

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Thomas M. Miller, County Executive Officer
by Rui Cunha, Program Manager

DATE: December 14, 2010

SUBJECT: Ordinance Amending CHAPTER 9, PUBLIC PEACE, SAFETY AND WELFARE; ARTICLE 9.32 FIRE PREVENTION; PART 4 Hazardous Vegetation Abatement On Unimproved Parcels to add newly participating agency names, and approve participation in the Ordinance by Placer County Fire

ACTION REQUESTED

That your Board approve an Ordinance Amending Chapter 9, PUBLIC PEACE, SAFETY, AND WELFARE; Article 9.32 FIRE PREVENTION; Part 4: Hazardous Vegetation Abatement On Unimproved Parcels; to

- (1) add newly participating agency names in Sections 9.32.130, 9.32.190 and 9.32.250; and
- (2) approve participation in the Ordinance by Placer County Fire

BACKGROUND

The Placer County Hazardous Vegetation Abatement Ordinance (HVA Ordinance) was adopted on a "pilot program" basis in October, 2007 in response to several destructive fires in the eastern portions of both Placer and El Dorado Counties. The ordinance initially applied to the following eastern slope jurisdictions: North Tahoe Fire Protection District, Alpine Springs County Water District, Squaw Valley Public Service District, and the Northstar Community Services District. Your Board set aside funding in the amount of \$50,000 for inspections and educational materials and \$200,000 to be used as a revolving account to fund abatement and for receipt of any collected charges.

ORDINANCE PURPOSE

The HVA ordinance extends the State Public Resources Code 4291 (PRC 4291) and County Code by creating a tool that is applied specifically to unimproved properties (no structures present) adjacent to improved properties (structure present), where an extra hazardous fire condition exists and the owner of the improved property is significantly at risk due to untreated fire fuels on the adjacent unimproved property. The HVA Ordinance continues to encourage property owners to meet the requirements of State and County Code through inspections, public education and cooperation. Before compulsory abatement is ordered and billed to a property owner, the ordinance prescribes a process initiated via scheduled inspections, involves a formal notice-to-abate and, if requested, a public hearing. The ordinance establishes common standards for inspections and abatement and is enforced by the County Fire Warden. A hearing body, appointed by your Board is established in the ordinance and is given the authority to hear a property owner's case and make final determination prior to imposing a compulsory abatement order.

Based on the on-going success of the pilot program, and recognizing the threat that untreated unimproved parcels pose in all areas of the County, earlier this year officials of several fire protection districts in western Placer County began inquiring as to the possibility of using this County ordinance in their own districts. Recognizing that districts can incur costs even in the early stage of the process (for conducting inspections, querying owners, preparing and mailing letters, etc.), the Office of Emergency Services requested a resolution of the Board of Directors from any Districts that chooses to participate. To date, the Boards of the Foresthill, Penryn and Loomis fire protection districts have resolved to participate and, in addition, the management of Placer County Fire and the Office of Emergency Services have studied the potential operational and cost issues and strongly recommend its participation. Inasmuch as your Board serves as the legislative body for Placer County Fire, and in recognition of the potential non-recoverable costs involved, your Board's approval is solicited.

FISCAL IMPACT

There is no anticipated impact to the General Fund as a result of this action. The existing abatement fund will remain in place and available for future abatements as required through the timeframe of this extension of the Ordinance to December 31, 2012. Funds are not being recommended from the County General Fund for the inspection process, and staff will monitor fiscal implications with this pilot program.

Attachments

Ordinance Amendment

Before the Board of Supervisors County of Placer, State of California

In the matter of:

**An Amendment to Chapter 9, Article 9.32,
Part 4, Sections 9.32.130.B. and C.,
9.32.190 and 9.32.250 Related to
Hazardous Vegetation Abatement
on Unimproved Parcels**

Ordinance No: _____
First Reading: _____

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Chairman Signature

Attest:
Clerk of said Board

Clerk of the Board Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 9, Article 9.32, Part 4, Section 9.32.130.B., subsections 1. and 2. are hereby amended as follows:

9.32.130 Finding.

B. This part shall apply to:

1. Unimproved parcels adjacent to improved parcels, in those areas of unincorporated Placer County defined by the district boundaries for the North Tahoe Fire Protection District, the Alpine Springs County Water District, the Squaw Valley Public Services District, and the Northstar Community Services District, **the Foresthill Fire Protection District, the Loomis Fire Protection District, the Penryn Fire Protection District and the Placer County Fire Service Area**, where the owner/occupant of the improved parcel is unable to obtain the required defensible space clearances, as delineated in adopted county codes and/or PRC 4291 and the current condition of fuels on the unimproved parcel is assessed by the fire warden as an extra hazardous fire condition. The owner of the unimproved parcel shall provide the fuel modifications to meet the defensible space requirements of the improved parcel. Fuel modifications shall meet the standards identified in Appendix A, available from the county fire warden and incorporated by reference.

2. Unimproved parcels adjacent to roadways, in those areas of unincorporated Placer County defined by the district boundaries for the North Tahoe Fire Protection District, the Alpine Springs County Water District, the Squaw Valley Public Services District, and the Northstar Community Services District, **the Foresthill Fire Protection District, the Loomis Fire Protection District, the Penryn Fire Protection District and the Placer County Fire Service Area** and determined by the county fire warden (or designee) to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement and the current condition of fuels on the unimproved parcel is assessed by the county fire warden as an extra hazardous fire condition. Fuel modifications shall meet the standards identified in Appendix A.

Section 2. Chapter 9, Article 9.32, Part 4, Section 9.32.130.C. is hereby amended as follows:

C. Placer County is located east of Sacramento and has forested landscape that stretches from the oak woodlands of the Sacramento Valley to the conifer forests of **surrounding** Lake Tahoe, ~~which includes sixty (60) percent of Lake Tahoe's west shore.~~ In all, there are five hundred forty-nine thousand (549,000) acres of forested land which includes two National Forests, several California State parks and numerous county and local parks.

Section 3. Chapter 9, Article 9.32, Part 4, Section 9.32.190 is hereby amended as follows:

9.32.190 Hazardous vegetation abatement hearing body.

The hazardous vegetation abatement hearing body is established. The hazardous vegetation hearing body will be convened by the agency director and will consist of a representative seated by the ~~Eastern~~ participating Placer County fire chiefs, and two "citizens at large" appointed by the Placer County board of supervisors.

The hazardous vegetation abatement hearing body shall have the authority to amend, dismiss, or uphold the "notice to abate" with a majority vote.

Section 4. Chapter 9, Article 9.32, Part 4, Section 9.32.250 is hereby amended as follows:

9.32.250 Effective date.

The ordinance codified in this part shall take effect on February 1, 2008, for the areas defined as the North Tahoe ~~f~~Fire ~~p~~Protection ~~d~~District, Alpine Springs County ~~w~~Water ~~d~~District, Squaw Valley ~~p~~Public ~~s~~Service ~~d~~District, and Northstar ~~e~~Community ~~s~~Services ~~d~~District, Foresthill Fire Protection District, Loomis Fire Protection District, Penryn Fire Protection District and the Placer County Fire Service Area and remain in effect through December 31, 2012 unless readopted by the BOS.

Section 5. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

