



# Napa County

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## Legislation Details (With Text)

**File #:** 21-116      **Version:** 1

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 4/14/2021      **In control:** Board of Supervisors

**On agenda:** 5/4/2021      **Final action:**

**Title:** SET MATTER 10:00 AM - 10 Minutes  
County Fire Chief requests the first reading and intention to adopt an ordinance amending County Code Chapter 8.36 to improve the clarity of the rules and regulations governing the abatement of combustible vegetation and other fire hazards, and improve safety of the public and first responders. The title of the ordinance is as follows: An Ordinance of the Napa County Board of Supervisors, State of California, Amending Sections 8.36.030, 8.36.070, and 8.36.080 of Napa County Code Chapter 8.36 (Fire Protection - Fire Hazard Abatement). County Fire Chief also requests the adoption of a resolution to amend the Defensible Space Guidelines to provide additional direction for property owners to create defensible space around structures.

**Sponsors:** Board of Supervisors

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 1467 - Defensible Space, 2. Ordinance 1467 - Defensible Space Redline, 3. Defensible Space Guidelines, 4. Defensible Space Guidelines Redline, 5. Resolution.DefensibleSpaceGuidelines..pdf

Date	Ver.	Action By	Action	Result
5/4/2021	1	Board of Supervisors	Approval	Pass
5/4/2021	1	Board of Supervisors	Approval	Pass

**TO:** Board of Supervisors

**FROM:** Stacie McCambridge, for Geoff Belyea - Fire Chief of Napa County Fire Department

**REPORT BY:** Stacie McCambridge, Associate Governmental Program Analyst

**SUBJECT:** First Reading of Amendment of Fire Hazard Abatement Ordinance and Adoption of Resolution for Amendment of Defensible Space Guidelines

### RECOMMENDATION

#### SET MATTER 10:00 AM - 10 Minutes

County Fire Chief requests the first reading and intention to adopt an ordinance amending County Code Chapter 8.36 to improve the clarity of the rules and regulations governing the abatement of combustible vegetation and other fire hazards, and improve safety of the public and first responders. The title of the ordinance is as follows: An Ordinance of the Napa County Board of Supervisors, State of California, Amending Sections 8.36.030, 8.36.070, and 8.36.080 of Napa County Code Chapter 8.36 (Fire Protection - Fire Hazard Abatement). County Fire Chief also requests the adoption of a resolution to amend the

Defensible Space Guidelines to provide additional direction for property owners to create defensible space around structures.

### **EXECUTIVE SUMMARY**

In 2007, the Board of Supervisors of Napa County adopted Ordinance Number 1290, which created various requirements for property owners to abate nuisances that create fire hazards around structures. The County Fire Department now wishes to amend portions of Chapter 8.36 to improve the clarity of the rules and regulations, and improve safety of public and first responders.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports.
2. Public Comment.
3. Motion, second, discussion, and vote on intention to adopt the ordinance.
4. Motion, second discussion, and vote on adoption of Defensible Space Guidelines, as amended.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Fire Department
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The County Fire Department recommends approval of this ordinance to ensure that all structures in the county maintain adequate defensible space for protection from wildland fires.
Is the general fund affected?	No
Future fiscal impact:	The Fire Department will continue to budget funds to support defensible space programs.
Consequences if not approved:	If the ordinance is not adopted the current ordinance will remain in effect.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Napa County has determined the Fire Hazard Abatement Program to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 (b)(2), 15061 (b)(3), 15304, 15307, 15308, and 15378.

### **BACKGROUND AND DISCUSSION**

On May 22, 2007, the Napa County Board of Supervisors adopted Ordinance Number 1290 adding Chapter 8.36 to the Napa County Code which created various requirements for property owners to abate nuisances that create fire hazards around structures. The ordinance is important in assisting to protect lives and property from the threat of wildfire. In addition, the County adopted Defensible Space Guidelines that provide additional detail and direction to property owners to create defensible space around structures. In July 2019, the County amended portions of Napa County Code Chapter 8.36 and the Defensible Space Guidelines. After guidance from the Board of Supervisors on April 6, 2021, and stakeholder outreach, the Fire Department now wishes to amend portions of Chapter 8.36 and the Defensible Space Guidelines to update and clarify of the rules and regulations and improve safety.

The proposed revisions to portions of the Napa County Code Chapter 8.36 are as follows:

Add to the definition of defensible space that the required distances to be increased based on site-specific analysis of local conditions, add a code enforcement officer to list of persons defined as enforcement officer, and add the definition of an “ember resistant zone,” which is a noncombustible zone within 5 feet of a structure, utilizing non-flammable landscaping materials and/or high-moisture-content annuals and perennials.

Add 8.36.070 as a new section to require an ember resistant zone for all new construction where the new construction commences on or after the effective date of the ordinance.

The proposed changes to the Defensible Space Guidelines (Guidelines) are as follows:

Adds definitions for ember resistant zone, fire water supply, fire water supply infrastructure, fire water infrastructure appurtenances, and Pyrophytic species.

Reinforces that required defensible spaces may be increased based upon local conditions and the requirement for an ember resistant zone for all new construction that commences on or after the effective date of the Guidelines.

For all structures, adds the requirement that all fire water supply infrastructure be protected from heat and embers by a minimum of 100 feet of defensible space.

Improves the explanation of adjacent property owner’s responsibilities.

For all new construction, adds the requirement of maintaining an ember resistant zone within 5 feet of a structure and the removal of all Pyrophytic (flammable) vegetation.

For all new construction, adds the requirement that all fire water infrastructure appurtenances be buried underground, made of fire resistant materials, or have a 100 foot minimum defensible space perimeter.

Adds recommendations for additional voluntary fuel modifications.

The Napa County Fire Department believes the proposed revisions will dramatically improve the safety of our citizens, our firefighters, and our communities. The revisions will improve the County’s ability to enforce effectively the defensible space requirements, which will lead to reduced property losses from wildfire, fewer insurance claims, more rapid wildfire containment, and lower expenditures of emergency funds.

#### **SUPPORTING DOCUMENTS**

- A. Ordinance 1467 (redlined)
- B. Ordinance 1467 (clean)
- C. Defensible Space Guidelines, as amended (redlined)
- D. Defensible Space Guidelines, as amended (clean)
- E. Resolution to adopt Defensible Space Guidelines, as amended

CEO Recommendation: Approve