

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

\* 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](http://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

