



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 6/23/2020

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma Fire Prevention

Staff Name and Phone Number: James Williams, 707-565-1154

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Amendments to Chapter 13A of the County Code, Duty to Maintain Defensible Space and Abate Hazardous Vegetation and Combustible Material

Recommended Action:

- 1) Adopt amendments to 13A to the Sonoma County Code "Duty to Maintain Defensible Space and Abate Hazardous Vegetation and Combustible Material" (Second Reading - Ready for Adoption).

Executive Summary:

During the June 9, 2020 Board meeting, your Board adopted a resolution introducing, reading the title of, and waiving further reading of an ordinance "Duty to Maintain Defensible Space and Abate Hazardous Vegetation and Combustible Material ." This item provides the Board the opportunity to conduct a second reading of the ordinance and to adopt the ordinance.

Discussion:

On April 19, 2016, Sonoma County Code Chapter 13A became enforceable in selected areas of the unincorporated County. Chapter 13A allows the Sonoma County Fire Marshal to conduct inspections for defensible space and hazardous vegetation on improved and unimproved parcels zoned for five acres or less in unincorporated Sonoma County. This item addresses proposed amendments to that ordinance. The primary purpose of Ordinance 13A is to protect lives and property from wildfire. Defensible space means reducing vegetation in a 100-foot perimeter (or to the property line, whichever comes first) from structures in order to decrease the intensity of oncoming wildfire, and provide an area from which firefighters can safely defend structures. Critical to protect homes from wildfire, defensible space includes a "lean, clean and green" zone 30 feet from buildings, and a "reduced fuels zone", which can retain more natural vegetation, from 30' to 100'. Ordinance 13A allows for inspection and enforcement for compliance to defensible space regulations.

The proposed ordinance clarifies that, in the State Responsibility Area (SRA), defensible space regulations of Title 14 of the California Code of Regulations Sections 1299.01-1299.05 (14 CCR 1299) applies to all improved parcels.

As adopted in 2016, Ordinance 13A regulations apply as follows:

In Local Responsibility Areas (LRA):

- Improved parcels zoned for 5 acres or less regulated by Chapter 13A
- Unimproved parcels zoned for 5 acres or less regulated by Chapter 13A

In State Responsibility Areas (SRA):

- Improved parcels regulated by California Code of Regulations Sections 1299.01-1299.05
- Unimproved parcels zoned for five acres or less regulated by Chapter 13A

Proposed amendments would remove the zoned for 5 acres or less restriction, creating defensible space and vegetation management duties on all parcels in unincorporated LRA, and to unimproved parcels in the SRA (improved parcels in the SRA are regulated by the more stringent requirements of 14 CCR 1299). Together with the State law, this would extend the duty to maintain defensible space to property owners throughout the unincorporated area, with the exception of agricultural operations (as defined in County Code Chapter 13-6), and legal cannabis cultivation, which the proposed ordinance would specifically exempt.

The proposed defensible space requirements of Chapter 13A for creating defensible space around structures (defined as dwellings, houses, or buildings), and roadsides remain essentially the same as the 2016 adopted ordinance. Requirements address vegetation management in a defensible space radius within 100 feet of structures (or to the property line), and vegetation management such as removing dead or dying vegetation within 10 feet from roadsides. On unimproved parcels, the proposed ordinance includes requirements for the owner of the unimproved property to create defensible space next to neighboring residences and vegetation management such as removing dead or dying vegetation 10 feet from roadsides.

The current ordinance has fairly cumbersome code enforcement procedures and imposes up to \$1,000 per day penalties for violations, which the amendments remove. The proposed ordinance streamlines procedures so property owners have ample notice of the defensible space requirements, time to comply and resolve violations, and more reasonable penalties for continued violations. It would also allow Fire Prevention staff to issue Administrative Citations through the Chapter 1 code enforcement procedures if necessary. The proposed ordinance would align with State law defensible space penalties and with standard County code enforcement procedures.

Proposed Amendments to Chapter 13A:

The defensible space requirements of Chapter 13A would remain essentially the same as adopted in 2016. Administrative changes include additional language to emphasize to property owners and inspectors that vegetation management activities in the riparian corridor should be carried out so that environmental considerations, such as water quality, erosion, wildlife, and habitat, are not compromised, and are subject to federal, state and local laws.

1. It would clarify that in the State Responsibility Area (SRA), Title 14 of the California Code of

Regulations Sections 1299.01-1299.05 applies to improved parcels. These regulations are more stringent than those in Chapter 13A, and apply to all improved parcels in the SRA.

2. It would remove a limitation to parcels zoned for less than five acres. In the Local Responsibility Areas (LRA), this will allow application of 13A requirements on improved and unimproved parcels, regardless of zoned acreage. In the State Responsibility Area, it will allow enforcement of 13A regulations on all parcels.
3. For improved and unimproved parcels in Local Responsibility Areas and unimproved parcels in State Responsibility Areas, proposed amendments set forth specific requirements for defensible space around buildings and neighboring structures.
4. The proposed Ordinance would exempt agricultural operations as defined in Sonoma County Code Chapter 13-6 and legal cannabis cultivation along with non-residential agricultural outbuildings located on such parcels.
5. The proposed Ordinance would clarify the responsibility of property owners, occupants and persons in control of any improved or unimproved parcel of land in the unincorporated area of the County to comply with vegetation management as set forth in Chapter 13A to protect the health and safety of the community and the environment.
6. To protect sensitive habitat and prevent environmental damage, the proposed Ordinance would clarify that vegetation management in the Riparian Corridor Combining Zone streamside conservation area can only be carried out in a manner that is subject to the allowed land uses, activities and permit requirements set forth in Chapter 26-65-040 of the Sonoma County Code. It requires the property owners to comply with all other federal, state and local laws, including environmental protection laws.
7. The proposed Ordinance would also eliminate cumbersome code enforcement proceedings and \$1,000 a day penalties. Instead, the proposed Ordinance would more clearly set forth the duty of creating defensible space around residences, buildings and roadsides, and it would provide clearer procedures for notice of violation and incorporate the standard code enforcement procedures used for other code violations. It would provide an opportunity to resolve the violation, and would allow for more reasonable penalties that correspond with State law for violations of defensible space laws. Fire Prevention staff would be able to issue Administrative Citations through the Chapter 1 code enforcement procedures if necessary. The proposed ordinance would align with State law defensible space penalties and with standard County code enforcement procedures. Additionally, the proposed Ordinance would include a private right of action so a neighbor could seek their own injunctive relief if they want to do so.

Prior Board Actions:

June 9, 2020: Public Hearing to Consider Ordinance and Adopt Resolution to Introduce and Waive Reading of Ordinance

April 19, 2016: Resolution No. 16-0118

FISCAL SUMMARY

None.

Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts to the County of Sonoma.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Att 1: Chapter 13A Ordinance

Att 2: Chapter 13A Strikeout

Att 3: Post Adopt Summary

Related Items “On File” with the Clerk of the Board:

None.