TOWN OF PORTOLA VALLEY

Wildfire Preparedness Committee Meeting
May 15th, 2024
4 p.m.

Jennifer Hammer, Chair
Dee Bailey, Member
Wanda Ginner, Member
MJ Lee, Member
Nona Chiariello, Committee Liaison and member

REGULAR MEETING
HISTORIC SCHOOLHOUSE– 775 PORTOLA RD. – PORTOLA VALLEY, CA

REMOTE MEETING ADVISORY: On March 1, 2023, all committees in Portola Valley will return to conducting in-person meetings. A Zoom link will be provided for members of the public to participate remotely; however, the Town cannot guarantee there will be no technical issues with the software during the meeting. For best public participation results, attending the meeting in-person is advised.

ASSISTANCE FOR PEOPLE WITH DISABILITIES
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at towncenter@portolavalley.net. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

VIRTUAL PARTICIPATION VIA ZOOM

To access the meeting by computer:
https://us06web.zoom.us/j/87804289746?pwd=BI6p8hFF9yFOGLDB758zmCaL6Mc1PA.1

Webinar ID: 878 0428 9746

Passcode: 608463

To access the meeting by phone:
1-669-900-6833 or 1-888-788-0099 (toll-free)
*Mute/Unmute – Press *6 / Raise Hand – Press *9*

1. **CALL TO ORDER & ROLL CALL**
2. **ORAL COMMUNICATIONS FOR ITEMS NOT ON THE AGENDA**
   Speakers' time is limited to three minutes.
3. **APPROVAL OF MINUTES:**
   a. April 17th
4. **NEW BUSINESS:**
   a. Fire Marshall updates
   b. Discuss Ordinance 24-01 and supporting documents
   c. Discuss insurance survey being created by Finance and Insurance Subcommittee
5. **SUBCOMMITTEE AND COMMITTEE LIAISON UPDATES:**
   a. Conservation Committee update
   b. Mitigation Subcommittee update
   c. Finance and Insurance Subcommittee update
6. **OTHER BUSINESS/STANDING ITEMS**
   a. Agenda for next month
   b. Quorum Check for meeting
7. **ADJOURNMENT**
   The next regularly scheduled meeting date is June 19th at 4 p.m.

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Land Acknowledgement:
The Town of Portola Valley acknowledges the colonial history of this land we dwell upon—the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK-mah) Ohlone, who endured a

human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.

TOWN OF PORTOLA VALLEY
Wildfire Preparedness Committee
Wednesday April 17, 2024 – 4:00 PM
Hybrid on Zoom
765 Portola Road, Portola Valley, CA 94028

ACTION MINUTES

A recording of the meeting is here
The meeting Agenda Packet is here

Call to Order at 4:02 PM: Chair Jennifer Hammer

1. Roll Call

   Present: Nona Chiariello, Dee Bailey, Jennifer Hammer, MJ Lee, Council Liaison Craig Taylor
   Absent: Wanda Ginner

2. Oral Communications for items not on the agenda

   There was no public comment.

3. Approve Minutes of previous meeting

   The minutes of Mar-20-2024 were approved unanimously M/S Bailey/Chiariello

NEW BUSINESS

4. Fire Marshal Update – Deputy Fire Marshal Marshall Hird

   Chair Hammer announced that the latest version of Ordinance 24-01 was not made available soon enough to be included in the agenda packet, so the WPC is not discussing it. Residents are encouraged to attend the WFPD Board meeting on Apr-30-2024 to submit comments. We are still planning for FM Giuliacci to hold another workshop during the WPC May-15-2024 meeting on Ordinance 24-01 and the forthcoming guidelines document.

   DFM Hird reported that WFPD staff had recently attended conferences in San Diego and Reno. He noted that evacuation during extreme wildfire behavior is an international concern. WFPD's first Fire Safety Corner table at Woodside Robert's Market had around 20-25 visitors with about 1/3 asking about Ordinance 24-01.

   The following members of the public spoke regarding the item: Cyrena Simons, Rebecca Flynn, Bud Trapp

5. Mitigation Subcommittee Update – Dee Bailey

   The Mitigation Subcommittee Update was moved up on the agenda.

   24-01 Guidelines Document: Dee Bailey received the first draft guidelines document on Apr-12-2024 and shared with others. She understands that the guidelines are supposed to help people understand how to comply with the ordinance, mitigate, and protect the ecology. The WPC appreciates how FM Giuliacci has worked with us, but we need to schedule a special meeting so that members of WPC and Conservation along with the public can discuss the guidelines doc in a working group and not violate the Brown Act. Possible dates were May 6-7 or May 13-14, and MJ Lee will send a doodle poll.

   Firewise: The Mitigation subcommittee will invite PV Firewise leaders to join us at a table at the Farmers market on Thurs May-2-2024. The Los Trancos and Vista Verde community was accepted into Firewise. However, Westridge's application, which includes Cervantes neighborhoods, was rejected. DFM Hird noted that Firewise is a community-driven program, but WFPD may create a process to ensure that Firewise communities stay on track and in good standing.

   The following members of the public spoke regarding the item: Rebecca Flynn, Cyrena Simons, Dudley Carlson

SUBCOMMITTEE AND STAFF/LIAISON UPDATES

6. Finance and Insurance Subcommittee Update – Jennifer Hammer

   Chair Hammer presented a draft google forms survey to track loss of homeowners insurance in PV. Target release is Jun-2024.

   The following members of the public spoke regarding the item: Dave Cardinal

7. Conservation Committee Update – Nona Chiariello

   Conservation is looking at ensuring more oversight over invasive plantings, which are sometimes not apparent because the ASCC inspection is at the wrong time of year. They are also looking at how private trails might aid in fire risk reduction.

8. Meeting adjourned at 5:58 PM. Next meeting Wed May-15-2024 at 4:00 PM.

   /s/ MJ Lee

ORDINANCE NO. 24-01

AN ORDINANCE OF THE WOODSIDE FIRE PROTECTION DISTRICT OF SAN MATEO COUNTY, CALIFORNIA, ESTABLISHING FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT STANDARDS IN ALL STATE AND LOCAL RESPONSIBILITY AREAS WITHIN THE DISTRICT, REQUIRING DOCUMENTATION OF COMPLIANCE PRIOR TO SALE OF THE PROPERTY, ADOPTING FINDINGS OF FACT, AND DETERMINING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Board of Directors ("Board"), as the governing body of Woodside Fire Protection District ("Fire District") does ordain as follows:

SECTION 1. AUTHORITY

This Ordinance is authorized by state statutes and regulations, including but not limited to, Public Resources Code Section 4117, Health and Safety Code Sections 13801, 13804, 13861, 13862, and 13870, Government Code section 53069.4, and Government Code Section 51175.

SECTION 2. FINDINGS OF FACT

(a) The California Legislature has declared the following, at Government Code section 8654.2(a):

> Catastrophic threats exist to lives, property, and resources in California, including wildfire. Climate change, an epidemic of dead and dying trees, and the proliferation of new homes in the wildland urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25 million acres of California wildlands are classified as under very high or extreme fire threat, extending that risk to over one-half of the state.

(b) The California Legislature has further declared the following, at Government Code section 51175(a):

> Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since embers, or firebrands, travel far beyond the area impacted by the front and pose a risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.

(c) In adopting AB 3074 in 2020, the California Legislature made, among others, the following findings:

> (1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive

wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californians to unhealthy air. Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near "high" or "very high" fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(d) Public Resources Code section 4291 requires, among other things, that private persons and entities who own, lease, control, operate, or maintain a building or structure in, upon, or adjoining, a mountain area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, which area or land is within a state responsibility area, maintain defensible space of 100 feet from each side and from the front and rear of a structure, but not beyond the property line.

