



Legislation Details (With Text)

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On agenda: 4/21/2020 **Final action:**

Title: 9:15 A.M. - Proposed Amendments to Sonoma County Code Chapter 13A, Abatement of Hazardous Vegetation and Combustible Material

Sponsors: Permit and Resource Management

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Date	Ver.	Action By	Action	Result
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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
Supervisory District(s): Countywide

Title:
9:15 A.M. - Proposed Amendments to Sonoma County Code Chapter 13A, Abatement of Hazardous Vegetation and Combustible Material

Recommended Action:
Consider proposed amendments to Ordinance Chapter 13A of the Sonoma County Code, Abatement of Hazardous Vegetation and Combustible Material. If amendments are approved, adopt a Resolution Introducing, Reading the Title of, and Waiving Further Reading of a Proposed Ordinance Updating Chapter 13A of the Sonoma County Code and conduct a public hearing to consider the proposed ordinance.

Executive Summary:
Sonoma County Code Chapter 13A (Ordinance 6148) became enforceable in selected areas of the unincorporated County on April 19, 2016. On May 19, 2018, Ordinance 6148 became enforceable in the entire unincorporated County. Chapter 13A allows the Sonoma County Fire Marshal to conduct inspections for Hazardous Vegetation and Combustible Material on improved and unimproved parcels zoned for five acres or less in unincorporated Sonoma County. In 2019, a successful collaborative program with Permit Sonoma Fire Prevention and Hazardous Materials Division and 13 fire districts completed nearly 4,000 inspections throughout the county.

Experience gained in implementation of the ordinance has brought to light several elements of Chapter 13A which, if amended, will more efficiently protect lives and property from wildfire. Amendments include:

removal of a limitation to parcels zoned for five acres or less; clarification of requirements; increasing the distance that owners of unimproved parcels must maintain to protect neighboring structures from 10 feet to 30 feet; and better alignment with requirements to California Public Resource Code 4291.

Discussion:

Sonoma County Code Chapter 13A (Ordinance 6148) provides the mechanism to enforce vegetation management requirements within 100 feet of structures and on roadsides known as defensible space. Creation and maintenance of defensible space has been proven to reduce structure loss in the event of wildfire, helping protect lives and property. This ordinance only addresses vegetation within 100 feet of structures, and within 10 feet of private roads and driveways, and for unimproved parcels, vegetation within 30 feet of structures on abutting parcels. It does not require fuel removal outside of these areas, nor clear-cutting of vegetation. It requires that dead and dying fuels are removed, and dense, brushy or low growing branches are removed or separated so that the vertical and horizontal flame spread is reduced.

As written, Chapter 13A applies to improved and unimproved parcels zoned for five acres or less in unincorporated areas. One of the most important amendments to the ordinance is to remove the zoned for five acres or less limitation. The rationale behind the five-acre limitation was to concentrate inspections in areas with greater population and housing density. However, experience has proven that the zoned for less than 5-acre limitation reduces our ability to enforce the ordinance, especially for complaint-based inspections. Parcel size should not be a determinant for whether or not a property owner is subject to the defensible space requirements stipulated in the ordinance.

In much of unincorporated Sonoma County, parcel zoning is highly variable, with parcels zoned for larger acreage mixed in with smaller parcel zoning (Attachment 1-Map). Additionally, “zoned for 5 acres or less” does not necessarily correlate with parcel size. There are many communities in the county where many parcels are one acre or less in size, but area-wide zoning is for more than five acres. Under the current ordinance, 13A requirements cannot be enforced in these areas, even subsequent to a legitimate complaint. By removing the limitation, we facilitate an inspection program that can have community-wide impact.

