



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Fire
Department No.: 031
For Agenda Of: August 19th, 2014
Placement: Set Hearing
Estimated Tme: 09/2/2014 10 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Michael Dyer, Fire Chief x5500
Director(s)
Contact Info: Rob Heckman, Fire Marshal x5554

SUBJECT: Request to set Public Hearing for the 2014 Hazard Reduction Program

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors;

1. Hold a public hearing regarding any properties within the County Fire jurisdiction which are not in compliance with the Hazard Reduction and Defensible Space Program. Make findings regarding those properties which have not complied with the Notices to Abate. Declare any properties whose owners are determined to have not complied with a Notice to Abate, a fire nuisance; and
2. Authorize the issuance of infraction citations (as outlined in the Santa Barbara County Code Chapter 15, Section 15.3, Chapter 49, section 49.08) and necessary abatement work relative to the 2014 Fire Department Defensible Space Program (Weed Abatement).
3. Direct the Clerk of the Board to post the affected Property Owners List in a place easily accessible to the public.
4. Determine that the above action is categorically exempt from the California Environmental Quality Act in accordance with CEQA Guideline Section 15301(h) – maintenance of existing landscaping.

Summary Text:

The Fire Department's Defensible Space Program is an on-going annual program to mitigate fire hazards countywide, while providing protection of lives and property. The program is mandated by the California Health and Safety Code, the California Government Code, and the 2013 California Fire Code (as adopted with amendments by the Board of Supervisors in Chapter 15 of the Santa Barbara County Code) and its penalties are governed by law.

This program requires a "Defensible Space" that allows firefighters to protect buildings and structures from encroaching wildfires as well as minimizing the chance that a structure fire will escape to the surrounding wildland. Generally, a homeowner's clearing responsibility is limited to 100 feet away from his or her building or structure or to the property line, whichever is less, and limited to their land. (Endangered, rare, or threatened plant species are protected and exempt under the California Environmental Quality Act guidelines.)

A certified letter was sent in July 2014 to owners of all property which failed a visual inspection. During July and August 2014, three more inspections of the properties which failed the earlier inspection were made. Property owners were given citations on each of these inspections, clearly stating the required work.

In the event of non-compliance and upon a finding of a nuisance by your Board, a private contractor will be utilized to perform the necessary clearing. The extent of this work will vary with each property, and will be overseen by Fire personnel. Expenses incurred will be levied against the subject parcel in the form of a lien on the owner's property tax bill pursuant to Santa Barbara County Code Chapter 15, Article III, Section 15-3 (g). The Fire Department will be repaid for expenses incurred by this process through this lien.

A public hearing is required by your Board and is standard procedure for the Defensible Space Program. A sample of the "Notice to Abate Fire Nuisance" citation sent to the affected property owners is attached. The Notice also indicated the date and time of the Public Hearing and gives notice of the opportunity and right to appear and present testimony and evidence regarding the proposed nuisance finding.

Fiscal and Facilities Impacts:

None related to this action.

Attachments:

Sample "Notice to Abate Fire Nuisance"
List of non-compliant parcels

Authored by:

Rob Heckman, Fire Marshal

cc: