

**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:** January 27, 2009

**SUBJECT:** Report on the Results of Hazardous Vegetation Abatement Pilot Program and Adoption of an Ordinance Amending Chapter 9 PUBLIC PEACE, SAFETY AND WELFARE; Article 9.32 FIRE PREVENTION; Part 4 Hazardous Vegetation Abatement On Unimproved Parcels; Section 9.32.250 To Extend The Term Of The Ordinance to April 30, 2010.

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**ACTION REQUESTED**

Accept report on the results of the Hazardous Vegetation Abatement pilot program and adopt an ordinance amending Chapter 9 PUBLIC PEACE, SAFETY AND WELFARE; Article 9.32 FIRE PREVENTION; Part 4 Hazardous Vegetation Abatement On Unimproved Parcels; Section 9.32.250 to extend the term of the ordinance to April 30, 2010.

**BACKGROUND**

Following the destructive fires of the summer 2007 (Angora Fire in El Dorado County and Washoe Fire in Placer County) and at the request of the Tahoe community, the Placer County Board of Supervisors (Board) passed the "Hazardous Vegetation Abatement on Unimproved Parcels" (HVA) ordinance on October 23, 2007. The ordinance covers the following jurisdictions: North Tahoe Fire Protection District, Alpine Springs County Water District, Squaw Valley Public Service District, and the Northstar Community Services District. As approved by the Board, the ordinance is currently in effect through January 31, 2009. The 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's purpose is to further extend both State Law (PRC4291) for defensible space and current County Code by creating a tool that can be applied specifically to unimproved properties adjacent to improved properties, where an extra hazardous fire condition exists and the owner of the improved property is significantly at risk due to 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. The ordinance prescribes a scheduled inspection initiated process. In the case of property owners who do not voluntarily comply with the ordinance, the ordinance establishes an abatement process through which the County Fire Warden is authorized to abate and recover the costs thereof from the property owner. This process involves noticing, appeal provisions,

including the establishment of a hearing body by the Board to hear such appeals, and the process by which a lien can be recorded on the property. Through the ordinance, the Fire Warden can establish common standards for inspections and for vegetation abatement. Additionally, the HVA ordinance establishes a requirement to reduce hazardous vegetation along roadways determined by the County Fire Warden as necessary for safe ingress or egress, and along fire access easements.

## **RESULTS**

The results of the HVA program were positive from a fire mitigation standpoint. The Talmont area in the Tahoe Basin was the targeted area for this program due to a number of significant risk factors. This area is comprised of approximately 300 acres and 545 improved and unimproved parcels. The assessed value of the improvements within this area exceed 100 million dollars. During the 2008 program a total of 185 unimproved residential area lots were initially inspected [137 public (135 California Tahoe Conservancy and 2 USFS) and 48 private]. Ninety-two (44 public and 48 private) of the 185 unimproved lots could not pass the initial inspection. The Fire Warden notified owners that a condition existed on their property that required abatement and that their property could be subject to the HVA ordinance abatement process. The Fire Warden re-inspected the lots approximately 30 days later. 27 of the 48 private and 33 of the 44 public lots were cleared by the property owners prior to or at the time of the second inspection. The remaining 21 private lots went through the full abatement process, during which two property owners appealed the abatement requirement, which appeals were denied by the HVA hearing body.

At the conclusion of the first year of this program all of the 48 private lots and 126 (93%) of the public land lots (all unimproved) were cleared pursuant to the provisions of the ordinance. In addition all improved land owners accomplished their defensible space.

## **COSTS**

Inspections, training for the hearing body, noticing, and educational materials - \$50,000  
Compulsory abatement on 21 lots - \$12,450 (recoverable – see remaining activities below)  
Program administration - \$22,368.26 (\$10,500 recoverable through administrative fees)

## **REMAINING ACTIVITIES**

The extension of the existing ordinance is necessary in order to complete the remaining activities associated with the cost recovery process for the 21 lots and for any future abatements that become necessary during the extended term of the ordinance. The Office of Emergency Services will work with the County Fire Warden and CEO Fiscal Unit to present billing to each of the property owners of the 21 lots to recover each owner's pro rata share of the actual cost of the abatement plus administrative costs up to \$500 per parcel, which is the maximum amount allowed by the ordinance. Those property owners will be noticed of the amount and the date and time of the hearing before the Board during with the Board will consider the proposed account and assessment. The Board's confirmation of a proposed assessment, or modification and confirmation of the same will be identified on the tax roll as a

special assessment and a lien on the property will be recorded should the property owner not pay the amount in full within 30 days.

**FISCAL IMPACT**

There is no 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 needed through the timeframe of this extension. Funds are not being recommended from the County General Fund for the inspection process.

**Attachments**

Ordinance Amendment

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

In the matter of:

Ord. No.: \_\_\_\_\_

AN ORDINANCE AMENDING PLACER COUNTY CODE  
CHAPTER 9 PUBLIC PEACE, SAFETY AND WELFARE;  
ARTICLE 9.32 FIRE PREVENTION; PART 4  
HAZARDOUS VEGETATION ABATEMENT ON  
UNIMPROVED PARCELS; SECTION 9.32.250

FIRST READING: \_\_\_\_\_  
SECOND 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

Attest:  
Clerk of said Board

\_\_\_\_\_  
Ann Holman

The Board of Supervisors of the County of Placer, State of California, does hereby ordain that:

**Section 1:** Placer County Code Chapter 9 PUBLIC PEACE, SAFETY AND WELFARE; Article 9.32 FIRE PREVENTION; **Part 4 Hazardous Vegetation Abatement on Unimproved Parcels; Section 9.32.250 Effective Date;** 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 Fire protection district, Alpine Springs County water district, Squaw Valley public service district and Northstar community services district and remain in effect through ~~January 31, 2009~~ **April 30, 2010** unless readopted by the county BOS.

**Section 2:** This Ordinance shall take effect and be in full force and effect thirty (30) days after final passage. The Clerk is directed to publish this Ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

