



Agenda Date: 5/22/2007  
Agenda Placement: 8B  
Set Time: 9:30 AM PUBLIC HEARING  
Estimated Report Time: 10 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:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** Second Reading and Adoption of Weed Abatement Ordinance and Adoption of Resolution to Adopt Napa County Defensible Space Guidelines

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### **RECOMMENDATION**

County Fire Chief requests the following actions 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:

1. Second reading and adoption of an ordinance amending the County Code by adding a new chapter 8.36; and
2. Adoption of a resolution to adopt 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 proposed ordinance will add a new Chapter 8.36, the Fire Protection Weed and Rubbish Abatement Ordinance, to the Napa County Code. It will 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. The Napa County Defensible Space Guidelines will provide examples of fuel modification measures for property owners to create defensible space around structures.

**FISCAL IMPACT**

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

On April 3, 2007, the Board directed County Fire to draft a weed abatement ordinance for the County. 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. Staff made changes to the ordinance and brought it back before the Board on May 15, 2007 at which time, the revised ordinance was introduced, the balance of the reading waived and the Board declared its intention to adopt the ordinance and the resolution adopting the Napa County Defensible Space Guidelines on May 22, 2007. The ordinance and resolution are now before the Board for formal adoption.

The ordinance before the Board today, reflects all of the Board and public comments and will become effective on June 22, 2007. Additionally, staff has developed guidelines to help property owners comply with the defensible space requirements of the Napa County Weed Abatement Ordinance. Today's action will formally adopt these guidelines as part of Chapter 8.36 of the Napa County Code.

These guidelines were created based on the fuel treatment requirements adopted by the State Board of Forestry and Fire Protection as their 'General Guidelines to Creating Defensible Space'. The guidelines have been modified pursuant to comments by the Board on May 15, 2007. The guidelines now more clearly reflect that they are just an example of fuel modification measures that could be implemented to provide adequate defensible space around structures. Differences in fuel conditions and topography vary among properties and the amount of fuel modification may vary based on the site specific characteristics. The guidelines are directory, not mandatory and are intended to provide property owners with examples and fuel treatment options to comply with the Napa County Weed Abatement Ordinance.

County Counsel recommends adoption of the Ordinance and Resolution.

#### **SUPPORTING DOCUMENTS**

A . Ordinance

B . Resolution Adopting Guidelines

CEO Recommendation: Approve

Reviewed By: Helene Franchi