

**ORDINANCE NO. 2023-38
(FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT)**

**AN ORDINANCE OF THE SAN RAMON VALLEY FIRE PROTECTION DISTRICT
ESTABLISHING FUEL MITIGATION AND EXTERIOR HAZARD ABATEMENT
STANDARDS IN ALL STATE AND LOCAL RESPONSIBILITY AREAS WITHIN THE
DISTRICT, AND ADOPTING FINDINGS OF FACT**

The Board of Directors of the San Ramon Valley Fire Protection District ordains as follows:

SECTION 1. AUTHORITY

This Ordinance No. 2023-38 (“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, 13870, 13871, 14900.5, 14900.6, Government Code Section 51175, Title 24, Part 9, California Code of Regulations, Chapter 49, and Title 19, California Code of Regulations, Section 1.07.

SECTION 3. FINDINGS

The San Ramon Valley Fire Protection District’s (“Fire District”) adoption of stringent fuel mitigation and exterior hazard abatement standards is designed to decrease the risk of structure fires spreading to adjacent vegetation and the risk of vegetation fires and wildfires spreading to structures. The Board bases these standards, in part, upon its finding that the local climatic, vegetative, geological, and topographical conditions within the Fire District create a grave risk of wildfire and resulting loss of life and property. Such findings are set forth in the attached and incorporated **Exhibit A** (“Findings”).

SECTION 4. DEFINITIONS

COMBUSTIBLE MATERIAL. Rubbish, litter, or material of any kind other than Hazardous Vegetation, that is combustible and endangers the public safety by creating a Fire Hazard as determined by the Fire Code Official.

COST OF ABATEMENT. Shall include all expenses incurred by the jurisdiction in its work of abatement and administrative fee pursuant to current adopted fee schedule.

DEFENSIBLE SPACE. An area, either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

FIRE APPARATUS ACCESS ROAD. A 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, driveway, parking lot lane, and access road.

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

FIRE HAZARD. Any condition, arrangement, or act that 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 that may obstruct, delay, or hinder, or may become the cause of obstruction, delay, or hindrance, to the prevention, suppression, or extinguishment of fire.

FUEL BREAK. Shall mean a continuous strip of land upon and from which all rubbish, weeds, grass, or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

LADDER FUELS. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

HAZARDOUS VEGETATION. Vegetation that is combustible and endangers the public safety by creating a Fire Hazard, including but not limited to bark, mulch, seasonal and recurrent grasses, weeds, stubble, non-irrigated brush, dry leaves, dry needles, dead, dying, and diseased trees, or any other vegetation identified by the Fire Code Official.

LOCAL RESPONSIBILITY AGENCY AREA. 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 other local public agency.

MODIFICATION. 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 special individual reasons make the strict letter of this Ordinance impractical and that the Modification is in compliance with the intent and purpose of this Ordinance. The details of actions granting a Modification shall be recorded and entered in the files of the Fire District.

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, which may be identified by an Assessor's Parcel Number, the area of which is determined by the legal lot of record.

PERSON. Includes any agency of the state and 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.

RUBBISH. Waste matter, litter, trash, refuse, debris, and dirt on streets, or private property, in the jurisdiction which is, or when, dry may become a fire hazard.

STATE RESPONSIBILITY AREA. 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.

STREETS. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private roads, trails, easements, and fire trails.

STRUCTURE. A building that has walls and a roof and an area of 120 square feet or greater.

SECTION 5. FUEL MITIGATION REQUIREMENTS

Abatement of Parcels One Acre or Less

1. Parcels one acre or less shall require complete 100% abatement to achieve defensible space around all structures. This can be achieved through landscaping or by mowing, discing and/or spraying dry brush or native grasses to a height of 3 inches or less.

EXCEPTION: Individual property owners with landlocked lots may contact the Community Risk Reduction Division regarding appropriate abatement requirements prior to the compliance date. Landlocked is defined as a parcel of real property which has no access or egress (entry or exit) to a public street and cannot be reached except by crossing another property.

