

RESOLUTION NO. RES-2018-026

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING A DEADLINE OF APRIL 9, 2018 FOR REMOVAL OF ALL FIRE DEBRIS FROM RESIDENTIAL AND COMMERCIAL PROPERTIES

WHEREAS, on October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Canyon Fires (also known as the Sonoma Complex Fire) burned over 100,000 acres in Sonoma County and damaged or destroyed approximately 3,000 homes and numerous commercial structures within the City of Santa Rosa; and

WHEREAS, on October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency when the City of Santa Rosa was affected and likely to remain affected by fire, a public calamity, and the City Council was not in session, pursuant to City Code Section 2-24.050 of the City of Santa Rosa; and

WHEREAS, on October 9, 2017, Governor Edmund G. Brown, Jr. declared a State of Emergency in Butte, Lake, Napa, Orange, Mendocino, Nevada, Sonoma, and Yuba Counties due to fires; and

WHEREAS, on October 10, 2017, the federal government issued a Major Disaster Declaration for the State of California as a result, in part, of the devastation caused by the fires in Sonoma County; and

WHEREAS, on October 13, 2017, the City Council passed Resolution No. RES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services until such time as the Council determines that the emergency conditions have been abated; and

WHEREAS, on October 23, 2017, the Sonoma County Health Officer Karen Milman, MD, MPH issued an emergency order, entitled "Emergency Order of the Sonoma County Health Officer Prohibiting the Endangerment of the Community Through the Unsafe Removal, Transport, and Disposal of Fire Debris", finding, in part, that:

- The Sonoma Complex Fire has created hazardous waste conditions in Sonoma County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures;
- This hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety; and

WHEREAS, it is essential that all property owners ensure that all debris removal, transport and disposal is undertaken in a manner that protects the public health and safety and is consistent with all legal requirements; and

WHEREAS, standards and removal procedures are needed to protect the environment and public health, and to facilitate coordinated and effective mitigation of the risks posed by fire debris and ash and the hazardous substances contained therein; and

WHEREAS, owners of the affected residential parcels were offered two different paths for the clean-up and removal of ash and debris. The California Office of Emergency Services (“CalOES”) and Federal Emergency Management Agency (“FEMA”) offered the Consolidated Debris Removal Program (“Consolidated Program”), a clean-up and wildfire debris removal service performed by the United States Army Corps of Engineers (“USACE”) and paid for with public funds, with contributions from the property owner’s insurance related to debris removal, if any. The scope of work performed by the USACE under the Consolidated Program includes foundation removal, and a certification that upon completion the affected parcel meets approved environmental standards; and

WHEREAS, to participate in the Consolidated Program, a property owner must submit a Right of Entry form (“ROE”). The last day for an owner to submit an ROE was November 13, 2017, although late-filed applications were considered on a case-by-case basis; and

WHEREAS, as an alternative, property owners were permitted to choose to undertake the clean-up and debris removal at their own expense subject to City oversight. The property owner must submit a Santa Rosa Fire Clean-Up Application (“Application”) and Work Plan to the City Planning and Economic Development Department for review and approval. The scope of work under the Application and Work Plan includes a certification that, upon completion of the Work Plan, the parcel meets essentially the same environmental standards applied to the USACE scope of work. The private scope of work, however, does not require foundation removal, although future re-use of foundation elements requires certification by a licensed engineer prior to issuance of a building permit; and

WHEREAS, the last day for a property owner to submit an Application and Work Plan to the City Planning and Economic Development Department was November 22, 2017, although the City considered and accepted late-filed applications on a case-by-case basis; and

WHEREAS, as of February 7, 2018, there were 335 residential and 12 commercial parcels slated for private clean-up within the City that had not yet been cleared of ash and debris.

///

///

///

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa establishes April 9, 2018 as the deadline for the removal of all fire debris from residential and commercial properties affected by the Tubbs and Nuns Canyon Fires.

IN COUNCIL DULY PASSED this 13th day of February, 2018.

AYES: (5) Mayor Coursey, Vice Mayor Rogers, Council Members Olivares,
Sawyer, Tibbetts

NOES: (2) Council Members Combs, Schwedhelm

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney