

Hazardous Vegetation and Defensible Space Ordinance Update

Board of Supervisors Hearing
June 18, 2024



EDC DEFENSIBLE SPACE ORDINANCE BACKGROUND

Existing Defensible Space Laws and Regulations in California:

Public Resources Code (PRC 4291)

- Enacted in 1965 to protect wildland and watershed areas from fire risks presented by development
- Outlines the criteria and responsibilities of property owners for maintaining defensible space around structures

California Code of Regulations, Title 14 (14 CCR)

- Contains regulations adopted by the California Board of Forestry to implement PRC 4291
- Force and effect of law

California Civil Code (CIV 1102.19)

- Requires certain disclosures during real estate transactions
- Amended in 2021 to require documentation of compliance with defensible space requirements

****Government agencies can adopt a local ordinance for defensible space requirements, but cannot be less restrictive than State law***

EDC DEFENSIBLE SPACE ORDINANCE BACKGROUND

Ordinance 5101 –Vegetation Management and Defensible Space

- BOS appointed Ad Hoc Enforcement Committee in 2018 to review existing code enforcement process, including vegetation management issues
- Recommendation to create a County Ordinance for proactive local defensible space inspections and civil rather than criminal enforcement
- Based on defensible space requirements within PRC 4291 and 14 CCR
- BOS adopted Ordinance 5101 in 2019, adding Chapter 8.09 “Vegetation Management and Defensible Space”
- CAO tasked with developing and implementing Vegetation Management Program

Ordinance 5101 –Amended in 2020

- Primary purpose to update definitions for County Emphasis Areas and Wildfire Risk Areas, and to clarify roles and responsibilities for centralized enforcement
- CAO continued to develop and implement Vegetation Management Program

In September 2021, BOS directed the CAO to convene a “Vegetation Management and Resiliency Working Group” to “initiate a robust, community-based resiliency and vegetation management program that would accelerate the current County efforts”

DEFENSIBLE SPACE WORKING GROUP

- **Established by the Office of Wildfire Preparedness & Resilience (OWPR) Coordination Group**
- **Working Group members represent fire prevention experts and key stakeholders, including:**
 - CAL FIRE Amador-El Dorado Unit
 - CAL FIRE Office of State Fire Marshal
 - City of Placerville
 - City of South Lake Tahoe
 - EDC County Counsel
 - EDC Fire Chiefs Association
 - EDC Fire Prevention Officers
 - EDC Fire Safe Council
 - EDC OWPR
 - EDC Planning and Building
 - Tahoe Resource Conservation District
 - US Forest Service Tahoe Basin Management Unit
- **Main Objectives:**
 - Review of County ordinances for consistency with State law (PRC 4291, CCR 14, etc.)
 - Evaluation of methods used to complete defensible space inspections
 - Identification of policy issues and implementation challenges
 - Recommendations on implementation strategies
 - Recommendations on updates to language within Chapter 8.09 to enhance effectiveness

DEFENSIBLE SPACE ORDINANCE UPDATE TIMELINE

September 2022:
Initiated ordinance update process and development of County's Defensible Space Program

December 12, 2023:
Initial Board of Supervisors Public Hearing and First Reading of Proposed Changes (Ord. 5186)

April – May 2024:
Evaluation of feedback received from public workshops and additional proposed changes made

August 2024:
Estimated effective date (30 days after Board adoption) and implementation of Chapter 8.09



September – October 2023:
Conducted stakeholder and community workshops

February – March 2024:
Conducted additional public workshops

June 18, 2024:
Continuation of Board of Supervisors Public Hearing and First Reading of Proposed Changes (Ord. 5186)

PREVIOUS BOARD DIRECTION

Board direction provided at the December 12, 2023 First Reading:

- Continue this matter off calendar with direction to staff to:
 - Develop an implementation guideline document that includes:
 - Intent, Preamble, and Table of Contents
 - Conduct additional public workshops no later than the end of March 2024

DEFENSIBLE SPACE PUBLIC WORKSHOPS

Workshops Conducted Prior to the December 12, 2023 Hearing:

- Real Estate Industry
 - Tahoe Basin – September 26, 2023
 - West Slope – October 12, 2023
- Stakeholders/General Public
 - Tahoe Basin – September 26, 2023
 - West Slope – September 27, 2023

Workshops Conducted Following the December 12, 2023 Hearing:

- Tahoe Basin – February 13, 2024
 - Approx. 30 people
- West Slope – February 29, 2024
 - Approx. 150 people
- Georgetown/Garden Valley – March 12, 2024
 - Approx. 15 people



