

**From:** [Robert Finch](#)  
**To:** [Info](#)  
**Cc:** [Sheri Smith](#)  
**Subject:** Fwd: Amended Fuel Break Ordinance 23-08  
**Date:** Wednesday, September 20, 2023 3:09:36 PM

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MOFD Board — I received the below responses from Chief Winnacker to the letter I sent to the MOFD Board this morning and he encouraged me to share my responses to him with the Board; thus I am forwarding this chain to you.

Bob Finch

Begin forwarded message:

**From:** Robert Finch <[rpfinch@comcast.net](mailto:rpfinch@comcast.net)>  
**Subject: Re: Amended Fuel Break Ordinance 23-08**  
**Date:** September 20, 2023 at 3:03:04 PM PDT  
**To:** "Winnacker, David" <[dwinacker@mofd.org](mailto:dwinacker@mofd.org)>  
**Cc:** "S. K. Gupta" <[sk.gupta.us@gmail.com](mailto:sk.gupta.us@gmail.com)>, "Isaacs, Jeff" <[jisaacs@mofd.org](mailto:jisaacs@mofd.org)>, "Holbrook, Marcia" <[mholbrook@mofd.org](mailto:mholbrook@mofd.org)>

David — I will share my response to your reply with the Board. Your reply adds to my confusion, though, because I thought that currently there can be no combustible material like bark chip mulch within 2' of the home (perhaps 5' in Wilder?), whereas under the proposal that prohibition would extend over the entire Lot I believe. In any event there is no doubt that there is confusion afoot (and ignorance) in the community. I am unavailable by phone today but I thank you for your outreach. Bob

On Sep 20, 2023, at 2:40 PM, Winnacker, David <[dwinacker@mofd.org](mailto:dwinacker@mofd.org)> wrote:

Bob,

I would encourage you to share your thoughts with the MOFD board. I would be happy to share more context via a phone call if that is helpful to your understanding of the issue.

As a minor point below, parcels one acre or less have been subject to identical requirements (less the brush item addressed below) for many years and the ordinance imposes no new requirements.

Thank you,

Dave Winnacker  
Fire Chief  
Moraga-Orinda Fire District  
<image002.jpg>

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**From:** Robert Finch <[rpfinch@comcast.net](mailto:rpfinch@comcast.net)>  
**Sent:** Wednesday, September 20, 2023 1:51 PM  
**To:** Winnacker, David <[dwinacker@mofd.org](mailto:dwinacker@mofd.org)>  
**Cc:** S. K. Gupta <[sk.gupta.us@gmail.com](mailto:sk.gupta.us@gmail.com)>; Isaacs, Jeff <[jisaacs@mofd.org](mailto:jisaacs@mofd.org)>; Holbrook, Marcia <[mholbrook@mofd.org](mailto:mholbrook@mofd.org)>  
**Subject:** Re: Amended Fuel Break Ordinance 23-08

David — thanks so much for your reply. Your comments are enlightening and point up the need for slowing down the approval process. For example, there appear to be inconsistencies in the proposed Ordinance, including as far as ‘grasses’ are concerned: at one point it is stated that all grasses must be kept to a 3” or less height (as currently required) by June 1 but there are other references to ‘seasonal and recurrent’ (defined?) grasses requiring removal.

Also, while you say that the new amendment is less restrictive, there’s a provision, for example, that rather than the various 2’, 5’ and other zones that apply to residential parcels of any size that we all have been dealing with, the *entirety* of a one-acre-or-less parcel requires removal of *all* bark and mulch. As to trees, there is an exemption for scenic trees but I have not seen a definition of ‘scenic’.

My point was not to take issue with any particular provisions. My point was, and in light of your reply and the above, is, that there is a serious need to slow the process down in order that residents within the affected areas have an opportunity to seek clarification, provide comments, participate in forums as the Orinda City Council has noted to the MOFD Board, etc. Two weeks for these purposes is not enough. *My personal experience is that the vast majority of residents have not even heard about any of this.* My ‘ask’ and, I believe, that of the Orinda City Council, is simply to slow down the approval process.

