

#52 public comments

FW: El Dorado County Defensible Space Ordinance Update

Kim Dawson <kim.dawson@edcgov.us>

Thu 12/7/2023 8:29 AM

To: BOS-Clerk of the Board <edc.cob@edcgov.us>

📎 1 attachments (417 KB)

EDC Letter abt Fire Ordinance.pdf;

Good Morning – Please attach to item 52 as public comment, print out for the papers and include in the GovDelivery for today. Thanks, Kim

Kim Dawson
Clerk of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667
(530) 621-5393
kim.dawson@edcgov.us

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From: Sue Hennike <sue.hennike@edcgov.us>

Sent: Wednesday, December 6, 2023 8:46 PM

To: Kim Dawson <kim.dawson@edcgov.us>

Subject: Fwd: El Dorado County Defensible Space Ordinance Update

Hi Kim, this goes with item #52

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From: Annette Hawley <ahawley@golyon.com>

Sent: Wednesday, December 6, 2023 5:41:58 PM

To: Sue Hennike <sue.hennike@edcgov.us>

Subject: Re: El Dorado County Defensible Space Ordinance Update

Hi Sue,

I've attached a letter that I would like you to put into record for your meeting on the 12th of December. I do appreciate that you have decided to put this out to the public and ask for their input. I've spoken to many residents in our County and no one is aware of what you are proposing and some are very taken back by how bold this proposal is. I'm hoping the Supervisors will listen to what is being said and the concern everyone has for what they are trying to do.

Thank you,

Annette Hawley
Lyon Real Estate

On Fri, Nov 17, 2023 at 9:00 AM Sue Hennike <sue.hennike@edcgov.us> wrote:

Good Morning,

Thank you for providing feedback regarding the proposed amendments to the County's Defensible Space ordinance. The hearing has been rescheduled for December 12th, in order to provide additional time for stakeholder input. I am still expecting feedback from the El Dorado County Realtors' Association, and I plan to include responses to each of your questions and concerns at the same time I respond to the Association's questions and concerns. I will copy each of you on that response.

I just wanted to provide you this update so you'd know we have received your input and will respond. Thank you, and have a great weekend.

Sue Hennike

Deputy Chief Administrative Officer

Chief Administrative Office

El Dorado County

330 Fair Lane, Building A

Placerville, CA 95667

Office: 530.621.5577

Mobile: 530.363.8718

Pronouns: she/her

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Annette Hawley

Lyon Real Estate

4340 Golden Center Dr. Ste. A

Placerville, CA. 95667

916-804-4217

License #00907813

December 6, 2023

To: Board of Supervisors El Dorado County

RE: El Dorado County Defensible Space Ordinance

I am writing you in regards to the proposal that you have put forth to activate in our County. While I realize there is a fire danger throughout our County, I feel you are putting a burden on many homeowners who will not be able to comply with all the regulations that you are proposing. Some people will not have the money to do what you want to require, this may mean these people will not be able to sell their homes, and with insurance being outrageously expensive here in our County, I am not sure what some of these homeowners will do. Please think about the many, many homeowners that will have to face this decision and may need to sell for various reasons but can't because of what you are about to pass.

I am also worried if you pass this what it will do if the current homeowner has a neighbor whose property does not fit your criteria and they can't get their neighbor to clear his/her property. This whole proposal will be a burden on many people. And I do not understand why you would charge these homeowners money if they can't get done to their property what you want them to do. I feel you are being overbearing and almost dictating what we can and can't do with our properties.

I am asking you to not pass this ordinance and think about what it is going to do to your constituents within our County.

Sincerely,

Annette Hawley
Lyon Real Estate
916-804-4217

#52 public comment
BOS Rev'd 12/7/23

FW: EDCAR Feedback to proposed Hazardous Vegetation and Defensible Space Ordinance

Kim Dawson <kim.dawson@edcgov.us>

Thu 12/7/2023 8:30 AM

To: BOS-Clerk of the Board <edc.cob@edcgov.us>

 1 attachments (394 KB)

Hazardous Vegetation Ordinance - EDCAR Final.pdf;

Good Morning – Please attach to item 52 as public comment, print out for the papers and include in the GovDelivery for today. Thanks, Kim

Kim Dawson
Clerk of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667
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kim.dawson@edcgov.us

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From: Sue Hennike <sue.hennike@edcgov.us>

Sent: Monday, December 4, 2023 4:32 PM

To: Kim Dawson <kim.dawson@edcgov.us>

Subject: Fw: EDCAR Feedback to proposed Hazardous Vegetation and Defensible Space Ordinance

Hi Kim, Would you please attach this to item 23-1644 as public comment?

Thank you,

Sue Hennike
Assistant Chief Administrative Officer

County of El Dorado
office: 530.621.5577
mobile: 530.363.8718

From: Kimberly Beal <kimberlyabeal@gmail.com>

Sent: Friday, December 1, 2023 11:31 AM

To: Sue Hennike <sue.hennike@edcgov.us>

Cc: Debra Miller <Debra.Miller@c21selectgroup.com>; Devin Woodard <dwoodard@edcar.org>

Subject: EDCAR Feedback to proposed Hazardous Vegetation and Defensible Space Ordinance

Sue,

Please find attached a letter from the El Dorado County Association of Realtors (EDCAR) which outlines our questions, comments and requests for amendments to the proposed Hazardous Vegetation and Defensible Space Ordinance.

EDCAR recognizes that this is a complicated and lengthy process for the County, and necessitated by State regulations. We appreciate your efforts in reaching out to us to provide our members an early review of the Ordinance and seeking our input.

Please contact us with any questions and to provide us your feedback.

Kimberly Beal
EDCAR Government Affairs Director
530-558-5504

Sent from my iPad

#52 public comment
BOS Revd 12/7/23



November 30, 2023

TO: Sue Hennike
El Dorado County
Deputy Chief Administrative Officer

RE: Hazardous Vegetation and Defensible Space Ordinance

Sue,

The El Dorado County Association of Realtors (EDCAR) greatly appreciates that your team has allowed our leadership to provide our professional insight on the proposed changes to the Hazardous Waste and Defensible Space Ordinance. We believe that the proposed changes may have unintended impacts on homeowners in El Dorado County, and we hope you take the following into consideration.

Thank you for taking the time and energy to hear our members concerns, please consider the following:

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- 1. Section 8.09.020 – Findings – Item C Reads:** *“All parcels in the County have been identified and designated as being within either a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Moderate, High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE) in accordance with the most current edition of the Fire and Resource Assessment Program (FRAP) Map. The County is located in a mountainous and/or hilly region of Northern California. The County has a diverse and complex landscape which includes mountains, forests, chaparral or grass covered wildlands which have the potential to fuel a catastrophic fire event;”*

EDCAR Feedback:

- When did Cal Fire designate all parcels in the County as being within either a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Moderate, High or Very High Fire Hazard Severity Zone in accordance with the most current edition of the Fire Resource Assessment Program (FRAP) Map? When will the Map be available to the public?
- The State requires that a Natural Hazard Disclosure Statement be prepared and given to all Buyers of Real Property. One of the six potential Hazardous areas to be disclosed is when the property is located in a Very High Fire Hazard Severity Zone.

With the adoption of this local Ordinance will Sellers be required to disclose whether a property is in a Moderate or High Fire Hazard Severity Zone?

- 2. Section 8.09.070 – Duty to Remove and Abate Hazardous Vegetation and Combustible Material – Item C Reads:** *“Prior to the close of any Real Estate Transaction subject to Civil Code section 1102.19 within the County, the seller of any real property shall obtain a defensible space inspection report from an Investigating Official that the property is in compliance with this Chapter and provide that report to the buyer at or before the close of escrow. If the property inspected is found not in compliance with this Chapter the Responsible Person(s) will need to perform the necessary wildfire protection measures as specified within the inspection report and have the property inspected again prior to escrow or the buyer shall agree to achieve compliance within 90 days as specified in this Chapter. If an Investigating Official is unable to provide a defensible space inspection report at the time of escrow, the buyer shall request a report from an Investigating Official stating the property is in compliance with this Chapter within 90 days after the close of escrow, unless otherwise approved by the Enforcement Official. Nothing in this subsection, including the existence of an agreement between a buyer and a seller, shall limit the ability of the Enforcement Official to enforce the provisions of this Chapter.”*

