

AGENDA

TRI-COUNTY TECHNICAL ADVISORY COMMITTEE

Friday, February 14, 2020

10:00 A.M.

KMPUD Community Services Building, Loop Road, Kirkwood, CA

****NOTE: During the winter months, please check with the Alpine County Community Development Department at (530) 694-2140 to make sure the meeting has not been canceled due to inclement weather!***

For further information on any of the agenda items, please contact Alpine County Community Development Department at (530) 694-2140. Off-agenda items must be approved by the Tri-County Technical Advisory Committee pursuant to Section 5496.5 of the Government Code.

- A. Call to Order
- B. Approve Agenda
- C. Correspondence
- D. Minutes: December 13, 2019
- E. Public Matters: Information items and persons wishing to address the Committee regarding non-agenda items.
- F. Agenda Items:

ITEM 1: Discussion of the Kirkwood Tree Ordinance and possible direction related to interpretation of Public Resources Code 4291 Defensible Space requirements

ITEM 2: Update on Kirkwood Station pre-application to be considered by the El Dorado County Board of Supervisors, February 25, 2:00pm.

G. Adjourn

APPROVED MINUTES
TRI-COUNTY TECHNICAL ADVISORY COMMITTEE
December 13, 2019

MEMBERS PRESENT: Chuck Beatty Amador County
 Brendan Ferry Eldorado County

OTHERS PRESENT:

Drew Meeter

A. Call to Order:

The meeting was called to order by Brendan Ferry at 10:29 with a quorum.

B. Approve Agenda

By consensus the committee approved the agenda.

C. Correspondence

None

D. Minutes: November 8, 2019

Motion

Brendan Ferry moved to approve the November 8, 2019 meeting minutes. Chuck Beatty seconded. Motion passed; 2-0.

E. Public Matters: Information items and persons wishing to address the Committee regarding non-agenda items

None

F. Agenda Items:

- 1. Discussion and possible action regarding a tree removal permit for 145 Glove Rock Drive submitted by Rubini Tree Service on behalf of Dean Donovan (APN: 006-121-003)**

Motion: Brendan Ferry moved to approve the tree permit. The motion was seconded by Chuck Beatty. Motion passed; 3-0.

- 2. Continued discussion and possible action concerning acceptance of the 2019 Street Sweeping Mitigation Report per Specific Plan Mitigation Measure 4.2(v), submitted by Kirkwood Mountain Resort. This item was continued from the August 16, 2019 meeting.**

Motion: Chuck Beatty moved to approve the 2019 street sweeping mitigation measure. The motion was seconded by Brendan Ferry. Motion passed; 2-0

G. Adjourn

TC-TAC Committee members agreed to schedule the next meeting for January 10. The meeting was adjourned at 10.32 a.m.



COUNTY OF ALPINE
Community Development

Brian Peters, Director

Memo

To: Kirkwood TC-TAC, CalFire

From: Zach Wood, Planner III 

Date: February 6, 2020

Re: Kirkwood Tree Ordinance and PRC 4291 defensible space

Background

The Kirkwood Tree Ordinance was adopted by Amador and Alpine County respectively in 2003 with the adoption of the Kirkwood Specific Plan. The tree ordinance is intended to protect habitat, visual, and soil resources based on the Specific Plan mitigations. The need for defensible space for public safety was not recognized in the 2003 Kirkwood Specific Plan.

The consensus is that wildfire risks in Kirkwood are moderate as defined by CalFire Hazard Severity Zones, particularly when compared to the Sierra Foothills or Eastern Slope. Since the adoption of the Specific Plan in 2003 catastrophic wildfires in the region have impacted areas which were considered less hazardous. The following fires have burned in areas of similar elevation and forest conditions as Kirkwood in the central Sierra region: Rim (2013), King (2014), Donnell (2018), and Caples Creek (2019). Defensible space also provides critical protection to adjacent structures during structure fire or incidents which begin within the wildland urban interface.

TC-TAC made an interpretation of the tree ordinance provisions as they relate to defensible space, August 7, 2015.

Defensible space could be considered consistent with the tree ordinance exemption sections:

Tree Ordinance Section B 2

A) Trees that have been identified for removal as part of a conditional use permit, special use permit, building permit or other land use/development permits.

Delineation of defensible space area is a requirement of the building code as is ongoing maintenance. Kirkwood is not within the High or Very High hazard severity zone.

B) Trees that have been identified by a licensed arborist or forester as dead, dying or diseased. Trees that are in a hazardous condition presenting an immediate danger to health or property; trees cut in emergencies involving the lives of people and the public safety. In the event that a tree is removed without prior approval or verification from the licensed arborist or forester, a permit shall be applied for after the fact.

Most recently individual trees have been identified by CalFire and/or licensed foresters as hazardous and meeting defensible space requirements.

C) Trees that have been permitted by the California Department of Forestry and Fire Protection, either through exemption, conversion or an approved Timber Harvest Plan.

CalFire has inspection authority of defensible space within the State Responsibility Areas (SRA). Inspections may result in notice to property owners to correct violations. Failure to correct violations may result in enforcement action by CalFire. Direction to correct defensible space violations by CalFire is considered consistent with the exemptions of the tree ordinance as tree removal permitted by CalFire.

TC Minutes August 7, 2015

F. Agenda Items:

Item 1 - Discussion and possible interpretation of the Kirkwood Tree Removal Ordinance as it pertains to removal of trees and vegetation in accordance with the requirements of Public Resources Code 4291 to maintain defensible space of 100 feet from structures.

