



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: Bid Authorization for Dinsmore Property Nuisance Abatement
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| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 1/28/2020 | 2 | Board of Supervisors | approved | Pass |

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:
Bid Authorization for Dinsmore Property Nuisance Abatement

RECOMMENDATION(S):
That the Board of Supervisors:
1. Authorize the issuance of a Request for Proposal (RFP) 19-03 to abate public nuisances at 46280 State Hwy 36, Dinsmore, CA (APN 208-341-024) pursuant to section 22037 of the California Public Contract Code.

SOURCE OF FUNDING:
General Fund

DISCUSSION:
The site at 46280 State Hwy 36, Dinsmore, CA owned by Mr. Bobby Marks and Mrs. Virginia Marks is an illegal junk yard that poses a danger to the public and to the environment. This request would allow issuance of a Request for Proposal (RFP) to remove the junk and hazardous materials from the site. A second phase of the cleanup will be undertaken at a later date to remediate contaminated soils. The initial cost will be paid from the Code Enforcement budget, supplemented by grants or other revenue sources from the state or federal government. After the abatement is completed, staff will follow the next steps required by Humboldt County Code sections 351-16 et seq in order to recover all

abatement costs incurred including a recording of a lien on the subject property if necessary. This requires Board approval because it is expected the proposal to conduct this work will be for more than \$50,000.

In November of 2018, Humboldt County Planning & Building's Code Enforcement division was contacted by California Department of Fish and Wildlife (CDFW) and California Regional Water Board to conduct an inspection of the property located at 46280 State Hwy 36, Dinsmore, CA.

In December 2018, the property was inspected in the presence of Mr. Marks. Upon inspection, the 6.25 acre property was found to have over 200 junk vehicles, recreational vehicles, travel trailers and boats. The property is also riddled with solid waste, appliances, car parts, and scrap metal. Hazardous materials were also found on-site. Mr. Marks stated he has owned the property since the 1970s. He also stated he had a permit to operate a junkyard and believed he was in compliance with that permit. Mr. Marks has been operating a junkyard on the property since the 1980s.

Research conducted regarding this property found that a previous code compliance case had been opened by the Humboldt County Planning & Building Department in 2001 for Land Use Issues and Maintaining a Junkyard and a \$9,400 penalty was imposed. In 2003, Mr. Marks applied for a Conditional Use Permit (CUP) for the expansion of an existing auto towing, repair, salvaging and sales business. The permit was approved by the Humboldt County Planning Commission on December 5, 2006. The Use Permit was approved for a period of five years with the condition that all operations cease effective December 5, 2011 and actions to restore the site commence at that time. Operations continued after the 2011 expiration date with no modification to the CUP. No business license was ever obtained and no hazardous materials plan was ever filed with Humboldt County Department of Health & Human Services Division of Environmental Health ("DEH").

In March of 2019, a complaint was received from the California Environmental Protection Agency regarding vehicles adjacent to the Van Duzen River and possible hazardous materials present on the site. On April 2, 2019, a Notice to Abate Nuisance and a Notice of Violation and Proposed Administrative Civil Penalty was posted on the property for violation of HCC 371-2 Maintaining a Junkyard. A Daily Administrative Civil Penalty of \$10,000 per day was imposed. Mr. Marks contacted Code Enforcement within the 10-day period to discuss the violation. He was instructed to submit a clean-up plan within two weeks. Mr. Marks did not request an appeal hearing and the cleanup plan was never received.

Since the time to abate the public nuisance as set forth in the Notice to Abate Nuisance has expired and that no Code Enforcement Appeal Hearing was requested, the county has acquired jurisdiction to correct or abate the conditions causing the nuisance pursuant to Humboldt County Code section 351-13.

In April 2019, staff received an email from Investigator Lee Myers from California Department of Toxic Substances Control (DTSC) in Sacramento. Investigator Myers had received a complaint regarding this property and wanted to discuss a site visit. A site visit was arranged on April 30, 2019, and was attended by DEH, Code Enforcement investigators and scientists from DTSC and CDFW. Mr. Marks gave consent to inspection and conduct hazardous materials testing. Four samples were taken

and all four tested positive for the presence of hazardous materials. During the time period from April 2019 to the present, Code Enforcement staff have spoken to Mr. Marks three times and he indicated he was attempting to abate the vehicles but, as of September 2019, aerial imagery indicates minimal cleanup of the property.

This is a situation that poses a hazard to public health and safety and can also have detrimental impacts upon water quality and sensitive species in and along the Van Duzen River. It is fairly apparent that Mr. Marks has created a public nuisance that he is unable to address, and intentional actions are needed to remedy this situation and to prevent further environmental harm.

An RFP will be issued on February 10, 2020, with proposals due on February 28, 2020. This RFP will be for the removal of all junk vehicles, vehicle parts, solid waste and hazardous materials.

FINANCIAL IMPACT:

For work performed in the 2019-20 fiscal year, \$300,000 of the funds budgeted in the Code Enforcement budget, 1100-269, will be used to pay the selected contractor. This money was set aside in the budget anticipating that there would be at least one large site clean-up that would be necessary. The remaining cost to complete the abatement will be budgeted in the fiscal year 2020-21 Code Enforcement budget. Upon completion of the abatement, staff will seek recovery of all abatement costs incurred.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and by managing resources to ensure sustainability.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not approve the issuance of RFP 19-03. This is not recommended because it will delay the abatement of the public nuisance that exists at the Dinsmore property, allowing the negative impact on the environment and on the health and well-being of area residents to continue.

ATTACHMENTS:

RFP 19-03

PREVIOUS ACTION/REFERRAL:

Board Order No.:

Meeting of:

File No.: