

Proposed Amendments to Sonoma County Code Chapter 13A, Ordinance 6148

Sonoma County Board of Supervisors
June 9, 2020

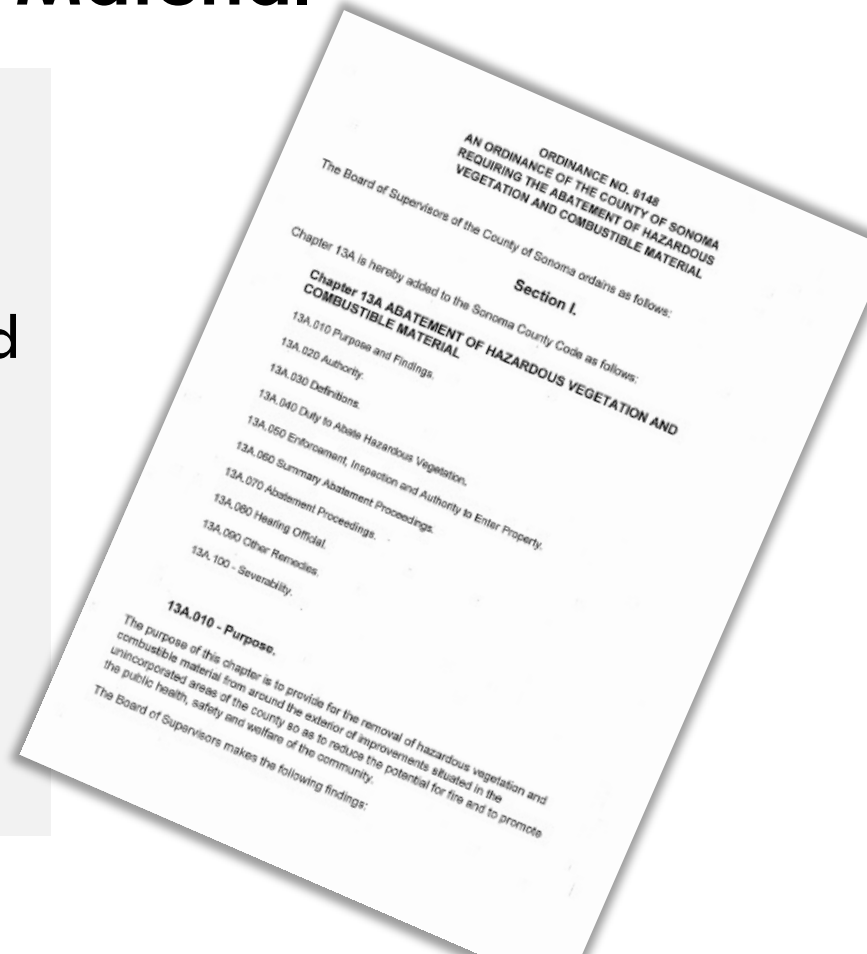


Chapter 13A Sonoma County Code

Abatement of Hazardous Vegetation and Combustible Material

13A History

- **April 19, 2016**
 - Ordinance 6148 adopted
- **May 19, 2018**
 - County Wide
- **2020**
 - Revisions



Section 13A-1. Purpose.

- Of paramount importance to the Board of Supervisors and the residents of Sonoma County is the **protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires**
- Removal of hazardous vegetation and combustible material to reduce the potential for fire and to promote the public health, safety and welfare of the community.

Chapter 13A

- Currently applies to parcels **zoned for five acres or less** in unincorporated Sonoma County
- Allows Sonoma County to **order abatement** of non-compliant properties
- Allows inspection and enforcement on **Improved AND Unimproved** parcels
- Only applies in a 100' radius from buildings and 10' from roadsides "defensible space"
- Does not demand cutting large trees or "bare earth" vegetation management techniques

Proposed Amendments Basis

- Experience gained through inspection and enforcement programs
 - ▣ Input from Fire Districts
- Input from environmental and agricultural stakeholders



Title Change:

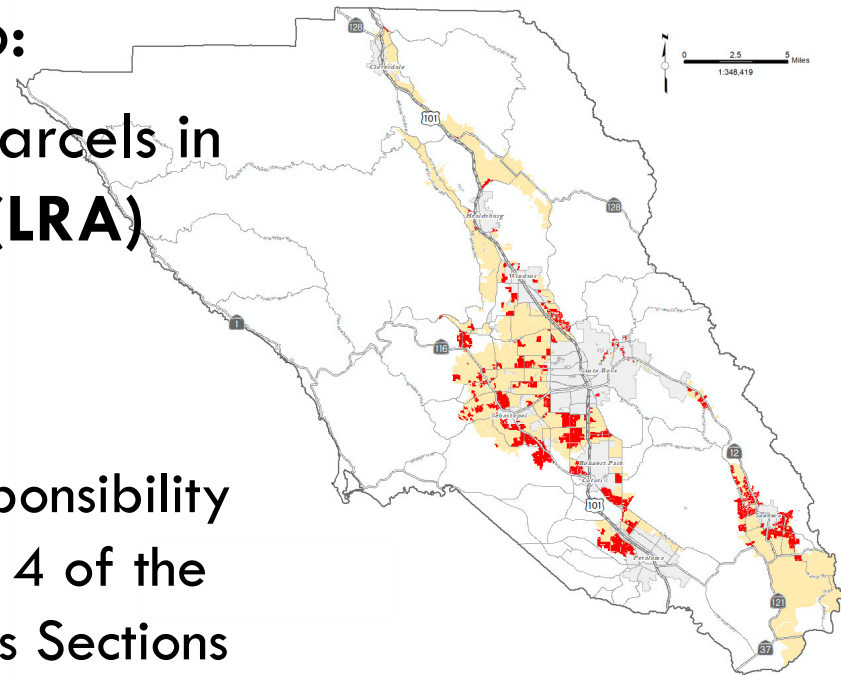
Better reflect intention and spirit

- Proposed title
 - ▣ Duty to **Maintain Defensible Space** and Abate Hazardous Vegetation and Combustible Material
 - Emphasis on defensible space
 - Enforcement and Abatement is a last resort for flagrant violations
 - Education is one of our most important goals

Requirements

- Requirements that currently exist in Chapter 13A effectively unchanged. These requirements apply to:

- ▣ Improved and Unimproved parcels in **Local Responsibility Areas (LRA)**
- ▣ Unimproved parcels in **State Responsibility Areas (SRA)**
 - Improved parcels in State Responsibility Areas are regulated by Title 14 of the California Code of Regulations Sections 1299.01-1299.05





“Zoned for five acres or less”

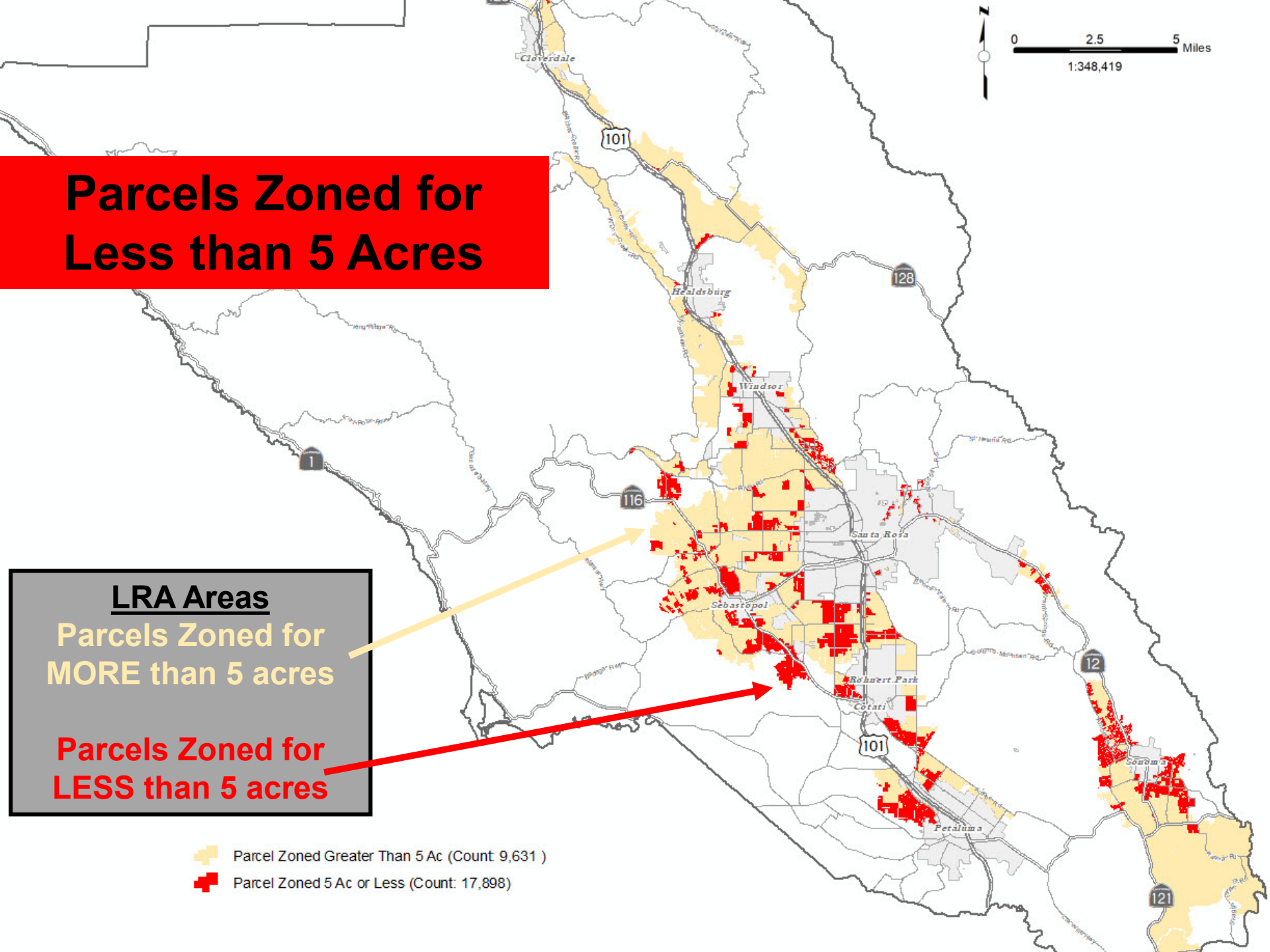
- **Removing 'zoned for 5 acre' limitation:**
 - Means defensible space standards of 13A applicable on
 - All improved or unimproved parcels in unincorporated areas
- **ONLY applies to areas regulated by 13A:**
 - 100 foot radius around structures
 - Private Roadsides and Driveways (10' horizontal)
- Agricultural operations and legal cannabis cultivation would be exempt from the ordinance.

Parcels Zoned for Less than 5 Acres

LRA Areas
Parcels Zoned for MORE than 5 acres

Parcels Zoned for LESS than 5 acres

-  Parcel Zoned Greater Than 5 Ac (Count 9,631)
-  Parcel Zoned 5 Ac or Less (Count: 17,898)





'Zoned for 5 Acres or less' limitation

- Many unincorporated parcels are zoned larger than five acres
 - ▣ 13A not enforceable, resident complaints cannot be addressed
- Parcel zoning size varies greatly across unincorporated areas
 - ▣ Patchwork inspection and enforcement
 - ▣ Many parcels less than 5 acres in size are ZONED for more than 5 acres
- Parcel zoning size is not an appropriate determinant for whether or not a property owner is subject to the defensible space requirements

Parcel Zoned Greater Than 5 Ac (Count: 9,631)

Parcel Zoned 5 Ac or Less (Count: 10,469)

Remove limitation to parcels zoned for 5 acres or less

- Chapter 13A applies in LRA areas, improved and unimproved.
- Public Resource Code 4291 and Title 14 of the California Code of Regulations (CCR) Sections 1299.01-1299.05 apply in SRA areas.
- CCR §1299.01-1299.05 includes requirements not included in 13A; We cannot enforce lesser standards than State requirements.
- Amendments clarify that PRC and CCR requirements apply to SRA improved parcels.

Parcel Zoned 5 Ac or Less (Count: 17,898)

Remove 5 Acre Limitation

□ Inspection Program

- ▣ Will continue to focus on parcels zoned 5 acres or less
- ▣ Complaints: Removal of zoned for 5 acre limitation allows for complaint-based inspection and enforcement on parcels zoned more than 5 acres that remain in violation after inspection
- Abatement procedures proposed to be in alignment with Sonoma County Code Chapter 1

■ Parcel Zoned Greater Than 5 Ac (Count: 9,631)
■ Parcel Zoned 5 Ac or Less (Count: 17,898)

Proposed Requirements: Improved

- Minimal changes from previously adopted Ordinance (2016)
- Improved parcels:
 - ▣ Require property owners to maintain a thirty foot defensible space around all buildings.
 - Grass needs to be cut to six inches or less, **but not to the bare mineral soil.**
 - Tree branches and limbs need to be limbed to six feet from the ground.
 - The shrubs need to be maintained.
 - Climbing vines must be **maintained free of dead and dying materials or** removed from trees or structures.

Proposed Requirements: Improved

- Additional defensible space from 100 feet from buildings and surrounding neighboring structures depending on the amount of vegetation, the type of vegetation and the steepness of the property.
- The proposed ordinance would also require a ten foot minimum clearance next to a roadside.
- Requires removal of portions of trees within ten feet of a chimney or stovepipe.
- Requires removal of all dead or dying vegetation from the property
- Requires property owners to maintain their roofs and gutters free of leaves, needles or dead or dying wood.

Requirements for Unimproved

- ❑ Requires removal of flammable, dead or dying vegetation and other combustible growth within ten feet of neighboring structures and roadways
- ❑ Require grass to be trimmed to less than four inches in height unless necessary for erosion control
- ❑ Require all combustible material to be removed from the property
- ❑ Require all trees within ten feet of neighboring structures and roads to be pruned to at least six feet from the ground.

Administrative Changes

- 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.
- Exemption of agricultural operations and cannabis cultivation from provisions of 13A.

Administrative Changes

- The proposed Ordinance clarifies the responsibility of residents in the unincorporated areas to comply with vegetation management as set forth in Chapter 13A to protect the health and safety of the community and the environment.
- It amends 13A-7 and 13A-8, Abatement proceedings and private right of action, to incorporate the County of Sonoma's standard code enforcement abatement procedures set forth in Chapter 1 of the Sonoma County Code.

Administrative Changes

- Amendments would remove \$1,000 a day violation penalties to align with State law and our own code enforcement procedures.
- Additionally, we are adding a private right of action so a neighbor can seek their own injunctive relief if they want to do so.

Administrative Changes



- Removes references to Sonoma County Fire and Emergency Services Department and replaces with the County of Sonoma Fire Prevention and Hazardous Materials Division.
- Other miscellaneous changes to clarify the existing requirements and enforcement responsibilities.

Discussion and Questions

