



# **EL DORADO COUNTY DEFENSIBLE SPACE PROGRAM UPDATE**



# AGENDA TOPICS

- PROPOSED CHANGES TO THE COUNTY'S HAZARDOUS VEGETATION AND DEFENSIBLE SPACE ORDINANCE
- FIRE HAZARD SEVERITY ZONE PROGRAM UPDATE
- STATE OF CALIFORNIA EMBER RESISTANT ZONE REGULATION UPDATE
- CA DEPARTMENT OF INSURANCE "SAFER FROM WILDFIRES" PROGRAM
- ROUNDTABLE / Q&A

# BACKGROUND OF ORDINANCE



- ESTABLISHED BY BOARD OF SUPERVISORS IN 2019
- ORDINANCE 5101
- CHAPTER 8.09 OF THE COUNTY CODES AND ORDINANCES
- APPLIES TO ALL UNINCORPORATED AREAS OF THE COUNTY EXCEPT FEDERAL AND STATE OWNED LANDS



# WHAT IS DEFENSIBLE SPACE?



**Defensible Space** means the buffer that a Responsible Person(s) is(are) required to create on their property between a "Structure" and the plants, brush and trees or other items surrounding the "Structure" that could ignite in the event of a fire.

# VULNERABLE STRUCTURES IN EL DORADO COUNTY

Property Type	Improved Parcel Count
One-Two Family Residential Dwellings	80,986
Multi-Family Residential Dwellings	546
Mobile Home Parks	48
Commercial Structures	1,064
Industrial Structures	1,176
Miscellaneous Structures	2,896
Unassessed Structures	1,721
Total	88,437

# **EDC ORDINANCE 5101(EDCC CHAPTER 8.09)**

## **PROPOSED CHANGES**

- **ADMINISTRATION PROVISIONS**
- **DEFINITIONS/TERMINOLOGY  
RELATED TO THE ORDINANCE**
- **DEFENSIBLE SPACE CRITERIA**
- **CRITICAL INFRASTRUCTURE  
CRITERIA**
- **ORDINANCE ENFORCEMENT  
PROCEDURES**





# ORDINANCE TITLE

## PRIOR TITLE

- **VEGETATION  
MANAGEMENT AND  
DEFENSIBLE SPACE**

## PROPOSED TITLE

- **HAZARDOUS  
VEGETATION  
~~MANAGEMENT AND~~  
DEFENSIBLE SPACE**



# FINDINGS TO SUPPORT MORE RESTRICTIVE REQUIREMENTS

- **11 FINDINGS TOTAL**
- **6 NEW FINDINGS ADDED**
- **2 FINDINGS MODIFIED**
- **1 FINDING REMOVED**





# DEFINITIONS

- **9 NEW DEFINITIONS**
- **6 DEFINITIONS  
MODIFIED**



# DEFINITION: RESPONSIBLE PERSON

- REVISED TO INCLUDE LOCAL GOVERNMENT AGENCIES
- *EXCEPTION: PUBLIC SCHOOL DISTRICTS*
- ORDINANCE DOES NOT APPLY TO FEDERAL OR STATE OWNED LANDS



# DEFINITION: WHAT IS A STRUCTURE

- REVISED TO INCLUDE GOVERNMENT BUILDINGS
- REVISED TO INCLUDE ACCESSORY BUILDINGS SUCH AS BARNES AND DETACHED STORAGE BUILDING
- CLARIFIED EXCEPTION TO READ:

*Any freestanding outbuilding less than 120 square feet in floor area.*





# DEFINITION: CRITICAL INFRASTRUCTURE

**Critical Infrastructure** is defined to mean a use or facility classified within one or more of the following categories:

- Essential Services Facilities
- At-Risk Population Facilities
- Hazardous Materials and Solid Waste Facilities





# DEFINITION: FIRE HAZARD

**Fire Hazard** shall mean any condition, arrangement, act, or omission which:

- Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or
- May obstruct, delay, hinder, or interfere with the operations of a fire department or the egress of occupants in the event of fire.



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# DUTY TO REMOVE AND ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL

## SECTION 8.09.070 (A-E)

- Authority of legal entities to adopt regulations that are more restrictive.
- Fire Safe Plans shall be maintained to comply with these provisions.
- Real Estate Transactions shall comply with these regulations.
- Improved Parcels shall comply with specific defensible space regulations.
- Critical Infrastructure sites shall comply with specific defensible space regulations.