2. All combustible materials stored outside shall be neatly stacked away from all structures and have all combustible growth cleared 15 feet around it (eg, wood piles).
3. The Fire District may require modification to the minimum abatement standards on properties due to challenges with terrain, land use, growth, location, or the fire history of the area.
4. Nothing contained herein shall be deemed to preclude the Fire Chief from requiring more than the minimum specific requirements set forth above when the Fire Chief determines that conditions exist which necessitate greater Fire Protection measures.

Abatement of Parcels Greater than One Acre

1. All parcels shall provide 100 feet of defensible space around all structures. This can be achieved through landscaping or by mowing, discing, and/or spraying dry brush or native grasses to a height of 3 inches or less.
2. Parcels shall provide 15-foot disc or bladed fuel breaks along the perimeter of the property. A fuel break is a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

EXCEPTION: Mowed fuel breaks are only acceptable if an area cannot be discussed due to terrain or other factors. Mowed fuel break should be maintained at a minimum height of 3 inches and a minimum width of 60 feet.

3. Parcels 10 acres or more shall provide a 15-foot cross break to divide the parcel into approximately 5-acre sections. A cross break is a fuel break that divides up the partial with a continuous strip of land that is disced or bladed.

EXCEPTION: Parcels that are used for agricultural purposes may contact the Community Risk Reduction Division to request modifications to this requirement.

4. All combustible materials stored outside shall be neatly stacked away from all structures and have all combustible growth cleared 15 feet around it (eg, wood piles).
5. The Fire District may require modification to the minimum abatement standards on properties due to challenges with terrain, land use, growth, location, or the fire history of the area.
6. Nothing contained herein shall be deemed to preclude the Fire Chief from requiring more than the minimum specific requirements set forth above when the Fire Chief determines that conditions exist which necessitate greater Fire Protection measures.

Trees – All Properties

1. Remove from the property all dead trees within 100 feet of all structures.
2. Limb-up trees within 100 feet of all structures so that no leafy foliage, twigs, or branches are within 5-feet from the ground.
3. Remove any portion of a tree which extends within 10 feet of the outlet of a chimney or stovepipe.
4. Keep all trees adjacent to or overhanging all structures free of dead limbs, branches, and other combustible matter.
5. Maintain 5 feet of vertical clearance between roof surfaces and portions of trees overhanging all structures, and keep roofs free of leaves, needles, twigs, and other combustible matter.

Fire Department Access Roads

1. Abate 10 feet on both sides of all public or private roadways and driveways on and adjacent to the parcel.
2. Maintain unobstructed horizontal clearance of not less than the required width of the access road.
3. Maintain an unobstructed vertical clearance of not less than 13'6" above all roadways. This shall include tree canopies, awnings, and trellises.
4. Ensure the property address numbers are clearly visible from the street.

Environmental Concerns

Compliance with the fuel mitigation requirements of this Ordinance shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to comply with the fuel mitigation requirements, the person who owns, leases, or controls the Parcel or Parcels shall request that the Fire Code Official grant a modification of the requirements.

SECTION 6. BOARD DECLARATION

Health and Safety Code sections 14900.5 and 14900.6 authorize the Board to declare that (a) the nuisances arising from dry grass, weeds, dead trees, and/or rubbish on such properties are “seasonal and recurrent” and (b) such “seasonal and recurring nuisances” shall be abated every year without further hearing.

SECTION 7. NOTICES

Health and Safety Code section 14900.6 further provides that in the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient for the Fire District to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll advising them to abate said nuisances without particularized findings by this Board each year that such nuisances presently exist. The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be

assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

SECTION 8. PENALTIES

Failure to comply the with fuel mitigation requirements of this Ordinance may result in the issuance of an Administrative Citation under Fire District Ordinance No. 24 or its successor ordinance, or a declaration by the Board that the conditions on the property constitute a public nuisance to be abated at the property owner’s expense, provided, however, that nothing in this Section 8 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 9. 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 10. DATE OF EFFECT

This Ordinance shall become effective on May 26, 2023 or 30 days after passage, whichever is later. Within fifteen (15) days of passage, this Ordinance shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in the Fire District.

