this would require fees, but Third District supervisor Mark Lovelace said, "If we don't proactively do it, history shows that groups will make us do it" — possibly a reference to the lawsuit filed by the McKinleyville Community Services District against the county for requiring re-zoning of parts of McKinleyville to higher densities for affordable housing.

The board agreed to eliminate a handful of policies already covered in other sections of the plan. They also changed the word "shall" to "may" in some policies to allow flexibility to jurisdictions facing funding problems.

which are more specific and therefore may be more difficult to resolve.

The next hearing will be a double-header on Monday, Nov. 5. The afternoon session begins at 1:30 p.m., and there will be a dinner break around 5 p.m. followed by the evening session at a time to be announced. An additional hearing is scheduled for Thursday afternoon, Nov. 8, beginning at 1:30 p.m.

Agendas for the hearings, including the topics to be discussed, will be announced and posted at least three days prior to the hearings.

For more information, go to the General Plan Update website at www.planupdate.org. By clicking on a box on the left of the home page, you can make a comment or sign up to be put on the GPU mailing list to receive hearing announcements by email.

Those without Internet can call the Humboldt County Planning Division at 445-7541.

Written comment of any length should be addressed to Kathy Hayes, Clerk of the Board, 825 Fifth Street, Eureka, CA 95501. Comments may also be emailed to khayes@co.humboldt.ca.us.

From A1... RID

is get to vent. Very little, if anything, actually happens."

Sheriff Downey offered to assign some of his staff to a collaborative effort with code enforcement, during which county personnel would target the Shelter Cove area, identify unpermitted developments and jumpstart the abatement process on grows deemed to be a nuisance by neighbors — if in fact they violate county ordinances.

"I'm really big on enforcement periods, doing certain targeted enforcement. And I can set up a one or two day enforcement period in conjunction with code enforcement — that's a quick fix," said Downey.

"But it's a start," responded Caldwell.

Despite any other contentions, one aspect of the situation about which everyone present seemed to agree was that 2008 marked a turning point in code enforcement efforts. At that time, the code enforcement unit under John Desidere partnered with law enforcement to conduct code compliance checks that quickly became infamous for SWAT-style raids on marijuana grows. As a result of public outcry, Desidere was reassigned and the code enforcement unit was left with only one investigator on staff to oversee the whole county.

"Part of the thing that came out of that 2008 reorganization of code enforcement was that at that time we could open our own cases," Connor said. "That was taken away from us. So now, code enforcement is entirely complaint driven. If you don't make a complaint, we don't know about it. And even if we do know about it, there isn't anything we can do."

Concerned residents of the Shelter Cove area were ultimately urged to pressure the board of supervisors to fund another investigator position for the code enforcement unit and report possible code violations to the county so that prob-

lem cases can be referred to the CEU.

Other items of interest at Thursday's meeting of the RID included the fish cleaning station and an informational update on planned monitoring of the North Coast Marine Pro-

tection Area (MPA) from the Ocean Science Trust's MPA Monitoring Enterprise. That agenda item derailed, however, due to apparent confusion about the MPA Monitoring Enterprise's role in the Marine Life Protection Act (MLPA) process.

Further discussion of the fish cleaning station was postponed until next month's RID meeting, as the matter is currently between the property owner and the Humboldt Bay harbor, recreation and conservation district.

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