



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/17/2023

ITEM NO: 11

DATE: January 3, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Objections to the Proposed Abatement of Hazardous Vegetation
(Weeds) for Properties Listed on the 2023 Weed Abatement Program
Commencement Report and Order the Abatement

RECOMMENDATION:

Consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2023 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement.

BACKGROUND:

The Weed Abatement Program is a different, and complementary program to the Brush Abatement Program. Both programs work to protect the Town by preventing fire hazards created by vegetative growth and the accumulation of combustible debris with the goal of voluntary compliance.

The Town of Los Gatos Municipal Code Chapter 11, Article II (also called the Weed Abatement Ordinance) requires property owners to prevent potential fire hazards and provide protection for their property and any nearby structures by clearing hazards. Properties are inspected by the County to confirm the property has been cleared of hazards according to the clearance requirements as defined in the Santa Clara County Weed Abatement program

<https://weedabatement.sccgov.org/sites/g/files/exjcpb431/files/Program-Guidelines-Brochure.pdf>.

PREPARED BY: Meredith Johnston
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

SUBJECT: Weed Abatement Program Public Hearing to Consider Objections to the
Proposed Abatement of Hazardous Vegetation (Weeds) for Properties Listed on
the 2023 Weed Abatement Program Commencement Report and Order the
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BACKGROUND (continued):

The Town Code also authorizes the Town or the Town's representative to remove the weeds if the property owner fails to do so and to recover those costs through an assessment of the property tax bill for each parcel. The Town has contracted with the County for enforcement of the Town's Weed Abatement Ordinance.

Typically, a property is placed in the program after a County inspector identifies a potential fire hazard on the premises. Individuals, Fire Departments, Code Enforcement, Public Works, and other public agencies can also submit complaints to the County. Once a parcel is placed in the program, it will remain in the program until it displays compliance for three consecutive years, at which point it will be removed.

The Program is administered by the County on behalf of the Town and is funded from fees assessed on the properties included on the assessment list. Every year while in the program, each of the property owners are charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees.

DISCUSSION:

On December 6, 2022, the Town Council passed Resolution 2022-74 (Attachment 2) declaring hazardous vegetation (weeds) a public nuisance, providing for their abatement, and setting January 17, 2023 as a public hearing for the annual program to consider objections for proposed removal and to order the abatement. On December 13, 2022, the County mailed informational weed abatement program packets to all property owners, including the schedule and price list (Attachment 3).

The weed abatement process consists of eight steps that begin in November and go through August of each year. Currently, the process is at Step 4 on the list as illustrated below.

1. When properties are identified as having hazardous weeds, they are placed in the program, monitored, and must be compliant for three consecutive years in order to be removed from the program. County prepares a report of all properties that have been identified and provides the report to the Town (Attachment 1) (November).
2. Town Council adopts resolution declaring weeds a nuisance and sets a hearing date to hear objections by property owners to having their property listed on the report (Attachment 2) (December).

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DISCUSSION (continued):

3. County sends notice to property owners on the report notifying them of the hearing date, along with guidelines on the Weed Abatement Program explaining that they must remove weeds by the abatement deadline or it will be done for them and the cost of the abatement plus administrative costs will be assessed by the County Tax Collector against the respective property (Attachment 3) (December).
4. Town Council holds a public hearing to consider objections by property owners and orders abatement (January).
5. County sends a courtesy letter to property owners on the report notifying them again of the abatement deadline (January).
6. After the April parcel abatement deadline, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County creates an assessment report of all costs associated with the abatement and provides that report to the Town (June-July).
7. Town notifies the property owners on the assessment report notifying them of the hearing date (July).
8. Town Council holds a public hearing, notes any disputes, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed abatement of hazardous vegetation (weeds) for properties listed on the 2023 Weed Abatement Program Commencement Report (Attachment 1) and order the abatement. At the time of this report's preparation, staff had not been contacted regarding potential objections.

COORDINATION:

This program has been coordinated with the Santa Clara County Department of Agriculture and Environmental Management.

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FISCAL IMPACT:

The County's Weed Abatement Program administers services for 13 local agencies under a cost recovery model, paid for by fees imposed on the parcel owners. The estimated program cost related to each agency is based on the number of parcels per agency.

Should the funding associated with the assessments fall short of the total program cost, the Town will be billed for a pro-rata share of the program such that the County achieves full cost recovery. If the County needs to request additional funds, this would be absorbed in the PPW Operating Budget. Funds are provided in the Fiscal Year (FY) 2022/23 Operating Budget to cover the cost of publishing all required legal notices.

ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15304, the Town's weed abatement program is categorically exempt from CEQA as a minor alteration to land.

Attachments:

1. 2023 Weed Abatement Program Commencement Report
2. Resolution 2022-74
3. Abatement Program Packet Mailed to Parcel Owners