



# Moraga-Orinda Fire District

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**TO:** Board of Directors

**FROM:** Dave Winnacker Fire Chief

**DATE:** February 16, 2022

**SUBJECT:** **Item 8.6 – Public Hearing and First Reading of Ordinance 22-03, An ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, designating the Local Responsibility Areas (LRA) previously designated as Wildland Urban Interface – Fire Area as (LRA) Very High Fire Hazard Severity Zones**

## **BACKGROUND**

The California Board of Forestry was formed in 1885 as a three-member Board. Over the last century, the Board of Forestry has evolved in response to changes in the state. With the passage of the Forest Practice Act of 1973, the State Legislature reorganized the Board and expanded its powers and responsibilities. This 1973 statute changed the Board's function in relation to forest practice rules and regulations from a ratification role to an adoptive role.

The Board of Forestry and Fire Protection is a government-appointed body within the Department of Forestry and Fire Protection. It is responsible for developing the State's general forest policies. Together, the Board and the Department work to carry out the California Legislature's mandate to protect and enhance the State's unique forest and wildland resources. The Board is charged with protecting all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and private and State lands that contribute to California's natural resource wealth.

The actual powers and responsibilities of the Board are widespread and diverse. These responsibilities include:

1. Classify and adjust boundaries of state responsibility areas (SRA), as appropriate. (PRC 4125)
2. Review and approve a fire plan prepared by the Department. (PRC 4114)
3. Make regulations necessary to carry out the fire protection function. (PRC 4111)
4. Formulate standards of what fire conditions constitute a hazard. (PRC 4173)
5. Designate hazardous fire areas. (PRC 4251)
6. Provide standards for cooperative agreements for structural fire protection in the non-fire season. (PRC 4142)

The MOFD Board of Directors has taken a leadership role in fire safety and fire prevention by taking progressive actions and adopting a fire code that exceeds the minimum state standards, passing a utility ordinance and a resolution highlighting the need for insurance companies to follow the Public Resource and Government Codes for home inspections. The Board previously

established a WUI-FA through Ordinance 20-02 in June 2020 in order to apply more stringent elements of the building code to new construction and major remodels.

In 2018 the Legislature passed SB901 expanding the applicability of the regulations promulgated under PRC 4290 to land in LRA VHFHSZ. This law was enacted through CRC Title 14, 1270.02 which took effect 1 July 2021. Of note, the expansion of these regulations does not include lands designated WUI-FA.

California Fire Code (CFC), Chapter 49 defines WUI-FA, however, as the CFC is Title 24 Part 9 of the California Building Standards Code, its requirements are limited to buildings and areas immediately adjacent to a structure. With the expansion of the state's fire safety regulations to LRA VHFHSZ, the WUI-FA designation is no longer adequate to ensure the most progressive laws and regulations to reduce the risk of wildfire loss are in effect within the fire district.

The primary mechanism to expand Very High Fire Hazard Severity Zones in LRA is action by Office of the State Fire Marshal's Community Wildfire Preparedness and Mitigation Division. Government Code 51181 states:

The State Fire Marshal shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter, and as necessary, shall make recommendations relative to very high fire hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with Sections 51178 and 51179.

The current Fire Hazard Severity Zone maps were published in draft form in 2007 and final form in 2009. Work is ongoing to update these maps by state agencies, however new maps have not been published.

Government Code 51175(c) states:

It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

Government Code 51179(b) states:

A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

Since 2009 fire severity and loss have increased dramatically with 15 of the 20 most destructive fires have occurred since the current maps were published. Five of these fires occurred in 2020 and 2021 alone. Further, 9 of the 20 largest fires burned in 202

and 2021. As a result, there is a pressing need to update fire hazard severity zones to reflect the current reality.

### **RECOMMENDATION**

1) Discuss; 2) Deliberate; 3) Introduce and Waive the first reading Ordinance 22-03, An ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, designating the local responsibility areas (LRA) previously designated as wildland urban interface – fire area as (LRA) very high fire hazard severity zones; 4) Open the public hearing and accept comments from the public; 5) Close the public hearing; 6) Provide direction to Staff

### **ATTACHMENTS**

Attachment A – Ordinance 22-03, Ordinance 22-03, An ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, designating the Local Responsibility Areas (LRA) previously designated as Wildland Urban Interface – Fire Area as (LRA) Very High Fire Hazard Severity Zones

Attachment B – Local Responsibility Area (LRA) Very High Fire Hazard Severity Zones Map