

EDC Chapter 8.09 (Vegetation Mngt/Defensible Space) Summary of Changes

Code Section	Topic	Change
8.09.010	New Title	Replaced the term “Vegetation Management” with “ Hazardous Vegetation ” to reflect the actual purpose of this Chapter
8.09.015	Conflict of Ordinances	New Section – describes how this chapter of the code is applied when it is conflict with other provisions.
8.09.020	Findings	Minor grammar edits throughout this section. Added subsections C-E to describe the fire hazard and fire history of the County.
8.09.020	Findings	Added subsections G, H and K to clarify that there are specific facts that warrant the need to have regulations that are more restrictive than PRC 4291.
8.09.030	Definitions	Added the term Abate or Abatement .
8.09.030	Definitions	Added the term Abatement Costs .
8.09.030	Definitions	Added the term Biomass .
8.09.030	Definitions	Added the term Critical Infrastructure including a description of Essential Service, At Risk Populations and Hazardous Material & Solid Waste Facilities.
8.09.030	Definitions	Revised the term Defensible Space so that it is consistent with PRC 4291.
8.09.030	Definitions	Added the term Fire Hazard .
8.09.030	Definitions	Revised the term Hazardous Vegetation to associate this vegetation as being a fire hazard.
8.09.030	Definitions	Added the term Ladder Fuels .
8.09.030	Definitions	Added the term Outbuilding .
8.09.030	Definitions	Added the term Responsible Person(s) .
8.09.030	Definitions	Revised the term Structure and the associated exception to this ordinance.

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8.09.030	Definitions	Minor grammar edits to several existing definitions found in the Chapter.
8.09.040	CEQA	Revised this section to clarify that this Chapter is exempt from CEQA due to 14CCR §15308 and the common-sense exemption found in 14CCR §15061.
8.09.050	Legal Authority	Revised subsection D to include Government Code section 51182.
8.09.050	Legal Authority	Added subsection F regarding the topic of all future real estate transactions meeting the requirements of this Chapter.
8.09.050	Legal Authority	Minor grammar edits to several existing subsections found in the Chapter.
8.09.055	Collection of Fines/Fees	New Section – identifies the process and timelines used by the County to collect fines or fees.
8.09.060	Prohibited Conduct	Minor grammar edits to this section of the Chapter.
8.09.070 (A)	Duty to Remove Haz Veg	Proposed to remove this subsection as it duplicates other provisions.
8.09.070 (B)	Procedures & Methods	Proposed to remove this subsection as it duplicates other provisions.
8.09.070 (C)	Authority to Inspect	Minor grammar edits to this section of the Chapter.
8.09.070 (D)	Wildland Fire Safe Plans	Modified to include the term “ Fire Protection Plan ” as described in Title 24, Part 9, Chapter 49.
8.09.070 (E)	Real Estate Transactions	Significant changes to this section regarding real estate transactions.
8.09.070 (F1)	Defensible Space	Revisions to this paragraph to require that Structures comply with the provisions described in PRC Title 14, Section 1299.
8.09.070 (F2)	Erosion Control	Minor grammar edits to this paragraph of the Chapter. Removed 2 nd sentence regarding the term “Fuels” as the term is not necessary.
8.09.070 (F3)	Greater Distances	Clarified that the additional distance may be up to 300-feet when clear cause is found by the Enforcement Official due to conditions present.