EDCAR Feedback:

- In general, the Realtor® Associations are opposed to Point of Sale regulations. It is important to state that REALTORS are in support of the policy in home hardening and defensible space for homeowners. The association has no objections to the physical requirements of the inspection, but rather has serious concerns over the mandate that this policy is be carried out primarily through sales of homes.

The purchase of a home is often one of the most significant financial and complex transactions that a person makes in their lifetime. Combined with today's limited inventory, high prices and mortgage rates, the dream of buying a home can be complicated with a variety of contingencies that have limited homeownership opportunities to fewer households. Although the purpose of this inspection is good policy and justifiable in today's extreme fire prone environment, it doesn't make sense to solely enforce these inspection requirements on those few households that are trying to sell or buy a home.

By only requiring an inspection of homes that recently sold, it will take El Dorado County decades to have achieved any significant compliance in obtaining the inspections. According to our research, by the year 2050 there would be just under two-thirds compliance within the total number homes in the County. With the risk of fires being so severe, it is impractical to enact such an important policy that only is triggered at the infrequent times of when a home is sold or transferred. Public safety measures, such as this proposed ordinance, should not be imposed on a small class

of people (homebuyers and sellers) when the benefits of enforcement serve the greater good of the entire community.

- Does the requirement for inspections of “real property” include vacant parcels, commercial-industrial improved property, and manufactured homes in Mobile Home Parks?
- **Add language that the seller may provide the buyer a defensible space inspection report obtained within the six-month period preceding the date the seller enters into a transaction to sell real property, or after the seller enters into a transaction to sell real property and prior to close of escrow. (AB 38 provides language supporting this.)**
- Instead of 90 days allow 180 days after the close of escrow for the buyer to achieve compliance with a report, whether the report is obtained during or after the close of escrow. Weather conditions alone may not provide the opportunity to obtain an inspection report during escrow or immediately after the close of escrow. And obtaining quotes from service providers and then scheduling the work may take longer than 90 days. **(AB 38 states the buyer shall obtain documentation of compliance within one year of the date of the close of escrow.)**
- The California Association of Realtors Fire Hardening and Defensible Space Disclosure and Addendum (FHDS) allows a seller and buyer to determine which party shall obtain compliance.
- Will all Investigating Officials be required to submit their Defensible Space Inspection Reports to the County or another agency? Will the public have access to property Inspection Reports?
- AB 38 Only requires a point of sale inspection of real property located in a High or Very High Hazard Severity Zone. Why is El Dorado County requesting inspections in some areas that are Moderate or No Fire Hazard Severity Zones when AB 38 does not require it?
- **Item D.4 Reads:** *“The Responsible Person(s) who perform Hazardous Vegetation management activities that remove or dispose of Vegetation is required to comply with all federal, state, or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources.”*

EDCAR Feedback:

Should a Defensible Space Inspection Report require the removal of an Oak tree, will the property owner be required to obtain a permit to remove the tree?

3. Section 8.09.110. – Enforcement Procedure – Reads: *“A request that such Hazardous Vegetation, and/or Combustible Materials be removed or Abated by the date specified in the notice, which shall be no less than 15 calendar days following the mailing or posting of the Notice;”*

- EDCAR Feedback:
Instead of 15 calendar days make it 60 calendar days following the mailing or posting of the Notice;
-

EDCAR Recognizes that this is a complicated and lengthy process for the county, and we appreciate your efforts in making modifications that will benefit property owners and the real estate profession.

Thank you again for taking these comments into consideration, and if you have any further questions please reach out to our leadership.

Sincerely,



Debra Miller
2023 EDCAR President
debra.miller@c21selectgroup.com
530-391-7323



Kimberly Beal
2023 EDCAR Government Affairs Director
kimberlyabeal@gmail.com
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