



## Legislation Details (With Text)

**File #:** 24-0202      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 1/19/2024      **In control:** Board of Supervisors

**On agenda:** 2/27/2024      **Final action:** 2/27/2024

**Title:** Chief Administrative Office, Office of Wildfire Preparedness and Resilience, recommending the Board Approve the Final Passage (Second Reading) of Ordinance 5195 to amend Chapter 8.08 of the El Dorado County Code of Ordinances entitled Fire Prevention to adopt the Fire Hazard Severity Zone map developed by the California Department of Forestry and Fire Protection, as required by California Government Code section 51179 in order to apply for designation as a Fire Risk Reduction Community. (Cont. 2/6/2024, Item 23)

FUNDING: General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Routing Sheet - Fire Hazard Severity Zones Map Ordinance Amendment, 2. B - Chapter 8.08 Fire Hazard Severity Zones Map Ordinance Amendment, 3. B Revised - Chapter 8.08 Fire Hazard Severity Zones Map Ordinance Amendment, 4. C - CAL FIRE 2007 Fire Hazard Severity Zones Map, 5. D - 14 CCR 1268.01 - FRRRC List Criteria for Local Agencies, 6. E - Chapter 8.08 Fire Hazard Severity Zones Map Ordinance Amendment - Redline, 7. Public Comment BOS Rcvd. 2-5-2024, 8. Public Comment BOS Rcvd 2-6-24, 9. Executed Ordinance 5195

Date	Ver.	Action By	Action	Result
2/27/2024	2	Board of Supervisors	Approved	Pass
2/6/2024	1	Board of Supervisors	Approved	Pass

Chief Administrative Office, Office of Wildfire Preparedness and Resilience, recommending the Board Approve the **Final Passage** (Second Reading) of Ordinance **5195** to amend Chapter 8.08 of the El Dorado County Code of Ordinances entitled Fire Prevention to adopt the Fire Hazard Severity Zone map developed by the California Department of Forestry and Fire Protection, as required by California Government Code section 51179 in order to apply for designation as a Fire Risk Reduction Community. (Cont. 2/6/2024, Item 23)

**FUNDING:** General Fund.

### DISCUSSION / BACKGROUND

On February 6, 2024, the Board heard Ordinance **5195** to amend Chapter 8.08 of the El Dorado County Code of Ordinances entitled Fire Prevention to adopt the Fire Hazard Severity Zone map developed by the California Department of Forestry and Fire Protection, as required by California Government Code section 51179 in order to apply for designation as a Fire Risk Reduction Community and Continued the matter to February 27, 2024 for Final Passage (Second Reading).

The Chief Administrative Office, Office of Wildfire Preparedness and Resilience (OWPR) is working to prepare and submit an application to the California Board of Forestry and Fire Protection (Board of Forestry) for the County to be designated and placed on the Fire Risk Reduction Community List. The application period opened on December 1, 2023 and applications must be submitted no later

than April 1, 2024. OWPR is working diligently to identify the specific criteria that the County must meet in order to achieve this designation and meet this critical deadline as the County would no be able to submit its next application for another two (2) years.

With the enactment of Public Resources Code (PRC) 4290.1 in January 2020, the Board of Forestry was required to develop and maintain a “Fire Risk Reduction Community” (FRRRC) List of local agencies located in a state responsibility area (SRA) or a very high fire hazard severity zone that meet the best practices for local fire planning. This FRRRC List was first established on July 1, 2022, and will be updated every two (2) years thereafter. The next updated list based on the current application period will become effective July 1, 2024. Applicants will also be required to reapply for this designation every two (2) years.

There are two (2) main benefits associated with the County’s ability to be approved for placement on the FRRRC List. First, PRC 4124.7 requires the California Department of Forestry and Fire Protection (CAL FIRE) to prioritize local assistance grant funding applications from local agencies based on the FRRRC List. While not being on the FRRRC List does not preclude a local agency from applying for Wildfire Prevention Grants, counties or other agencies within a county that are on the FRRRC List receive priority.

Second, and of most importance to the residents of the County, the County’s approval and placement on the FRRRC List is one (1) of the mandatory factors to be eligible for a discount on their homeowner’s insurance premiums. While the County cannot guarantee that residents will automatically get this discount, the County’s placement on the FRRRC list provides for an additional means to lessen the financial burden related to the affordability and attainability of increasing homeowner’s insurance costs.

