



STAFF REPORT

CITY of YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: FEBRUARY 15, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DAVID BRANTLEY, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: WEED ABATEMENT PROGRAM MODIFICATIONS

RECOMMENDATION

It is recommended that City Council receive and file this report.

BACKGROUND

Every year the City implements a Weed Abatement Program to minimize hazardous fire conditions on certain properties throughout the community. This involves a multi-step process of informing property owners that have large areas of undeveloped property that are prone to wildfire hazard, due to natural vegetation overgrowth, to perform weed abatement/vegetation reduction within specified time frames prior to the heightened portion of the fire season in early fall. After sending out initial compliance request letters in early spring, Community Preservation Division staff completes follow-up inspections over the early summer months to verify compliance. This work effort is completed in conjunction with the Orange County Fire Authority's (OCFA's) annual vegetation inspections of fuel modification landscape areas. Later steps include City abatement of non-complying properties and placement of liens to reimburse the City for related costs.

Although the City does obtain a high degree of compliance due to responsiveness of residents and extensive outreach efforts, there are some number of properties each year that fail to comply in a timely manner or do not comply at all. In the interest of public health and safety, state law provides for local governments to abate hazardous vegetation conditions on private properties that fail to comply. Government Code Section 39560-39588 requires the City Council to first adopt a resolution of intent to declare properties that have overgrown weeds and vegetation a public nuisance, subject to City abatement. The City then must hold a public hearing, with mailed written notice to affected property owners, concerning the proposed abatement to allow for and to consider objections. By motion or resolution, the City Council shall allow or overrule any objections and then order abatement. The above declaration of intent and public hearing requirements necessitate two (2) separate public meetings before the City Council.

Since determination of non-compliant properties potentially subject to City-abatement is not confirmed until later in the summer (after completion of follow-up inspections), it has been the City's historic practice to declare *all* properties on the City's Weed Abatement List

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(approximately 1,200 properties) as a *potential* public nuisance due to the existence of hazardous vegetation/wildland fire prone areas on their properties in early-summer (mid-July), before the inspection component of the program is completed. The public hearing then is held approximately one month later (in late August) after most inspections are completed. City Council adopts resolutions of 1) intent to declare applicable properties a public nuisance, and 2) ordering abatement of remaining non-compliant properties, respectively, at each of these public meetings.

Given the extreme fire hazard condition last year (2021 Program) and potential need for additional time for homeowners to arrange for abatement work to be completed due to COVID-19, the resolution of intent was adopted earlier than in prior years (on May 18th) and the public hearing and resolution of abatement occurred on June 15th, before completion of the inspection program. For this reason, the resolution ordering abatement also referenced the entire Weed Abatement List of properties, rather than solely a subset of properties that had been confirmed (through inspection) as non-compliant. Although the staff report and resolution emphasized that this was to provide a legal mechanism to allow the City the ability to abate non-compliant properties later, after completion of the inspection program, it nevertheless engendered concern on the part of some property owners who already had completed weed abatement on their properties and thus were in full compliance. Last year, during the June 15th public hearing, a resident, speaking on behalf of his father's property, mentioned his concern that many of the properties on the Weed Abatement List had already completed their abatement. At that time, the City Council requested staff bring forth an alternative procedure for this year's program that potentially could avoid this situation.

DISCUSSION

Staff has evaluated the weed abatement process/procedures, including the timing of the two public meetings for 2020 and 2021. In 2020, the public meetings occurred on July 21st and August 18th. Although the initial resolution declaring intent to deem properties a public nuisance included the entire Weed Abatement List, the subsequent public hearing on August 18th did not since by late August of 2020 Community Preservation staff had completed the inspection phase of the program and confirmed a subset of just twelve (12) properties that remained out of compliance. The timing of the public hearing (in late August rather than late July) allowed for more specific definition of those properties that remained out of compliance, thereby avoiding the need to reference the entire weed abatement list of properties in the subsequent abatement resolution.

After further review of the timing of initial compliance letters and time needed for completing inspections, staff believes scheduling the two City Council meetings to coincide more closely with the time frames that guided the 2020 program will allow the inspections program to conclude before either required City Council meeting (i.e., declaration of intent meeting or the abatement public hearing), thereby avoiding the need to identify the entire weed abatement list of properties as a "potential" public nuisance in the adoption resolutions.

Staff also believes that by shifting the timing of the initial compliance request letter to late-March rather than early-April, the same amount of time to comply (i.e., 65-70 days) can be

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provided to homeowners, while still allowing the necessary public meetings and related City Council actions to occur in a timely manner, in the interest of public safety.

Accordingly, staff is proposing the following modified schedule/procedures for the 2022 Weed Abatement Program.

Action Item	Timing	Comments
Compliance Letters sent to Weed Abatement List property owners.	Middle of March (approximately March 16th for 2022)	Approximately two weeks earlier than in prior years.
Compliance Deadline	By approximately May 25th	Provides homeowners ± 70 days to complete abatement work.
Commence Compliance Inspections	May 26 th - July 19th	Provides staff ± 54 days to complete inspections. This should allow sufficient time for confirmation of remaining non-complying properties.
City Council meeting to declare public nuisance	Second City Council meeting in July. For 2022, the July 19th regular City Council meeting.	Resolution will only include the sub-set of properties that remain out of compliance.
City Council public hearing to declare public nuisance and ordering abatement	Second City Council meeting in August. For 2022, the August 16 th regular City Council meeting.	Resolution will only include the sub-set of properties that remain out of compliance.

The above schedule will allow the City to implement the Weed Abatement Program in a manner substantially consistent with historic practice to ensure timely removal of hazardous and overgrown vegetation on applicable properties within the City, while also allowing for more precise targeting for City abatement only those individual properties that remain unresponsive to the City's annual request to reduce fuel load in the interest of minimizing wildfire hazard.

FISCAL IMPACT

The Weed Abatement Program budgeted annually under the Public Nuisance section of the Community Preservation Division's budget. Implementing the described modifications to timing of program elements will not have any effect on program costs.

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ALTERNATIVES

1. City Council may direct staff to make further adjustments to the sequencing or timing of Weed Abatement Program components.

ATTACHMENTS

None.
