



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: October 5, 2021 and October 19, 2021

05

TO: Board of Supervisors

SUBJECT

NOTICED PUBLIC HEARING:

**AN ORDINANCE AMENDING THE DEFENSIBLE SPACE FOR FIRE PROTECTION
ORDINANCE AND RECEIPT OF MEMORANDUM CLARIFYING SECTION 68.404
(DISTRICTS: ALL)**

OVERVIEW

The County of San Diego (County) is no stranger to the risk and long-term effects of large-scale wildfires. Following significant local wildfires in 2003 and 2007, the County adopted several local building and fire code amendments that exceed state requirements to increase fire safety and wildfire prevention within the region. These requirements apply concurrently alongside the County's Defensible Space for Fire Protection Ordinance, which was adopted in its current form on May 10, 2011 (9).

Defensible Space is an area where materials that will readily ignite, burn, and transmit fire have been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur. Creating defensible space around structures in the unincorporated area can save lives and property. Several state and local codes address the requirements for defensible space, including the California Public Resources Code, County Consolidated Fire Code, and Defensible Space for Fire Protection Ordinance. On July 13, 2021 (1), the Board of Supervisors (Board) directed the Chief Administrative Officer to continue stakeholder outreach and return to the Board with a proposal to amend the Defensible Space for Fire Protection Ordinance to align with the County Consolidated Fire Code. The proposed amendments in today's action are meant to align these codes to increase the safety of residents during a wildfire and improve the survivability of homes, other structures, and critical infrastructure.

Today's requested actions are for the Board of Supervisors to find that the proposed actions are exempt from the California Environmental Quality Act (CEQA), approve funds to increase contracted capacity to engage with residents and enforce the Defensible Space for Fire Protection Ordinance, and to amend the Defensible Space for Fire Protection Ordinance, Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances.

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RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On October 5, 2021:

1. Find that the proposed action is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15304. The proposed action is to amend an ordinance that will require minor alterations to land by responsible parties through fuel management activities and prohibits the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters.
2. Establish appropriations of \$600,120 in San Diego County Fire, Services & Supplies, for one contracted Battalion Chief, one contracted Fire Captain, five seasonally contracted Defensible Space Inspectors, and associated operational costs to engage with residents about the defensible space requirements and to enforce local and state fire codes and regulations based on Unassigned General Fund Fund Balance. **(4 VOTES)**
3. Approve the introduction of the Ordinance (first reading), read title, and waive further reading of the Ordinance:

AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO DEFENSIBLE SPACE REQUIREMENTS

If, on October 5, 2021, the County of San Diego Board of Supervisors takes action as recommended, then on October 19, 2021, consider and adopt (second reading):

1. AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO DEFENSIBLE SPACE REQUIREMENTS.
2. Receive Attachment C: Memorandum Clarifying Section 68.404 of the Defensible Space for Fire Protection Ordinance.

EQUITY IMPACT STATEMENT

Taking the proposed action will result in increased community resilience and decreased likelihood of the need to rebuild whole communities after devastating wildfires. A total of 79 percent of the unincorporated area in San Diego County is designated as High or Very High Fire Hazard Severity Zones. In addition, 41 percent of the unincorporated area has burned at least once since 2000.

Today's recommendations revise the defensible space requirements for unincorporated areas outside of independent fire protection or municipal water districts. For fire protection or municipal water districts that contract with the County to provide defensible space related services, County Fire works with local fire safe councils and other community organizations to assist individuals who are differently abled, elderly, or do not have the financial resources to perform defensible space work themselves. County Fire and CAL FIRE San Diego Unit staff refer individuals to grant-funded programs that assist in performing this work.

FISCAL IMPACT

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Funds for this request are not included in the Fiscal Year 2021-23 Operational Plan for San Diego County Fire. If approved, this request will result in an estimated current year cost of \$440,120 and \$160,000 for one-time costs associated with the procurement of vehicles and equipment. Subsequent year costs are estimated at \$774,679 for contracted services. The funding source for this request is Unassigned General Fund Fund Balance in Fiscal Year 2021-22. Subsequent years costs and funding sources will be included and identified in future Operational Plans for the San Diego County Fire. There will be no change in net General Fund cost and no additional staff years for the current year.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Wildfires remain one of the biggest threats to public safety in San Diego County. So far this year, the state has seen a significant increase in the number of fire starts compared to previous years. The County of San Diego's strategic plan includes the goal of encouraging and promoting residents to take important and meaningful steps to protect themselves and their families for the first 72 hours during a disaster. For wildfires, these steps include being ready for wildfire through planning and preparing.

The County's Defensible Space for Fire Protection Ordinance, Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances (County Code), was adopted in its current form on May 10, 2011 (9). The current ordinance applies to all unincorporated territory outside of fire protection districts or municipal water districts that provide fire protection services, or within districts that adopt the ordinance by reference. As currently written, the ordinance prohibits the accumulation of combustible vegetation, dead, dying or diseased trees, green waste, rubbish, or other flammable materials within 100 feet of the exterior perimeter of any improvement on a parcel. In addition, the current ordinance contains requirements for defensible space along property lines, roads and driveways, and liquid petroleum gas tanks or containers.

On July 13, 2021 (1), the Board of Supervisors (Board) directed the Chief Administrative Officer to return to the Board with a proposal to amend the Defensible Space for Fire Protection Ordinance. Today's action proposes revisions to align the requirements in the Defensible Space for Fire Protection Ordinance with current requirements found in the County Consolidated Fire Code. The revisions are backed by research performed by the Insurance Institute for Business and Home Safety and provide clarification on specific actions that should be taken to reduce risk and increase the survivability of homes and structures.

The proposed revisions are summarized below:

- Align the Defensible Space for Fire Protection Ordinance with the County Consolidated Fire Code by adding requirements for three defensible space zones around improvements to increase resilience.

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- Add requirements related to defensible space surrounding liquid petroleum gas tanks and containers.
- Remove specific requirements for defensible space along property lines and clarify that the Fire Code Official has discretion to require this additional defensible space, as needed, based on each parcel's location, vegetation type, surrounding topography, or fire risk.

In addition, the Board directed San Diego County Fire to expand its existing defensible space inspection program and inspect more parcels each year. Today's request approves \$440,120 in ongoing costs and \$160,000 in one-time funding for additional contracted capacity, which includes five seasonal defensible space inspectors to annually engage with residents about the requirements of the Defensible Space for Fire Protection Ordinance, perform defensible space inspections, and enforce local and state fire codes and regulations. This additional capacity will allow San Diego County Fire to provide greater service to the unincorporated area residents by providing additional resources to educate communities about wildfire, engage residents in steps they can take to prevent wildfire, and enforce fire codes and regulations.

ENVIRONMENTAL STATEMENT

California Environmental Quality Act (CEQA) review is required for projects that have the potential to cause a significant effect on the environment. Today's proposed action to amend an ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15304 because the ordinance involves minor alterations to land by responsible parties through fuel management activities and prohibits the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action to amend the San Diego County Code of Regulatory Ordinances related to defensible space requirements supports the Living Safely and Sustainable Environments/Thriving Strategic Initiatives in the County of San Diego's 2021-2026 Strategic Plan by encouraging residents to take important and meaningful steps to protect themselves before a major wildfire and by working to reduce the environmental effects, such as greenhouse gas emissions, of such wildfires.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – An Ordinance Amending Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances Relating to Defensible Space Requirements (Clean)

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Attachment B – An Ordinance Amending Chapter 4 of Division 8 of Title 6 of the San Diego County Code of Regulatory Ordinances Relating to Defensible Space Requirements (Informational)

Attachment C – Memorandum Clarifying Section 68.404 of the Defensible Space for Fire Protection Ordinance

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☒ Yes ☐ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

July 13, 2021 (1), Roadside Vegetation Management for Increased Wildfire Preparedness in Unincorporated San Diego County; March 16, 2021 (1), Enhancing Wildfire Safety on County Roads; February 25, 2020 (5), Ordinances Repealing and Reenacting the County Fire Code and Ratifying the 2020 Consolidated Fire Code; May 10, 2011 (9), Revisions to the Combustible Vegetation and other Flammable Materials Ordinance

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: San Diego County Fire

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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