In addition to PRC 4290.1, California Code of Regulations, Title 14, §1268.01 (Attachment D) outlines the specific criteria for local agencies that are cities, cities and counties, or counties that must be met in order to qualify for placement on the FRRRC List. Of the ten criteria, items 1-4 and at least two (2) of items 5-10 must be completed. The first criteria item that must be met requires that the County adopts a local ordinance designating Very High Fire Hazard Severity Zones pursuant to Government Code §51179(a) and that the ordinance is submitted to the Board of Forestry pursuant to 14 CCR §1280.02.

The California Department of Forestry and Fire Protection (CAL FIRE) is in the process of updating its Fire Hazard Severity Zone Maps, which are anticipated to become effective in April 2024. As the updated maps will not be effective prior to the April 1, 2024 FRRRC List application deadline, staff are recommending the Board adopt the proposed Ordinance designating the current Fire Hazard Severity Zones which were last updated in 2007 (Attachment C). Once the updated maps are effective, staff will return to the Board with another proposed ordinance to adopt the new maps.

As the County has not previously adopted the CAL FIRE Fire Hazard Severity Zone Maps and the maps must be adopted by ordinance in accordance with 14 CCR §1268.01, staff consulted with County Counsel and it was determined that the appropriate Chapter of the El Dorado County Code to adopt this proposed Ordinance is Chapter 8.08, Fire Prevention, through an amendment to the Chapter.

On April 23, 1985 (Agenda Item No. 33), the Board adopted Ordinance 3528 which approved amendments to various sections of the El Dorado County Code (now Chapter 8.08, Fire Prevention)

to coincide with state law under PRC 4423 related to hazard removal and burning restrictions.

Shortly after the Board's adoption of the County's Vegetation Management and Defensible Space Ordinance 5101 (File No. 19-0630 V2, Item No. 11) and the addition of Chapter 8.09, Vegetation Management on April 30, 2019, the Board adopted Ordinance 5102 (File No. 19-0754 V2, Item No. 8) on June 4, 2019 to amend Ordinance 3528 by repealing and reserving Section 8.08.020 - Hazard Removal Required of Chapter 8.08 as the language requiring the maintenance of a defensible fire break around structures and required clearing of debris from rooftops was superseded upon the adoption of Ordinance 5101.

As the deadline for the County to submit its FRRC List application to the Board of Forestry is quickly approaching, there was not sufficient time for staff to bring an item to the Board for conceptual approval of the proposed Ordinance prior to this item. As such, and in consideration of the critical deadline and significant benefits to the County, its partnering agencies, and residents of the County, staff are asking that the Board also waive the requirement for conceptual review and authorization of the proposed Ordinance as required under Board of Supervisors Policy A-3, Ordinances - New or Amended, Section II (1). Staff will continue to seek the Board's approval for future new ordinances or ordinance amendments as specified in Policy A-3.

### **ALTERNATIVES**

The Board may choose not to adopt the proposed revisions to Chapter 8.08 under the proposed Ordinance or direct staff to make further changes; however, this would likely impact the County's ability to apply for the designation and placement on the Board of Forestry's FRRC List during the current application window which closes on April 1, 2024.

### **PRIOR BOARD ACTION**

See Discussion/Background above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the proposed Ordinance.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with the adoption of this proposed Ordinance. Though adoption of a local ordinance designating Very High Fire Hazard Severity Zones is one of many criteria that must be met to be eligible for placement on the Fire Risk Reduction Community List, the County's ability to obtain this designation and placements will provide for benefits to residents within the County through potential discounts on their homeowner's insurance policies as well as prioritization for local agency applicants applying for Wildfire Prevention Grants through CAL FIRE.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) If approved, continue this matter to the Board of Supervisors regular meeting scheduled on February 27, 2024 for Final Passage (Second Reading).
- 2) Publish the Ordinance Summary in the local newspaper no less than 5 days prior to Final Passage.
- 3) Following Board approval, publish the Ordinance within 15 days after its passage in a newspaper

of general circulation published and circulated in the County.

**STRATEGIC PLAN COMPONENT**

Public Safety, Healthy Communities, Good Governance

**CONTACT**

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