Brian Peters elaborated on his discussion with Kirkwood homeowner Dolan Beckel concerning the 100-foot defensible space requirement of the Public Resources Code and

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Draft August 7, 2015

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the 2003 Kirkwood Specific Plan's silence on the issue. It was the general consensus that in cases where Cal Fire permits were not required for defensible space maintenance, permits would not be required by TC-TAC, either.

Since 2015 Alpine and Amador County (TC-TAC) have issued tree removal permits based on finding individual trees hazardous due to their impact on defensible space.

Recommendation

The existing tree ordinance has been recognized as conflicting with the state law requirements of 4291 for defensible space by requiring applications and a discretionary approval process. As State law defensible space requirements preempt the Kirkwood tree ordinance. Alpine, Amador, and El Dorado Counties also have defensible space ordinances consistent with PRC 4291 which conflict. TC TAC may have an interest in reviewing tree removal activities to confirm that property owners do not use defensible space and hazard trees exemptions to remove trees in conflict with the purpose of the ordinance; preserving habitat and aesthetics.

This interpretation has not been formalized by an ordinance revision or other County policy. Due to the individual County needs for defensible space or landscaping ordinances a future ordinance revision in Kirkwood should recognize that defensible space needs in Kirkwood are similar regardless of County or HOA jurisdiction.

The majority of tree removal work in Kirkwood is conducted by contractors who are licensed foresters or arborists who are familiar with PRC 4291 the Tree Ordinance. PRC 4291 and County ordinance do not require that property owners engage contractors or foresters to determine and implement defensible space maintenance.

Action	Responsible Party	Timing
Identify trees or vegetation to be removed consistent with PRC defensible space	Property owner, registered forester, KVFD, CalFire	Anytime
Submit description, site plan, or photos to County Planning and KVFD	Property owner, registered forester	Prior to removal – Best Practice
Determine the tree removal is consistent with PRC 4291 defensible space and Tree Ordinance	County, KVFD	Prior to removal-
TC-TAC reviews and approves hazard tree removals as a consent item	TC TAC	Regular TC TAC meeting
Code enforcement of tree removal ordinance	County	Anytime - Case by case

Steps to improve Tree Ordinance and Kirkwood defensible space resources

- Revise ordinance to define defensible space implementation consistent with state law as categorically exempt from Tree Ordinance
- Create guidance materials for property owners, HOA, contractors on best practices for implementation of defensible space for Kirkwood
 - Best practice examples
 - Priority defensible space practices

Classic Hazard Trees – threat to life and property

Hazard to life – dead, broken, widowmaker



Hazard to property, rubbing against residence



Defensible Space Hazard Trees

Multiple trees within 30 feet – poor horizontal spacing



Single tree with 30 feet. Needs maintenance, not removal



References

Public Resource Code 4291

(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.

Alpine County Defensible Space Ordinance

8.20.090 Requirements for fuels reduction on land containing a building or structure

A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material shall at all times maintain defensible space in compliance with the requirements of Cal. Pub. Res. Code § 4291 as currently exists and as may be amended in the future. (Ord. 727 (part), 2018)

Amador County Ordinance

15.30.110 Maintenance of **defensible space** measures.

*To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the **defensible space** provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval. (Ord. 1778 §2 (part), 2018).*

15.30.430 Defensible space.

The intent of this regulation is to provide guidance for implementation of Public Resources Code Section [4291](#)(a) and (b), and minimize the spread of fire within a one-hundred-foot zone around a building or structure.

A. A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and is within state responsibility area, shall do the following:

1. Within thirty feet from each building or structure, maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth pursuant to Public Resources Code Section [4291](#)(a). Single specimens of trees or other vegetation may be retained, provided they are well **spaced**, well pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.

2. Within the thirty-foot to one-hundred-foot zone (reduced fuel zone) from each building or structure (or to the property line, whichever is nearer to the structure), provide a fuel break by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for fire fighters to suppress wildfire pursuant to Public Resources Code Section [4291](#)(b).

B. Any vegetative fuels identified as a fire hazard by the fire inspection official of the authority having jurisdiction shall be removed or modified, provided it is required by subsections (A)(1) and (2) of this section.

C. Within the intent of the regulations, the fire inspection official of the authority having jurisdiction may approve alternative practices which provide for the same practical effects as the stated guidelines.

D. Guidance for implementation of this regulation is contained in the publication "General Guidelines for Creating **Defensible Space**" as published by the Board of Forestry and Fire Protection by resolution adopted on February 8, 2006.

E. Fuel modification shall be required to a width of ten feet on each side of a road by reducing ground fuels to less than eighteen inches in height and by maintaining tree and shrub separations necessary to reduce fuel loading. (Ord. 1778 §2 (part), 2018).

Tree removal policies of the 2003 Kirkwood Specific Plan

7.1 Flora and Fauna Resources 7.1.1 Objectives

2. Minimize unnecessary tree removal by establishing building envelopes after reviewing required tree surveys for any proposed subdivisions and by requiring compliance with the Tree Ordinance.

7.6 VISUAL SENSITIVITY

7.6.2 Policies For Visual Sensitivity

9. All new development shall comply with the Kirkwood Tree Ordinance to prevent unnecessary tree removal.

Professional foresters and arborists providing services in Kirkwood

North Valley Resource Management – RPF 2808

Foothill Resource Management – RFP 2316

Joe Benigno Tree Service Inc. - # WE-6694A

Rubini Tree Service - Arborist # WE-9259A