

# County Building Code Enforcement in Allendale Area

## 2002 – 2003 Grand Jury Report

### I. Reason for Investigation

The Grand Jury investigated a complaint submitted by four citizens pertaining to actions taken by the County to enforce building code requirements in the Allendale unincorporated area.

### II. Procedure

The Grand Jury:

- Interviewed one of the complainants
- Interviewed staff and members of Solano County Department of Environmental Management (DEM)
- Interviewed staff of the Vacaville Seventh Day Adventist Church in Allendale
- Reviewed enforcement records by the DEM
- Reviewed sewer disposal system requirements
- Evaluated surface contours and water flow in subject area
- Visited the subject site to view surface water flow patterns and control procedures implemented

### III. Background

1. The Vacaville Seventh Day Adventist Church requested and received permits to build on their undeveloped property on Allendale Road in June 1995. The overall plan was to build in two phases. Phase I was to build four buildings: a 10,500 sq. ft. gathering facility, a 1,400 sq. ft. office, a 1,400 sq. ft. school and a 4,500 sq. ft. caretaker and community services structure. The approved design was to accommodate 200 congregation members and 13 school students and staff. Phase II would add approximately 12,000 sq. ft. of church space and 7,500 sq. ft. of school space.

2. A year later a revision to the plan was submitted to the County Planning Commission to consolidate the Phase I gathering facility with the Phase II church for a total area of 22,168 sq. ft., all to be erected in Phase II. It also consolidated the two proposed school facilities into a single 10,904 sq. ft. building to be constructed in Phase I. The revision was approved in January 1997.

3. In 1997 a 2,500 sq. ft. modular building was erected on the property without permits or compliance with building codes. In February 1998, a plan revision was submitted proposing a use not in compliance with zoning codes. The zoning code issue is presently in court litigation, and therefore, not a subject of this investigation. The DEM issued a stop order on the modular building until corrective actions brought the structure into building code compliance. The owner then requested a revision to the building plan to change the previously approved 4,500 sq. ft. community services/caretaker building into two separate buildings with a modular building to serve as the caretaker residence. That request was approved by the Planning Commission in July 2000. At the time of this investigation, the modular building was not being used for a caretaker residence.

4. The above-referenced construction caused several neighborhood concerns. Initially, a lack of public information contributed to the anxiety. In accordance with County notification requirements only neighbors within 500 ft. of a petitioning property were notified of the public hearings. That will normally encompass four or fewer property owners in rural areas. As word eventually spread and more affected neighbors requested the DEM to notify them, the DEM personnel voluntarily provided notification to these additional residents. However, the complaint indicates that a level of mistrust had already been established. When code violations were found, the DEM issued appropriate stop orders until corrective actions were completed.

5. The north portion of the Allendale area is very flat with attendant poor surface water drainage. Natural surface water movement in the area is toward the southeast from the subject property so suspicions arose that properties in the direction of flow would possibly receive polluted surface water that might flow over the septic system leach field installed for the church and school. Earth that was moved, without permits, to provide an increased elevation for the buildings was assumed by the complainants to have altered and increased the surface flow.

6. DEM records indicate that the initial septic system design was inadequate. That system was subsequently redesigned by an engineering firm to meet all standards including recognition of the very poor percolation qualities of the leach field soils. Investigative field observations by the Grand Jury confirmed that there is little possibility of surface water movement from the leach field toward neighbors to the southeast. The church property has a collection pond in its center that intercepts surface water moving from the building area and, by means of an automatic pump, moves that water north to the Allendale Road drainage ditch. Additionally, the church group, at their own expense, had a culvert installed under Allendale Road to divert the water from the south drainage ditch to the north drainage ditch. All water, even in periods of heavy rains, is therefore routed completely around the residential zone directly to Sweeney Creek. This is a significant improvement over the natural movement.

7. No evidence could be found to support the allegation of uneven treatment of residents in code enforcement. If an accused violator appeals enforcement action to the county departments or the courts, DEM is constrained from further enforcement actions until resolved, unless safety or health is a factor.

#### IV. Finding and Recommendation

*Each finding is referenced to the background paragraph number*

**Finding #1:** The County requirement of providing direct notification of public hearings for permit procedures does not meet the needs of rural property owners. The current code only requires that property owners within 500 feet of the affected property are to be notified ten days prior to the hearing and notices are to be published in the local newspaper.(4)

**Recommendation #1:** All applicable county codes be changed for rural properties to require notification of all property owners within one-half mile of the affected properties.

#### V. Comment

The Grand Jury commends the DEM staff and the Vacaville Seventh Day Adventist Church members for exceeding requirements to ensure all issues were resolved.

#### Affected Agencies

- Solano County Department of Environmental Management
- Solano County Board of Supervisors

