

**PLACER COUNTY  
OFFICE OF EMERGENCY SERVICES**

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** David Boesch, County Executive Officer  
by Rui Cunha, Program Manager

**DATE:** April 9, 2013

**SUBJECT: Ordinance Amending CHAPTER 9, PUBLIC PEACE, SAFETY AND WELFARE;  
ARTICLE 9.32 FIRE PREVENTION; PART 4 Hazardous Vegetation Abatement On  
Unimproved Parcels expanding the ordinance to all unincorporated areas of Placer County.**

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**ACTION REQUESTED**

Approve an Ordinance Amending Chapter 9, PUBLIC PEACE, SAFETY, AND WELFARE; Article 9.32 FIRE PREVENTION; Part 4: Hazardous Vegetation Abatement On Unimproved Parcels expanding the ordinance to all unincorporated areas of Placer County.

**BACKGROUND**

In response to several destructive fires in the eastern portions of both Placer and El Dorado Counties, the Placer County Board of Supervisors adopted the Placer County Hazardous Vegetation Abatement Ordinance (HVA Ordinance) as a "pilot program" in October, 2007. 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.

In December 2010, in full cooperation with select western Placer County Fire Protection Districts, Placer County expanded the HVA Ordinance to the Loomis, Penryn, Foresthill and Placer County Fire areas. At the request of the eastern fire agencies, all eastern fire agency areas mentioned above remained committed to supporting the HVA Ordinance.

In 2007, the Board of Supervisors set aside money for inspections and educational materials and established a revolving fund to pay for abatement of hazardous fuels and for deposit of collected charges. In 2010, the Board continued to support the HVA Ordinance revolving fund. The Placer County Board of Supervisors has continued to support inspections and educational materials largely through Secure Rural Schools funding. With the success of the fire agencies working with problem property owners, the revolving fund has not been used since the first full year of implementation.

**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.

### **ORDINANCE PROCESS**

The HVA Ordinance encourages 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 inspections, involves a cooperative effort followed by formal notice-to-abate if needed and, if requested, a public hearing. The ordinance establishes common standards for inspections and abatement and is enforced by the County Fire Warden with County Code Enforcement's support if compulsory abatement is ordered. A hearing body, appointed by the Placer County Board of Supervisors 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.

### **RECOMMENDED EXPANSION TO ALL UNINCORPORATED PLACER COUNTY**

All areas of Placer County are prone to destructive fires. The HVA Ordinance has been a successful tool within communities addressing specific areas where an extra hazardous fire condition exists on an unimproved property and the owner of an adjacent improved property is significantly at risk due to untreated fire fuels on the unimproved property.

With approved resolutions from Alta, Placer Hills, Newcastle and South Placer Fire Protection Districts, the HVA Ordinance now has unanimous support from the Fire Protection Districts that serve Placer County residents exclusively. The only two fire agencies that have not agreed to participate in the HVA Ordinance are our two bi-County Districts. Both districts may choose to use the ordinance to address problem properties within the Placer County communities that they serve without resolving to enforce different rules across County lines.

Staff recommends approval of this important public safety tool for all of unincorporated Placer County. The attached Ordinance Amendment makes minor administrative changes, removes all references to any specific Fire Protection District area and removes sunset language.

### **FISCAL IMPACT**

There is no net County cost to the General Fund as a result of this action. The existing abatement fund will remain in place with the County Development and Resource Agency and will be available for future abatement costs as required.

### **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:

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**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 **(or designee)** 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 **(or designee)** 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 9.32.140.E. and I. are hereby amended as follows:

**9.32.140 Definitions.**

E. Structure. Any dwelling, house, building or other type of flammable construction including, ~~but not limited to, a wood fence attached to or near any other structure~~ **subject to PRC 4291.**

I. ~~Placer Country Chipper Program. The chipper program is a service to residents of Placer County to assist in their fire hazard reduction efforts.~~

**Section 3.** Chapter 9, Article 9.32, Part 4, Section 9.32.170 is hereby amended as follows:

**9.32.170 Enforcement process.**

The county fire warden may identify by planned PRC 4291 inspection those parcels requiring abatement. The county fire warden shall send the owner of record for the unimproved parcel a “notice to abate” by certified mail, return receipt requested. The “notice to abate” shall outline the required fuel modifications and allow thirty (30) days for the work to be completed. The “notice to abate” shall also outline the appeals process.

After the thirty (30) day time period, the county fire warden shall conduct a post-notice/pre-abatement inspection and, if the required fuel modification has not been performed, may recommend to the agency director that the required fuel modifications be completed by the county, and the cost of **enforcement and** the abatement with administrative fee be attached to the property tax as a lien in accordance with Section 9.32.210 below.

Should the property owner appeal the “notice to abate” no action will be initiated until after the hearing body has made a determination of the appeal.

For parcels owned or controlled by public agencies, the local fire chief or designee may provide a “notice of nuisance” and include the project area in the local community wildfire protection plan and request the hazardous vegetation be abated in accordance with the Healthy Forest Restoration Act of 2003 (H.R. 1904) or the State Public Resources Code. (Ord. 5603-B § 1, 2010)

**Section 4.** Chapter 9, Article 9.32, Part 4, Section 9.32.200 is hereby amended as follows:

**9.32.200 Removal of hazardous vegetation by private contractor and establishment of costs and administrative fee.**

If, at the end of the time allowed for compliance in the original “notice to abate,” or as extended in cases of appeal, or as specified by the hearing body, compliance has not been accomplished, the officer issuing the notice or the agency of which he or she is an officer, may recommend to the agency director that he or she proceed with the abatement of the hazardous vegetation or other combustible material and it be removed by public officers or by employees of the agency or by a private contractor selected by the county purchasing agent in accordance with applicable statutes and in the manner and under the terms specified by the board of supervisors. The cost of such removal **and enforcement** accompanied by a reasonable administrative charge may be imposed as an assessment in the county tax roll (Section 9.32.210).

The costs so assessed shall be limited to the actual costs incurred by the county of Placer and the county fire warden in enforcing abatement upon the parcel. Such costs may include, but are not limited to, the costs of payments to the contractor, costs of site inspection,

costs of notice, boundary determination, measurement, clerical, personnel, consultant, and other administrative costs. (Ord. 5603-B § 1, 2010)

**Section 5.** 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 1, 2008, for the areas defined as the North Tahoe Fire Protection District, Alpine Springs County Water District, Squaw Valley Public Service District, Northstar Community Services 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. (Ord. 5634-B § 4, 2011; Ord. 5603-B § 1, 2010)~~

**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.**