



Sonoma County Planning Commission STAFF REPORT

FILE: PLP18-0040
DATE: November 15, 2018
TIME: 1:05 pm
STAFF: Cecily Condon, Project Planner

Board of Supervisors hearing will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma

Owner: Various

Location: Various parcels in G, Geologic Hazard Area combining district and within Sonoma Complex Fires 2017 perimeter; see attached maps

APNs: See Table

Supervisory District No.: First and Fourth

Subject: Geologic Hazard Area Requirements for Rebuilds of Homes Destroyed in the 2017 Sonoma Complex Fires

PROPOSAL: General Plan Public Safety Element text amendment and ordinance specifying that within the Geologic Hazard Area Combining District, the geologic report and fault setback requirements applicable to new development do not apply to reconstruction of single-family homes that were destroyed in the 2017 Sonoma Complex Fires.

Environmental Determination: The proposal is within the scope of the Sonoma County General Plan 2020 Final EIR (Final EIR) which adequately describes the activity for purposes of CEQA. Accordingly, under CEQA Guidelines §§ 15168 and 15162, no additional environmental review is required.

General Plan: Various



Specific/Area Plan: Bennett Valley Area Plan (partial), Franz Valley Area Plan (partial)
Sonoma Mountain Area Plan (partial)

Land Use: Various

Ord. Reference: General Plan Public Safety Element Policies PS-1e, PS-1f, PS-1g,
and Sonoma County Code Chapter 26, Article 70 (Geologic Hazard
Area Combining District)

Zoning: Geologic Hazard Area Combining District; various base districts

RECOMMENDATION:

Adopt a resolution making the following recommendations to the Board of Supervisors:

- A. Find that the proposed general plan amendment and ordinance are within the scope of the previously certified Final EIR for Sonoma County General Plan 2020 and that the Final EIR adequately describes the activity for purposes of the California Environmental Quality Act (CEQA). Accordingly, pursuant to CEQA Guidelines §§ 15168 and 15162, no additional environmental review is required;
- B. Adopt the proposed amendment to add policy PS- 1P the Public Safety Element of General Plan 2020; and
- C. Adopt the proposed ordinance exempting preexisting single family homes destroyed by the 2017 fires from the geologic report and fault setback requirements in the Geologic Hazard Area combining district.

EXECUTIVE SUMMARY:

In response to Board direction Staff is advancing limited amendments to the Public Safety Element of Sonoma County General Plan and to county ordinance to reduce the geologic report and fault setback requirements for reconstruction of single-family homes destroyed in the October 2017 fires.

The proposed amendments would apply only to parcels in the, G, Geologic Hazard Area Combining District (Geologic Hazard Zone), that were affected by the Sonoma Complex Fires 2017. The amendments would be limited to reconstruction of one and two story single-family homes of wood or steel frame construction. The proposal would not apply to multi-family structures, structures greater than two stories, commercial structures, structures outside of the Sonoma Complex Fire 2017 perimeter, or new development on previously undeveloped sites. The proposal is fully compliant with the state Alquist-Priolo Earthquake Fault Zoning Act, which

exempts most single-family homes up to two stories. Homes being rebuilt under the proposal will still be required to comply with all other current codes, including seismic safety standards.

BACKGROUND:

The October 2017 fires destroyed more than two thousand residences in unincorporated Sonoma County. Approximately 55 of the homes destroyed were within the Geologic Hazard Zone, primarily located in the low density residential communities of Mark West Springs, Larkfield, and Wikiup. Because the Sonoma County General Plan and County Code do not distinguish between what is truly new development versus reconstruction of prior development a geologic report is currently required prior to construction in the Geologic Hazard Zone. The intent of the proposed General Plan amendment and ordinance is to reduce the additional studies and expenses faced by property owners trying to rebuild fire destroyed homes.

Under the currently applicable rules property owners impacted by the October 2017 fires face additional, expensive obstacles to rebuilding their homes. To assist homeowners affected by the fires, the Board of Supervisors approved a minute order (Resolution No. 18-0390) directing Permit Sonoma to bring forward proposed amendments to the general plan and county code to clarify that single family homes located in the Geologic Hazard Zone and destroyed in the Sonoma Complex Fires may be rebuilt on the same parcel without meeting geologic report or fault setback requirements. The attached maps show the location of the Geologic Hazard Zone in Sonoma County and the extent of the fire perimeter.