# CALIFORNIA CIVIL CODE SECTION 1102.19

(a) On and after July 1, 2021, a seller of a real property subject to this article that is located in a high or very high fire hazard severity zone... shall provide to the buyer documentation stating that the property is in compliance with Section 4291 of the Public Resources Code or **local vegetation management ordinances (e.g. Ordinance 5101)**

# CALIFORNIA CIVIL CODE SECTION 1102.19

(b) On and after July 1, 2021, if the seller of a real property described in subdivision (a) has not obtained documentation of compliance in accordance with paragraph (1) or (2) of subdivision (a), the seller and the buyer shall enter into a written **agreement** pursuant to which the buyer agrees to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance as follows:

(1) In a local jurisdiction that has enacted an ordinance requiring an owner or buyer to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, **the buyer shall comply with that ordinance.**



# CAL FIRE INFORMATION BULLETIN 21-007

- DEFENSIBLE SPACE INSPECTION REQUESTS (9/2021)
- FAQ SECTION REGARDING THE IMPLEMENTATION OF 1102.19
- SEE HANDOUT – PAGE 3
- “WHAT IF A PROPERTY IS INSPECTED AND NOT IN COMPLIANCE WITH DEFENSIBLE SPACE REGULATIONS?”



## CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL Information Bulletin 21-007

Issued: September 20, 2021

### DEFENSIBLE SPACE INSPECTION REQUESTS

As They Relate to Real Estate Transactions

#### PURPOSE

Assembly Bill 38 (Wood, 2019) “Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation”, modified the statutes for real estate disclosures. CAL FIRE-Office of the State Fire Marshal (OSFM) is providing this Information Bulletin to provide guidance for the defensible space inspection process as it relates to CIV 1102.19, enacted by the Assembly Bill.

#### OVERVIEW

As of July 1, 2021, California Civil Code Section 1102.19 requires a seller of real property located in a High or Very High Fire Hazard Severity Zone (FHSZ) within the State Responsibility Area (SRA) or Local Responsibility Area (LRA), to provide the buyer with documentation stating the property is in compliance with the requirements of Public Resources Code (PRC) Section 4291 for properties within the SRA or local vegetation management ordinances for properties within jurisdictions (SRA or LRA) that have enacted an ordinance requiring an owner to achieve compliance with PRC 4291 or Government Code 51182. The law also requires that if documentation demonstrating compliance cannot be obtained by the close of escrow, a written agreement showing that the buyer agrees to obtain documentation of compliance to either PRC 4291 for properties within the SRA, or a local ordinance for properties within jurisdictions that have enacted an ordinance, within one year of the close of escrow.

#### FREQUENTLY ASKED QUESTIONS

##### How do I determine if my property requires an inspection?

- Property owners or their agent should contact their local fire department to find out whether the property requires an inspection.
- If the property is within the SRA, an inspection is required in both the High and Very High Fire Hazard Severity Zones.
  - You can use the [Fire Hazard Severity Zone map](https://egis.fire.ca.gov/FHSZ/) to locate your property and determine if your home is in one of these zones.  
(<https://egis.fire.ca.gov/FHSZ/>)

# WHAT IF THE PROPERTY IS INSPECTION AND IS NOT IN COMPLIANCE WITH DEFENSIBLE SPACE?

- HANDOUT PAGE 3 –

“The property owner will need to perform the necessary wildfire protection measures as specified within the inspection documentation and have the property inspected again prior to escrow or the buyer must agree to achieve compliance within a year as stated above.”



## CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL Information Bulletin 21-007

What if a property is inspected and is not in compliance with defensible space requirements?

- The property owner will need to perform the necessary wildfire protection measures as specified within the inspection documentation and have the property inspected again prior to escrow or the buyer must agree to achieve compliance within a year as stated above.

What if the subject property doesn't include the totality of area needing inspection? Meaning what if part of the 100ft inspection from the structure is on an adjacent, non-transactional property?

- From the perspective of PRC 4291, the inspection ends at the property line. If the property is located within a jurisdiction that has enacted a local vegetation management ordinance, then the property must comply with the ordinance.