(e) Government Code section 51182 requires, among other things, that both private persons and private and public entities who own, lease, control, operate, or maintain an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by a local agency pursuant to Government Code section 51179, maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line. In enacting this statute, as stated in Government Code section 51175, it is not the intent of the Legislature to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(f) Government Code section 51189 provides that the State Fire Marshal shall develop a model defensible space program that shall be made available for use by local agencies in the enforcement of the defensible space provisions in Government Code section 51182 and

Public Resources Code section 4291.

(g) The Fire District's adoption of stringent fuel mitigation and exterior hazard abatement standards is designed to supplement the requirements of Public Resources Code section 4291 and Government Code section 51182, apply similar requirements that are more restrictive to all private persons and private and public entities throughout the District, utilize the State Fire Marshal's model defensible space program as a guide in establishing such requirements, and decrease the risk of structure fires spreading to adjacent vegetation and the risk of vegetation fires and wildfires spreading to structures, thereby slowing or stopping fires. The Board bases these standards upon its finding that the following climatic, vegetative, geological, and topographical conditions within the Fire District create a grave risk of wildfire and resulting loss of life and property and environmental damage. These local hazardous fire conditions warrant extensive fuel-clearing requirements throughout the Fire District up to within 100 feet of any structures.

(1) Weather/Climatic Conditions

The climatic weather patterns within the Woodside Fire Protection District are moderate. The district, on average, experiences an annual rainfall of 26 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any, measurable precipitation. During this dry period, the temperatures are generally between 70 and 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation, which is dominant throughout the area, create a hazardous fuel condition that sets conditions for fire spread into the dense, heavily wooded and brush covered hillsides and canyons as well as grass covered areas where wind-driven fires can have severe consequences.

This climate supports the growth of native grasslands, chaparral, oaks, and other indigenous fire-adapted plant species in the area. Significant development has occurred within the Fire District, with the addition of primarily residential areas surrounded by large numbers of non-indigenous plant species. Due to the systematic exclusion of naturally occurring fire for over one hundred (100) years, and a reduction in historical grazing activity as pasture has been developed, these indigenous and non-indigenous plant species have created significant fuel loads far exceeding historical levels throughout the Fire District.

Due to the location of the Fire District in proximity to the Santa Cruz Coastal Range, in the fall the more moderate summer weather gives way to Diablo Wind events characterized by high winds and very low relative humidity. These conditions have contributed to major fire loss in the region and throughout the state, with 17 of the 20 most destructive fires in California history occurring in the fall. The Fire District is exposed to an increasing number of these wind events as climate change has delayed the onset of the rainy season, thus increasing the risk of major fires. This has been demonstrated in several similar climatic areas within the State of California and the western United States.

Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption. Water shortages often lead to restrictions on the irrigation of landscaping around structures, increasing the potential of vegetation to ignite and spread fire to nearby structures and wildlands.

The district is bounded by San Francisco Bay on the east and the foothills of the Santa Cruz Coastal Range on the west. This setting allows for strong gusty winds to blow through the Fire District. These winds are a common occurrence each afternoon during summer months. Wind increases a fire's ability to spread and has been attributed to the rapid spread of both vegetation and structure fires. This is especially true during Diablo wind events when strong northerly winds are aligned with the upslope direction of the canyons and watersheds of the coastal mountains.

Throughout the Fire District, most homes are surrounded by heavy vegetation with interspersed open areas, creating a semi-rural character. The resulting exposure to wildfire risk is increased by the negative effects of high wind conditions during the fire season. From May to October, critical climatic fire conditions regularly occur when the temperature exceeds 80F; wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast, and the ignition component is 65 or greater. These conditions occur more frequently during the fire season, but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high-intensity fires. Fires starting in the wildland areas along the northern border are likely to move rapidly southward into the populated areas creating the potential for significant property loss and a very challenging evacuation problem.

(2) Vegetative Conditions

The Fire District includes a diverse mosaic of vegetation types, including oak woodland, mixed evergreen forest, grassland, and chaparral. Oak woodlands are the most widespread, with coast live oak dominating, but also including blue oak, canyon live oak, valley oak, black oak, and interior oak. In areas with interlocking evergreen canopy, especially on north and east-facing slopes, the understory is primarily tree duff and low growing woody and herbaceous vegetation. In more open oak savanna woodlands, annual grasses and forbs are the primary understory. Chaparral is characterized by woody, drought-tolerant shrubs, many with hard, small, evergreen leaves. Mature chaparrals are highly flammable. Common plants in the Fire District's chaparral include scrub oak, chamise, manzanita, buckeye, and ceanothus.

Much of the oak woodland, chaparral, and grassland vegetation is recognized internationally as belonging to the "The California Interior Chaparral and Woodlands" Eco-Region, considered to be of outstanding global importance for the

diversity of plant and animal species they support - many of those species only found in California. This Eco-Region covers 24,900 square miles in an elliptical ring around California's Central Valley and occurs on hills and mountains ranging from 300 to 3,000 feet in elevation. It is estimated that 70% of this Eco-Region has been lost, and what remains is considered vulnerable to additional loss and fragmentation from development, fire suppression, overgrazing, conversion to annual grasses, and introduction of invasive species.

In their natural state, these vegetation types are characterized by periodic fires, occurring at intervals of as few as 10 years to over a hundred years. Many of the plants are pyrophytes, or "fire-loving," adapted to (or even dependent on) fire for reproduction, recycling of nutrients, and the removal of dead or senescent vegetation. Plants known as "fire followers" will germinate after the first seasonal rains following a low intensity natural fire. Many fire followers are soft-leaved, non-woody annual plants that die back with the summer dry period. With the introduction of many non-native species, these communities are vulnerable to colonization by invasive species following fires and other types of disturbance. Many invasive plants rapidly form dense stands that increase the fire hazard relative to healthy, naturally occurring vegetation types.

All vegetation in the Fire District reaches some degree of combustibility during the dry summer months and, under certain conditions, during the winter months. With longer intervals between fires, the dead material that accumulates and dense vegetation that develops can become highly flammable. In severe drought years, additional plant material may die, increasing the fuel load relative to a stand's age. A stand of 10 to 20-year-old brush typically contains enough dead material to produce rates of spread equivalent to fully cured grass. Because brush has a higher fuel load, fires in brush also yield much higher fire line intensity. The dead fuel load that has accumulated in a 20 to 30-year-old stand of brush may spread at twice the rate of a grass fire. Fire spread in very old brush (40 years or older) has been measured at eight times faster than grass (4 feet per second). Under extreme weather conditions, these rates can be much higher, with the fastest fire spread rate in grass at up to 12 feet per second or about eight miles per hour, with the fastest fire spread rate in old brush at up to 96 feet per second or about 65 miles per hour. Residential structures near mature brush fields are thus at greater threat from wildfire.

(3) Geological Conditions

Local geological conditions include a high potential for seismic activity. The Fire District is comprised of built-up suburban areas having buildings and structures constructed near three major fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit life safety hazards and property damage in the aftermath of seismic activity.

The Fire District is in a region of high seismic activity with the Hayward fault running east of its border. The San Andreas Fault runs right through the district and

the Calaveras Fault is to the east of the district. All three faults are known to be active, as evidenced by the damaging earthquakes they have produced in the last 100 years, and can, therefore, be expected to do the same in the future. Of primary concern to the Fire District is the San Andreas Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. Many underground utilities cross the fault, including major water supply lines.

Additional potential events following an earthquake include broken natural gas mains and ensuing fires in the streets; building fires, as the result of broken service connection, trapped occupants in collapsed structures; and requirements to render first aid and other medical attention to many residents.

(4) Topographical Conditions

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage and limited firefighting water supply. These conditions create the potential for delays in responding when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire district emergency vehicular traffic, overtaxed fire district personnel, and a lack of resources for the suppression of fire in both structures and vegetated areas in the Fire District.

The Fire District has many homes that are reached only by narrow and winding paved streets, which hamper access for fire apparatus and provide limited evacuation routes for residents. In addition, many of the hillside homes are in outlying areas that require longer response times for the total required firefighting force. Kings Mountain, Bear Gulch East, Skywood Estates, Old La Honda, Woodside Highlands, Los Trancos Woods and Vista Verde, and other areas with limited access via narrow and winding streets may face the problem of isolation from the rest of the Fire District and will suffer from the need for two-way traffic as evacuation and suppression response travel in opposite directions over limited roadways.

Effective road widths are further reduced by encroaching vegetation and mid-slope roads built without shoulders. This is particularly pronounced in older neighborhoods of Woodside and Portola Valley, some of which were laid out in the 1920s when vehicles were smaller, codes less stringent, and population density much lower.

Due to the steep slopes that characterize many areas of the Fire District, the establishment of infrastructure to support adequate fire protection needs is not feasible. It is difficult to widen existing streets to meet present standards for emergency operations and fire hydrants, especially in the hillside areas, where we often have less than optimum water pressure levels.

In summary, portions of the Fire District have limited water supplies or roadways that delay the response of emergency equipment to carry out the extinguishment of

a fire allowing the fire to increase in area.

(h) Environmental Damage

(1) Uncontrolled wildfire causes significant environmental impacts in the Fire District. These impacts include loss of vegetation and biodiversity; the potential for post-fire erosion, landslides, and debris flows; adverse air quality, increased greenhouse gases (GHGs), climate change, and water quality impacts; and contaminated and hazardous material disposal challenges. These impacts in turn can damage and sometimes destroy local natural resources.

(2) The Ordinance is intended to minimize the loss of structures and environmental and natural resources impacts of uncontrolled wildfire, including loss of vegetation and biodiversity; potential for post-fire erosion, landslides, and debris flows; adverse air quality, increased greenhouse gases (GHG), climate change, and water quality impacts; and contaminated and hazardous material disposal challenges. These environmental and natural resources effects can also lead to public health impacts.

(3) Furthermore, fires that occur in the built environment contribute to air contamination from the fire plume, whose deposition is likely to subsequently include land and water contamination, contamination from water runoff containing toxic products, and other environmental discharges or releases from burned materials.

(4) Studies have shown that low-intensity, controlled fire enhances biodiversity by controlling invasive and noxious weed species, thereby allowing native plants to compete more effectively, as well as by opening overgrown understory to allow for wildlife to move more freely across the landscape. Additionally, several of the endemic species of the region require fire to germinate. With low-intensity fire, the chaparral habitat would become more stratified in life stages, thereby increasing its fire resiliency and habitat value.

(5) Reducing the potential for and the severity of high-intensity uncontrolled wildfire through this Ordinance would reduce the significant environmental impacts caused by uncontrolled wildfire and assure the maintenance, restoration, enhancement, and protection of the Fire District's natural resources and environment.

(6) Wildfires are inevitable in a fire-dependent ecosystem such as California. Wildfires often occur and are usually uncontrolled and fast-moving with high intensity. They put lives and property in clear and imminent danger every year and cause immense damage to structures and the environment. In the absence of measures to manage outcomes, wildfire is likely to lead to structure loss and damage to the environment as a result of uncontrolled fast-moving and high-intensity fires. As stated under Sections 2(a), 2(b), and 2(c) of this Ordinance, the California Legislature has found that "Catastrophic wildfires pose an urgent threat

to lives, properties, and resources in California." Since October 30, 2015, the State has been under a Governor's State of Emergency Proclamation due to the increased risk of wildfires related to vast tree mortality. In addition, according to the California Office of Emergency's website, the State is currently under numerous separate State of Emergency Proclamations issued by the Governor related to wildfires.https://www.caloes.ca.gov/office-of-the-director/policy-administration/legal-affairs/emergency-proclamations/

(7) The need for immediate action to prevent uncontrolled wildfire and its associated damage to life, health, property, and essential public services is also well-documented. In recent years, the Governor has repeatedly issued emergency proclamations related to fire – five in 2022, seven in 2021, and six in 2020. These both evidence and acknowledge the need for immediate action to address wildfire hazards, particularly in fire-prone areas within the state.

(8) Some of California's largest, deadliest, and most destructive wildfires have occurred within the last five years. This is due, in part, to climate change and global warming which causes both land and air to become drier than normal, thus making the perfect conditions for wildfires to ignite.

Experts predict that, as climate change continues, and global temperatures continue to rise, wildfire season in California will continue to extend with more months featuring conditions conducive to uncontrolled wildfire.

Several major wildfires raged in California in 2020, many of which are now among the largest wildfires in California history. The 2020 California lightning complex fires were particularly destructive, resulting in the loss of countless structures, several lives, and hundreds of thousands of acres of land.

The CZU Lightning Complex, LNU Lightning Complex, and SCU Lightning Complex fires impacted residents across the Bay Area as the result of dry lightning and major thunderstorms. The CZU Lightning Complex fires consisted of multiple fires throughout the San Mateo and Santa Cruz counties. The fires started in mid-August due to a severe thunderstorm that initially started several separate fires, including the Warnella and Waddell fires. Due to a change in wind conditions, these separate fires merged and rapidly spread through nearby communities, including Swanton, Boulder Creek, and Bonny Doon.

The CZU Lightning Complex fire incident was finally contained on September 22, 2020, after burning 86,509 acres, destroying 1,490 structures, and causing one death.

As California's climate conditions continue to worsen, fires like these are becoming more common than ever, making it all the more important for California residents to protect themselves against these emergencies.

(9) Uncontrolled wildfires are emergencies, involving clear and imminent dangers, demanding immediate action to prevent or mitigate loss of, or damage, to

life, health, property, or essential public services. This ordinance establishes actions necessary to prevent or mitigate such emergencies.

SECTION 3. APPLICABILITY

(a) This Ordinance establishes fuel mitigation and exterior hazard abatement standards in all state and local responsibility areas within the Fire District.

(b) The amount of fuel modification necessary shall consider 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.

(c) The intensity of fuels management will vary within the one hundred (100′) foot perimeter of a Structure, the most intense being used between five (5’) feet and thirty (30′) feet around the Structure, and an ember-resistant zone being required within five (5’) feet of the structure, including attached decks, but not beyond the property line.

(d) This Ordinance shall apply to the following Parcels (the “Affected Parcels”):

(1) All Improved Parcels within the jurisdiction of the Woodside Fire Protection District, at all times of the year.

(2) All Parcels adjacent to a Fire Apparatus Access Road or Driveway.

(e) If any part of this Ordinance is in conflict with any other Ordinance adopted by the Fire District, the more restrictive provision(s) shall control.

(f) The Fire District Board of Directors reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this Ordinance to enforce, interpret, and carry out the provisions of this Ordinance. Such rules, regulations, and resolutions may vary between different areas within the Fire District. Such rules, regulations, and resolutions shall not be construed to make new requirements not authorized by the Ordinance. In that regard, the Fire Code Official shall prepare Standards and Guidelines for Defensible Space and Home Hardening (the “Guidelines”), which shall serve as a supplemental instruction and interpretation resource. The Fire Marshal is responsible for proposing amendments to the Guidelines as necessary to maintain current instructions and interpretations. The Fire District Board of Directors shall approve by resolution the Guidelines and any amendments.

(g) It shall be the duty of every person who owns, leases, controls, operates, or maintains a dwelling or structure on an Affected Parcel to abate therefrom, and from Fire Apparatus Access Roads and driveways on or immediately adjacent thereto, all Combustible Material, and Hazardous Vegetation which constitutes a Fire Hazard.

SECTION 4. DEFINITIONS

ABATE or **ABATEMENT.** Shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.

ABATEMENT COSTS. Shall mean any and all reasonable and necessary costs incurred by the Woodside Fire Protection District to enforce this Ordinance and to abate the hazardous vegetation or combustible material on any property pursuant to this Ordinance, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.

APPROVED VEGETATION. Plants, shrubs, trees, groundcovers, and other vegetation approved by the Fire Code Official as Fire Resistive Vegetation or that otherwise exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite, contribute heat or spread flame in a fire. Typically, vegetation must be irrigated to be Approved Vegetation.

AGENCY HAVING JURISDICTION. The agency that has legal authority to enforce, adopt, or amend a code or ordinance.

BIOMASS. Shall mean all green waste material generated during the fuel treatment project. Biomass includes, without limitation, all grass, weeds, vegetation, and tree trimmings.

BRUSH. Vegetation (typically un-irrigated) with a woody component and multiple stems less than four (4) inches in diameter at breast height including Broom, Coyote Brush, Cypress, Juniper, and Poison Oak.

COMBUSTIBLE MATERIAL. Rubbish, litter, or material of any kind other than Hazardous Vegetation, that is combustible, creates a fire hazard and/or endangers public safety.

DAYS. Shall mean calendar days.

DEFENSIBLE SPACE. Means that area described in 14 California Code of Regulations section 1299, Government Code section 51182, Public Resources Code Section 4291, and as otherwise described in this Ordinance, which is adjacent to each exterior side of a building or Structure and must be cleared of brush, Hazardous Vegetation, Combustible Material, and other items, as set forth in this Ordinance. The area includes Zone 0, Zone 1, and Zone 2, extending 100 feet from any Structure, but not beyond the property line.

DRIVEWAY. An access road from the public way to a Structure that is used for public or private vehicular access, including fire and emergency apparatus or vehicles.

FIRE APPARATUS ACCESS ROAD. A public or private road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term that includes, but is not limited to, a fire lane, public street, public right of way, private street, parking lot lane, and access road.

FIRE CODE OFFICIAL. The Fire Chief or their duly authorized representatives.

FIRE HAZARD. Any condition, arrangement, act, or omission that:

1. Will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire, or

2. May obstruct, delay, hinder, or interfere with the operations of a fire department or the egress of occupants in the event of a fire.

FIRE-RESISTIVE VEGETATION. Plants that do not easily ignite, and their foliage and stems do not contribute to fire intensity. Supple leaves that are moist or have high water-content. Characteristics include:

- Watery sap with little odor
- Plants with an open-growth structure (space between branches)
- No dead wood
- Thick bark that does not peel away from the trunk

Plants will be more resistant to wildfire by regular watering, fertilizing them with compost, and clearing away dry debris. Using drip irrigation can help both conserve water and deliver enough water to plants.

FUELS. Any combustible material, including petroleum-based products, cultivated landscape plants, grasses, weeds, wildland vegetation, and fences.

FUELS, AERIAL. Standing and supported live and dead combustibles not in direct contact with the ground and consisting mainly of foliage, twigs, branches, stems, cones, bark, and vines.

FUELS, LADDER. Any fuels that could carry fire vertically between or within Combustible Material or Hazardous Vegetation, including but not limited to wood fences located within five (5) feet of any other Structure.

FUELS, SURFACE. Fuels found on the surface of the ground. They include grasses, forbs, brush, logs, and stumps.

GROUNDCOVER. A plant with little to no aboveground woody material and a horizontally spreading growth pattern. (see guideline for examples)

HAZARDOUS VEGETATION. Shall mean any vegetation that is combustible and endangers public safety by creating a Fire Hazard. Hazardous vegetation is those vegetative materials that will readily ignite, burn, and transmit fire to any Structure or other surrounding and/or adjacent vegetation. Hazardous vegetation includes, but is not limited to, dry grass greater than four inches (4 in.) in height, accumulations of leaves, brush, weeds, green waste, dead or dying shrubs or trees, low-hanging branches, litter, or other flammable vegetation. Hazardous vegetation shall not include commercial agricultural crop that is being actively grown and managed by the property owner or his or her legal tenant. Hazardous Vegetation shall not include healthy, mature, trees.

IMPROVED PARCEL Shall mean a portion of real property on which a Structure is located, the area of which is determined by the Assessor's maps and records, and which may be identified by an Assessor's Parcel Number.

LOCAL RESPONSIBILITY AREA (LRA). An area of the state that is not a State Responsibility Area or federal property, and where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the city, town, county, city and county, district, or another local public agency.

MODIFICATION. An alternative to the specified standard requested by a person that owns, leases, or controls one or more of the Affected Parcels that may be necessary due to health, safety, environmental conditions, physical site limitations, or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem**.**

MULCH. Leaves, needles, duff, bark, twigs, small branches, wood chips, and other loose surface litter or organic materials that help retain soil moisture and reduce invasion by flammable weeds.

OUTBUILDING. Buildings or Structures that are less than one hundred-twenty square feet in size and are not used for human habitation, and buildings or Structures with a roof but no walls.

PARCEL. A portion of real property of any size, the area of which is determined by the Assessor's maps and records, and which may be identified by an Assessor's Parcel Number.

PERSON. Includes any agency of the state, any county, city, special district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, nonprofit corporation, limited liability company, or company.

REAL ESTATE TRANSACTION. Shall mean the transfer of real property between individuals or entities.

RESPONSIBLE PARTY. Shall mean an individual, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, firm, organization, partnership, joint venture, or any other person or entity whatsoever whose act or omission caused or contributed to a violation of this Ordinance.

ROOF. Shall mean the top covering of a building, including all materials and constructions necessary to support it on the walls of the building or on uprights, providing protection against rain, snow, sunlight, extremes of temperature, and wind. A roof is part of the building envelope.

SAME PRACTICAL EFFECT. This term shall have the same definition as "Same Practical Effect" in the Fire Safe Regulations, California Code of Regulations, title 14, section 1270.01(a)(a).

STATE RESPONSIBLITY AREA (SRA). An area of the state identified by the Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4125 where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the state.

STRUCTURE. Shall mean any dwelling, house, building, or other types of construction with an area of 120 square feet or greater, whether or not occupied which have a permanent roof structure and are supported by walls or posts that are secured to the ground.

UNIMPROVED PARCEL Shall mean a portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number (APN) upon which no Structure is located.

WEEDS. Plants, typically nonnative, that to varying degrees spread invasively, grow rapidly, and are difficult to control.

WILDFIRE SAFETY PLAN. A plan approved by the Fire Code Official in accordance with Section 6 or 7 of this Ordinance.

ZONE 0. Referred to as the Ember-resistant Zone or Home Ignition Zone, it extends from 0 to 5 feet from any Structure and attached deck on the Parcel, but not beyond the property line. Zone 0 requires the most stringent wildfire fuel reduction. This Ember-resistant Zone is designed to ensure that fire or embers from igniting materials cannot spread to the Structure. In measuring distance from a Structure in Zone 0, distance is measured from the ground-level foundation of the Structure. In measuring from an attached deck, the distance is measured from the outer edge of the attached deck.

ZONE 1. Referred to as the Lean, Clean, and Green Zone, it extends from 5 feet to 30 feet from any Structure or attached deck, but not beyond the property line.

ZONE 2. Referred to as the Reduced Fuel Zone, it extends from 30 feet to 100 feet from any Structure or attached deck, but not beyond the property line.

SECTION 5. FUEL MITIGATION REQUIREMENTS

(a) Defensible Space for Structures and Attached Decks. All Persons who have any ownership or possessory interest or easement obligation interest in or control of any Improved Parcel within the Fire District shall maintain Defensible Space adjacent to all Structures and attached decks on the Improved Parcel as follows.

(1) Zone 0

(A) Requirements

(i) Remove Hazardous Vegetation and Combustible Materials that are within the first five feet (5 ft.) of or above a Structure and any attached deck.

(ii) Remove Hazardous Vegetation and Combustible Materials that are under combustible decks, porches, balconies, stairs, or similar attached accessories.

(iii) No combustible bark or mulch is allowed in this zone. Consider using hardscape like gravel, flagstone, permeable pavers, or blocks, pervious or porous concrete, bare ground, or other noncombustible materials.

Exception: Groundcovers consisting of irrigated, approved vegetation if they do not form a means of readily transmitting fire as determined by the fire code official.

(iv) Ensure all live tree branches are kept a minimum of 10 feet above the roof and decking.

(v) Ensure all live branches are kept a minimum of 5 feet away from the sides of the structure.

(vi) Ensure all branches are a minimum of ten feet (10 ft.) away from chimney and stovepipe outlets for appliances/fireplaces that burn solid fuels.

(vii) All plants, shrubs, branches, leaves, weeds, and pine needles have been removed from around the “Structure” including on the roof or rain gutters of the "Building or Structure" or any other location within the Zone.

Exception: Groundcovers consisting of irrigated, approved vegetation if they do not form a means of readily transmitting fire as determined by the fire code official.

(viii) Relocate firewood piles out of Zone 0.

(ix) Maintain the roof of a Structure free of leaves, needles, or any combustible debris.

(x) Grasses and forbs must be (1) removed or (2) irrigated and cut to less than 4 inches.

(B) Suggestions and Education for Zone 0 (Not Requirements)

(i) Use hardscape like gravel, flagstone, permeable pavers or blocks, pervious or porous concrete, bare ground, or other noncombustible materials.

(ii) Limit combustible items such as outdoor furniture, planters, and other combustible items on top of decks.

(iii) Replace combustible fencing, gates, trellis, and arbors attached to the Structure(s) with noncombustible features. For existing fences, consider providing a separation distance of at least 6 feet from any structure unless the last 6 feet of fence connecting to the structure is constructed of non-combustible material.

(iv) Relocate garbage and recycling containers outside of this zone unless in a secured, fire-resistant enclosure or covered with a secured, fire-resistant material.

(v) Relocate boats, RVs, vehicles, and other combustible items outside of this zone unless in a secured, fire-resistant enclosure or covered with a secured, fire-resistant material.

(vi) Removal of Acacia (Genus Acacia), Bamboo (Genus Bambusa), Cypress (Genus Cupressus), Eucalyptus (Genus Eucalyptus), Junipers (Genus Juniperus) and Monterey Pines (Pinus Radiata), which are highly flammable plants.

(2) Zone 1

(A) Requirements

(i) All hazardous vegetation and combustible material shall be removed by the owner or occupant of the parcel. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, small branches, and mulch shall be permitted to a maximum depth of four inches (4 in.)

(ii) Relocate exposed firewood piles to Zone 2 unless they are completely covered with a fire-resistant material that will not allow embers to penetrate. Maintain a clearance of 10 feet around the wood pile.

(iii) Horizontal and vertical spacing among shrubs and trees shall be maintained using the "Fuel Separation" method, the "Continuous Tree Canopy" method, or a combination of both to achieve defensible space clearance requirements. The “Fuel Separation” method is attached as Appendix A to this Ordinance. The “Continuous Tree Canopy” method is attached as Appendix B to this Ordinance. (iv) In both the Fuel Separation and Continuous Tree Canopy methods in Zone 1, the following standards shall apply:

a. All dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of four inches (4 in.).

b. Annual grasses and forbs shall be cut/trimmed down to a maximum height of four inches (4 in.).

(3) Zone 2

(A) Requirements

(i) Horizontal and vertical spacing among shrubs and trees shall be maintained using the "Fuel Separation" method, the "Continuous Tree Canopy" method, or a combination of both to achieve defensible space clearance requirements. The “Fuel Separation” method is attached as Appendix A to this Ordinance. The “Continuous Tree Canopy” method is attached as Appendix B to this Ordinance.

(ii) In both the Fuel Separation and Continuous Tree Canopy methods in Zone 2, the following standards shall apply:

a. All dead and dying woody surface fuels and aerial fuels shall be removed. Examples shall be provided in the Guidelines.

b. Annual grasses and forbs (wildflowers) shall be cut/trimmed down to a maximum height of four inches (4 in.). Wildflowers shall be cut after they have finished blooming; usually after June 15th.

c. All exposed wood piles shall have a minimum of ten feet (10 ft.) of clearance, down to bare mineral soil, in all directions, or shall use hardscape like gravel, flagstone, permeable pavers or blocks, pervious or porous concrete, or other noncombustible materials.

(4) All Zones

(A) Requirements

(i) All Outbuildings and non-portable/permanently installed Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance:

a. Ten feet (10 ft.) of clearance to bare mineral soil or use other noncombustible items such as gravel, permeable pavers or blocks, pervious or porous concrete.

b. No dead or dying vegetation for an additional ten feet (10 ft.) around their exterior.

(ii) Climbing vines must be removed from Structures within the one hundred (100’) foot defensible space zone around Structure(s)

Exception: Climbing vines greater than ½ inch in diameter that are Approved Vegetation, that are irrigated, cleared of dead material, located, and maintained so that they do not cause damage to any part of the structure, as determined by the fire code official. The exception shall not apply to new construction of Structures arising after adoption of this ordinance, nor to the planting of new climbing vines on existing Structures after adoption of this Ordinance.

(iii) Maintain the Parcel free of ladder fuels within the 100-foot Defensible Space area around Structure(s).

(iv) For new construction of Structures arising after adoption of this Ordinance, Acacia (Genus Acacia), Bamboo (Genus Bambusa), Cypress (Genus Cupressus), Eucalyptus (Genus Eucalyptus), Junipers (Genus Juniperus) and Monterey Pines (Pinus Radiata), are not permitted. For existing structures, the planting of any of these plants after adoption of this Ordinance is not permitted.

(b) Photovoltaic Systems and Equipment. Clearance requirements around free-standing (ground-mounted) photovoltaic systems, equipment, and energy storage systems shall comply with the following:

(1) A minimum 10-foot clearance for clusters of panels not exceeding 1,500 square feet of the combined panel area. The initial five feet of clearance shall meet the Zone 0 standards. The subsequent five feet of clearance shall meet the Zone 1 standards.

(2) A minimum 30-foot clearance for clusters of panels greater than 1,500 square feet of the combined panel area. The initial five feet of clearance shall meet the Zone 0 standards. The subsequent clearance shall meet the Zone 1 standards.

(3) Clusters shall be separated a minimum of 20 feet, edge to edge.

(c) Roadside Vegetation.

(1) All Persons who have any ownership or possessory interest or easement obligation interest in or control of any Parcel within the Fire District that abuts a Fire Apparatus Access Road or driveway shall:

(A) Remove all Hazardous Vegetation that is within ten (10) feet, measured horizontally, from the edge of the Fire Apparatus Access Road or five (5) feet measured horizontally, from the edge of any driveway.

Exception: Groundcovers consisting of irrigated, approved vegetation. if they do not form a means of readily transmitting fire as determined by the fire code official.

(B) Ensure that all portions of any tree, located on a Parcel of which the Person has an ownership or possessory interest or easement obligation in or control, overhanging a Fire Apparatus Access Road or driveway has at least 13.5 feet, measured vertically, of clearance from the roadway surface.

(C) Maintain free of Ladder Fuels a minimum of a ten-foot-wide strip of land beyond the shoulder of a Fire Apparatus Access Road and of a driveway to a minimum height of six (6) feet along the boundary of a Parcel.

(2) No Parcel owner may allow any portion of vegetation on his or her property to interfere with street and emergency vehicle access, regardless of whether the access is along a public street or along a private residential access road. The Fire Code Official may provide written notice to the property owner requiring vegetation to be trimmed to at least 13.5 feet of vertical clearance and at least 10 feet of horizontal vegetation management from the edge of the roadway when the Fire Code Official determines the vegetation would otherwise interfere with street or emergency vehicle access.

(d) Fences. Any new combustible fence shall have a separation distance of at least 6 feet from any structure unless the last 6 feet of fence connecting to the structure is constructed of non-combustible materials.

No Person who has any ownership or possessory interest or easement obligation interest in or control of any Parcel within the Fire District shall construct or allow to be constructed or placed on the Parcel any screen, barrier, fence, or other Structure made in whole or in part, of bark, mulch, or wood chips within 100 feet of a Structure or within 10 feet of the edge of a Fire Apparatus Access Road or driveway.

(e) Additional or Alternative Fuels Management. The Fire Code Official may mandate additional or alternative fuels management of an area more or less than the above-referenced widths or height on a Parcel and all sidewalks and roadways on or immediately adjacent thereto, for the protection of public health, safety or welfare or the environment if the Fire Code Official finds that the additional or alternative fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure. The Fire Code Official shall determine appropriate defensible space distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the Parcel at risk from an approaching fire. These factors shall include but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the Parcel or the Structure(s) is located. Any such inspection remains subject to all requirements established by the United States Constitution, the California Constitution, and any other applicable state and federal law.

(f) Environmental Concerns.

(1) The fuel mitigation requirements of this Ordinance shall not impact any environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local

agencies. Such areas include, but are not limited to, sites included on any list compiled pursuant to Government Code section 65962.5, designated historical resources, and designated scenic highways.

(2) The fuel mitigation requirements of this Ordinance shall be interpreted and applied to avoid the taking of endangered, rare, or threatened plant or animal species, significant erosion and sedimentation of surface waters, and the removal of healthy, mature, scenic trees. Exceptions to the fuel mitigation requirements will be made for very specific sensitive habitat locations, marsh lands, creek banks, and a minimum of 50 feet from any riparian corridor. The Fire Code Official shall advise persons who own, lease or control Affected Parcels (a) to avoid the use of heavy equipment in and around streams and seasonal drainages, as this is important for protecting water quality, (b) that vegetation removal can cause soil erosion, especially on steep slopes and to keep soil disturbance to a minimum on steep slopes.

(3) The fuel mitigation requirements of this Ordinance do not apply to single specimens of trees or other vegetation that are well-pruned and maintained 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 or to interrupt the advance of embers toward a structure.

(4) Compliance with the fuel mitigation requirements of this Ordinance shall be done using the most ecologically and site-appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides.

(5) When the conditions stated in this Section 5(f) exist, persons who own, lease, or control the Affected Parcel or Parcels at issue shall request a Modification of the fuel mitigation requirements and the Fire Code Official shall issue Modifications consistent with the requirements of this subsection.

SECTION 6. ENFORCEMENT

(a) The Fire Code Official shall be the primary authority for enforcement of this Ordinance and shall administer and enforce the requirements as provided in this Ordinance.

(b) The Fire Code Official shall have the following responsibilities and authorities in the enforcement and administration of the provisions of this Ordinance:

(1) Receive and respond to complaints through planning and conducting inspections within the limits of available resources.

(2) Review the requirements of this Ordinance with property owners and/or occupants found to be out of compliance, to support voluntary compliance with the provisions of this Ordinance.

(3) Make determinations for appropriate clearance distances based upon a visual inspection of the Parcel and shall consider all factors that place the Parcel or adjoining Structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the Parcel or adjoining Structure(s) is located. Any such inspection remains subject to all requirements established by the United States Constitution, the California Constitution, and any other applicable state and federal law.

(4) Prepare and issue Notices to Abate in accordance with Fire District Ordinances, and such other notices as may be necessary to encourage voluntary compliance with the provisions of this Ordinance.

(5) Carry out all enforcement and abatement proceedings as provided by Fire District Ordinances or as otherwise authorized by law.

(6) Conduct post-notice/pre-abatement inspections and documentation and conduct post-abatement inspections and documentation as provided by Fire District Ordinances.

(7) The Fire Code Official may, at his or her discretion, issue an administrative citation for violations of this Ordinance, in lieu of abating a parcel.

(8) Within Fire District boundaries, inspections established by this Ordinance may be performed by designated fire district personnel.

(9) Conduct abatements and handle accounting, assessment, and collection of abatement costs, including recordation of liens as may be established by Fire District Ordinances.

(10) Re-inspections of the same violation shall incur an hourly re-inspection fee reflected in the Fire District's fee schedule at the time of re-inspection for every hour of re-inspection after the third inspection of the same violation, at the same location, within a one-year period.

(c) Nothing herein shall limit the ability of a Fire Code Official to enforce the provisions of this Ordinance, from making initial inspections or independent compliance checks without first receiving a complaint.

(d) Nothing in this Ordinance shall be construed as imposing on a Fire Code Official or the Fire District any duty to abate any Hazardous Vegetation or Combustible Material within a Parcel's Defensible Space, nor to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material or violation of this Ordinance, and neither the Fire Code Official nor the Fire District shall be held liable for failure to abate any unlawful Hazardous Vegetation or Combustible Material, nor for failure to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material or violation of this Ordinance.

(e) The Fire District understands that this Ordinance will require much time, energy, and resources, especially on large properties, and that owners will not be cited for non-compliance with the ordinance if they can show evidence of substantial progress toward compliance within the past year as determined by the Fire Code Official and recorded in an approved Wildfire Safety Plan

SECTION 7. PHASED COMPLIANCE DUE TO QUALIFIED CIRCUMSTANCES

(a) A person who is financially unable to comply with this Ordinance or make substantial progress toward compliance within one year may file a Modification request for Phased Compliance.

(b) A Person who has any ownership or possessory interest or easement obligation interest in or control of any Parcel subject to this Ordinance may also file a Modification request for Phased Compliance if there are practical difficulties in complying with the Ordinance or making substantial progress to compliance within one year. This can include, for example, the need to establish new Fire Resistive Vegetation to prevent erosion prior to removing existing Hazardous Vegetation. The term "practical difficulties" shall refer to any of the findings made by the Fire Code Official under Section 9(a) of the Ordinance.

(c) "Phased Compliance," for purposes of this Ordinance, refers to a written Wildfire Safety Plan approved by the Fire Code Official by which the Person takes actions to comply with this Ordinance over a period of time in excess of one year, but which shall not exceed a period of three years.

(d) A Modification request for Phased Compliance shall include an affidavit, together with any supporting documents or materials, demonstrating the person's actual financial inability or other practical difficulties as stated in Section 7(b) to comply with this Ordinance or make substantial progress to compliance within one year.

(e) The Fire Code Official may approve a Modification Request for Phased Compliance only if the evidence submitted demonstrates to the satisfaction of the Fire Code Official the person's actual financial inability or other practical difficulties as stated in Section 7(b) to comply with this Ordinance or make substantial progress to compliance within one year.

(f) The Fire Code Official shall issue a written determination listing the reasons for his or her determination to issue or not issue the Modification request for Phased Compliance.

SECTION 8. SALE OR TRANSFER OF PROPERTY.

(a) Prior to the close of any Real Estate Transaction within the Fire District, the seller of any Improved Parcel must obtain documentation from the Fire Code Official that the property is in compliance with the fuel mitigation requirements of this Ordinance and provide that documentation to the buyer at or before the close of escrow.

(b) Documentation of compliance obtained in the six-month period preceding the date of the close of escrow is sufficient to satisfy this section.

(c) If documentation of compliance is not available at or before the close of escrow, the seller and buyer shall enter into a written agreement to which the buyer agrees to obtain documentation from the Fire Code Official stating the property is in compliance with the fuel mitigation requirements of this Ordinance within one year of the close of escrow, or within the time period of an approved Phased Compliance Modification, unless additional time is otherwise approved by the Fire Code Official.

(d) Except as otherwise provided by this Ordinance, the Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the property

SECTION 9. MODIFICATIONS

(a) Where there are practical difficulties involved in carrying out the provisions of this Ordinance, the Fire Code Official shall have the authority to grant Modifications for individual cases, provided that the Fire Code Official shall first find that:

(1) A modification is necessary to address an environmental, significant erosion, or sedimentation of surface waters concern as required by the provisions of this Ordinance; or

(2) Special individual reasons make the strict letter of this Ordinance impractical, and the Modification is in compliance with the intent and purpose of this Ordinance; or

(3) The true intent of this Ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Ordinance do not fully apply or an equivalent or better form of fire protection is proposed; or

(4) Phased compliance is necessary due to financial inability or practical difficulties as outlined in subsections (1), (2), or (3) of Section 9(a) above.

(b) Any such Modification shall be consistent with the following standards:

(1) The modification will not lessen health, life, and fire safety requirements.

(2) The modification will provide for the Same Practical Effect in addressing fire hazards as stated in this Ordinance.

(3) The modification will comply with Section 5(f) (Environmental Concerns) of this Ordinance.

(c) A person requesting a Modification may also submit an individualized fire protection plan designed to address concerns due to health, safety, environmental conditions, physical site limitations, or other limiting conditions, such as recorded historical sites, that provide mitigation of the problem. Submitted fire protection plans shall be consistent with the standards for fire protection plans provided in Section 4903 of Chapter 49 of the State Fire Code.

(d) The details of actions granting a Modification shall be recorded and entered in the files of the Fire District.

(e) Where a Modification is not granted, the person requesting the Modification may appeal such denial to the Board of Directors.

(1) Within ten calendar days from service of the Fire Code Official's decision denying the requested Modification, the person seeking the Modification may appeal the decision to the Board of Directors. Such appeal must be in writing and filed with the Fire Code Official.

(2) At a regular or special meeting of the Board of Directors not less than five days or more than thirty days after receipt of an appeal, the Board of Directors shall hear the appeal.

(3) The Board of Directors may continue the hearing.

(4) Upon conclusion of the hearing, the Board shall issue a decision granting, modifying, or denying the requested Modification.

(5) The decision of the Board of Directors is final.

(f) Additional procedures for the conduct of appeals may be established by resolution of the Board of Directors

SECTION 10. PENALTIES.

Every violation of any regulatory or prohibitory provision of this Ordinance is expressly declared to be a public nuisance. Failure to comply with the fuel mitigation requirements of this Ordinance may result in the issuance of an Administrative Citation as authorized by ordinance adopted by the District, or otherwise ordered by the Fire Code Official to be abated in accordance with law, provided, however, that nothing in this Ordinance shall limit the Fire District from pursuing other available legal remedies for violations of this Ordinance, including but not limited to civil penalties. In addition, any Person who violates any provision of this Ordinance shall be guilty of an infraction or a misdemeanor in accordance with Health and Safety Code Section 13871.

SECTION 11. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

(a) The District finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following categorical exemptions: Sections 15304 (i) (fuel management activities) as there are extra hazardous fire conditions in the Fire District, 15307 (actions taken as authorized by law to assure protection of natural resources), and 15308 (actions taken as authorized by law to assure protection of the environment).

There are no significant or potentially significant negative environmental impacts from this Ordinance.

- The Ordinance is a regulatory change that would not directly cause any

reasonably foreseeable physical change, nor would it determine or cause any future development.

- Indirect physical changes would require removal of flammable materials in areas with heightened risk to cause and spread wildfires. This would reduce environmental threats caused by wildfires and their spread and would be beneficial to the environment. The benefits of making wildfires less likely to start and spread include but are not limited to, benefits in the areas of air quality, biological resources, cultural and historical resources, hazards, greenhouse gas emissions, recreation, and tribal cultural resources.

- The Ordinance does not impact environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Such areas include, but are not limited to, sites included on any list compiled pursuant to Government Code section 65962.5, designated historical resources, and designated scenic highways.

- The Ordinance also is required to be interpreted and applied to avoid the taking of any special status species, significant erosion and sedimentation of surface waters, and the removal of healthy, mature, scenic trees.

- If compliance with the Ordinance could cause adverse environmental consequences, property owners are directed to request a modification of the requirements from the District.

There are no unusual circumstances under CEQA Guideline section 15300.2(c). No exception identified in CEQA Guideline Section 15300.2 applies to this Ordinance.

(b) The District also finds that this Ordinance is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15269 and Public Resources Code section 21080(b)(4) as specific actions necessary to prevent or mitigate an emergency.

(c) The District further finds that it can be seen with certainty that there is no possibility that the Ordinance may have a significant impact on the environment pursuant to CEQA Guidelines section 15601(b)(3). The Ordinance is proposed for the protection of the environment, including human health and property. The regulatory enactment would require affected properties to remove combustible materials to provide defensible space.

These requirements will be beneficial to the environment by preventing the emergence and spread of wildfires, which can cause immense environmental harm. Further, the Ordinance contains provisions requiring it to be interpreted and implemented in a manner that avoids environmental impacts, and directs property owners to seek modification of the applicable requirements if compliance would cause any such impacts. Due to these requirements, there is no possibility that it will cause significant environmental effects.

(d) Each exemption stands as a separate and independent basis for determining that this Ordinance is not subject to CEQA.

SECTION 12. SEVERABILITY.

If any section, subsection, paragraph, sentence, or clause of this ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any remaining portions of the ordinance. The Board hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, or clause thereof, irrespective of the fact that any portion of the ordinance be declared invalid.

SECTION 13. DATE OF EFFECT.

This ordinance shall take effect and be in full force and effect 30 days after its passage. This ordinance shall be published as required by law.

PASSED, APPROVED, and ADOPTED this 30th day of April, 2024 at the regular meeting of the Board of Directors, with the following vote:

AYES: 3 Directors Matt Miller, Randy Holthaus and Pat Cain

NOES: Ø

ABSENT: N/A None

ABSTAIN: None

ORDINANCE 24-01

Matt Miller, President
Board of Directors

ATTEST:

Board Secretary

APPROVED AS TO FORM:

Jonathan V. Holtzman
District Counsel

APPENDIX A

Fuel Separation

The Fuel Separation method shall be implemented as follows:

(A) Minimum clearance between fuels surrounding each building or structure shall range from 4 feet to 40 feet in all directions, both horizontally and vertically.

(B) Clearance distances between vegetation shall depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content, etc.). Properties with greater fire hazards, including but not limited to steep slopes and large vegetation, will require greater separation between fuels.

For example, properties on steep slopes having large-sized vegetation will require greater spacing between individual trees and bushes (see Plant Spacing Guidelines and Case Examples below).

(C) Groups of vegetation (numerous plants growing together less than 10 feet in total foliage width) may be treated as a single plant. For example, three individual manzanita plants growing together with a total foliage width of eight feet can be "grouped" and considered as one plant and spaced according to the Plant Spacing Guidelines in this document.

(D) Annual and dormant grasses should not exceed 4 inches in height.

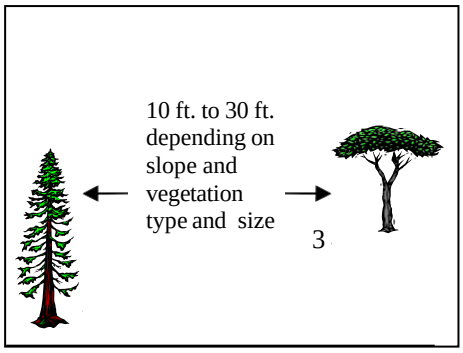
(E) The Fire Code Official may modify clearance distances on a Parcel for the protection of public health, safety or welfare or the environment if the Fire Code Official finds that the fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure.

(F) The Fire Code Official shall determine appropriate clearance distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the Parcel at risk from an approaching fire. These factors shall include but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the Structure(s) is located. Any such inspection remains subject to all requirements established by the United States Constitution, the California Constitution, and any other applicable state and federal law.

(G) Table 1. Plant Spacing Guidelines. The guidelines are for general reference.

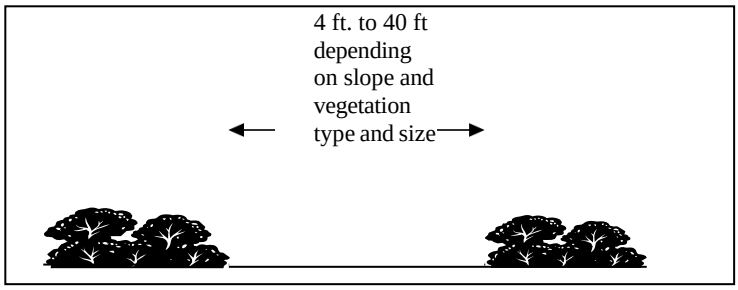
Plant Spacing Guidelines		
Trees	**Minimum horizontal space from edge of one tree canopy to the edge of the next**	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 40%	20 feet
	Greater than 40%	30 feet
Shrubs	**Minimum horizontal space between edges of shrub**	
	Slope	Spacing
	0% to 20 %	2 times the height of the shrub
	20% to 40%	4 times the height of the shrub
	Greater than 40%	6 times the height of the shrub
Vertical Space	**Minimum vertical space between top of shrub and bottom of lower tree branches:** 3 times the height of the shrub	

Figure 1



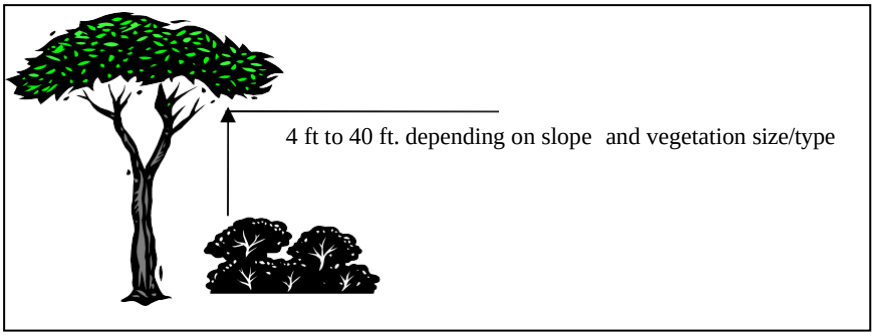
(H) Figure 1. Horizontal clearance between trees to reduce the spread of fire from one fuel to the next. Figure 1 is a visual representation of paragraphs (A) and (B).

Figure 2



(I) Figure 2. Horizontal clearance between shrubs to reduce the spread of fire from one fuel to the next. Figure 2 is a visual representation of paragraphs (A) and (B).

Figure 3



(J) Figure 3. Vertical clearance between aerial fuels and surface fuels to remove ladder fuels and reduce the spread of fire from shorter to taller fuels. Figure 3 is a visual representation of paragraphs (A) and (B).

APPENDIX B

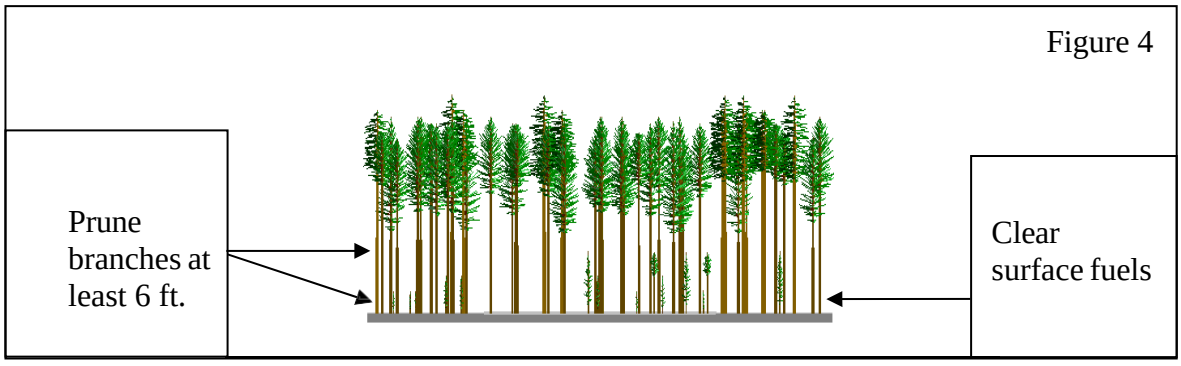
Continuous Tree Canopy

To achieve defensible space while retaining a stand of larger trees with a continuous tree canopy, the Continuous Tree Canopy method shall be implemented as follows:

(A) All surface fuels greater than four inches (4 in.) in height shall be removed. Single-specimen trees or other vegetation may be retained provided they are well-spaced and well-pruned.

(B) Lower limbs of trees shall be pruned to at least six (6) feet up to 15 feet (or the lower 1/3 of branches for trees less than 18 feet tall). Properties with greater fire hazards, such as steeper slopes or more severe fire danger, will require pruning heights in the upper end of this range.

(C) The Fire Code Official may modify clearance distances on a Parcel for the protection of public health, safety or welfare or the environment if the Fire Code Official finds that the fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure.

(D) The Fire Code Official shall determine appropriate clearance distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the Parcel at risk from an approaching fire. These factors shall include but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the Structure(s) is located. Any such inspection remains subject to all requirements established by the United States Constitution, the California Constitution, and any other applicable state and federal law.

(E) Figure 4. Defensible space retaining continuous trees. Figure 4 is a visual representation of paragraphs (A) and (B).