OVERVIEW OF PROPOSED CHANGES

Administrative and General	Definitions	Defensible Space Requirements	Violations/Complaints	Enforcement Procedures
<ul style="list-style-type: none"> Updated Ordinance title to “Hazardous Vegetation and Defensible Space” Added/updated findings to further support CEQA exemption and intent of Ordinance 	<p>Added/Clarified:</p> <ul style="list-style-type: none"> Abatement/ Abatement Costs Critical Infrastructure Defensible Space Driveway Fire Hazard Hazardous Vegetation Responsible Person Road Structure 	<p>Added/Clarified:</p> <ul style="list-style-type: none"> Real Estate Transactions* Greater Clearance Distances Good Neighbor/ Neighborhood Protection Policy* Other Laws/ Permits Clearance along Driveways and Roads* Critical Infrastructure 	<ul style="list-style-type: none"> Clarified what a Violation is Clarified roles/ responsibilities of Investigative and Enforcement Official Guidelines for Enforcement Authority Confidentiality with Citizen Complaints 	<p>Updated/Clarified:</p> <ul style="list-style-type: none"> Meet and Confer Process Enforcement Procedures updated to largely mirror EDC Chapter 9.02, Code Enforcement Notice Requirements Appeals Penalties Abatement/Costs Administrative Fees

* Denotes additional changes made based on feedback received from 2024 Public Workshops

SUMMARY OF KEY CHANGES TO DEFINITIONS

Abatement/Abatement Costs – added to clarify action and costs associated with the removal and disposal of waste, weeds, grasses, hazardous vegetation, and combustible materials, and the cost to repair or abate hazardous conditions

Critical Infrastructure – added to required compliance for facilities classified within one or more of the following categories: (1) Essential Services Facilities, (2) At-Risk Population Facilities, and (3) Hazardous Materials and Solid Waste Facilities

*Includes County and other local agency owned facilities

Defensible Space – updated to clarify what is considered defensible space, who is responsible, and where it is required

Driveway – added to clarify what is considered a driveway for year-round clearance requirements

Fire Hazard – added to clarify what constitutes a Fire Hazard under this Ordinance and means any condition

Hazardous Vegetation – updated to clarify what is considered hazardous vegetation and what creates a fire hazard

Responsible Persons – added to clarify who is responsible for compliance with defensible space requirements, including local government agencies (does not include federal or state-owned lands)

Road – added to clarify what is considered a road for County designated road clearance requirements

Structure – updated based on County Building Code and to clarify structures that are exempt

SUMMARY OF DEFENSIBLE SPACE REQUIREMENTS

Real Estate Transactions:

- Proposed changes:
 - Clarified what documentation is accepted (report from Investigating Official) at or prior to close of escrow
 - Shortens timeline to 180 days from the close of escrow to achieve compliance and provide documentation, unless otherwise approved by the Enforcement Official

Greater Clearance Distances:

- Proposed change sets a limit of 300-feet from the Structure(s)

Good Neighbor and Neighborhood Protection Policy:

- Proposed changes clarify responsibility of neighboring property owner to provide remaining defensible space clearance

Other Laws and Permits:

- Proposed changes clarify that the removal or disposal of vegetation is required to comply with all other applicable federal, state, and local laws and permits may be required

Clearance Along Driveways and Roads:

- **Driveways** – Updated to require vertical and horizontal clearance along all driveways, year-round, for the safe ingress and egress of emergency vehicles
- **Roads** – Updated to remove driveways and require clearance along County designated roads, within a reasonable time, for the safe ingress and egress of emergency vehicles

DEFENSIBLE SPACE INSPECTIONS

The goal is to provide homeowners with valuable information on how to meet the County's defensible space requirements and protect their homes from wildfire.

Defensible space inspections conducted under Chapter 8.09:

OWPR:

- County Emphasis Areas (CEAs) – 6 CEAs identified for 2024/25
- Complaint Inspections
- Real Estate Transactions

CAL FIRE:

- Defensible Space Inspection Areas (DSIAs) – 10 DSIAs identified/in-progress for 2024
- Real Estate Transactions

Local Fire Districts:

- Focused inspection areas
- Real Estate Transactions

What's New:

Upon adoption of the Chapter 8.09 amendments, CAL FIRE will complete inspections in accordance with the County's defensible space requirements

RESOURCES FOR RESIDENTS

- **El Dorado County OWPR:**
 - Point of contact for defensible space questions, concerns, or complaints
 - Coordinate defensible space inspections
 - Defensible space education and outreach
 - Firewise Community coordination in partnership with CAL FIRE and Tahoe RCD
- **El Dorado County Fire Safe Council:**
 - Grant funded programs in place to assist eligible residents with:
 - Defensible space clearing
 - Chipping
 - Hazard tree removal
 - Defensible Space Assessors provide free/voluntary evaluations to provide education and recommendations on creating defensible space and home hardening
 - List of fuel reduction contractors and tips when hiring a contractor
 - www.edcfiresafe.org

NEXT STEPS

- Second reading and final adoption on July 16, 2024, with an effective date 30 days thereafter
- OWPR and Defensible Space Working Group to finalize Chapter 8.09 Implementation Guidelines
- Continue to expand public education and outreach efforts for defensible space and home hardening
- Explore options to expand existing assistance programs and funding to provide aid to residents for defensible space clearing
 - Title III Funding Allocation currently used to support EDC Fire Safe Council programs
- Annual update presentation to the Board of Supervisors on OWPR, including the Defensible Space Program and an evaluation of Chapter 8.09 implementation

QUESTIONS / COMMENTS