For information on CAL FIRE's Defensible Space Program visit:

<https://www.fire.ca.gov/dspace>

# REAL ESTATE TRANSACTIONS

- COUNTY ORDINANCE REQUIREMENTS APPLY TO ALL SINGLE- FAMILY RESIDENTIAL AND MANUFACTURED HOME REAL ESTATE TRANSACTIONS
- SELLER TO PROVIDE BUYER A COPY OF REPORT PROVIDED BY INVESTIGATING OFFICIAL
- PROOF OF COMPLIANCE REQUIRED WITHIN 90 DAYS OF CLOSE OF ESCROW UNLESS OTHERWISE APPROVED BY THE COUNTY



## SUBSECTION 8.09.070 (C)

- 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.



## SUBSECTION 8.09.070 (C) – Continued

- 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.

# IMPROVED PARCEL DEFENSIBLE SPACE REGULATIONS

## Subsection 8.09.070 (D)(1)

Maintain Defensible Space as described in California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299.03, as amended, and as otherwise described by this Chapter, which is adjacent to each side of a building or Structure, but not beyond the property line except as provided in this Chapter, and must be cleared of Hazardous Vegetation, or Combustible Material, as set forth in this Chapter.

# DEFENSIBLE SPACE REGULATIONS BEYOND 100 FEET FROM STRUCTURES (WHEN REQUIRED)

## Subsection 8.09.070 (D)(3)

A greater clearance distance, up to 300-feet, than that required in this Chapter may be required when the inspection report by the Investigating Official, and supported by the Enforcement Official, includes documented information that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the Structure.

# DEFENSIBLE SPACE REGULATIONS BEYOND PARCEL LINES (I.E. GOOD NEIGHBOR POLICY)

## Subsection 8.09.070 (D)(5)

- When a Structure is less than 100-feet from a property line and Hazardous Vegetation on an adjacent parcel presents a Fire Hazard for the Structure the Responsible Person of the parcel where the Fire Hazard exists shall be responsible for removing the Fire Hazard in that area on that Responsible Person's land when it is within 100-feet of the Structure.
- The determination for appropriate clearance distances will be made based upon a visual inspection of the parcel and shall consider all factors that place the property or Structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or Structure(s) is located.



# INGRESS/EGRESS ROUTES

- Subsection 8.09.070 (D)(6)
- DESIGNATED ROADS / DRIVEWAYS USED FOR EMERGENCY VEHICLE ACCESS / CIVILIAN EVACUATION
- 10-FOOT VEG CLEARANCE AS MEASURED FROM ROAD EDGE
- 15' VERTICLE CLEARANCE OVER ROAD/DRIVEWAY



# CRITICAL INFRASTRUCTURE

## CHAPTER 8.09 – DEFINITION (PROPOSED)

**Critical Infrastructure means a use or facility classified within one or more of the following categories: (1) Essential Services Facilities, (2) At-risk Populations Facilities, (3) Hazardous Materials and Solid Waste Facilities,**

- **Essential Services Facilities include, without limitation, public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and equipment, and government operations facilities.**
- **At Risk Population Facilities include, without limitation, pre-schools, public and private primary and secondary schools, before and after school care centers with 12 or more students, daycare centers with 12 or more children, group homes, and assisted living residential or congregate care facilities with 12 or more residents.**
- **Hazardous Materials and Solid Waste Facilities include, without limitation, any facility that could, if adversely impacted, release hazardous materials or waste in sufficient amounts during a hazard event that would create harm to people, the environment and property.**



# CRITICAL INFRASTRUCTURE

- **ESSENTIAL SERVICE AND AT-RISK POPULATION FACILITIES**
- **LP-GAS & FLAMMABLE LIQUID DISTRIBUTION SITES**
- **TELECOMMUNICATION SITES**
- **FREE STANDING PHOTOVOLTAIC SYSTEMS**
- **LUMBER YARDS & STORAGE PILES**
- **PUBLIC/PRIVATE WATER DISTRIBUTION FACILITIES**





# ESSENTIAL SERVICE & AT-RISK POPULATION FACILITIES

## SUBSECTION 8.09.070 (E)(1) – PROPOSED

- Essential Service and At-Risk Population Structures and accessory buildings 120 square feet in size or larger that support the operations of the facility shall comply with this Chapter.



