



## Memorandum

**To:** Cade McNamara, Planning & Building Department

**CC:** John Ford, Director, Planning & Building Department

**From:** Mario Kalson, Director, Division of Environmental Health

**Date:** January 19, 2024

**Subject:** DEH comments on proposed zoning amendment for private emergency shelters

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We appreciate the opportunity to comment on the draft zoning amendment language that was recently forwarded by you to DEH on January 4, 2024, titled “Draft Private Housing the Homeless.” The amendment proposed intends to provide needed support to a population that is desperate for options. In doing so, it proposes to exempt shelter properties from public health and safety protections essential to the health of the occupants, the community and the environment.

Control of disease is reliant upon adequate infrastructure. In a housing, or shelter, proposal this means access to adequate potable water for drinking, handwashing, cooking and bathing, along with adequate wastewater capacity to properly treat gray water and black water generated onsite, so as to reduce the chances of disease transmission and prevent contamination of surface and ground water resources.

The amendment, as proposed, provides essential sanitary facilities only where “practically and financially feasible” and provides for the use of portable toilets in violation of existing Humboldt County Code prohibitions (HCC § 613-4). Development without necessary sanitation systems will lead to increased levels of communicable disease and reliance upon portable toilets and cyclical pumping of RV vault storage tanks. These methods are economically unsustainable and, if not regularly serviced, lead to surface discharge of sewage and contribute to proliferation of disease.

The amendment proposes unregulated discharge of gray water, counter to California Plumbing Code, which can lead to contamination of surface water and ground water resources. Similarly, solid waste management (garbage and trash disposal services) is left optional, under the proposal, creating the potential to generate significant accumulations requiring remediation when volumes and character of waste create public health nuisance(s). Such accumulations create habitat for disease vectors and inevitably include household hazardous wastes which complicates any attempted clean-ups. Continued generation and accumulation of solid waste on a property can exceed thresholds to trigger mandated enforcement from the Solid Waste Local Enforcement Agency, pursuant to Public Resources Code and California Code of Regulation, Titles 14 and 27. Clean-ups and site remediation are then greatly more complicated and can impact neighboring properties.

Under the proposed language, properties may accommodate 1 shelter per every 100 ft<sup>2</sup>, which could result in a density of up to 25 persons per acre, after accounting for the proposed 20 feet buffer from property boundaries.

Private shelters that provide water, from private domestic sources (individual wells, springs or surface water), to 25 or more persons for 60 or more days, will meet the definition of a public water system (California Health & Safety Code § 116275), and will be subject to regulation by the State Water Quality Control Board's Division of Drinking Water. Approval of such water systems should be a pre-requisite to approval to ensure potability of water for occupants of the shelter property.

The proposal includes using RVs as shelters. Where proposed on rural properties served by Onsite Wastewater Treatment Systems (OWTS), great care will be required to ensure parking vehicles, in what appears to be "open space", does not damage components of the OWTS, such as tanks, piping, and dispersal fields. Compaction of the soil, both in the primary and reserve OWTS areas of a property may result in system failure and surfacing sewage.

DEH appreciates the urgency of the housing crisis and strongly recommends that any private accommodations for housing be served by community water and sewer services, or have systems explicitly designed for the intended use and have regular disposal services for solid waste. Owners and neighboring property owners should be aware of, and acknowledge, the risks to the health of those living on the property and the long-term impacts to the environment, water resources, and potential for future development if sanitation is not prioritized.