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**ORDINANCE NO. \_\_\_\_\_**

**AN URGENCY ORDINANCE ADOPTING INTERIM REGULATIONS ON OAKS AND DEFENSIBLE SPACE AND INSURANCE REQUIREMENTS PENDING ADOPTION OF UPDATED REGULATIONS**

**WHEREAS**, the County of El Dorado (County) is vulnerable to the threat of wildfire due to a variety of conditions including extended seasonal periods of hot, dry weather and fuel growth cycle periods; and

**WHEREAS**, the County has a history of devastating fires affecting the public health and safety; and

**WHEREAS**, the Caldor Fire started on August 14, 2021, and burned 221,775 acres and destroyed more than 1,000 structures before being fully contained on October 24; and

**WHEREAS**, in September 2022, the County declared a local health emergency based on an imminent and proximate threat from the massive Mosquito Fire due to the hazardous nature of the wildfire debris, smoke, and ash from the burning of vehicles, infrastructure, structures, and various contents thereof; and

**WHEREAS**, in August 2024, the County declared a local health emergency based on an imminent and proximate threat from the Crozier Fire due to the hazardous nature of the wildfire debris, smoke, and ash from the burning of vehicles, infrastructure, structures, and various contents thereof; and

**WHEREAS**, numerous smaller scale fires have recently occurred which were only stopped from rapid growth due to significant firefighting responses; and

**WHEREAS**, the County has adopted a Defensible Space Ordinance to provide for the removal of hazardous vegetation and combustible materials to reduce the potential for fire ignition/spread to promote the safety and welfare of the community; and

**WHEREAS**, immediate action is required during this fire season to clarify the application of the County's Defensible Space Ordinance and the exemption for fire safe activities to protect the public safety and welfare; and

**WHEREAS**, maintaining defensible space by methods such as clearing dead vegetation and maintaining live vegetation is a widely recognized method to minimize the risk that a home or

other structure will ignite from a wildland fire; and

**WHEREAS**, immediate action is required during this fire season to clearly state that removal of dead, dying, or diseased trees in accordance with the County's Defensible Space Ordinance is exempt from the Oak Ordinance to protect the public safety and welfare; and

**WHEREAS**, according to the most recent data<sup>1</sup> from the California Department of Insurance 7,215 private insurance policies were non-renewed in the County in 2023; and

**WHEREAS**, an increasingly common mandatory requirement for issuance or renewal of fire insurance is the property owner's maintain firesafe clearances around homes and structures; and

**WHEREAS**, it is necessary for property owners to have proper means to clear vegetation (including oaks) as required to retain fire insurance coverage. Allowance of proper removal creates both improved fire safe conditions to protect life and property and permits residents to maintain critical fire insurance; and

**WHEREAS**, immediate action during this fire season is necessary to clarify that removal of oak trees as required for insurance coverage is exempt from the mitigation requirements of the Oak Ordinance; and

**WHEREAS**, on June 17, 2025, the Board of Supervisors (Board) provided staff direction to expedite the regulations in development to assist residents in complying with removal standards; and

**WHEREAS**, in accordance with the Board direction, specific provisions of the Oak Ordinance update related to defensible space and fire insurance requirements are brought as an urgency ordinance to take effect immediately during the height of fire season; and

**WHEREAS**, Government Code section 25131 expressly authorizes the Board to adopt an urgency ordinance immediately upon the introduction and Government Code section 25123 makes such an urgency ordinance effective immediately.

**WHEREAS**, Applicable provisions of this Ordinance have been reviewed by the Planning Commission pursuant to Government Code Section 65854.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:**

**Section 1. Purpose and Authority.**

The purpose of this Urgency Ordinance ("Ordinance") is to enact immediate emergency regulations related to applicability of the Oak Ordinance to firesafe defensible space and insurance coverage requirements in the unincorporated areas of the County. This Ordinance is adopted pursuant to California Constitution Article XI, Section 7 and Government Code Section 25131.

**Section 2. Findings and Declarations.**

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<sup>1</sup> Available at: [Residential-Insurance-Policy-Analysis-by-County-2020-to-2023-2.pdf](#)

The Board of the County hereby adopts the recitals above and makes the following findings in support of the immediate adoption and application of this Ordinance:

- A. Under Article XI, Section 7 of the California Constitution, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.
- B. Under Government Code Section 25123, the County may enact an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of facts constituting the urgency, and that ordinance will be effective immediately.
- C. The County has seen an increase in the amount and severity of wildfires in the unincorporate area and is concerned for the health and safety of residents and visitors to the County.
- D. The County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses from wildfire danger.
- E. Due to the need for immediate action, there is no feasible alternative to enactment of this Ordinance that will satisfactorily mitigate or avoid the previously identified impacts to the public health, safety, and welfare with a less burdensome or restrictive effect.
- F. This Ordinance complies with State law and imposes reasonable regulations that the Board concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

### **Section 3. Declaration of Urgency**

Based on the recitals and findings set forth in Section 2, the Board finds and declares that there is a current and immediate threat to the public health, safety, and welfare arising from the imminent threat of wildfire. The Board determines that this Ordinance is needed to preserve the public health, safety, and welfare by providing immediate regulations on defensible space and insurance required oak removal during the height of fire season.

### **Section 4. Interim Regulations**

- A. Section 130.39.050.B of the County Code is amended to read as follows:

“Fire Safe Activities. Actions taken pursuant to an approved WUI Fire Safe Plan to protect existing structures, a Community Wildfire Protection Plan, or in accordance with maintenance of Defensible Space as identified in PRC Section 4291 or Chapter 8.09 of the County are exempt from the permit requirements included in this Chapter. Oak resources impacts for initial Defensible Space establishment for new development are not exempt from the permit requirements included in this Chapter. In addition, fuel modification activities outside of Defensible Space, as defined in Section 130.39.030 (Definitions), are exempted from the permit requirements included in this Chapter.”

- B. The following clause is hereby added to Section 130.39.050 of the County Code to clarify an exemption to the Oak Ordinance:

“Dead, dying, or diseased trees inspected by an Investigative Official as defined in Section 8.09.030 of the County Ordinance Code (Hazardous Vegetation and Defensible Space) and documented in writing to the Planning and Building Department that said tree(s) constitute “Hazardous Vegetation” pursuant to Section 8.09 of the County Ordinance Code.”

- C. The following clause is hereby added to Section 130.39.070.D of the County Code to clarify an exemption to the mitigation requirements of the Oak Ordinance:

“Insurance-required Oak Removal: To qualify for an exemption from mitigation for the removal of healthy oak trees for the purpose of complying with insurance company criterion to protect persons, structures or property, a parcel-specific assessment of tree(s) required to be removed must be submitted to the El Dorado County Planning and Building Department from one of the following officials:

1. A qualified professional as defined in Section 130.39.030 (Definitions); or
2. Written documentation from the property owner’s insurance company identifying specific healthy oak tree(s) required to be removed to protect life or property in the event of a wildfire.

The assessment under either scenario shall highlight specific healthy trees required to be removed.”

**Section 5. California Environmental Quality Act (CEQA).**

This Ordinance is categorically exempt from CEQA under CEQA Guidelines Section 15269(c) because it is a specific action necessary to prevent or mitigate an emergency and Public Resources Code Section 21080.49 as part of a wildfire risk reduction project. Additionally, the changes in this Ordinance have been examined as part of the larger review of the updated Oak Ordinance and are covered by an Addendum to the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2015072031) for the County 2017 Biological Resources Policy Update and Oak Resources Management Plan FEIR as adopted by the Board.

**Section 6: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 7. Conflicting Laws.**

For the term of this Ordinance, as set forth in Section 8, the provisions of this Ordinance shall govern. The provisions of this Ordinance shall prevail in the event that they are in conflict between the provisions of this Ordinance and the provisions of any provision of the County Code of Ordinances or any other County ordinance, resolution, or policy.

**Section 8. Effective Date and Term.**

This Ordinance shall take full force and effect immediately upon adoption by a vote of at least four-fifths of the Board. This Ordinance shall terminate upon the effective date of the updated Oak Ordinance after adoption by the Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 22<sup>nd</sup> day of July 2025, by the following vote of said Board:

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_ Deputy Clerk      \_\_\_\_\_ Chairman, Board of Supervisors

**APPROVED AS TO FORM  
DAVID LIVINGSTON  
COUNTY COUNSEL**

By: \_\_\_\_\_  
Jefferson Billingsley  
Title: Deputy County Counsel