Thank you again for your helpful reply, it is much appreciated.  
Bob

On Sep 20, 2023, at 12:24 PM, Winnacker, David <[dwinacker@mofd.org](mailto:dwinacker@mofd.org)> wrote:

Bob,  
Your email has been received and will be provided to the MOFD board as part of these evening’s board packet.

I wish to clarify several points you made below.

As addressed on page 3 of the staff report, the new ordinance carries forward the existing fuel break requirements included in MOFD Ordinance 23-03 with the following changes:

1. Now allows separated examples of non-irrigated brush within fuel breaks. The prior ordinance banned all instances of non-irrigated brush within fuel breaks.
2. Now only applies to parcels within a community at risk (Moraga, Orinda, Canyon), adjacent to a community at risk (Moraga, Orinda, Canyon, Oakland, Berkeley, Kensington), or those parcels that have, or are adjacent to a parcel that has a habitable structure. The prior ordinance applied to all parcels in the fire district.

All other changes to the ordinance are specific to documentation regarding CEQA exemptions.

As a result, the only practical change for the Wilder HOA is that some non-irrigated brush is now allowed within fuel break areas, a less restrictive standard.

Please let me know if this explanation addresses your concerns or if there are other perceived changes to the fuel break ordinance that are of concern to your HOA.

Thank you,

Dave Winnacker  
Fire Chief  
Moraga-Orinda Fire District  
<image002.jpg>

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**From:** Robert Finch <[rpfinch@comcast.net](mailto:rpfinch@comcast.net)>  
**Sent:** Wednesday, September 20, 2023 10:26 AM  
**To:** Info <[Info@mofd.org](mailto:Info@mofd.org)>  
**Subject:** Amended Fuel Break Ordinance 23-08

MOFD Board— I am writing in connection with the proposed fire code Ordinance 23-08, which will be considered at the MOFD Board Meeting on September 20, 2023. Consistent

with the Orinda City Council's communication with you, I believe that this novel and controversial Ordinance requires more than two weeks between introduction and vote on approval. This is a very complex proposal that has not been sufficiently taken note of by the Orinda community; while it is very detailed, it is at the same time confusing and vague insofar as it raises many and varied questions as to interpretation and is a major departure from what the residents of Orinda are currently attempting to comply with.

Moreover, the residents of Orinda are not yet, in general, even aware of the new proposal. It will take some time to educate the residents, your constituents, as to the intent and effect of the proposal sufficient for them to be able to consider it, ask for clarification, etc. This educational effort will take some time and require town hall or similar meetings. It will also require significant general education materials produced by MOFD in the form of templates, specific guidelines, pictorial representations, etc.

In addition, while it is undeniable that fire protection/mitigation is crucial and must be top-of-mind, and while MOFD's remit is exclusively focused on that issue, there are other issues that deeply affect Orinda and its residents and all of these must be considered.

For example, the economic impact on the value of Orindans' homes and Orindans' ability to sell their homes, which is a function of many factors including aesthetics, raises legal issues as to whether the proposed Ordinance would constitute a 'taking'. The MOFD Board should anticipate that the proposal could generate significant new litigation.

In light the above, I urge the MOFD Board to *slow the process down* and not approve the proposed Ordinance at this time. The Ordinance was introduced just before the long Labor Day weekend and the following two week period is clearly a rush to judgment, especially unfair when the proposal has such deeply significant consequences and would put Orindans to great expense. It took the Orinda City Council many years to finalize and approve its Downtown Precise Plan, which has far fewer direct impacts on its residents' principal investment, their homes.

I urge the MOFD Board to slow the the process down and

not approve the proposal at your September 20 meeting.  
Thank you.

Bob Finch  
Wilder HOA Director and Vice President

**From:** [marc.evans6@yahoo.com](mailto:marc.evans6@yahoo.com)  
**To:** [Info](#)  
**Cc:** [Winnacker, David](#)  
**Subject:** Moraga Orinda Firewise Network Written Comments for Sep 20, 2023 MOFD Board Meeting  
**Date:** Wednesday, September 20, 2023 4:56:39 PM

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Please accept these written comments for the Sep 20 MOFD Board Meeting. These were provided last night to the Orinda City Council plus verbal comments were provided. Thank You - Marc Evans

----- Forwarded Message -----

**From:** marc.evans6@yahoo.com <marc.evans6@yahoo.com>  
**To:** cityclerk@cityoforinda.org <cityclerk@cityoforinda.org>  
**Cc:** David Biggs <dbiggs@cityoforinda.org>  
**Sent:** Monday, September 18, 2023 at 04:01:44 PM PDT  
**Subject:** Moraga Orinda Firewise Network Written Comments for Sep 19, 2023 City Council Meeting, Agenda Item H.1: Moraga Orinda Fire District Ordinance 23-08.

Please accept these written comments prior to the City of Orinda City Council Meeting on Sep 19, 2023.

Mayor Igna Miller, Vice Mayor Darlene Gee, Council Members Brady Iverson, Latika Malkani, and Janet Riley,

The requirements that Moraga Orinda Fire Protection District (MOFD) include in their ordinance 23.08 is intended to make our community Safer from Wildfire. Specifically, the requirement to create fuel breaks around larger parcels (greater than 1.0 acres) is not new. I became familiar with this MOFD requirement in Spring 2020, when my neighborhood in Northwest Orinda created a recognized National Fire Protection Association (NFPA) Firewise USA Neighborhood (aka Firewise Neighborhood). The majority of my neighbors, with larger parcels, comply with this fuel break requirement. In fact, some of us have performed the necessary defensible space / fuel reduction work on our entire properties that are greater than 1.0 acre, similar to what is required for all properties less than 1.0 acre.

In my role as chairperson of the Moraga Orinda Firewise Network, we understand that not all residents of Orinda are familiar with MOFD Exterior Hazard Abatement Requirements, nor the underlying Fire Science that these ordinances are based on. I will admit that until 2020, I was unfamiliar with how wildfire could spread, and the preventative measures we should take, to significantly reduce the risk of loss of lives and property in our community.

Additionally, we understand that some neighbors do not perform defensible space work that is required by the MOFD exterior hazard abatement ordinances. We recognize these residents as **Reluctant Neighbors**. There are several reasons that residents are reluctant; it can be expensive, the work needs to be done every year; they do not believe our community is at risk of wildfire; they do not want to change the beauty and seclusion of their private property; and their concerns related to wildlife protection including protecting creeks and

avoiding land movements during heavy rains. Additionally, some **Reluctant Neighbors** do not know what to do, who to hire, and just as importantly, what to plant instead when they remove highly flammable plants. None of these examples of why people are reluctant was collected scientifically; **Reluctant Neighbors** typically will not explain why they will not perform necessary defensible space work, but instead remain silent until their property is inspected by MOFD and found not in compliance with the exterior hazard abatement ordinances.

### How Can we Help?

The Moraga Orinda Firewise Network (MOFN) recently changed our name from the Orinda Firewise Council (OFC). We started as a wildfire prevention advocacy group of 6 Firewise Neighborhoods in North Orinda in 2019; we now are a network of over 30 Firewise Neighborhoods, representing over 4,000 private properties in Moraga and Orinda. Our purpose is to perform wildfire prevention Outreach and Education across our Fire District to benefit our entire community.

MOFN has volunteers available to help residents throughout our community. Our volunteer skills include:

- Experience in creating defensible space on our own properties as well as within our neighborhoods. Several of our Firewise Leaders have helped plan and execute fuel reduction work on large properties as well as on groups of properties to reduce costs to individual property owners.
- Knowledgeable about availability of State and Local grants to perform defensible space work on private properties; ability to mentor Neighborhoods to apply for available grants.
- Trained MOFD Ambassador volunteers who perform Fire Adapted Community home assessments. Note: it is not a requirement to live in a Firewise Neighborhood to volunteer as a MOFD Ambassador.
- Familiarity with home hardening products and how to install them.
- Familiarity with Emergency Preparedness and Response (many of our Firewise Volunteers are also volunteers with the Lamorinda Community Emergency Response Team (CERT)).
- Sharing information across our Firewise Network through bi-monthly meetings, website, and (future) monthly newsletters. MOFN also performs outreach at community events such as the annual Orinda Fourth of July parade, upcoming Moraga Pear and Wine Festival, and MOFD Open Houses.
- Firewise Leaders who are available to meet with resident groups to explain the benefits of working together as a neighborhood to reduce wildfire risk. As was demonstrated by the August 8, 2023 Fire in Lahaina, Maui – the “government” cannot do it all – strong

engagement from the community, working together as neighbors, is required to make us Safer from Wildfire.

Recommendation:

Please do not support delay or suspension of MOFD ordinance 23.08.

MOFN Leaders are available to help educate and support all residents to make our Community Safer from Wildfire.

Marc Evans

Moraga Orinda Firewise Network Chairperson



Sept 21, 2023

Dear MOFD BoardMembers,

I'm afraid my obsession with finding homeowner -appropriate information has caused Chief Winnacker some distress; that is certainly not my intention. In fact, I had not thought to trouble him at all with my request, which I addressed to Marcia Holbrook, and am sincerely sorry to have distracted him from far more important priorities.

The Chief was kind enough to make some references to brochures. I gave my reviews of these materials to the Board, simply for their information. No action was required or expected. I simply thought to show the need for better handouts for the public.

The brochures are credited to Butte County Fire Safe Council, and orders go to a Northern California phone number. I was surprised that Diablo Fire Safe Council, who is presently distributing the brochures, hadn't edited the paragraphs relating to safe grinding and welding operations, as well as spark arresters on tractors and harvesters. Not that relevant to Orindans/Moragans!

I thought it was amusing, sorry it didn't come across that way.

Sincerely,

Sandy Pearson

- Before cutting down trees, residents should check local association and special district regulations.

**Step Five**

Implement the plan. Get help and any needed equipment. Begin work in the Home Ignition Zone and work out from there. Remember: It's the little things—such as patio furniture and cushions, leaves, needles, bark, etc.—that can ignite and cause a fire to your home.

**Step Six**

Remove all slash and debris generated during the fuel modification process by chipping, burning or disposal at your local vegetative waste site. Contact your local fire department for permit requirements. Contact your local Fire Safe Council about their chipping, home consultation and other programs. Find your local Fire Safe Council at [www.FireSafeCouncil.org](http://www.FireSafeCouncil.org).

**Step Seven**

Continue to monitor and evaluate the fire safe condition of your home and landscape. Maintain your home's resistance to fire and the *defensible space* in the surrounding property on a routine basis—annually or more frequently, if needed. For new construction, consider fire resistant materials such as concrete panels, stone, brick or other material that doesn't burn easily.

*Design and printing: [www.FireSafeHelp.com](http://www.FireSafeHelp.com). To order, call: 530.872.0850  
Special thanks to the Butte County Fire Safe Council*

*defensible space* around a home due to extreme fire behavior factors such as slope, and/or constant or unusually strong wind if your home is located on or near the top of a slope and/or receives constant or unusually strong winds you must increase the *defensible space* in Zones 2 and 3 by a multiplication of 1 (X-Factor). For instance, in Zone 2, increase the *defensible space* from 100 feet to 150 feet.



*During the summer and fall months, a combination of low humidity, high temperatures and strong winds results in a "flag" weather warning. During such a condition, the fire danger is very high. The X-Factor explained above helps provide that margin of *defensible space* necessary to keep your property safe.*