

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 5/24/05  
**Department Name:** Public Health - EHS  
**Department No.:** 041  
**Agenda Date:** 6/7/05  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Elliot Schulman, MD, MPH  
Director / Health Officer, Public Health Department

**STAFF CONTACT:** Rick Merrifield, Environmental Health Director  
681 4934

**SUBJECT:** Abandoned Well at 1990 Las Canoas Road., Santa Barbara, 1<sup>st</sup> District

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## **Recommendation(s):**

That the Board of Supervisors:

Receive a report on measures taken by Environmental Health Services to abate a public safety nuisance posed by an open, abandoned well located at 1990 Las Canoas Rd., Santa Barbara, 1<sup>st</sup> District.

## **Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal #2: A Safe and Healthy Community in Which to Live, Work and Visit.

## **Executive Summary and Discussion:**

On March 29, 2005, Environmental Health Services received a citizen complaint regarding a, "well with an open pit", located at 1990 Las Canoas Road, Santa Barbara. The complainant, who lives nearby, was concerned for the safety of his children. Within the unincorporated area of the County, Environmental Health Services has responsibility for site approval and permitting of water wells. As a result, a site visit by Environmental Health Services staff confirmed the presence of an open, hand-dug well. The deteriorated condition of the well and its equipment indicated that the well had been inactive for a considerable period of time. Based on its location, the size of the opening and presence of impounded water, staff made a determination that the well poses a nuisance to the public.

Environmental Health Services attempted to contact the property owner at the site and by telephone, but was unsuccessful. A letter was sent to the property owner of record on April 11, 2005, identifying the condition

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that staff found and staff's belief that the well represented a safety hazard and should be secured to eliminate the hazard as required by Section 34A-3 of the County Code. This letter, sent by standard mail, elicited no response from the property owner.

After consultation with the District Attorney's Office, the Environmental Health Services issued a second letter with a Notice of Violation, citing section 34A-8 of the County Code and directing that the open well be covered or fenced within one week of receipt of the notice and properly destroyed by June 30, 2005. When Environmental Health Services staff attempted to hand-deliver the notice and speak with the owner about the matter on April 29, 2005, the owner denied access to the property and demanded that staff leave immediately. This second letter and Notice of Violation were then sent by Certified Mail, but the owner twice refused delivery and they were returned by the Post Office. Pursuant to consultation with the District Attorney's office, staff returned to the property on May 17, 2005 and posted the Notice of Violation on the gate of the private driveway. A site visit the following day confirmed that the notice had been removed from the gate.

Section 18-1 of the County Code states that whenever a nuisance endangering the public health is ascertained to exist on any premises, the Health Officer shall notify the person owning the premises of the existence of the nuisance and require him or them to abate the nuisance within a "reasonable time, not exceeding ten days." Additionally, the Code requires the Health Officer to report this action to the Board of Supervisors at the next regularly scheduled meeting.

At the time this letter was prepared, the property owner had covered the abandoned well with two sheets of plywood and a wooden pallet, temporarily abating the safety hazard. A third letter was posted on the property on May 25, 2005, acknowledging the owner's action of temporarily covering the well. The letter also advised the owner to ensure that s/he comply with the County ordinance to properly inactivate or destroy the well to ensure a permanent solution. Staff recognizes the owner's initial steps to secure the abandoned well. However, the sheets of plywood do not serve as a permanent solution in preventing an accident. The staff of Environmental Health Services will continue to attempt to communicate and work with the landowner to seek a reasonable permanent solution.

Again, this letter to the Board is an informational item as required by County Code. Staff will return to the Board to update the progress of working with the landowner to seek a permanent solution and, if necessary, to recommend action that may be required to abate the hazard.

### **Mandates and Service Levels:**

In the event that the property owner fails to comply with the requests to properly inactivate or destroy the well, such as simply filling-in the well, Environmental Health Services will report to the Board regarding the need for the imposition of penalties in accordance with Section 24A of the County Code. Additionally, Section 18-3 of the County Code stipulates that the County may take the necessary steps to abate a nuisance, with the property owner being liable for the reasonable costs incurred by the County in taking the abatement action.

It is anticipated that this project and, if necessary, County-initiated abatement action will result in a minor increase in Environmental Health Services staff workload.

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**Fiscal and Facilities Impacts:**

There are no fiscal impacts at this time. If it becomes necessary for the County to remove this nuisance (the well) due to continued non-cooperation by the owner, the Department would return to your Board with an estimate of the cost to properly destroy the abandoned well.

**Special Instructions:**

Please return a copy of the minute order to PHD Contracts Unit, 300 North San Antonio Road, Building 8, Santa Barbara, CA 93110 **Attn: Margaret Granger (805) 681 5367.**

**Concurrence:**

County Counsel

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Hand-dug well with an opening of approximately five or six feet across and an unknown depth

