



Agenda Date: 4/3/2007  
Agenda Placement: 9A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Gabrielle Avina for Ernie Loveless - Fire Chief  
County Fire Department  
**REPORT BY:** Gabrielle Avina, Fire Marshal, 967-1421  
**SUBJECT:** Weed abatement ordinance

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### **RECOMMENDATION**

County Fire Chief requests discussion and possible direction from the Board concerning development of a weed abatement ordinance.

### **EXECUTIVE SUMMARY**

During the summer 2006 Supervisor Dillon requested that staff from the County Fire Department prepare a draft weed abatement ordinance. The County Fire Department has reviewed possible weed abatement ordinance scenarios and requests discussion and direction from the Board prior to bringing an ordinance back for the Board's consideration.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

In January of 2005 legislation was enacted by the State of California which increased the defensible space

required around structures in the State Responsibility Area (SRA) from 30 feet to 100 feet to better protect our citizens and homes in the wildland urban interface from wildland fires. While the requirement for defensible space has been on our law books for decades it has become apparent that it has little effect on the fire environment that exists in Napa County because the personnel and tools are not in place to enforce the requirements.

In Napa County we currently have Public Resource Code (PRC 4291) effective in the State Responsibility Area (SRA) and the 2001 California Fire Code Appendix II-A in effect in the Local Responsibility Area (LRA). Both of the codes require that vegetation is managed and maintained so as to reduce the potential for the spread of encroaching wildfires or escaping structure fires. While the code language is already in place that requires 100 feet of defensible space there is not a program in place to ensure that residents comply with the code. A weed abatement ordinance in Napa County would give us the tools necessary to drastically improve the survivability of our citizens, our firefighters and our communities in hazardous fire areas.

Damage assessment studies from the catastrophic wildland fires of 2003 demonstrated that communities with effective weed abatement programs were far more likely to survive a wildland fire than communities without a program. It is also apparent from the the wildland fires in 2003 and 2006 that this defensible space is key to the survival of the structures and the survival of the firefighters that are tasked with protecting the structures. In 2003 a firefighter lost his life in a southern California wildland fire while protecting a structure with inadequate defensible space. This tragedy repeated itself in 2006 when five firefighters lost their lives while assigned to structure protection during another southern California wildland fire.

It is also apparent from an operational standpoint that we have been using our firefighting resources to protect the development in our wildland areas instead of focusing our efforts on perimeter fire control. In a wildland fire situation not requiring defense of urban developments, resources are deployed to contain the perimeter of the fire and stop the fire spread. In a wildland urban interface (WUI) fire resources must be deployed in an offensive mode to protect what is in the fire's path instead of working on perimeter fire control. This change in strategy has resulted in fires in the WUI getting larger and requiring significantly more resources than a wildland only fire. If the properties that are in a fires path have adequate defensible space then the initial attack resources can be utilized more effectively in perimeter fire control because those properties will require little if any protection by fire department resources.

If the Board would like County Fire to pursue a weed abatement ordinance we recommend that the ordinance require 100 feet of defensible space around all structures in the County. The scope of a weed abatement ordinance should clearly define a time frame for complying with the defensible space requirement, for example the first day of June of every year. The ordinance should also define a strict noticing policy to non-compliant properties, a time frame for the property owner to gain compliance, an appeal process, and an abatement process through private contractors. Under the weed abatement ordinance envisioned by County Fire, if abatement is required of a property, the property owner would be charged for the cost of abatement by private contractors and an administrative fee which would cover the county's cost to inspect, notice, abate and collect on the abatement. If the bill for the abatement and the administrative fee are not payed then the cost could be placed on the tax roll as a lien on the property.

In Napa County there are approximately 7,500 developed parcels in the county that could be affected by a weed abatement ordinance. While the task of physically inspecting every parcel annually is clearly unattainable, the program can be managed effectively by targeting high-risk communities, identifying priorities based on risk and responding to neighbor or community concerns or complaints.

The inspecting, noticing, reinspecting and abating of that number of properties would require the addition of a fire prevention specialist (FPS) position assigned to the County Fire Department. Total annual cost of an FPS including salary and benefits, unplanned overtime, and uniform allowance is approximately \$94,000. The County

Fire Department believes that the costs of filling that position could be partially reimbursed to the department by the administrative fee charged to properties requiring abatement.

Our initial estimates are that a single abatement will require a minimum of three to four hours of work by an inspector. Our current hourly rate is \$151 per hour which equals an administrative fee of \$450 to \$600. If we estimate a \$500 administrative fee then the program would require 200 abatements a year to pay for itself. A conservative goal for the program in the first few years would be 100 abatements which would cover 50% of the program costs and the remainder of the costs would be paid through the County Fire fund.

The impacts to the property owners for complying with the requirements of a weed abatement ordinance may be monetarily significant. The fiscal analysis done by the Board of Forestry when the defensible space requirements were increased from 30 feet to 100 feet estimated that the cost would average from \$0 to \$2000 to comply with the new requirements. This estimate was based on the presumption that the property owner would be required to clear 1.5 acres of land. As an experiment, in 2006 the Napa Firewise program chose a demonstration house in the county that needed a substantial amount of work to meet the requirements of PRC 4291. Firewise hired a private contractor to provide 100' of defensible space around the structure and 10' of defensible space on each side of the road which resulted in a significant amount of brush clearing, tree work and chipping. The total cost was \$4000 which may represent a worse case scenario for the potential monetary cost to the property owner.

The long term fiscal benefit of a weed abatement ordinance in the county must also be factored into the equation. The Board of Forestry's analysis stated that the long term fiscal benefits of the regulation (PRC 4291) would result in reduced property losses from wildfire, fewer insurance claims, lower insurance premiums and could result in more rapid wildfire containment and lower expenditures of emergency funds.

The Napa County Fire Department believes that a weed abatement ordinance will dramatically improve the safety of our citizen's, our firefighter's and our communities but that will come at a price both to property owners and to the county. We request discussion and possible direction from the Board concerning development of a weed abatement ordinance.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey