



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/05/2023

ITEM NO: 3

DATE: November 20, 2023
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 16, 2024 to Consider Objections to the Proposed Abatement of Hazardous Vegetation for Properties Listed on the 2024 Weed Abatement Program Commencement Report and Order the 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 16, 2024 to consider objections to the proposed abatement of hazardous vegetation for properties listed on the 2024 Weed Abatement Program Commencement Report (Attachment 2) and order the abatement.

BACKGROUND:

The Weed Abatement Program (the Program) is a different, but 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, requires property owners to prevent potential fire hazards to provide protection for the property and any nearby structures by clearing hazards. 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.

PREPARED BY: Meredith Johnston
Administrative Technician

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

SUBJECT: Actions Related to the 2024 Weed Abatement Program, Including Scheduling a Hearing for January 16, 2024

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BACKGROUND (continued):

Typically, a property is placed in the Program after a County inspector identifies a potential fire hazard on the premises. 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 until it displays compliance for three consecutive years, at which point it will be removed.

Property owners in the Program are given the opportunity to abate their weeds prior to receiving an annual compliance inspection by County staff to confirm if the property has been cleared of hazards according to the requirements defined in the Santa Clara County Weed Abatement Program <https://weedabatement.santaclaracounty.gov/home>. If the property owner has not complied with the requirements of the Program by the time of the County inspection, then the Town authorizes the County to remove the weeds. The County recovers its costs through a special assessment on each parcel's property tax bill.

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 is charged an annual compliance inspection fee and some incur costs for additional inspections, administrative, and abatement fees. The annual compliance inspection fee is currently \$92.

DISCUSSION:

The Weed Abatement program process consists of eight steps that begin in November and go through August of the following 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. The 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 a resolution declaring weeds on such properties a public nuisance and sets a hearing date to consider objections to the proposed abatement (December).
3. The 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

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DISCUSSION (continued):

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 (December).

4. Town Council holds a public hearing to consider objections to the 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 Weed Abatement inspector to verify that weeds were removed and proceeds with abatement if the inspection fails. The 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).
8. Town Council holds a hearing, considers objections, and adopts a resolution confirming the assessment report, authorizing the collection of the assessment charges (August).

CONCLUSION:

Through this action, staff is asking Town Council to adopt the necessary resolution (Attachment 1) to declare certain vegetation growing on identified properties in the Town of Los Gatos to be a public nuisance. Adoption of the resolution will establish a public hearing date of January 16, 2024 to consider objections to the proposed abatement.

COORDINATION:

This program has been coordinated with the Santa Clara County Consumer and Environmental Protection Agency (CEPA) - Weed Abatement Program and the Town Attorney.

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.

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FISCAL IMPACT (continued):

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 Parks and Public Works Operating Budget. Funds are provided in the Fiscal Year (FY) 2023/24 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. 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 16, 2024 to Consider Objections for Proposed Abatement
2. 2024 Weed Abatement Program Commencement Report