



STAFF REPORT

CITY of YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: AUGUST 16, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DAVID BRANTLEY, COMMUNITY DEVELOPMENT DIRECTOR
PREPARED BY: MARY LEWIS, SENIOR COMMUNITY PRESERVATION OFFICER

SUBJECT: PUBLIC HEARING REGARDING WEED ABATEMENT PROGRAM AND ORDERING ABATEMENT

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 2022-5818 declaring that weeds growing upon or in front of, and rubbish, refuse, and dirt upon or in front of certain property in the City constitute a public nuisance, and ordering abatement thereof.

BACKGROUND

Every year the City Council implements a Weed Abatement Program to minimize hazardous fire conditions within the City. This involves a multi-step process of informing property owners that have large areas of undeveloped property that are prone to wildfire hazards, due to natural vegetation overgrowth, to perform weed abatement/vegetation reduction within certain time frames prior to the heightened portion of the fire season. Although the City does obtain a high degree of compliance response from property owners as a result of the initial outreach efforts, there are some number of properties that for various reasons fail to comply in a timely manner or do not comply at all. In the interest of health and safety, state law provides for local governments to abate hazardous vegetation conditions on private properties that fail to comply.

Article 2, Section 39560 et seq. of the California State government Code authorizes cities to perform weed abatement on private properties that fail to comply through declaring such properties as a public nuisance. Therefore, on July 19, 2022, the City Council adopted Resolution No. 2022-5811 declaring that weeds growing upon or in front of certain property (i.e., weed abatement properties) in the City of Yorba Linda constitute a public nuisance and further declaring the intention of the City of Yorba Linda to provide for the abatement thereof and setting a public hearing for August 16, 2022.

The adoption of Resolution No. 2022-5811 was required to declare the City's intention to set a Public Nuisance Hearing to provide for the Weed Abatement Program and receive any protest relating to the potential abatement of non-compliant, private properties.

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Also pursuant to the provisions of these sections of the Government Code, upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further Hearings need to be held, and it shall be sufficient, prior to abatement, to mail a postcard notice to the owners of the property as they and their addresses appear upon the current assessment roll, in accordance with the provisions for such notice contained in Section 39562.1 of the Government Code of the State of California.

DISCUSSION

Compliance letters were mailed to the Weed Abatement List property owners on March 16, 2022. Homeowners were requested to complete weed abatement on their properties by May 25th, approximately 70 days later. Compliance inspections were then conducted from May 26th through July 19th.

As previously reported, staff has made certain adjustments to the Weed Abatement Program for the 2022-2023 season, which were presented to the City Council on February 15, 2022. One of the process modifications this year related to the scope of properties that initially are deemed a potential public nuisance. Whereas in past years, the City would include *all* properties that are on the City's Master Weed Abatement List within the scope of the initial declaration of intent resolution (i.e., Resolution No. 2022-5811), the modified process only included those properties that were out of compliance as of the July 19, 2022, close of the inspection period. A total of twenty-four (24) properties remained out of compliance at that time, and thus were included within the scope of Resolution No. 2022-5811. Since July 19th, staff has continued to work with property owners to encourage them to complete weed abatement as soon as possible, but prior to the August 16th public hearing date. As of this writing, only five (5) properties remain out of compliance, which are included on the attached resolution (Resolution No. 2022-5818) ordering abatement. Staff will continue to work with these remaining five property owners until the day of the City Council meeting to bring them into compliance. An updated list of properties will be provided to the City Council at the August 16, 2022, City Council meeting reflecting the latest compliance status.

Weed Abatement is an on-going concern within the City of Yorba Linda. In the last several years, California has experienced devastating wildland fires, including the most recent Blue Ridge Fire in Yorba Linda in 2020. This has increased resident awareness of this hazard and they have stepped up their involvement in taking preventive action. In addition to the City's weed abatement enforcement role, the Orange County Fire Authority also assumes responsibility for Fuel Modification parcels in the City, and for performing Wildland Task Force inspections. The Orange County Fire Authority's enforcement activities within these areas are separate and apart from the City enforced weed abatement properties.

This increased sensitivity to wildfire threat has resulted in a reduced number of properties remaining out of compliance at the close of the City's inspection process, as well as greater understanding among property owners who were unable to meet the inspection deadline but who nevertheless abated the overgrown vegetation on their properties shortly following the inspection deadline in the interest of public safety.

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FISCAL IMPACT

Over the last several years, due to a high degree of resident compliance, the City's cost to abate non-complying properties has averaged approximately \$1,200.00 to \$15,000.00. The cost of abatement is passed on to owner(s) of the abated property(ies) through a special assessment.

ALTERNATIVES

1. Do not adopt the resolution authorizing abatement and direct staff to continue to use other available compliance methods (e.g., fines) to abate hazardous vegetation.

ATTACHMENTS

1. Resolution 2022-5818 with Exhibit "A" – 2022 Annual Weed Abatement List Subset of Non-compliant Properties.
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