Meeting notes from call with Encinitas Deputy Fire Marshal Katelynn Rise and subsequent email correspondence with Senior Fire Marshal Jordan Villagomez
Monday, May 11, 2026 – June 1, 2026
Attendees: Jessica Dacher, Deputy Fire Marshal Katelynn Rise,
Senior Fire Marshal Jordan Villagomez

- The Fire Authority with jurisdiction (Encinitas Fire Department) can require or request vegetation management only if/when required to meet Government Code 51182 or identified as a fire hazard/danger to life and safety.

- California Wildland-Urban Interface (WUI) code and Government Code 51182 only apply to areas within high and very high fire zones. APN 2654011900 was not located in the Very High Fire Hazard Severity Zone on the old maps and is not located in a high or very high fire zone on the map in use as of 2025.

- Any work in an area with Endangered Species Act (ESA) species must be done in collaboration with the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW). Allowable work is situational and depends on the habitat and distribution of species.

- The Encinitas Fire Department will not inspect property, send notices to landowners, or require vegetation modification in any area outside of high or very high fire zones. The Encinitas Fire Department is only concerned with defensible space up to 100 feet of a structure that is located within the high or very high fire hazard zone.

- There is a municipal code within the City of Encinitas that could fall under any sort of vegetation that creates a hazard to the city. Chapter 11.12.010 states: "It is unlawful for any owner, lessee or occupant of any real property within the city to place or maintain dirt, rubbish, materials, grass, weeds or vegetation on or about such property or on or about adjacent sidewalks, parking areas, alleys or streets in a manner that is either dangerous or injurious to neighboring property or the health or welfare of residents in the vicinity; or interferes with the use of public rights-of-way. The conditions described in this section are hereby declared to be a public nuisance, subject to abatement by the City." (11.12.010 is likely to protect against egregious cases of nuisance and not pertain to habitat in its natural state, particularly in areas the city deems to be sensitive habitat; otherwise, defensible space enforcement would apply to every area and not just high and very high fire zones.—JD)

- I posed the following question: If a neighbor abutting a private habitat approaches the owner(s) of that habitat requesting modification of the vegetation abutting their property, what would be the responsibility of the landowner to comply with the request?

  This would depend on whether the habitat is privately owned or held by a government agency, and the type of land or habitat. Rules vary depending on the type of habitat in coordination with CDFW/USFWS. The landowner (or the HOA in this case) would need to decide whether to

fulfill the home owner's request. However, it is not required. From the standpoint of local ordinances and state laws, owners of property outside high or very high fire zones are not required to remove vegetation for fire prevention. Liability, however, would need to be cleared with an attorney.

- While 30-100' is still important, the most critical defensible space zones are between 0-5' and 5-30, and where the Encinitas Fire Department encourages homeowners to put their time, energy, and finances towards first. Protecting homes from the inside out with ember-resistant screens, well-maintained landscapes, etc., is most important. While bordering open space may increase wildfire exposure, homeowners can significantly improve their home's chances of survivability from a wildfire through appropriate defensible space, home hardening, and ongoing property maintenance.

From: **Jordan Villagomez** jvillagomez@encinitasca.gov
Subject: RE: Follow up from discussion regarding fuel modification in Sensitive Habitat
Date: June 1, 2026 at 8:45 AM
To: Jessica Dacher jessie@jumbojessie.com
Cc: Katelynn Rise krise@encinitasca.gov

JV

Hello Jessica,

This would be a question for either Federal or CA Fish & Wildlife as it pertains to the specific Environment. Depending on what's on the actual site (certain animals or plants) I probably should have specified that part more.

Respectfully,

Jordan Villagomez
Senior Deputy Fire Marshal
Fire & Marine Safety
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2822 | **jvillagomez@encinitasca.gov**
www.encinitasca.gov

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From: Jessica Dacher <jessie@jumbojessie.com>
Sent: Sunday, May 31, 2026 8:04 PM
To: Jordan Villagomez <jvillagomez@encinitasca.gov>
Cc: Katelynn Rise <krise@encinitasca.gov>
Subject: Re: Follow up from discussion regarding fuel modification in Sensitive Habitat

Dear Fire Marshal Villagomez,

Thank you for your detailed response. In reference to #4, can you tell me what the rules are by habitat type/vegetation community? Specifically, Southern Maritime Chaparral for our particular open space; however, if you have rules you could share for other habitat types, including coastal sage scrub and chaparral, that would be very helpful.

Thank you for your time.

Best Wishes,
Jessie

On May 29, 2026, at 11:48 AM, Jordan Villagomez <jvillagomez@encinitasca.gov> wrote:

Hi Jessica,

Please also see the attachments, I forgot to attach to the last email.
I know your HOA is not in the Very High or High Fire Hazard areas but its still good information to help you, your HOA and neighbors protect their homes.

Respectfully,

<image001.png>

Jordan Villagomez
Senior Deputy Fire Marshal
Fire & Marine Safety
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2822 | **jvillagomez@encinitasca.gov**
www.encinitasca.gov
<image002.png> <image003.png>

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From: Jordan Villagomez
Sent: Friday, May 29, 2026 9:30 AM
To: 'Jessie@jumbojessie.com' <Jessie@jumbojessie.com>
Cc: Katelynn Rise <krise@encinitasca.gov>
Subject: RE: Follow up from discussion regarding fuel modification in Sensitive Habitat

Hi Jessica,

Thank you for contacting us with these detailed questions.
I know you have sent multiple questions and inquiries in to us as well as the City managers/Council members on vegetation including native plants, and Katelynn let me know about your conversations and questions, so I wanted to respond in detail.

Please see my answers below in **blue**:

Notes from Discussion with Encinitas Deputy Fire Marshal Katelynn Rise on Monday, May 11, 2026

1. The Encinitas Fire Department cannot require, request, or authorize that anyone cut or modify vegetation in an Environmentally Sensitive Habitat Area (ESHA). The Fire Authority having jurisdiction (Encinitas Fire Department) can require or request vegetation management only if/when required to meet Government Code 51182 or identified as a fire hazard/danger to life and safety. Any work in an ESHA with Endangered Species Act (ESA)species must be done in collaboration with the United

Species Act (ESA)species must be done in collaboration with the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW). Correct. Allowable work depends on the habitat and distribution of species. This is situational.

2. California Wildland-Urban Interface (WUI) code only applies to areas within high and very high fire zones. This is correct.

3. The Encinitas Fire Department will not inspect property, send notices to landowners, or require vegetation modification in any area outside of high or very high fire zones. This is situational. See answer to #5.

4. I posed the following question: If a neighbor abutting a private ESHA open space approached the owner(s) of that open space requesting modification of the vegetation abutting their property, what would be the responsibility of the landowner to comply with the request? Situational - would depend on if privately owned vs government agency, and the type of land or habitat. Rules vary depending on type of habitat.
The landowner (or HOA in this situation) would need to decide whether to fulfill the homeowner's request (in collaboration with the USFWS/CDFW). However, it is not required. From the standpoint of local ordinances and state laws, owners of property outside high or very high fire zones are not required to remove vegetation for fire prevention. Liability, however, would need to be cleared with an attorney. This is correct.

5. Encinitas Fire Department is only concerned with defensible space up to 100' (again, only in high and very high fire zones). Removing vegetation through the middle of an open space would never be required or suggested. The first sentence is correct. The second sentence is situational. If the middle of the open space was within 100 feet of a structure that was located within the high or very high fire hazard zone, then it could be required by the fire department. For the purposes of your property, the fire department would not require the middle of your lot to have vegetation removed since it is not in a fire hazard zone. However, there is a municipal code within the city of Encinitas that could fall under any sort of vegetation that creates a hazard to the city. Chapter 11.12.010 states: "It is unlawful for any owner, lessee or occupant of any real property within the City to place or maintain dirt, rubbish, materials, grass, weeds or vegetation on or about such property or on or about adjacent sidewalks, parking areas, alleys or streets in a manner that is either dangerous or injurious to neighboring property or the health or welfare of residents in the vicinity; or interferes with the use of public rights-of-way. The conditions described in this section are hereby declared to be a public nuisance, subject to abatement by the City."

6. The most critical defensible space zones are between 0-5' and 5-30', and while 30-100' is also helpful, it is not as consequential. 30-100 feet is

and while 30-100' is also helpful, it is not as consequential. 30-100 feet is still important, but the first 30 feet is where we encourage homeowners to put their time, energy, and finances towards first. (0-5 feet: Do it now. 5-30 feet: Do it next. 30-100 feet: Do it soon.) Fire science is complex in terms of what will burn, what will not, and how, in an open space. Correct. Therefore, they are not concerned with fuels in open spaces as long as they can defend the homes. This statement is vague. Who is they? Protecting your home from the inside out with ember-resistant screens, well-maintained landscapes, etc., is most important. This is correct. Homeowners don't need to worry about bordering open space if they adequately prepare their home and property. While bordering open space may increase wildfire exposure, homeowners can significantly improve their home's chances of survivability from a wildfire through appropriate defensible space, home hardening, and ongoing property maintenance.

Followup questions:

1. Can you tell me what Fire Hazard Severity Map was used up until the changes in 2025? Is there a way to view the old map? I am curious whether our area was previously in a high fire zone. APN 2654011900 was not located in the Very High Fire Hazard Severity Zone on the old maps.

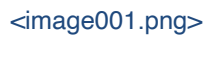
2. Would it be possible to learn how long the Encinitas Fire Department has been enforcing fuel modification only in high and very high fire zones? Fuel management dates back many decades. Specifically Public Resources Code 4291, which dates back to 1965. This code has gone through many evolutions since it was first adopted. I would need to verify department records to determine exactly when the Encinitas Fire Department began applying fuel modification requirements specifically within High and Very High Fire Hazard Severity Zones. However, California's fire hazard severity zone framework has existed since the 1990s, and defensible space and vegetation management requirements have evolved over time through changes in state law, fire science, and local implementation practices.

3. Are inspectors trained to identify sensitive habitats that may need USFWS or CDFW collaboration? Inspectors are not trained as biological or habitat specialists; however, staff are aware of situations where sensitive habitat concerns may warrant coordination or consultation with agencies such as USFWS or CDFW.

In Summary, Encinitas Fire Departments mission is "Proudly committed to providing the highest level of service to our communities and the people we serve, by protecting life, property and the environment."

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I hope this information answers most or all of your questions. Thank you.

Respectfully,



Jordan Villagomez
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From: Jessica Dacher <Jessie@jumbojessie.com>
Sent: Tuesday, May 12, 2026 10:01 PM
To: Katelynn Rise <krise@encinitasca.gov>
Subject: Follow up from discussion regarding fuel modification in Sensitive Habitat

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Deputy Fire Marshal Rise,

Thank you for taking the time to speak to me on Monday and answer my questions about my HOA's 11-acre habitat parcel. I wanted to follow up to make sure I got everything right from our conversation. Below are my notes, along with a few followup questions. Please let me know if I've left anything out or if I've gotten anything incorrect.

Thanks again. I greatly appreciate your time.

Best Wishes,

Jessica Dacher

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<DEFENSIBLE SPACE FLYER FINAL.pdf><HOME HARDENING FLYER FINAL.pdf><Defensible Space Checklist.pdf>