

**Tuolumne County Hazardous Vegetation Management Ordinance**  
**Updated: July 5, 2022**

## **FACTS AND FREQUENTLY ASKED QUESTIONS ABOUT THE DRAFT HAZARDOUS VEGETATION MANAGEMENT ORDINANCE**

Since 2013, there have been several major fires in Tuolumne County that have impacted our communities (e.g. Rim, Donnell, Moccasin, Washington). This increased fire activity requires an increase in preventive measures to lower the community's chances of experiencing another large fire. It is important to protect lives, property, law enforcement and fire personnel during wildfires. The County's hazardous vegetation management-ordinance is one protective strategy.

After studying fire prevention measures in other communities, working with local stakeholders and holding public meetings, the County developed a draft hazardous vegetation management ordinance that exceeds CAL FIRE's defensible space laws under Public Resource Code (P.R.C) 4291. The hazardous vegetation management ordinance requires maintenance of the growth and/or accumulation of weeds, grasses, shrubs, brush, slash, tree limbs or other hazardous vegetation and combustible materials on all parcels within the unincorporated areas of the County.

The ordinance is still a draft and may be corrected or revised after public comment and before adoption by the Board of Supervisors.

### **When will the Ordinance Take Effect and When will it be Enforced?**

The ordinance will take effect once approved by the Board of Supervisors. The County will prioritize educating the public on the ordinance during the time owners are making progress toward compliance. The County wants property owners to understand the requirements before imposing any costs or penalties. The County will prioritize areas identified. The County will work continually with residents to educate them about the need for hazardous vegetation management, so our communities are safer. The proposed vegetation ordinance will be enforced by the Tuolumne County Fire Chief based on countywide fuels management policies. The Ordinance will fall under County Ordinance Code, Chapter 1.10:

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/245/Chapter-110---Code-Compliance?bidId=>

### **Where Does the Ordinance Apply?**

The ordinance applies to the unincorporated areas of Tuolumne County. Private property owners in the incorporated city of Sonora should contact the city for questions about defensible space regulations within city limits.

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### **What is Public Resources Code 4291 and who Enforces?**

PRC 4291 is state law that is enforced by CALFIRE. It requires owners to manage vegetation within one hundred feet of their own buildings, dwellings and structures to prevent fire from spreading to wildland vegetation or from the vegetation to the buildings, dwellings or structures.

### **What are the Main Differences Between the Draft Ordinance and Public Resources Code 4291?**

PRC 4291 does not require maintenance of vegetation alongside roads, road easements and driveways, nor does it require management on properties adjacent to those that have a dwelling or building within 100' nor vacant lots.

### **If there are Problems with Enforcing 4291, Why would you want to add another Requirement to Property Owners?**

PRC 4291 is enforced by CALFIRE. The new ordinance will be enforced by Tuolumne County in order to provide for public safety and reduce property loss.

### **Why Doesn't This Ordinance Apply to Government Owned Land and Only Private Property Owners?**

By law, Tuolumne County may not regulate federal, state, or other local government facilities. Examples are US Forest Service, State Parks, City of San Francisco Hetch Hetchy and within the City of Sonora. The County may advise these entities of hazards to public safety. They may be required to address these concerns by their own regulations, but the County may not enforce. The County will apply this same standard to their own facilities. County governments are prohibited from passing land use laws that will apply to State and Federal agencies.

### **Who is Going to Pay for This and How Can Those that Cannot Afford to Pay for Removal of Hazardous Vegetation Management on their Private Property Get Assistance?**

The ordinance only defines requirements. It does not include any funding for relief of owners needing assistance. Enforcement officers should offer information on available assistance programs. Some programs may be available like neighbors helping neighbors, homeowners' associations, Firewise Community organizations, other charitable organizations, or special grant funding.

**If a person chooses to build a structure next to his/her property boundary, complying with minimum set-back requirements, that person should not be able to compel a third party, the adjacent landowner, to maintain defensible**

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space on the third party's property for this structure.

Correct, the draft is not compelling one property over another. It is asking for property owners to remove hazardous vegetation on their own lands.