The geologic report otherwise required under the General Plan Public Safety Element and Article 70 of the Sonoma County Zoning Ordinance is a fault study which entails deep trenching across each property, perpendicular to the suspected fault, to determine whether there is a surface trace of an active fault on the site. Development is prohibited within 50 feet of the surface trace of an active fault, and as a result homeowners whose reports identified a surface fault would either not be able to rebuild their homes on the same site or without additional siting constraints. The trenching and geologic report costs each property owner additional months of delay in the rebuilding process and approximately \$15,000, which is unaffordable to many homeowners who find themselves substantially underinsured. The proposed general plan amendment and ordinance would allow the approximately 55 property owners who lost homes in the Geologic Hazard Zone to rebuild their homes without incurring the significant additional delay and expense of trenching and preparation of a geologic report.

The homes within the Geologic Hazard Zone that were destroyed in the October 2017 fires are concentrated in the Mark West Springs and Larkfield/Wikiup areas. Many of these homes were built before the County's Geologic Hazard Zone requirements were adopted in 1974 as part of the 1989 General Plan. These homes predated the current requirements and were built without geologic studies or fault setback requirements. A limited number of affected homes in the Geologic Hazard Zone were built later and already have geologic reports on file from their initial



construction. The Geologic Hazard Zone was designated and its accompanying regulations were developed and applied as part of the implementation of the 1989 General Plan, and in 1993 the policies were carried forward into General Plan 2020.

The geographic area that is identified as the Geologic Hazard Zone was designated by the State Geologist pursuant to the state Alquist-Priolo Earthquake Fault Zone Act (Alquist-Priolo Act), formerly the Alquist Priolo Special Studies Zone Act, which provides the minimum regulatory requirements for most development in proximity to a known trace fault. The Alquist-Priolo Act was initially enacted by the State in 1971, following the San Fernando earthquake. It established the basis for the County's policy of requiring a geologic report and trace fault setbacks for development along known faults.

Wood and steel frame single family residential development of up to two stories are exempt from the Alquist-Priolo Act. However, the Alquist-Priolo Act permits local governments' regulations to be more stringent. Many local jurisdictions, including Sonoma County, developed implementing policies stricter than the Act requires; as such, the County Code and General Plan do not include the exception to the geologic report and trace fault setbacks for single family homes.

As part of today's proposal the General Plan and County Code would be amended to clarify that for the sole purposes of rebuilding single family homes lost to the October 2017 fires, the applicable General Plan Public Safety Element policies and County Code requirements for geologic reports and fault trace setbacks do not apply. However, rebuild projects would be required to comply with current building codes, seismic safety standards, and state law, including the Alquist-Priolo Act. Property owners wishing to rebuild without geologic reports would also be required to sign a document acknowledging and accepting the risk of rebuilding in that location. The document would be recorded to provide notice to future potential buyers.

PROJECT DESCRIPTION:

The County is proposing to amend the Sonoma County General Plan and adopt an uncodified ordinance to allow fire-destroyed homes in the Geologic Hazard Zone to be rebuilt without the otherwise required geologic study and trace fault setback. The proposed exception for fire rebuilds will not apply to development other than rebuilds on the same site of homes lost in the October 2017 fires. Specifically, the proposed exception will not apply to commercial structures, structures outside of the Sonoma Complex Fires perimeter, or development on previously undeveloped sites.

DISCUSSION:

Seismic Safety:

Allowing rebuilding of destroyed homes without a geologic report does not increase the exposure of persons to earthquake hazards over pre-existing conditions. The homes that would be rebuilt under this legislation existed in the same location before the fires and will be rebuilt with improved design and technology, reflecting significantly increased seismic safety standards when compared with their original construction. Because the California building code seismic standards have been regularly amended and improved since most of the affected Geologic Hazard Zone homes were built, the rebuilt homes will have reduced earthquake vulnerability as compared to the previous construction. As noted above, the proposed legislation will not apply to any other projects.