# LP-GAS / FLAMMABLE LIQUID STORAGE TANKS

## SUBSECTION 8.09.070 (E)(2) - PROPOSED

- Individual aboveground LP-Gas and flammable liquid storage tanks greater than 2,000 gallons water capacity shall comply with the following defensible space clearance requirements:
  - A minimum 50-foot clearance on all sides of the tank when the capacity is between 2,001 and 30,000 gallons.
  - A minimum 75-foot clearance on all sides of the tank when the capacity is between 30,001 and 70,000 gallons.
  - A minimum 100-foot clearance on all sides of the tank when the capacity exceeds 70,000 gallons.
  - Regardless of capacity storage tanks shall have 10-feet of clearance to bare mineral soil, or other approved non-combustible surface, and no hazardous vegetation underneath and around the immediate exterior of the tank.
  - Storage tanks shall comply with the defensible space requirements described in this Chapter between 10-feet and 100-feet of the tank exterior.

# LUMBER YARDS – AGRO INDUSTRIAL – SOLID WASTE AND WOOD WORKING FACILITIES

## SUBSECTION 8.09.070 (E)(3) – PROPOSED

- The storage of wood chips, hogged materials, Fines, Compost, Solid Biomass, Feedstock and Waste, Agro-Industrial and Recycle Facilities, with individual storage piles greater than 2,500 cubic feet in size, shall comply with the defensible space requirements found in this Chapter. Storage piles shall be separated a minimum of 30-Feet.
- Cold Decks of unfinished logs, and exterior finished lumber storage areas, greater than 8,333 cubic feet in size, shall comply with the defensible space clearance requirements found in this Chapter when they are in use for greater than 180 calendar days. Storage piles shall be separated a minimum of 100-Feet.





# FREE STANDING PHOTOVOLTAIC SYSTEMS

## SUBSECTION 8.09.070 (E)(4) – PROPOSED

Free standing photovoltaic systems and equipment shall comply with the defensible space clearance requirements:

- A minimum 10-foot clearance to bare mineral soil, or other approved non-combustible surface, for clusters of panels not exceeding 1,500 square feet of combined panel area.
- A minimum 30-foot clearance to bare mineral soil, or other approved non-combustible surface, for clusters of panels greater than 1,500 square feet of combined panel area.
- Clusters shall be separated a minimum of 20-feet.



# TELECOMMUNICATION FACILITIES

## SUBSECTION 8.09.070 (E)(5) – PROPOSED

Telecommunication facilities determined by the Enforcement Official to serve as a critical infrastructure site during an emergency, shall comply with the following Defensible Space clearance requirements:

- A minimum 30-foot clearance for telecommunication towers.
- A minimum 100-foot clearance as described in this Chapter around accessory buildings 120 square feet in size or larger that support the operations of the facility.





# Water Distribution Systems for Fire Protection

## SUBSECTION 8.09.070 (E)(6) – PROPOSED

- Public and private water distribution system storage tanks and pumping facilities shall have a minimum 30-foot clearance from hazardous vegetation around and adjacent to such facilities as described in this Chapter.

