



COUNTY OF HUMBOLDT

For the meeting of: 11/5/2024

File #: 24-1515

To: Board of Supervisors

From: Planning and Building Department and DHHS: Public Health

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:
Update on the Code Enforcement Proceedings for 473 Quarry Road in Trinidad.

RECOMMENDATION(S):
That the Board of Supervisors:

1. Receive the update and provide comment

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities
Strategic Plan Category: 1001 -Support and sustain partnerships between public safety and partner agencies to enhance public safety in our communities

DISCUSSION:
This is a follow up to the Board of Supervisors Meeting on Sept. 24, 2024 when staff presented the plan and timeline for abatement of the property at 473 Quarry Road in Trinidad. The Board of Supervisors received testimony that a lot of progress had been made to clean up the property. The Board was interested in seeing the results of the inspection and allowing the property owner to explore options to provide housing for the people living on site. An update was to be brought back to the Board of Supervisors with the petition that the property owner intended to file to change the land use and zoning on the property, or at the end of the year if no petition is filed. Unfortunately, the results of the inspection revealed hazards to public health which need to be addressed imminently.

Background
On Oct. 2, 2024, county staff from Department of Health & Human Services - Division of Environmental Health (DEH) and Planning and Building Department inspected the site to document progress toward compliance with county ordinance regulations. Attachment 1 is the report from Code Enforcement itemizing the junk/inoperable vehicles, building code violations, zoning ordinance violations and other county code violations. Attachment 2 includes the results of the inspection by DEH.

A petition to change the land use and zoning has not been received by the property owner. This report is being brought back due to public health concerns that need to be addressed on the property as soon as possible.

The report from Code Enforcement shows that there has been junk and trash removed from the site, but there is still more to be removed. There were eight trailers and inoperable buses and 13 unpermitted structures being lived in on the property. None of these would currently qualify as a permitted dwelling. Two of the structures could be permitted as dwellings, but the rest of the

shelters could not currently be permitted.

The report by DEH is included in Attachment 2. This report details significant public health concerns. First is with inadequate wastewater treatment including the following:

- a) Three privies with evidence of recent use. Two of the privies empty into barrels and one had an unknown method of disposal. An estimated 2 yards of domestic septage is piled on the ground under a tarp adjacent to one of the privies.
- b) Two water toilets connected to subsurface disposal systems of unknown design and capacity.
- c) A kitchen sink was observed discharging sewage to a subsurface location of unknown design and capacity.
- d) Sewage from a failed joint in a 2-inch drainage pipe behind a 2-level building, is being discharged to the ground surface.
- e) Multiple outdoor sinks and showers discharging wastewater into buckets and onto the ground surface.

DEH has no records of approved permits for any type of onsite wastewater treatment systems on this parcel. The conditions identified above are potentially injurious to public health and to the environment.

The second public health concern is with the two potential sources of water for the residents:

- a) A dug well covered by a concrete riser and lid which does not appear to be connected to the water system.
- b) A drilled well with an open wellhead, allowing contaminants to enter the casing, connected to water distribution plumbing.

There is a complex web of high-density polyethylene (HDPE) water supply lines weaving at, or near, the ground surface between the structures and a variety of water tanks including multiple plastic barrels and 330-gallon plastic bins. Many of above-ground water supply lines are near one of the pit privies, posing the risk of fecal contamination of the water system.

Issue

This site has an interrelated series of violations that at the broadest level are the 21 unpermitted shelters on the site, but the more pressing concern is related to public health. There are unpermitted waste and wastewater facilities that clearly do not comply with standards put in place to protect public health and have a high potential to contaminate ground and surface water. The well and system of waterlines on the property are not permitted and with the conditions do not provide a safe source of drinking water.

This condition poses a hazard to public health and should not be delayed for resolution of the larger set of violations on the site: land use and zoning changed and to have housing subsequently permitted. The immediate need is to remove the septage as a potential contaminant to surface and ground water. A workable short-term solution would be to remove the privies and replace them with at least 2 portable toilets with hand-washing stations. The use of portable toilets as toilet facilities for permanent housing is not permitted by code but can be allowed under emergency circumstances, for limited periods of time, by the Public Health Officer. This is only workable with the understanding that this is a temporary solution that provides transition time for residents to secure other housing and time for the property owner to clean up the property, apply for zoning amendments and demonstrate that the site has capacity for a permitted wastewater disposal.

The truly difficult part of this situation is that the people who live on this site (including children) are living in an environment which has potential hazards to their health. The property owner has a responsibility to not subject people to conditions hazardous to their health.

It is recommended that the Board of Supervisors not approve a petition to change the General Plan Land Use Designation and Zoning on the property until the following actions have been taken:

- a) The privies on site must be disassembled and disposed of appropriately.
- b) Solid waste from structural components of the privy, including an estimated 10-20 yards of wood waste, and concrete, shall be cleaned, to remove residual residue, and disinfected. This solid waste shall be hauled to an appropriately permitted solid

waste disposal facility or transfer station.

- c) Domestic Septage (human waste with added wood chips/sawdust); 2-4 cubic yards shall either:
 - i. Be hauled to an appropriately permitted municipal wastewater treatment plant, willing to accept the waste by a DEH-permitted hauler, or
 - ii. Buried onsite with more than 6" soil cover, in area approved by DEH, which provides at least 24" separation to any observed groundwater and a minimum of 100' setback to wells or surface water.
- d) A minimum of two portable toilets with hand washing stations shall be installed and adequately serviced on site.

In the event that the property owner chooses to not do this and chooses not to submit a petition for a Land Use and Zoning Change then this condition would persist until the site is cleaned up by the county. The alternative would be for the county to begin the abatement with removal of the privies and then support portable toilets on the site until the property is cleaned up.

SOURCE OF FUNDING:

County Abatement; General Fund, Code Enforcement (1100269) Nuisance Abatement (631130)

FINANCIAL IMPACT:

County-led abatements are paid out of monies set aside for county abatements in the General Fund and transferred to budget unit 1100-269. Pursuant to HCC section 351-24 after the Notice of Nuisance Abatement Assessment Lien is recorded "the Humboldt County Auditor-Controller shall enter each Nuisance Abatement Assessment upon the affected Property on the Humboldt County Secured Tax Roll. The Nuisance Abatement Assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the Imposition date until payment is received. The Nuisance Abatement Assessment may be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary property taxes...". The Nuisance Abatement Assessment shall also have the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure sections 697.310 et seq.

OTHER AGENCY INVOLVEMENT:

Public Health, Division of Environmental Health

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board Discretion

ATTACHMENTS:

- 1. Board Exhibit w. Corrective Actions (reduced) 2024.10.24
- 2. Inspection Report from Division of Environmental Health
- 3. Board Report from 9.24.2024
- 4. Inspection Report from Building

PREVIOUS ACTION/REFERRAL:

Meeting of: September 24, 2024

File No.: 24-1205