General Plan Consistency:

The General Plan 2020 policies related to the proposed project are shown below including the proposed new policy, **Policy PS 1-P**.

***Policy PS-1e:** Continue to implement the "Geologic Hazard Area" combining district which establishes regulations for permissible types of uses and their intensities and appropriate development standards.**

***Policy PS-1f:** Require and review geologic reports prior to decisions on any project which would subject property or persons to significant risks from the geologic hazards areas shown on Public Safety Element hazard maps and related file maps and source documents. Geologic reports shall describe the hazards and include mitigation measures to reduce risks to acceptable levels. Where appropriate, require an engineer's or geologist's certification that risks have been mitigated to an acceptable level and, if indicated, obtain indemnification or insurance from the engineer, geologist, or developer to minimize County exposure to liability.**

***Policy PS-1g:** Prohibit structures intended for human occupancy (or defined as a "project" in the Alquist-Priolo Special Studies Zones Act and related Administrative Code provisions) within 50 feet of the surface trace of any fault.**

***Policy PS-1p:** Notwithstanding the foregoing, Policies PS-1f and PS-1g shall not apply to an application to reconstruct a single-family dwelling located in the Geologic Hazard Area Combining District that was destroyed in the October 2017 Sonoma Complex Fires, provided that the dwelling would qualify for an exemption under the state Alquist-Priolo Earthquake Fault Zoning Act (Public Resources section 2621 et seq.) and provided further that the application complies with all applicable requirements of Ordinance No. _____. This policy shall not be interpreted to apply to any project other than*

reconstruction of a home destroyed in the 2017 Sonoma Complex Fires and proposed to be rebuilt on the same lot.

The proposed General Plan and ordinance amendments are very limited in scope, and apply to rebuilds of homes that existed when the General Plan was adopted. Accordingly, the proposed legislation is consistent with the General Plan as amended by the above text. As proposed Policy PS 1-P will only apply to rebuilding of previously existing homes destroyed by the October 2017 fires. This policy will exempt rebuilding of preexisting homes destroyed by the Sonoma Complex Fires but will not apply to other development.

The homes to be rebuilt under the proposed conditions generally predated the Geologic Hazard Zone and requirement for a geologic report and their reconstruction does not interfere with the continued implementation of the above policy and Geologic Hazard Area Combining District for new uses. The proposed ordinance requires the property owner to sign an indemnification and acknowledgement of risk acknowledging that the home is within the Geologic Hazard Zone and accepting the risk of rebuilding without the benefit of a geologic report.

Area Plan Consistency:

Some of the parcels that are designated with the Geologic Hazard Area Combining District and impacted by the October 2017 Fires are within the boundaries of the Bennett Valley Area Plan, Franz Valley Area Plan, or Sonoma Mountain Area Plan. The Area Plans do not include the Mark West or Larkfield/Wikiup communities where most of the parcels impacted by this proposal are concentrated. The previously applicable Larkfield Area Plan was repealed in 2008. The proposed project is consistent with each of the area plans. Applicable policy from each Area Plan is below.

Bennet Valley Area Plan:

Residential development shall occur in the least constrained, most suitable areas.

Parcels within the Alquist-Priolo Zone or in geologically unstable areas shall be developed only at very low densities. Siting and foundation design of all structures in these areas shall comply with the General Plan Public Safety Element.

The proposed project does not increase residential density or change allowed uses. The siting requirements are consistent with the General Plan Public Safety Element as amended by this proposal. Additionally, the concentration of properties where the exemption will be applied is outside of the Bennett Valley Area Plan.

Franz Valley Area Plan:

Limit or prevent residential development in areas of high or extreme fire, geologic, and seismic hazards.

The proposed project does not increase residential density or change allowed uses. The proposed project does not include new development, rather it will only be applied for the



reconstruction of previously existing residential structures. Additionally, the concentration of properties where the exemption will be applied is outside of the Franz Valley Area Plan.