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8.09.070 (F4 To F9)	Defensible Space Specific Requirements	Deleted Subsection F4, F5, F6, F7, F8 and F9 as these provisions are already described in PRC Title 14, Section 1299.
8.09.070 (F10)	Environmental Prot.	Modified this paragraph to clarify that the Responsible Person shall also comply with all environmental protection regulations.
8.09.070 (F11)	Good Neighbor	Modified this paragraph to clarify that additional protection of a Structure on an adjacent property will be based on specific factors.
8.09.070 (F12)	Roadway Clearance	Modified this paragraph to clarify that it also applies to driveways. Added specific horizontal and vertical clearance requirements near roads and driveways.
8.09.070 (G)	Critical Infrastructure	New Subsection – this section provides defensible space criteria for critical infrastructure and hazardous use sites.
8.09.070 (G1)	Essential Service Sites	New Paragraph – Essential Services and At-Risk Population Structures and Accessory Buildings shall provide adequate defensible space.
8.09.070 (G2)	LP-Gas Sites	New Paragraph – LP Gas and Aboveground Flammable Liquid tanks over 2,000 gallons water comply shall provide defensible space.
8.09.070 (G3)	Lumber Yards	New Paragraph – the storage of logs, chips and other combustible materials shall provide defensible space around certain sites.
8.09.070 (G4)	Photovoltaic Systems	New Paragraph – freestanding systems and equipment shall provide either 10’ or 30’ of clearance depending on combined panel size.
8.09.070 (G5)	Telecom Sites	New Paragraph – Telecommunication sites serving as critical infrastructure shall provide defensible space around accessory bldgs. and towers.
8.09.070 (G6)	Fire Prot. Water Sites	New Paragraph – public & private water systems supplying fire protection water delivery shall provide defensible space around certain sites.
8.09.070 (G7)	Additional Clearances	New Paragraph – minimum clearances may be extended beyond 100’ with cause as determined by the Enforcement Official.
8.09.070 (G8)	Adjacent Properties	New Paragraph – clarifies for the purpose of this subsection adjacent properties do not need to assist in complying with these requirements.
8.09.075	Violation	Minor grammar edits to several subsections in this section.
8.09.075 (B)	Misdemeanors	Delete this subsection. Violations of this ordinance are considered an Administrative Violation of County Code.

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8.09.080	Enforcement Official	Minor grammar edits to this section. Strikes language regarding who is the Enforcement Official for the County as this term exists elsewhere.
8.09.081	Investigative Official	Renumbered from 8.09.085 to 8.09.081 and minor grammar edits to this section of the Chapter.
8.09.085	Enforcement Authority	New Section – Identifies the guidelines for exercising enforcement authority and notice requirements.
8.09.086	Confidentiality	New Section – clarifies that the identity of a person filing a complaint shall remain confidential and that filing of false complaints is a misdemeanor.
8.09.090	Inspection	Minor grammar edits to this section of the Chapter.
8.09.100	Enforcement	Clarifies that violations of this Chapter may be enforced using the Code Enforcement provisions found in Chapter 9.02.
8.09.110	Enforcement Procedure	Minor grammar edits to this section of the Chapter. Added Subsection G regarding sign posting requirements on properties prior to abatement.
8.09.110 (G)	Signage	New Subsection – Identifies the signage requirements on properties prior to abatement.
8.09.115	Service of Notices	New Section – Replaces procedures previously addressed in 8.09.110 to be consistent with Chapter 9.02.120.
8.09.116	Recording of NOV	New Section – Replaces procedures previously addressed in 8.09.110 to be consistent with Chapter 9.02.140.
8.09.119	Procedures for Notice of Compliance	New Section – Replaces procedures previously addressed in 8.09.110 to be consistent with Chapter 9.02.170.
8.09.120	Appeals Procedure	Minor grammar edits to this section of the Chapter.
8.09.125	Penalty – Infraction	New Section – defines the penalties associated with the violation of this chapter.
8.09.126	Failure to Pay	New Section – describes the procedures the County may take to see payment for failure to pay.

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Code Section	Topic	Change
8.09.130	Seasonal Designation	Minor grammar edits to this section of the Chapter.
8.09.140	Removal of Hazardous Vegetation	New Section - describes the provisions the County will follow to abate hazardous vegetation on a property.
8.09.141	Warrant Requirement	New Section – outlines the process the County will follow to obtain an inspection warrant on a property.
8.09.150	Summary Abatement	New Section – describes the powers to abate an imminent threat.
8.09.155	Summary Abatement Procedures	New Section – Describes the procedures to follow to abate an immediate threat.
8.09.160	Accounting	New Section – describes the process to account for all abatement costs.
8.09.161	Notification of Assessment of Fees	New Section – describes the process the County will use to see the recovery of costs.
8.09.165	Liability of Costs	New Section – describes the responsibility of the Response Person to incur costs associated with an abatement.
8.09.170	Collection of Costs	Renumbered previous Section 8.09.150 and added Subsections B, C and D – describes the process the County will follow regarding the recovery of costs for abatement.
8.09.175	Levying of Costs	Minor grammar edits to this section of the Chapter.
8.09.170	Penalty – Infraction	Deletes this section. Language exists within other provisions of this Chapter.
8.09.180	Recovery of Collection Costs	New Section – Identifies parameters for the recovery of collection costs.
8.09.185	Effective Date	Renumbered previous Section 8.09.180.