



MEETING DATE: 02-17-09

AGENDA ITEM:

3

## COUNCIL AGENDA REPORT

DATE: February 9, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT ORDINANCE ESTABLISHING WILDLAND-URBAN INTERFACE FIRE AREA

### RECOMMENDATION:

Adopt ordinance establishing Wildland-Urban Interface Fire Area.

### DISCUSSION:

On February 2, 2009, Council voted to introduce an ordinance establishing a Wildland-Urban Interface Fire Area. The State's Government Code Sections 51175 through 51189 requires a local agency to designate and adopt fire zones. Adoption of the ordinance completes Council's action on this matter.

Mayor Wasserman and Council member Rice did not participate in the decision on this item due to conflicts of interest involving their personal residences, which are located in the affected area. They should state on the record that they are not voting on this item on consent. Vice Mayor McNutt had a similar conflict, but was permitted to participate under the rule of necessity in order to ensure a quorum to enact this ordinance, which requires a minimum of three votes. Vice Mayor McNutt may participate in the vote on consent.

Attachments: Introduced Ordinance

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:djz/wp [N:\ATY\Reports\Report Ord Wildland Urban Fire Area.wpd]

Reviewed by:	<i>OK</i> Town Manager	<i>PSS</i> Assistant Town Manager	____ Clerk
	____ Finance	<i>BNL</i> Community Development	

Rev: 2/12/09 1:45 pm

Reformatted: 7/19/99

File# 301-05



ORDINANCE NO. \_\_\_\_\_

**ORDINANCE ESTABLISHING WILDLAND-URBAN  
INTERFACE FIRE AREA**

**WHEREAS**, the State's Government Code Sections, 51175 through 51189 requires the local agency to designate and adopt fire zones within 120 day of publication; and

**WHEREAS**, the State's Government Code Section 51189(c) allows local agencies to make amendments to the Very High Fire Hazard Severity Zones with finds of substantial evidence.

**WHEREAS**, The Santa Clara County Fire Department and Town make findings supported by substantial evidence to include areas in the WildLand-Urban Interface Fire Area which were not identified as very high fire hazard severity zones by the State in order to provide effective Wildland fire protection.

**WHEREAS**, The Town Council finds that the Town of Los Gatos experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires, and the remoteness and steepness of hillside areas in the Town significantly impacts the ability of emergency responders to extinguish or control wildland or structure fires, and these factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction in the hillside areas

**THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS AS  
FOLLOWS:**

**SECTION I**

The Wildland-Urban Interface Fire Area Map, identified as Exhibit "A" Attached hereto and incorporated herein by this reference, is hereby designated as the map delineating fire hazard zones for the Town of Los Gatos.

## SECTION II

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

## SECTION III

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 20\_\_ and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on \_\_\_\_\_, 20\_\_ This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA