



MEETING DATE: May 14, 2025

AGENDA ITEM: 5. Consider Ordinance No. 363: Designate Fire Hazard Severity Zones

FROM: Ryan Bonk

RE: Consider Ordinance No. 363 Designate Fire Hazard Severity Zones

BACKGROUND:

On March 12, 2025, the City Council directed staff to continue examining the process for adoption of CAL FIRE maps as mandated in the "Official Transmittal of Fire Hazard Severity Zones" from the CAL FIRE State Fire Marshal.

Staff has reviewed the mandates outlined by the CAL FIRE State Fire Marshal as well as applicable California Government Code sections. The City Attorney has also reviewed the associated documentation.

Staff has worked in conjunction with Beckwourth Peak Fire Protection District and their legal counsel to craft the attached ordinance that will be presented to both parties.

EXECUTIVE SUMMARY:

The next step is dictated by the following California Government Code:

CHAPTER 6.8. Moderate, High, and Very High Fire Hazard Severity Zones [51175 - 51189]

(Heading of Chapter 6.8 amended by Stats. 2021, Ch. 375, Sec. 2.)

51179.

(a) A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.

(b) (1) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(2) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire

Marshal, as moderate and high fire hazard severity zones, respectively.

(3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

RECOMMENDATION:

Staff recommends that the City Council introduce "Ordinance No. 363 Designate Fire Hazard Severity Zones" and waive the 2nd reading of the ordinance.

FISCAL IMPACT:

While the current actions taken by the City do not have an immediate financial impact, staff remains uncertain of potential financial impacts related to adoption of this ordinance mandated by the state mandate moving forward.

ATTACHMENTS:

A. ORDINANCE 363 - TO DESIGNATE FIRE HAZARD SEVERITY ZONES FINAL

ORDINANCE NO. 363
AN ORDINANCE OF THE CITY OF PORTOLA, COUNTY OF PLUMAS
TO DESIGNATE FIRE HAZARD SEVERITY ZONES

The Council of the City of Portola, California, does ordain as follows:

Section 1. Fire Hazard Severity Zones. The City of Portola hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178.

Section 2. Map. The map, attached hereto as Attachment 1 and entitled “City of Portola Fire Hazard Severity Zones” and dated January 22nd, 2025, is the official fire hazard severity zones map for the City of Portola and is hereby incorporated by reference. The official map is also located electronically on the following website: www.cityofportola.com. The City Council may direct and authorize by resolution that the City post the official map on a different and/or additional website.

Section 3. CEQA. The City Council finds the approval of this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 4. Enactment. This Ordinance shall be effective thirty (30) days from the date of its passage and adoption by the City Council.

Section 5. Summary Publication and Posting. Within thirty (30) days after final adoption of this Ordinance, the Deputy City Clerk shall have a summary of this Ordinance prepared and published as required by the California Government Code. Within fifteen (15) days after final adoption of this Ordinance, the Deputy City Clerk shall have it posted in three (3) public places. This Ordinance was introduced, and the second reading was waived at a Regular Meeting of the City Council of the City of Portola duly held on May 14th, 2025. This Ordinance was passed and adopted at the Regular Meeting of the City Council of the City of Portola duly held on {MONTH-DATE-YEAR} by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Deputy City Clerk, Malachi Mansfield

I, Malachi Mansfield, Deputy City Clerk of the City of Portola, do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Portola at a Regular Meeting held on {MONTH-DATE-YEAR}

Malachi Mansfield, Deputy City Clerk

Attachment 1

City of Portola Fire Hazard Severity Zones January 22nd 2025