Sonoma Mountain Area Plan:

Geologic Hazards

- (1) Continue to implement the Alquist-Priolo Special Studies Zones Act of 1972.*
- (2) Require an engineering geologist's report whenever there is an unacceptable level of risk of geologic hazard associated with a proposed land development.*

The proposed project is consistent with provision of the Alquist-Priolo Act that exempts single family residential development of wood or steel frame construction from the report and fault setback requirements. Because the proposed exception will be made only for previously developed residential structures no new land development is proposed, further the rebuilt homes will have reduced earthquake vulnerability as compared to the previous construction. No new risk to seismic hazards is proposed. Additionally, the concentration of properties where the exemption will be applied is outside of the Sonoma Mountain Area Plan.

Zoning Consistency:

The project is consistent with Zoning Code and implements the General Plan as amended by this proposal. The uncodified ordinance would not amend the text of the Sonoma County Zoning Code and is consistent with the purpose of Article 70, the Geologic Hazard Area Combining District in that it does not increase risk due to earthquake hazards because it will only allow for the rebuilding of previously existing homes without a geologic report or fault setback requirements.

Environmental Determination:

The proposal is within the scope of the Sonoma County General Plan 2020 Final EIR (Final EIR) and the Final EIR adequately describes the activity for purposes of CEQA. The proposal does not involve new development or an increase in density over what is assumed in the General Plan and Final EIR, because the homes to be rebuilt existed when the General Plan was adopted. The homes that could be rebuilt without geologic reports pursuant to this proposal are not “new” development—they are replacements of previously existing single-family homes with like structures—and the analysis in the Final EIR focused on the mitigating effect of Geologic Hazard Zone regulations on new development only. Accordingly, under CEQA Guidelines §§ 15168 and 15162, no additional environmental review is required. In any event, the proposal does not itself approve any development; it merely clarifies the regulations applicable to home rebuilds in the Geologic Hazard Zone. In the alternative, the project is exempt from CEQA pursuant to the general rule of CEQA Guidelines section 15061(b)(3), which applies when it can be seen with certainty to have no possibility for causing a significant effect on the environment.

FINDINGS:

1. General Plan Consistency

This project is substantially consistent with the General Plan as amended as of the effective date of the Board of Supervisors Ordinance.

The homes to be rebuilt under the proposed conditions generally predated the Geologic Hazard Zone and requirement for a geologic report and their reconstruction does not interfere with the continued implementation of the General Plan Public Safety Element.

Consistent with PS Policy 1-f the proposed ordinance requires the property owner to sign an indemnity and acknowledgement of risk acknowledging that the home is within the Geologic Hazard Zone and accepting the risk of rebuilding without the benefit of a geologic report.

2. Area Plan Consistency

The proposed project is consistent with the Bennett Valley Area Plan in that it does not increase residential density or change allowed uses. The siting requirements are consistent with the General Plan Public Safety Element as amended by this proposal.

The proposed project is consistent with the Franz Valley Area Plan in that it does not increase residential density or change allowed uses. The proposed project does not include new development, rather it will only be applied for the reconstruction of previously existing residential structures.

The proposed is consistent with the Sonoma Mountain Area Plan because the project implements the Alquist-Priolo Act. No new land development is proposed, and the rebuilt homes will have reduced earthquake vulnerability as compared to the previous construction. No new risk to seismic hazards is proposed.

3. Zoning Consistency

The project implements the general plan as amended by this proposal as of the effective date of the Board of Supervisors Ordinance.

The uncodified ordinance would not amend the text of the Sonoma County Zoning Code.

4. CEQA

The proposal is within the scope of the Sonoma County General Plan 2020 Final EIR (Final EIR) and the Final EIR adequately describes the activity for purposes of CEQA. Pursuant to CEQA Guidelines §§ 15168 and 15162, no additional environmental review is required. In the alternative, the project is exempt from CEQA pursuant to the general

rule of CEQA Guidelines section 15061(b)(3), which applies when it can be seen with certainty to have no possibility for causing a significant effect on the environment.

ATTACHMENTS:

- A. Draft Resolution to the Board of Supervisors
- B. Draft Ordinance
- C. Maps
 - Countywide Fire Perimeters and Study Area
 - Pocket Fire and Study Area
 - Tubbs Fire and Study Area
 - Nuns Fire and Study Area
- D. Table of Parcels within the Geologic Hazard Zone and Fire Perimeter