



Agenda Date: 5/15/2007  
Agenda Placement: 8F  
Set Time: 11 AM PUBLIC HEARING  
Estimated Report Time: 20 Min  
Continued From: May 8, 2007

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Gabrielle Avina for Loveless, Ernie - Fire Chief  
County Fire Department  
**REPORT BY:** Robert C. Martin, Deputy County Counsel, 259-8443  
**SUBJECT:** First Reading and Intention to Adopt of Weed Abatement Ordinance and review of Napa County Defensible Space Guidelines

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### **RECOMMENDATION**

County Fire Chief requests first reading and intention to adopt an ordinance amending the County Code by adding a new chapter 8.36 to provide regulations for fire protection, weed and rubbish abatement in the unincorporated areas of Napa County and assigning the responsibility of hearing appeals relating to imposed abatement costs to the County Hearing Officer.

**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 would add Chapter 8.36 the Fire Protection Weed and Rubbish Abatement Ordinance to the Napa County Code. The proposed ordinance would adopt a process to enforce the requirements for defensible space around structures and give County staff the ability to abate properties which constitute a fire hazard.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No

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What is the revenue source?	The County Fire Department has budgeted funding for the new position and a line item to support the new position in the draft 2007/2008 budget. Funding to support the ordinance will be from the County Fire Fund. County Fire has budgeted \$94,000 for the addition of a fire inspector to enforce the ordinance and \$10,000 to support that position.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The County Fire Department recommends approval of this ordinance to ensure that all structures in the county maintain adequate defensible space for protection from wildland fires.
Is the general fund affected?	No
Future fiscal impact:	Annually the County Fire Fund would need to budget funds to fund the position although some of those costs will be offset by an administrative fee charged to property owners requiring abatement. The administrative fee will be based on time and materials and will cover the cost of all of the inspections and staff time for noticing and processing the abatement.
Consequences if not approved:	If the ordinance is not adopted the County Fire Department will not be able to effectively enforce or abate properties which are a fire hazard.
Additional Information:	

### **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**

At the April 3, 2007 Board of Supervisors Meeting the County Fire Department received direction from the Board to draft a weed abatement ordinance for the County. The proposed ordinance is a result of the direction and discussion from that meeting and a follow-up Board meeting on May 8, 2007.

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.

The proposed ordinance would require 100' of defensible space around all structures in the County by June 1st of

every year. If the property is found non-compliant then a notice will be given by service by certified mail. The owner of the property shall have twenty-one days from the date of the order to abate the nuisance. If the nuisance has not been abated within twenty-one days the enforcement officer may, with a private contractor have the nuisance removed, destroyed or abated and the cost of abatement will be charged to the owner of the property.

The proposed ordinance also requires that where the distance from an occupied structure to the property line is less than the distance required to be cleared pursuant to the Napa County Defensible Space Guidelines, the owner of the adjacent property either has to clear the remaining area or allow access to the owner of the property with the occupied structure to come on the adjacent property and clear the property.

Any expense that the County incurs as a result of the abatement will be billed to the property owner. In addition to the actual expense incurred for the abatement the property owner shall be charged an administrative fee for the cost of time and materials that the County has incurred as a result of the abatement. If the bill is not paid within 45 days the bill shall become a lien against the property and placed on the tax roll as a special assessment.

The ordinance establishes a number of processes to allow property owners to request an extension of time to comply with the notice and also to appeal decisions of the enforcement officer and the fire department. The ordinance will also give property owners the ability to appeal the cost bill of the abatement with a County Hearing Officer to determine if the abatement and the county administrative costs are appropriate.

In Napa County there are approximately 7,500 developed parcels in the county that would be affected by the proposed ordinance. While the task of physically inspecting every parcel annually is clearly unattainable, the program will 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 will 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, longevity pay, uniform allowance, a vehicle and the administrative fee 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 costs charged to properties requiring abatement. It is impossible to determine the number of properties that will require abatement annually but if we estimate that 1% of the properties affected by the ordinance required abatement and the average abatement took three to four hours of staff time then 40% of the total cost of the position would be reimbursed to County Fire through the administrative costs. The long term fiscal benefit of a weed abatement ordinance in the county must 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 the proposed weed abatement ordinance will dramatically improve the safety of our citizen's, our firefighter's and our communities. It will give County staff the ability to effectively enforce the defensible space that is already required by the regulations and codes.

On May 8, 2007, the Board opened the public hearing and introduced the ordinance, gave input as to changes it wanted to the ordinance and continued the first reading until May 15, 2007.

County Counsel recommends adoption of the Ordinance.

## **SUPPORTING DOCUMENTS**

A . Ordinance (Revisions Marked)

B . Ordinance (Final)

CEO Recommendation: Approve

Reviewed By: Helene Franchi