



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/21/2022

ITEM NO: 18

DATE: June 1, 2022
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 2022 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

RECOMMENDATION:

Conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2022 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List (Attachment 1) 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.

BACKGROUND:

The Brush Abatement Program is a different and complementary program to the Weed Abatement Program that works to protect the Town from wildfire risk by reducing potential fuel, such as brush, for 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 4) to maintain effective defensible space by removing brush, flammable vegetation, and combustible growth, based on the locally adopted Fire Codes. It also authorizes the County, 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 Interim Director of Parks and Public Works

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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 rotates zones every 3 years to allow for inspections in the 5 to 6-week inspection time frame (April-June), as they cannot feasibly inspect every parcel every year.

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 3, 2022, the Town Council passed Resolution 2022-023 (Attachment 3) declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting June 21, 2022, as a public hearing to consider objections to the proposed removal of brush.

The following is a timeline of the program:

FEB/MARCH	The Santa Clara County Fire Prevention Division notifies property owners located within the designated WUI area of the requirements and timeline to comply with the enforced safety regulations based on the adopted California Fire Code. 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 to perform the work.
APRIL	County Fire begins conducting the first property inspections of the properties identified in February/March. As a result of these inspections, letters and door-hangers are provided for those who are not yet compliant.
MAY	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.

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DISCUSSION (continued):

MAY/JUNE	<p>County Fire conducts re-inspections of the properties that were out of compliance at the time of the first property inspection and provides the Town with the WUI area non-compliant list which will be brought to Council at the June public hearing.</p> <p>Properties which are not in compliance at the time of re-inspection will be identified and County Fire will provide notice of the June public hearing to the property owners at least 10 days prior. The Town publishes notices at least 10 days prior to the public hearing (Attachment 2).</p>
JUNE	<p>Town Council conducts a public hearing to consider objections to the proposed removal of hazardous vegetation (brush) of declared non-compliant parcels and orders the abatement of the nuisance by the Town's authorized contractor.</p> <p>On June 1, property owners who are not in compliance will be assessed with a fee of \$505 to cover the administrative fees for generating a work order for the contractor. The assessments will be brought to Council for consideration in August. These properties will also be added to the Weed Abatement program for monitoring until such time as it demonstrates 3 consecutive years of voluntary compliance.</p> <p>After the June public hearing, an additional inspection of all identified properties listed on the report will be conducted prior to the Town's authorized contractor performing any abatement work.</p> <p>If the property is brought into compliance after June 1 and before the contractor arrives, the property owner will only be charged the amount of \$505, and no additional fees will be assessed.</p>
JULY	<p>County Fire provides the Town with an assessment list of charges, which will be brought to Council for consideration in August. If there are no proposed charges, no additional public hearing is required.</p>
AUGUST	<p>Town Council conducts a public hearing to consider assessments on properties in the Brush Abatement Program. A list of assessments will be submitted to the County Tax Assessor.</p>

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DISCUSSION (continued):

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 that the June public hearing takes place. If needed, staff will provide a final status of the list on the day of the public hearing by way of a Desk Item.

If needed, the Town may conduct an additional public hearing in August to consider the assessments, confirm the report, and authorize collection of the charges.

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2022 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.

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.

Attachments:

1. 2022 Wildland Urban Interface (WUI) Area non-compliant list.
2. Letter to Property Owners.
3. Resolution 2022-023 Declaring Hazardous Vegetation a Public Nuisance (May 3, 2022).
4. Wild Urban Interface (WUI) Map