Right-of-ways along public roads should be maintained by the holder of the R/W easement. For roads used by many parties, it is unfair, and impractical to require one person, the parcel owner, to perform all the proposed roadside clearance. Often the parcel owner will not be financially able to complete the work. If the R/W easement is held by a public agency that agency should logically do the maintenance and it is a public benefit.

Agreed and in the case of County roads, there is already work in progress for roadside brushing. Many residents do not understand the ownership of roads within their communities. If a roadway is owned by one person but used by many, then that property owner would be responsible for the clearance, but Tuolumne County encourages property owners to work with those users to meet those requirements.

### How is Hazardous Vegetation Management Maintained?

Owners must maintain required Reduced Fuel Zones by periodically removing leaves needles, leaves, fallen limbs and dead plants; and mowing or grazing high grass or ground covers; pruning low tree limbs; thinning and spacing bushes; permitted burning; tilling; legally applying herbicides, or other reasonable means. The object is to preserve areas in a manner that will not easily catch fire, rapidly spread fire, allow fire to climb into the tops of trees and bushes, produce abundant airborne embers or brands, or generate intense radiant heat, all to prevent ignition of nearby structures or injury to passing traffic.

### Will there be any consideration of length of driveway when requiring clearance? Example 30' versus 3-mile driveway or road easement?

Generally, no. Roadside fuel management is required to promote safe evacuation and escape from fires, and to enable safe entry and exit for emergency responders. A long driveway poses more risk, not less.

### What are the examples of a Reduced Fuel Zone?

CALFIRE publishes many illustrations of good vegetation reduction to achieve defensible space and reduced fuel zones similar to County draft requirements. Examples include:

- Cut or mow annual grass down to a maximum height of 4 inches.
- Create horizontal space between shrubs and trees.
- Create vertical space between grass, shrubs and trees.
- Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of 3 inches.
- All exposed wood piles must have a minimum of 10 feet of clearance, down to bare mineral soil, in all directions.
- All propane tanks must have a 10 feet clearance to bare mineral soil and no flammable hazardous vegetation for an additional 10 feet around their exterior.

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**Does a property owner benefit by providing a Reduced Fuel Zone near structures on a neighboring parcel?**

Yes, The Reduced Fuel Zone will also help prevent fire from spreading from the nearby structure to the vegetation on your own land and then advancing toward your own home or business.

**How can property owners maintain compliance? Do Trees have to be Removed?**

Dead or dying trees constitute a fire hazard and should be removed. Large, healthy trees may remain, as long as they are limbed to an appropriate height above the ground or to an appropriate height above the vegetation growing underneath the branch canopy. Compliance would be maintained consistently.

**Are Properties under a Williamson Act exempt?**

No. Owners of Williamson Act agricultural parcels may file an alternative fuel reduction plan to be approved by the Fire Chief. In other words, they may propose others methods on their own land to help protect egress routes and built improvements on neighboring properties at lower cost and without disturbing their agricultural production.

**How Much Vertical Spacing is Needed along Roadways, Driveways or Road Easements?**

15" of overhead clearance is required.

**How Much Horizontal Spacing is Needed along Roadways, Driveways or Road Easements?**

10' Reduced Fuel Zone from roadway edge is required.

**When Enforcement Begins, Will the County Fine and/or Abate (Clean) Properties?**

The goal of the hazardous Vegetation Management Ordinance is to create a safer and fire adapted Tuolumne County. If the County does not see progress over a reasonable period of time, it has the ability to abate (clean) a property and place a lien on the property for the cost of the abatement.

If the County moves to adopt the Hazardous Vegetation Management Ordinance, it is important to consider all those property owners or renters who are not physically capable of doing the vegetation treatments and who may not have sufficient funding to pay a company or individual to perform the work.

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The proposed vegetation ordinance requirements were developed over the course of months with significant public input and sensitivity to potential financial impacts to homeowners. The ordinance is intended to improve fire safety and foster a culture of good land stewardship, not to impose financial hardships.