



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/01/2020

ITEM NO: 5

DATE: November 24, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Declaring Certain Hazardous Vegetation Growing in the Town of Los Gatos to be a Public Nuisance, Describing Properties Where Such Nuisance Exists, and Setting a Public Hearing Date of January 19, 2021 to Consider Objections for Proposed Abatement

RECOMMENDATION:

Adopt a resolution (Attachment 1) declaring certain hazardous vegetation growing in the Town of Los Gatos to be a public nuisance, describing properties where such nuisance exists (Attachment 2), and setting a public hearing date of January 19, 2021 to consider objections for proposed abatement.

BACKGROUND:

Chapter 11, Article II, Section 11.20.015 of the Town of Los Gatos Municipal Code requires property owners to remove or destroy weeds on their property for fire protection.

The Town's Weed Abatement program is in place to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials, as defined in the Town Code, Chapter 11, Article II, Section 11.20.010. This is a monitoring program and the primary objective is to mitigate the spread of fire via voluntary compliance.

Typically, a property is placed in the program after a County inspector identifies a potential fire hazard on the premises. Fire Departments, Code Enforcement, Parks and Public Works, and other public agencies also submit complaints to the County's Consumer and Environmental Protection Agency - Weed Abatement Program (County).

PREPARED BY: Stefanie Hockemeyer
Executive Assistant

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

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BACKGROUND (continued):

Once a parcel is placed in the program, it will remain until it displays compliance for three consecutive years, at which point it will be removed.

DISCUSSION:

The Weed Abatement program process consists of eight steps that begin in November and go through August of each year. Currently the process is at Step 2 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 a Commencement Report to the Town (Attachment 2) (November).
2. Town Council adopts resolution declaring weeds on such properties a public nuisance, sets a hearing date to consider objections for the proposed abatement (December).
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 assessed by the County Tax Collector against the respective property (December).
4. Town Council holds the public hearing to consider objections for proposed abatement and adopts a resolution ordering 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 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 August public hearing date (July).

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DISCUSSION (continued):

8. Town Council holds a hearing, notes any disputes, and adopts a resolution confirming the assessment report, authorizing collection of the assessment charges (August).

CONCLUSION:

Adopt a resolution (Attachment 1) declaring properties (Attachment 2) as having potential fire hazards from weeds or other combustible debris and declare weeds on such properties as a public nuisance and set a hearing date of January 19, 2021 to consider objections for proposed abatement.

COORDINATION:

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

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. Funds are provided in the FY 2020/21 Operating Budget to cover the cost of publishing all required legal notices.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Resolution Declaring Properties as Having Potential Fire Hazards from Weeds or Other Combustible Debris and Declare Weeds on Such Properties as a Public Nuisance and Set a Hearing Date of January 19, 2021 to Consider Objections for Proposed Abatement.
2. 2021 Weed Abatement Program Commencement Report.