PASSED, APPROVED and ADOPTED this 26th day of April, 2023 at the regular meeting of the Board of Directors of the San Ramon Valley Fire Protection District held on April 26, 2023, on a motion made by Vice President Kerr, seconded by Director Stamey, and duly carried with the following roll call vote:

AYES: KERR, CREAN, PARKER, STAMEY, LEE

NOES: NONE

ABSENT: NONE

{{SIGNATURES TO FOLLOW ON NEXT PAGE}}

DATED: April 26, 2023

DocuSigned by:
Michelle Lee
81BD9BEA972140A...
Michelle Lee
President, Board of Directors

APPROVED AS TO CONTENT:

DocuSigned by:
Paige Meyer
F5CC8122F442487...
Paige Meyer
Fire Chief

ATTEST:

DocuSigned by:
Stephanie Brendlen
41C9A3F37BD54B3...
Stephanie Brendlen
District Counsel/District Clerk

APPROVED AS TO FORM:

DocuSigned by:
Stephanie Brendlen
41C9A3F37BD54B3...
Stephanie Brendlen
District Counsel/District Clerk

EXHIBIT A
FINDINGS OF LOCAL CLIMATIC, GEOGRAPHICAL, AND TOPOGRAPHICAL
CONDITIONS

Local Climatic Conditions

Precipitation and Relative Humidity
Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from twenty-five (25) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as ten (10) percent.

Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

Temperature
Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, hereby reducing their effectiveness and ability to control large building and wildland fires. Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

Winds

Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the teens to twenty mph ranges, gusting to twenty-five (25) to forty-five (45) mph. At mid-elevations forty (40) to fifty (50) mph winds are common and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush will grow in magnitude and be fanned to an intensity beyond the control capabilities of ground forces from the Fire District. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection, and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

Summary

These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blow torch effect.

Geological and Topographic Conditions

Seismicity

Conditions

The Seismic Design Category found in Contra Costa County varies based on mapped acceleration parameters and risk category of a structure. In general, Seismic Design Category in Contra Costa County are D or E for risk category I, II, or III structures and D or F risk category IV structures.

Contra Costa County is near the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

Interstate 680 runs the length of the San Ramon Valley to Interstate 580 in Alameda County. The interstate divides the valley into a west and east side. Through the valley, the interstate is transversed by eight underpasses and seven overcrossings. An overpass or undercrossing collapse would significantly alter the response route and time of responding emergency equipment. This is due to limited crossings of the interstate and that the valley has only one surface street, which runs parallel to the interstate which, would be congested during a significant emergency.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures, while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire department resources, hereby reducing and/or delaying their response to any given fire.

Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation, fire control in large buildings would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

Soils

Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the San Ramon Valley, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake several of these roads would be impassable.

Examples:

1. Roundhill Estates in Alamo - access restricted for fire equipment due to road grade and width.
2. West hillside area in Danville and Alamo would restrict access for Station's 31, 32, and 33.
3. Tassajara Valley and Morgan Territory roads would restrict access for Station's 30, 35, 36 and 37.

Topographic

Conditions

Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs or sidings. This condition can be found throughout the District, especially in those developed and developing areas of the District.

Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

Buildings, Landscaping and Terrain

Many of the "newer" large buildings and building complexes have building access and landscaping features and designs, which preclude, or greatly limit, any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades which are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel be increased both in numbers and in stamina. Access problems often result in severely delaying, misdirecting, or making impossible fire and smoke control efforts.

Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the San Ramon Valley Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gasses, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

Summary

Local climatic, geologic, and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. An example of this was the October 17, 1989, Loma Prieta earthquake measuring 6.9 on the San Andreas fault centered near Santa Cruz, that caused one residential fire and numerous commercial buildings to have damage.