



Agenda Report

22-1757

Agenda Date: 3/22/2022

SUBJECT

Public Hearing: Adoption of a Resolution Ordering the Abatement of a Nuisance Consisting of Growing Weeds in Association with the County Weed Abatement Program for 2021-2022

BACKGROUND

On February 22, 2022, the Council adopted a resolution declaring weeds a nuisance in accordance with Chapter 8.15 of the City code, setting March 22, 2022 as the Public Hearing for citizens to bring forward their concerns or objections to the Weed Abatement Program.

The City of Santa Clara contracts with the Santa Clara County Agricultural Commissioner's Office Weed Abatement Program to manage the inspection and abatement of noncompliant parcels within the City of Santa Clara. A list of City parcels in the program is published annually by the County in the form of the 2022 Weed Abatement Commencement Report. A copy of this report is available in the City of Santa Clara City Clerk's Office as well as on the City website.

DISCUSSION

The objective of the City's Weed Abatement program is to eliminate fires whenever possible, and to reduce the severity of such fires where they cannot be eliminated. Each year, improperly managed vegetation is the cause of destructive fires that adversely impact communities throughout the State. In cooperation with the City of Santa Clara, the Santa Clara County Agricultural Commissioner's Office has developed regulations governing hazardous vegetation which can be found on the County's website.

The abatement process is most often initiated by members of the community, or by City staff proactively making referrals. Once inspection personnel verify that a hazard exists, the hazardous condition is documented, and the noncompliant parcel recorded. Following the inspection, the property owner is responsible for removing the hazard(s). If the property owner does not voluntarily abate the noted hazard(s) within the designated period, the work will be completed by the County of Santa Clara Abatement contractor. The cost of the abatement work and administrative oversight will be included as a special assessment on the property owner's property tax bill.

Property owners that fail to abate their own properties are placed in the abatement program for a 3-year term in order to ensure ongoing compliance. For each year in the program the property owner will be subject to an annual inspection fee. If no hazards are found and/or abated by the County during that 3-year term, the property will be removed from the program.

The public hearing provides an opportunity for the property owner to raise any objections.

ENVIRONMENTAL REVIEW

Santa Clara County has determined the Weed Abatement Program to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Guideline 15308.

FISCAL IMPACT

The County's cost for the destruction or removal, including administrative fees, will be assessed upon the lot or land from which weeds have been destroyed or removed, and such costs shall constitute a lien upon said lots until paid, or will be collected upon the next tax roll when general municipal taxes are collected. In accordance with the 2022 Amended and Restated agreement, if the tax assessments are insufficient to cover the costs of the program, the County will invoice the City for their pro-rata share of the programs' shortfall every December. The Fire Department will absorb the City's pro-rata share costs in its Community Risk Reduction Division's Operating Budget. To date, the County has been able to recover all costs. At this time, there is no fiscal impact to Fire Department's budget.

COORDINATION

This report has been coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov. The notice of Public Hearing was published in the Santa Clara Weekly newspaper on March 9, 2022 and March 16, 2022 in accordance with SCCC 8.15.080.

RECOMMENDATION

Adopt a Resolution ordering the abatement of a nuisance consisting of growing weeds in the City.

Reviewed by: Ruben Torres, Fire Chief

Approved by: City Manager's Office

ATTACHMENTS

1. Resolution Ordering the Abatement of Weeds