### NOT INTENDED FOR:

- RAW WATER CONVEYANCE
- UNDERGROUND WATER TRANSMISSION / DISTRIBUTION LINES
- WELLS

# ENFORCEMENT PROCESS

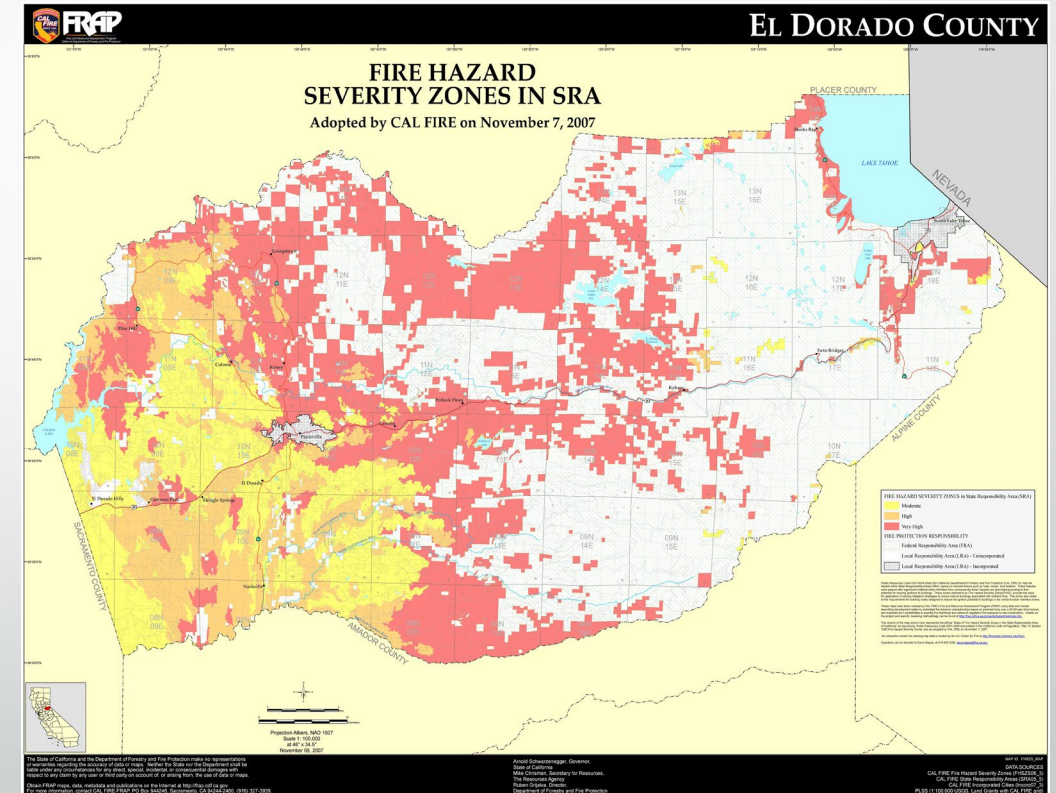
- **REPLACE WITH EDCC  
CHAPTER 9.02**
- **ADMINISTRATIVE  
ENFORCEMENT AND  
ABATEMENT PROCESS**
- **NO CRIMINAL CHARGES  
IMPOSED FOR  
VIOLATIONS TO ABATE  
HAZARDS**





# FIRE HAZARD SEVERITY ZONE PROGRAM UPDATE

- CA PUBLIC RESOURCE CODE 4201-4204 REQUIRES LANDS TO BE CLASSIFIED WITHIN STATE RESPONSIBILITY AREAS (SRA) EVERY FIVE YEARS.
- CA GOVT CODE 51175-89 REQUIRES LANDS WITHIN LOCAL RESPONSIBILITY AREAS(LRA) TO BE REVIEWED EVERY 5 YEARS.
- CAL FIRE LAST UPDATED THE SRA/LRA MAPS IN 2008
- UPDATED SRA MAPPING IS SCHEDULED TO BE COMPLETED BY THE END OF 2023.
- UPDATED LRA MAPPING TO BE COMPLETED IN 2024.



# CA DEPARTMENT OF INSURANCE “SAFER FROM WILDFIRES” PROGRAM

- NEW PROGRAM SPONSORED BY THE CALIFORNIA INSURANCE COMMISSIONAR, CAL FIRE, CAL OES AND OTHERS.
- PROGRAM IS INTENDED TO ASSIST HOMEOWNERS IN OBTAINING INSURANCE DISCOUNTS FROM THE INSURANCE COMPANIES AND THE FAIR PLAN.
- [Safer from Wildfires \(ca.gov\)](https://www.ca.gov/safer-from-wildfires)





# STATE OF CALIFORNIA EMBER RESISTANT ZONE REGULATION UPDATE

- AB 3074 REQUIRES THE BOARD OF FORESTRY AND FIRE PROTECTION TO DEVELOP REGULATIONS FOR A NEW EMBER-RESISTANT ZONE (ZONE 0) WITHIN 0-5 FEET OF THE HOME.
- REGULATIONS ARE CURRENTLY BEING DEVELOPED.
- ANTICIPATE THESE REGULATIONS BECOMING EFFECTIVE IN 2025-2026 TIMEFRAME.





**QUESTIONS / COMMENTS?**

**EMAIL COMMENTS BY OCTOBER 27, 2023  
TO: WILDFIREREADY@EDCGOV.US**