



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/18/2024

ITEM NO: 17

DATE: June 3, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Conduct Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2024 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement

RECOMMENDATION:

Conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2024 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List (Attachment 1) and order abatement.

BACKGROUND:

The Brush Abatement Program is a different and complementary program to the Weed Abatement Program. Both programs work to protect the Town from wildfire risk by reducing potential fuel, such as brush, in hillside areas.

The Brush Abatement Program is managed by the Santa Clara County Fire Department. The Town of Los Gatos Municipal Code Section 9.20.025 et seq requires property owners in the locally adopted Wildland Urban Interface Fire Area (WUI) (Attachment 2) to maintain effective defensible space by removing brush, flammable vegetation, and combustible growth, based on the locally adopted Fire Codes. Government Code Section 39560 and the following, authorize the County Fire Department, through a contract for services with the Town, to remove the brush if the property owner fails to do so and to recover administrative service and abatement costs through an assessment on the property tax bill for each parcel.

PREPARED BY: Meredith Johnston
Administrative Technician

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

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BACKGROUND (continued):

The WUI area is the part of the Town at greatest risk for wildfire and primarily consists of the hillsides and immediately adjacent neighborhoods. Los Gatos has over 1,800 parcels in the WUI area. County Fire categorizes the parcels into zones and conducts inspections of each zone every three years within the five to six-week inspection time frame (April-June). Through this approach, each parcel is inspected every three years.

Early each year, property owners are reminded that they must remove flammable vegetation from around their home and other structures on their property to create defensible space. The Town annually adopts the Hazardous Vegetation Abatement Program and works with the Santa Clara County Fire Prevention Division who serves as the enforcement agent and conducts the inspections.

DISCUSSION:

On May 7, 2024, the Town Council passed Resolution 2024-18 (Attachment 3) declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting June 18, 2024, as a public hearing to consider objections to the proposed removal of brush.

The following is a timeline of the program:

<u>FEBRUARY/ MARCH</u>	<p>The Santa Clara County Fire Prevention Division (County Fire) notifies property owners located within the designated WUI area of the requirements and timeline to comply with the safety regulations of the adopted California Fire Code.</p> <p>At the time of the notice, property owners are given the option to complete the required work themselves, hire their own contractor, or elect to schedule the Town of Los Gatos' authorized contractor (which is the County of Santa Clara Weed Abatement Program) to perform the work.</p>
<u>APRIL</u>	<p>County Fire conducts the first inspections of the properties identified in February/March. Letters and door-hangers are provided for those who are still not in compliance with the program requirements.</p>

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DISCUSSION (continued)

<u>MAY</u>	<p>Town Council adopts a Resolution declaring hazardous vegetation (brush) a public nuisance and sets a June public hearing to consider objections to the proposed removal of brush on the non-compliant private properties by the Town contractor.</p> <p>County Fire re-inspects the properties that were non-compliant during the Spring property inspection. County Fire provides the Town with the list of properties that continue to be non-compliant. The Town then proceeds to schedule a Public Hearing (to be held in June) to direct the removal of brush from the non-compliant properties.</p>
JUNE	<p>On June 1, property owners who are not in compliance will be assessed with a fee of \$546 to cover the administrative fees associated with the various inspections.</p> <p>Town Council conducts a public hearing regarding properties not in compliance (this public hearing is the subject of this agenda item). At this public hearing, property owners are provided the right to object to the removal of hazardous vegetation (brush) on their non-compliant parcels. County Fire provides notice of the public hearing to the property owners at least 10 days prior (Attachment 4). The Town publishes notices at least 10 days prior to the public hearing. As a result of the hearing, the Town contractor (which is the County Weed Abatement Division) is authorized to perform the necessary abatement on private property and charge the property owner for this service.</p> <p>After the June public hearing but prior to abatement, County Fire performs an inspection of the properties that were the subject of the hearing. If the property owner has completed the abatement and is brought into compliance after June 1 and before the contractor arrives, the property owner will only be charged the amount of \$546 administrative fee. These properties are then monitored through the County's Weed Abatement program (which works in partnership with County Fire) until such time as the property demonstrates three consecutive years of voluntary compliance.</p>

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DISCUSSION (continued):

JULY	County Fire provides the Town with an assessment list of charges for any abatement work performed on private properties. This assessment list will be brought to Council for a public hearing in August. If there are no proposed charges, no additional public hearing is required.
AUGUST	Town Council conducts a public hearing to consider assessments on properties in the Brush Abatement Program, if any are required. A list of assessments will be submitted to the County Tax Assessor.

The timeline for the final inspections runs very close to the date of the June public hearing, which means that properties on the WUI area non-compliant list (Attachment 1) may ultimately comply prior to the date of the public hearing. There are currently nine properties reported as non-compliant; however, if additional properties comply, staff will provide an updated list on the day of the public hearing by way of a Desk Item.

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2024 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and order abatement of the public nuisance and potential fire hazard pursuant to the Town of Los Gatos Municipal Code (Chapter 9) regarding defensible space.

COORDINATION:

This program is coordinated with the Santa Clara County Fire Department and the Santa Clara County Weed Abatement Program.

FISCAL IMPACT:

Funds allocated in the adopted Operating Budget cover the cost of publishing the legal notices for the program. The County's cost to administer the abatement are recovered through the tax roll assessment charges levied against the affected properties.

ENVIRONMENTAL ASSESSMENT:

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

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Attachments:

1. 2024 Wildland Urban Interface (WUI) Area Non-Compliant Property List
2. Wildland Urban Interface (WUI) Map
3. Resolution 2024-18 Declaring Hazardous Vegetation a Public Nuisance (May 7, 2024)
4. Letter to Property Owners