In essence, there are two types of vegetation management inspections, program-driven and complaint based. Program driven inspections are budgeted as part of the Vegetation Management Inspection Program (VMIP), and are community-wide inspections performed by Fire Prevention Division and fire district staff. Section 13A-5 allows the County Fire Warden/Fire Marshal to limit enforcement of the provisions of the ordinance to specified areas. This allows for selection of specific areas for vegetation management inspections that fall within available budget. For the 2020 VMIP, we have budgeted for 3,000 inspections. This number is based on 200 first inspections in 10 fire districts, for 2,000 first inspections. Past experience indicates that approximately 50% of inspections will be non-compliant, and will require a second inspection, which adds approximately 1,000 inspections, for a total of 3000 inspections. The removal of the five-acre limitation will not have any impact on these VMIP inspections, but will allow for more consistent enforcement within selected areas.

Our 2020 VMIP budget also includes funding for up to 1,400 complaint-based inspections. These inspections

follow up on complaints that are received from the public. Last year, the Permit Sonoma Fire Prevention Division received slightly more than 250 complaints. Staff from Permit Sonoma Fire Prevention and fire districts follow up on inspections. This year's allocated budget was designed to address approximately four times that number, which should be sufficient to follow up on all complaints, even if there is significant increase in the number. If complaints do not increase as much as anticipated, these funds can be allocated to other VMIP tasks. If there is a more than quadruple increase in complaint volume, we will need to decrease annual VMIP inspections and/or return to the board to address other potential solutions.

Proposed Amendments:

Based on implementation of the inspection program, input from cooperating fire districts, and from groups concerned about environmental impacts of defensible space regulations, staff is recommending the Board consider amending Chapter 13A. Amendments will help fire officials in their efforts to improve wildfire resilience on the community scale. New provisions for improved parcels include: more stringent requirements to remove flammable vegetation and dead/dying vegetation which are on, below or adjacent to structures, decks, balconies, stairs or similar attachments; moving or covering wood piles located within 30 feet of structures, and maintaining clearance around woodpiles; and separating logs and stumps from other vegetation and structures.

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. Other administrative changes include the following:

1. It amends Section 13A-1 by removing a limitation to improved and unimproved parcels zoned for five acres or less to apply to all improved and unimproved parcels in the unincorporated area (Attachment 13).
 - 13A-1 regulations only apply to a 100-foot defensible space zone around structures, and 10 feet vertical and 15 feet horizontal on private roadsides and driveways. This amendment allows for application of the same defensible space standards to all unincorporated parcels, regardless of parcel zoning size.

2. It amends Section 13A-4 and 13A-4A, Duty to remove hazardous vegetation and combustible material, to 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.
 - Amendments to Section 13A-4A clarify requirements for improved parcels, making it easier for the public to understand what is required, and bring requirements into closer alignment with the requirements of California Public Resource Code 4291, which regulates defensible space in the State Responsibility Areas.
 - Amendments to Section 13A-4B, Unimproved Parcels increases the required distance that the owner of

an unimproved parcel or portions of an improved parcel that fall outside of the requirements of Chapter 13A-4A, must maintain to allow for defensible space for neighboring structures from 10 feet to 30 feet.

3. 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.
4. It amends Chapter 13A to remove references to Sonoma County Fire and Emergency Services Department and replace it with the County of Sonoma Fire Prevention and Hazardous Materials Division, and it makes other miscellaneous changes to clarify the existing requirements and enforcement responsibilities. (Attachment 5)

Prior Board Actions:

March 29, 2016, Ordinance Adopting 13A to the County Code requiring the Abatement of Hazardous Vegetation and Combustible Material; April 19, 2016, Resolution No. 16-0118

FISCAL SUMMARY

N/A

Narrative Explanation of Fiscal Impacts:

None anticipated. Allocated funding for the Vegetation Management Inspection Program is sufficient to cover potential increases in complaint-based inspections, and current year small parcel inspection program.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: LRA Parcels Zoned 5 Ac or Less-Map

Attachment 2: Resolution 13A

Attachment 3: Chapter 13A Veg Mgmt Ord Clean Version

Attachment 4: Chapter 13A Veg Mgmt Ord Strikeout Version

Attachment 5: 13A Comparison of Requirements

Attachment 6: BOS Ord Update PPT

Related Items "On File" with the Clerk of the Board:

N/A

