ORDINANCE NO. 2025-395

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR DESIGNATING FIRE HAZARD SEVERITY ZONES, AMENDING TOWN OF WINDSOR MUNICIPAL CODE TITLE VII - BUILDING AND HOUSING, AND ADDING MUNICIPAL CODE TITLE VII, CHAPTER 7 - FIRE HAZARD SEVERITY ZONE MAPS
(FILE NO. 24-28)

WHEREAS, the Office of the State Fire Marshal released the Fire Hazard Severity Zone (FHSZ) Map for the Town of Windsor on February 24, 2025, which designated certain areas in the Town as Moderate and High fire severity zones; and

WHEREAS, on March 24, 2025, as required by Government Code Section 51178.5, the FHSZ Map was made available for public review and comment, including posting on the Town's website, social media, and through press releases; and

WHEREAS, Government Code Section 51179(b)(2) allows the Town to designate areas not identified as moderate and high fire severity zones by the State Fire Marshal as moderate and high fire severity zones; and

WHEREAS, the Town Council finds that wildfires pose a threat to public safety, are costly to property owners, residents and local agencies, embers travel far beyond the area of the wildfire posing an ignition risk to structures and property, and that the local area has experienced several severe wildfires, including the Tubbs, Nuns, Kincade, Glass, and LNU Lightning Complex fires. Therefore, all land within Town limits is currently designated as a Moderate fire severity zone pursuant to Municipal Code Title VII, Section 7-2-317; and

WHEREAS, on May 21, 2025, the Town Council held a duly noticed public hearing to consider the FHSZ Map from the State Fire Marshal, an amendment to the FHSZ Map, and amendments to the Town's Municipal Code.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS FOLLOWS:

1. The Town of Windsor hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178; and

2. The Town of Windsor hereby designates areas not identified as Moderate and High Fire Hazard Severity Zones by the State Fire Marshal as Moderate Fire Hazard Severity Zones, based on the findings included in Section 2 (Local Conditions Findings).

3. The Town Council approved Town of Windsor Fire Hazard Severity Zone Map is hereby incorporated by reference and entitled Town of Windsor Fire Hazard Severity Zones.

4. The official map approved by the Town Council is located on the Town of Windsor website: https://www.townofwindsor.ca.gov/

SECTION 1. Recitals.
The above recitals are true and correct and adopted as findings.

SECTION 2. Amendments.
Town of Windsor Municipal Code Title VII- Building and Housing is hereby amended as follows (additions **bold and underlined**, deletions in ~~strikethrough~~):

Chapter 2, Article 2: ~~2019~~ California Administrative Code

Chapter 2, Article 3: ~~2019~~ California Building Code-Title24, Part 2

Section 7-2-310 – Section 701A.3
Section 701A.3 of the California Building Code is amended to read as follows:
701A.3 Application. Buildings located in the Town of Windsor, any Fire Severity Zone or any Wildland-Urban Interface Zone designated by the enforcing agency constructed, altered, moved, repaired or maintained after the application date shall comply with the provisions of this chapter.
Exceptions:

1. Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.
2. Buildings of an accessory character classified as Group U occupancy not exceeding 1,000 square feet located at least 50 feet from applicable buildings.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C - Group U Agricultural Buildings), when located at least 50 feet from applicable buildings.
4. Group C, special buildings conforming to the limitations specified in Section 450.4.1.
5. ~~Buildings not located in the Fire Severity Zone or Wildland-Urban Interface are not required to comply with Section 708A of this chapter.~~

For the purposes of this section and Section 710A, applicable buildings include all buildings that have residential, commercial, educational, institutional, or similar occupancy type use.

7-2-317-Section 702A
WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the Town of Windsor as a Moderate Fire Severity Zone in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, or as designated by Fire Severity Risk Zone Maps provided by the Office of the California State Fire Marshall. **Areas identified as Moderate shall comply with the requirements of Chapter 7A in the California Building Code as follows: 703A, 705A, 705A.2.1 as amended, 705A.3, 705A.3.3 as amended, 705A.4, 706A, 706A.2, 706A.2.1, 707A, 707A.1, 707A.2, 707A.3, 707A.3.1, 707A.3.3 as amended, 707A.4, 707A.4.1, 707A.5, 707A.6, 707A.7, 707A.8, 707A.9, 707A.10, 707A.11, 708A.3, 708A.3.1, 708A.4, 709A, 709A.1, 709A.2, 709A.3, 709A.4, 709A.4.1, 709A.4.2, 709A.5, 710A, 710A.1, 710A.2, 710A.3 as amended, 710A.3.1, 710A.3.2, 710A.3.3, 710A.3.4, and 710A.4.**
Areas not identified as moderate shall comply with Chapter 7A as modified.

Chapter 7. – Fire Hazard Severity Zone Maps

7-7-100- Purpose. To identify the Town of Windsor as a Moderate Fire Severity Fire Zone except as identified in the Fire Severity Zone Maps published by the Department of the State Fire Marshall.

7-7-105- Applicability. All construction as identified in Chapter 2, Article 3 of this Code shall meet the requirements of Chapter 2, Article 3 for fire resistive construction.

SECTION 2. Local Conditions Findings.
The Town Council finds that due to the local conditions described below it is necessary to designate areas not identified as moderate and high on the FHSZ Map from the State Fire Marshal as moderate.

A. Climate. During the dry period, temperatures range from 70 degrees to over 100 degrees. These temperatures are many times accompanied by a wildland-urban interface, creating a hazardous fire condition. With increased development spreading into the brush covered foothill area, wind driven fires could have severe consequences, as has been demonstrated on several occasions throughout the State, as well as locally (Tubbs Fire (2017), Kincade Fire (2019), LNU Lightning Complex Fire (2020), and Glass Fire (2020)).

B. Topographical. The Town borders include hilly terrain on the north and northeast portions of the Town. The water system is affected by the topographical layout. The water distribution system consists of different pressure zones, which carry water by gravity from various storage points. Water pressure can vary throughout the Town causing problems to development as well as to fire suppression forces. The Town is divided by Highway 101 and a railroad right-of- way. This creates barriers which obstruct traffic patterns and delay the response of fire equipment.

SECTION 3. Environmental Findings.
The Town Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment (CEQA Guidelines Section 15060(c)(2)). The ordinance is not a project as defined by CEQA (CEQA Guidelines Sections 15060(c)(3), 15061 (Review for Exemption), and 15378 (Definition of a Project). Additionally, the ordinance is exempt from CEQA pursuant CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment), since the adoption of the FHSZ Map and associated municipal code amendments would help to reduce the spread of wildfire.

SECTION 4. Severability.
If any section, subsection, sentence, clause, or phrase or word in this Ordinance is for any reason held to be un. constitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful, or otherwise invalid.

SECTION 5. Effective Date.
This ordinance shall take effect and be in force 30 days from the date of its adoption.

Section 6. Publication.
The Town Clerk shall certify the adoption of this ordinance and cause it or a summary of it to be published in a newspaper of general circulation printed and published within the Town of Windsor, pursuant to all legal requirements.

PASSED, APPROVED AND ADOPTED this 4th day of June 2025, by the following vote:

AYES:	**COUNCILMEMBER LEEP, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**COUNCILMEMBERS SALMON AND WALL**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK