



Agenda Date: 3/18/2008
Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gabrielle Avina for Loveless, Ernie - Fire Chief
County Fire Department
REPORT BY: Gabrielle Avina, Fire Marshal - 967-1421
SUBJECT: Second Reading and Adoption of the Fire Hazard Abatement Ordinance and Adoption of a Resolution to Amend the Napa County Defensible Space Guidelines

RECOMMENDATION

County Fire Chief requests the following actions to provide regulations for fire protection and fire hazard abatement in the unincorporated areas of Napa County:

1. Second reading and adoption of an ordinance amending Chapter 8.36 of the County Code; and
2. Adoption of a resolution amending the Napa County Defensible Space Guidelines.

ENVIRONMENTAL DETERMINATION: The project consists of the adoption of an ordinance changing enforcement mechanisms for gaining compliance with current standards and does not change any current fuel management standards. The proposed ordinance does not have the potential to result in a direct or indirect change to the environment, and therefore does not meet the definition of a "project" under the California Environmental Quality Act (CEQA) pursuant to Section 15378(a). Furthermore, fuel management activities presently authorized under the proposed and current ordinance are categorically exempt from the provisions of CEQA pursuant to Section 15304 (i).

EXECUTIVE SUMMARY

The ordinance will amend Chapter 8.36 of the Napa County Code for fire hazard abatement in the unincorporated areas of the County including the addition of requirements consistent with Public Resource Code 4291, changing the appeal process, modifying the methods required for notice of violations and clarifying property owners responsibility for fuel modification. The resolution adopting the Napa County Defensible Space Guidelines amends the Guidelines so they are consistent with the changes in Chapter 8.36 of the County Code.

Procedural Requirements

1. Chair announces agenda item.

2. Chair declares the Public Hearing open.
3. Staff reports on the item.
4. Questions by the Board
5. Chair invites public comment.
6. Chair declares the Public Hearing closed.
7. Chair invites a motion on the item.
8. Member makes a motion on the item.
9. Another member seconds the motion on the item.
10. Board discussion and debate.
11. Chair calls for the Vote on the motion on the item.
12. Chair announces the result of the Vote.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The project consists of the adoption of an ordinance changing enforcement mechanisms for gaining compliance with current standards and does not change any current fuel management standards. The proposed ordinance does not have the potential to result in a direct or indirect change to the environment, and therefore does not meet the definition of a "project" under the California Environmental Quality Act (CEQA) pursuant to Section 15378(a). Furthermore, fuel management activities presently authorized under the proposed and current ordinance are categorically exempt from the provisions of CEQA pursuant to Section 15304 (i).

BACKGROUND AND DISCUSSION

On March 11, 2008 staff presented to the Board of Supervisors changes to the Napa County Weed Abatement Ordinance which included additions to the ordinance for consistency with PRC 4291, a name change from the Weed Abatement Ordinance to the Fire Hazard Abatement Ordinance, changes to the appeal process, modifications to the methods for noticing property owners and changes in property owners responsibility for fuel modification. The Board introduced the ordinance, waived the balance of the reading and declared its intention to adopt the ordinance.

Additions to the Ordinance for Consistency with Public Resource Code 4291

The ordinance includes requirements consistent with Public Resource Code (PRC) 4291 which consist of maintenance items such as keeping roofs and gutters clear of combustible material, maintaining 10' of clearance between tree limbs and chimneys and maintaining the appropriate covering on chimneys and stovepipes. Since some of the additions include maintenance issues consistent with Public Resource Code we recommended a change in the name of the ordinance from the Napa County Weed Abatement Ordinance to the Napa County Fire Hazard Abatement Ordinance.

Changes to the Appeal Process

A procedural change in the ordinance is a change in the appeal process. The property owner still has two appeals but instead of both appeals being hearings the first appeal is written to the fire chief and the second appeal is a hearing with the county safety officer. This change will allow the fire chief or his designee sufficient time to investigate the appeal and render a decision and will result in a more streamlined appeal process which does not duplicate staff time spent on appeals while still affording property owners two separate and distinct appeals.

Modifications to the Methods for Noticing

Procedural changes to the ordinance are changes in giving notice to property owners of violations which include posting of the property and hand delivery of notices. A large number of the violations that did not comply were due to our inability to notify the property owner. Abatement notices were sent via certified mail and were frequently returned after a month when the postal office was unable to deliver the mail or the property owner did not respond to the notice. This left us with a long list of violations that we were unable to process because we were not able to notify the property owner as required by the ordinance.

Property Owner's Responsibility

Staff has included language in the ordinance that requires fuel modification on vacant or undeveloped parcels one acre or less in size. Quite frequently these small undeveloped parcels are in communities or subdivisions and while fuel on the parcel may not be within 100 feet of a structure and therefore does not require fuel modification under the existing ordinance these properties frequently create a fire hazard for the community. This has proven to be a problem in some of our high risk communities such as Berryessa Estates and Berryessa Highlands.

The ordinance changes the responsibility for fuel modification to the actual owner of the property where the fuel conditions exist. Staff has researched other jurisdictions who have ordinances which require fuel modification across property lines and those ordinances also require the owner of the property on which the hazard exists to be responsible. This change in responsibility will make the inspection and noticing procedures far more efficient for staff and reduces the potential for county liability for claims of injury or property damage.

Changes in the ordinance required changes in the Napa County Defensible Space Guidelines. Today's action will adopt the amended Napa County Defensible Space Guidelines as part of Chapter 8.36 of the Napa County Code.

On March 11, 2008 the Board opened the public hearing and introduced the ordinance, read the title, waived reading the balance of the ordinance and declared its intention to adopt the ordinance on March 18, 2008. The Ordinance is now before the Board for formal adoption. If adopted it will become effective on April 17, 2008.

County Counsel recommends adoption of the Ordinance and the Resolution.

SUPPORTING DOCUMENTS

- A . Final Ordinance
- B . Resolution Adopting Defensible Space Guidelines
- C . Tracked Version of Guidelines

CEO Recommendation: Approve

Reviewed By: Helene Franchi