

EDC Chapter 8.09 (Vegetation Mngt/Defensible Space) Summary of Changes

Code Section	Topic	Change
8.09.010	New Title	Replaced the term “Vegetation Management” with “ <b>Hazardous Vegetation</b> ” to reflect the actual purpose of this Chapter
8.09.015	Conflict of Ordinances	<b>New Section</b> – describes how this chapter of the code is applied when it is conflict with other provisions.
8.09.020	Findings	Minor grammar edits throughout this section. Added <b>subsections C-E</b> to describe the fire hazard and fire history of the County.
8.09.020	Findings	Added <b>subsections G, H and K</b> to clarify that there are specific facts that warrant the need to have regulations that are more restrictive than PRC 4291.
8.09.030	Definitions	Added the term <b>Abate or Abatement</b> .
8.09.030	Definitions	Added the term <b>Abatement Costs</b> .
8.09.030	Definitions	Added the term <b>Biomass</b> .
8.09.030	Definitions	Added the term <b>Critical Infrastructure</b> including a description of Essential Service, At Risk Populations and Hazardous Material & Solid Waste Facilities.
8.09.030	Definitions	Revised the term <b>Defensible Space</b> so that it is consistent with PRC 4291.
8.09.030	Definitions	Added the term <b>Fire Hazard</b> .
8.09.030	Definitions	Revised the term <b>Hazardous Vegetation</b> to associate this vegetation as being a fire hazard.
8.09.030	Definitions	Added the term <b>Ladder Fuels</b> .
8.09.030	Definitions	Added the term <b>Outbuilding</b> .
8.09.030	Definitions	Added the term <b>Responsible Person(s)</b> .
8.09.030	Definitions	Revised the term <b>Structure</b> and the associated exception to this ordinance.

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8.09.030	Definitions	Minor grammar edits to several existing definitions found in the Chapter.
8.09.040	CEQA	Revised this section to clarify that this Chapter is exempt from CEQA due to 14CCR §15308 and the common-sense exemption found in 14CCR §15061.
8.09.050	Legal Authority	Revised <b>subsection D</b> to include Government Code section 51182.
8.09.050	Legal Authority	Added <b>subsection F</b> regarding the topic of all future real estate transactions meeting the requirements of this Chapter.
8.09.050	Legal Authority	Minor grammar edits to several existing subsections found in the Chapter.
8.09.055	Collection of Fines/Fees	<b>New Section</b> – identifies the process and timelines used by the County to collect fines or fees.
8.09.060	Prohibited Conduct	Minor grammar edits to this section of the Chapter.
8.09.070 (A)	Authority to Inspect	Minor grammar edits to this section of the Chapter.
8.09.070 (B)	Wildland Fire Safe Plans	Modified to include the term “ <b>Fire Protection Plan</b> ” as described in Title 24, Part 9, Chapter 49.
8.09.070 (C)	Real Estate Transactions	<b>Significant changes to this section regarding real estate transactions.</b> Seller of any real property shall obtain a defensible space inspection report from an Investigating Official and provide the buyer that report to the buyer at or before the close of escrow. If the property is found not in compliance with this Chapter the Responsible Person(s) will need to perform the necessary repairs noted in the report and have the property reinspected prior to escrow <u>or</u> the buyer shall agree to achieve compliance within 90 days.
8.09.070 (D1)	Defensible Space	Revisions to this paragraph to require that Structures comply with the provisions described in PRC Title 14, Section 1299.03.
8.09.070 (D2)	Erosion Control	Minor grammar edits to this paragraph of the Chapter. Removed 2 <sup>nd</sup> sentence regarding the term “Fuels” as the term is not necessary.

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8.09.070 (D3)	Greater Distances	Clarified that the additional defensible space distances, up to <b>300-feet</b> , may be required when clear cause is found by the Enforcement Official due to the hazardous conditions present.
8.09.070 (D4)	Environmental Prot.	Modified this paragraph to clarify that the Responsible Person shall also comply with all environmental protection regulations.
8.09.070 (D5)	Good Neighbor	Modified this paragraph to clarify that additional protection of a Structure on an adjacent property will be based on specific factors.
8.09.070 (D6)	Roadway Clearance	Modified this paragraph to clarify that it also applies to driveways. Added specific horizontal and vertical clearance requirements near roads and driveways.
8.09.070 (E)	Critical Infrastructure	<b>New Subsection</b> – this section provides defensible space criteria for critical infrastructure and hazardous use sites.
8.09.070 (E1)	Essential Service Sites	<b>New Paragraph</b> – Essential Services and At-Risk Population Structures and Accessory Buildings shall provide adequate defensible space.
8.09.070 (E2)	LP-Gas Sites	<b>New Paragraph</b> – LP Gas and Aboveground Flammable Liquid tanks over 2,000 gallons water comply shall provide defensible space.
8.09.070 (E3)	Lumber Yards	<b>New Paragraph</b> – the storage of logs, chips and other combustible materials shall provide defensible space around certain sites.
8.09.070 (E4)	Photovoltaic Systems	<b>New Paragraph</b> – freestanding systems and equipment shall provide either 10’ or 30’ of clearance depending on combined panel size.
8.09.070 (E5)	Telecom Sites	<b>New Paragraph</b> – Telecommunication sites serving as critical infrastructure shall provide defensible space around accessory bldgs. and towers.
8.09.070 (E6)	Fire Prot. Water Sites	<b>New Paragraph</b> – public & private water systems supplying fire protection water delivery shall provide defensible space around certain sites.
8.09.070 (E7)	Additional Clearances	<b>New Paragraph</b> – minimum clearances may be extended beyond 100’ with cause as determined by the Enforcement Official.
8.09.070 (E8)	Adjacent Properties	<b>New Paragraph</b> – clarifies for the purpose of this subsection adjacent properties do not need to assist in complying with these requirements.
8.09.075	Violation	Minor grammar edits to several subsections in this section.

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Code Section	Topic	Change
8.09.080	Enforcement Official	Minor grammar edits to this section. Strikes language regarding who is the Enforcement Official for the County as this term exists elsewhere.
8.09.081	Investigative Official	Minor grammar edits to this section of the Chapter.
8.09.085	Enforcement Authority	Minor grammar edits to this section of the Chapter.
8.09.086	Confidentiality	<b>New Section</b> – clarifies that the identity of a person filing a complaint shall remain confidential and that filing of false complaints is a misdemeanor.
8.09.090	Inspection	Minor grammar edits to this section of the Chapter.
8.09.100	Enforcement	Clarifies that violations of this Chapter may be enforced using the Code Enforcement provisions found in Chapter 9.02.
8.09.110	Enforce. Procedures	Minor grammar edits to this section of the Chapter.
8.09.110 (B3g)	Signage	<b>New Subsection</b> – Identifies the signage requirements on properties prior to abatement.
8.09.115	Service of Notices	<b>Section significantly revised.</b> Replace with the Code Enforcement procedures identified in Chapter 9.02 of County Code.
8.09.116	Recording of NOV	Section significantly revised. Replaced all existing provisions with reference to Chapter 9.02.
8.09.119	Procedures for NOV	Section 119 revised to reference Chapter 9.02 for abatement procedures.
8.09.120	Appeals Procedure	Minor grammar edits to this section of the Chapter.
8.09.125	Penalty – Infraction	<b>New Section</b> – defines the penalties associated with the violation of this chapter.
8.09.126	Failure to Pay	<b>New Section</b> – describes the procedures the County may take to see payment for failure to pay.

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Code Section	Topic	Change
8.09.130	Seasonal Designation	Minor grammar edits to this section of the Chapter.
8.09.140	Removal of Hazardous Vegetation	<b>New Section</b> - describes the provisions the County will follow to abate hazardous vegetation on a property.
8.09.141	Warrant Requirement	<b>New Section</b> – outlines the process the County will follow to obtain an inspection warrant on a property.
8.09.150	Summary Abatement	<b>New Section</b> – describes the powers to abate an imminent threat.
8.09.155	Summary Abatement Procedures	Section significantly revised. Describes the procedures to follow to abate an immediate threat.
8.09.160	Recovery of Admin Fees	<b>New Section</b> – describes the types of activities and services performed by the County during an investigation that may be eligible for cost recovery.
8.09.161	Accounting	<b>New Section</b> – describes the process to account for all abatement costs.
8.09.162	Notification of Assessment	<b>New Section</b> – describes the process the County will use to see the recovery of costs.
8.09.165	Liability of Costs	<b>New Section</b> – describes the responsibility of the Response Person to incur costs associated with an abatement.
8.09.170	Collection of Costs	<b>Added Subsections B through F</b> – describes the process the County will follow regarding the recovery of costs for abatement.
8.09.175	Levying of Costs	Minor grammar edits to this section of the Chapter.
8.09.180	Recovery of Collection Costs	Minor edits to this section of the Chapter.