



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 25, 2015  
**Placement:** Set Hearing  
(Administrative)  
**Estimated Time:** Departmental  
30 minutes  
September 15, 2015  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Eric L. Peterson, Fire Chief, ext. 5507  
Director:  
Contact Info: Ray Navarro, Fire Marshal, ext. 5525  
**SUBJECT: Request to Set Public Hearing for the 2015 Hazard Reduction and Defensible Space Program**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

- a) 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 Orders to Abate and declare any properties whose owners are determined to have not complied with an Order to Abate, a fire nuisance;
- b) Authorize County Fire to facilitate necessary abatement work on non-compliant properties with regards to the 2015 Hazard Reduction and Defensible Space Program;
- c) Direct the Clerk of the Board to post in the Clerk of the Board's Office, at least 10 days before the Board meets to hear this matter, the "Order to Abate Fire Nuisance and Notice of Hearing" for each property which failed to voluntarily comply with the Order; and
- d) 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 Hazard Reduction and 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).

**Background:**

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.)

In July 2015, a certified letter was sent to owners of all properties which failed a defensible space inspection. In August 2015, re-inspections of the failed properties will take place. After the re-inspection, if the property is still not in compliance with defensible space regulations, an Order to Abate Fire Nuisance (Attachment A) will be sent by certified mail to the property owner which will clearly delineate the work required. The Order specifies the date and time of the Board hearing for determining compliance, and indicates that each property owner has the right to appear and present evidence regarding the proposed nuisance finding.

In the event of non-compliance and upon a finding of a nuisance by the 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 Santa Barbara County Fire Department personnel. Expenses incurred will be levied against the subject parcel and collected by adding it onto the owner's property tax bill, pursuant to Santa Barbara County Code Chapter 15, Article I, Sec. 15-3 (g). The Fire Department will be repaid for expenses incurred through this process by this lien.

Each "Order to Abate Fire Nuisance and Notice of Hearing" for properties that failed to voluntarily comply with the Order, will be posted in the Clerk of the Board's Office at least 10 days before the Board's hearing.

**Performance Measure:**

N/A

**Fiscal and Facilities Impacts:**

None related to this action.

**Fiscal Analysis:**

| <u>Funding Sources</u> | <u>Current FY Cost:</u> | <u>Annualized On-going Cost:</u> | <u>Total One-Time Project Cost</u> |
|------------------------|-------------------------|----------------------------------|------------------------------------|
| General Fund           |                         |                                  |                                    |
| State                  |                         |                                  |                                    |
| Federal                |                         |                                  |                                    |
| Fees                   |                         |                                  |                                    |
| Other:                 |                         |                                  |                                    |
| Total                  | \$ -                    | \$ -                             | \$ -                               |

Narrative:

**Key Contract Risks:**

N/A

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Direct Clerk of the Board to post in the Clerk of the Board’s Office, at least 10 days before the Board meets to hear this matter, the “Order to Abate Fire Nuisance and Notice of Hearing” for each property which failed to voluntarily comply with the Order. Copies of the “Order to Abate Fire Nuisance” will be provided to the Clerk no later than September 1, 2015.

**Attachments:**

- A. Sample “Order to Abate Fire Nuisance and Notice of Hearing”

**Authored by:**

Ray Navarro, Fire Marshal

**cc:**