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ORDINANCE NO. 5195

AN ORDINANCE AMENDING CHAPTER 8.08 – FIRE PREVENTION, OF THE EL DORADO COUNTY CODE TO ADOPT THE 2007 FIRE HAZARD SEVERITY ZONES MAP AND DESIGNATED CERTAIN AREAS WITHIN THE COUNTY OF EL DORADO AS VERY HIGH FIRE HAZARD SEVERITY ZONES

WHEREAS, the Wildland-Urban Interface Fire Area is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with Public Resources Code section 4201 through 4204 and Government Code sections 51175 through 51189, or other areas as designated by the enforcing agency to be at a significant risk from wildfires; and

WHEREAS, the State of California Natural Resources Agency, California Department of Forestry and Fire Protection (CAL FIRE) has issued a State Fire Hazard Rating Map for the County of El Dorado and the majority of the County is designated as Moderate, High, or Very High Fire Hazard Severity Zones;

WHEREAS, in accordance with Government Code section 51178, the Office of the State Fire Marshal in 2007 identified certain areas within the jurisdiction of the County of El Dorado as Moderate, High, and Very High Fire Hazard Severity Zones; and

WHEREAS, pursuant to Government Code section 51179(a), local agencies shall designate by ordinance the Moderate, High, and Very High Fire Hazard Severity Zones pursuant to Government Code section 51178; and

WHEREAS, pursuant to Government Code section 51179(b), the local agency:

- 1) May, at its discretion, include areas within the jurisdiction of the local agency, not identified as Very High Fire Hazard Severity Zones by the State Fire Marshal, as Very High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code section 51182 are necessary for effective fire protection within the area;

- 2) May, at its discretion, include areas within the jurisdiction of the local agency, not identified as Moderate and High Fire Hazard Severity Zones by the State Fire Marshal, as Moderate and High Fire Hazard Severity Zones, respectively; and
- 3) Shall not decrease the level of Fire Hazard Severity Zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion, may only increase the level of Fire Hazard Severity Zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

WHEREAS, pursuant to Government Code section 51179, the local agency shall transmit a copy of an ordinance adopting the Fire Hazard Severity Zones Map to the State Board of Forestry within 30 days of adoption; and

WHEREAS, the County of El Dorado is required to use Wildland-Urban Interface (WUI) found in the California Fire and Building Codes, including any amendments thereto, which increase fire safety and building standards for construction through addressing building materials such as roofing, siding, attic, and venting; and

WHEREAS, the County of El Dorado is pursuing placement on the State Board of Forestry's Fire Risk Reduction Community List and in accordance with the eligibility criteria that must be met to apply under 14 California Code of Regulations section 1268.01(1), El Dorado County is required to adopt a local ordinance designating Very High Fire Hazard Severity Zones pursuant to Government Code section 51179 and submit a copy of that local ordinance to the State Board of Forestry pursuant to 14 California Code of Regulations section 1280.02.

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

Section 1. Findings.

1. The Board of Supervisors finds and declares that the above recitals are true and correct and are incorporated herein.
2. This proposed Ordinance is in general conformance with the El Dorado County General Plan, including the Public Health, Safety, and Noise Element, Goal 6.2: Fire Hazards to "Minimize fire hazards and risks in both wildland and developed areas."
3. The public health, safety, economic, and general welfare of the citizens of the County of El Dorado are adversely affected by the effects of wildfires and that the adoption of this Ordinance helps to reduce fire hazards and risks through special review of building and development applications.
4. The adoption of this Ordinance is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, section 15308, which includes

exemptions for actions taken by a regulatory agency to improve the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment and property.

Section 2. The Board of Supervisors hereby adopts the 2007 Fire Hazard Severity Zones Map including the Moderate, High, and Very High Fire Hazard Severity Zones, as designated by the Office of the State Fire Marshal, and Section 8.08.100 – Fire Hazard Severity Zones Map, is hereby added to read as follows:

Section 8.08.100 – Fire Hazard Severity Zones Map

In accordance with the 2007 Fire Hazard Severity Zones Map, as designated by the Office of the State Fire Marshal, certain areas within the County of El Dorado are designated as Moderate, High, and Very High Fire Hazard Severity Zones. This map is published and available through the Office of the State Fire Marshal.

Section 3. Effective Date.

Pursuant to California Government Code section 25123, this Ordinance shall become effective thirty (30) days from the date of final passage by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2024, by the following vote of said Board:

ATTEST
Kim Dawson
Clerk of the Board of Supervisors

Ayes:

By: _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

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

By: _____

Title: _____