

**CAMBRIA COMMUNITY SERVICES DISTRICT**

**TO:** Board of Directors

**AGENDA NO. VII.A.**

**FROM:** Bob Putney, Fire Chief  
Art Montandon, District Counsel

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**Meeting Date:** February 22, 2007

**Subject:** Introduce Ordinance 01-2007 Adding Section 6.00 to Title 6 of the Cambria Community Services District Code, Creating a Defensible Space Ordinance

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**RECOMMENDATIONS:**

1. Receive staff report.
2. Introduce Ordinance 01-2007 approving the new Defensible Space Ordinance proposed for addition to the Cambria Community Services District, District Code Title 6, Section 6.00. In accordance with the California Government Code this Ordinance, after introduction and public hearing this item will be agendized for adoption at the March 22, 2007, Board meeting and with adoption would become District Code 30 days after the March 22, 2007, CCSD Board meeting.

**FISCAL IMPACT**

There are two separate and distinct fiscal impacts to this ordinance. The first impact will be a reduction in the total costs to the CCSD to advertise, produce and comply with the Health and Safety Code procedures to declare Vegetation a Public Nuisance. This will also result in Fire Department and Administrative staff time efficiencies, which equate to additional fiscal savings and improved productivity.

The second impact will be that more parcels or lots will be cleared. This will increase the amount of up-front monies that will need to be spent by the CCSD to clear any lots that fail to meet the deadline, however these costs will be recovered from the property owner.

**DISCUSSION:**

For the last 20 plus years the CCSD has utilized the section and procedures outlined in the California Health and Safety Code to declare Weeds and Vegetation a Public Nuisance on an annual basis. The California Health and Safety Code specifies a process, which has timelines, public noticing, and other requirements that are very explicit and rigid. In recent years this Fire Department program has been named the Fire Hazard Fuel Reduction Program. This process is only one of many that jurisdictions within the State of California utilize to remove vegetation to manage the threat of wildfire within a community. The current process that we utilize is not efficient and requires specific posting, advertising in local newspapers, public hearings and other specific steps which make this process costly, cumbersome, and labor intensive.

This new Defensible Space Ordinance would create an annual vegetation removal program, which would replace our current Fire Hazard Fuel Reduction program. This Ordinance would be added to the Cambria Community Services District Code, Title 6 and creates section 6.00.

The new Defensible Space Ordinance would mimic the previous Fire Hazard Fuel Reduction program with some obvious differences. Since this would now be a CCSD Ordinance within our Codes, there would be no need for multiple annual Board meetings to include the declaration steps and the Public Hearings to remove annual vegetation. This would streamline staff efforts, save money, and reduce Board and Staff members time necessary to implement and deliver the Defensible Space program.

The other and most significant impact that this new ordinance would have is that all parcels and lots within the CCSD jurisdiction would be required to clear their parcels of annual vegetation and debris. This is a significant task for the Fire Department and its staff, and one that we do not take lightly. This task is clearly necessary, if we are to truly offer the public safety and protection to our current residents and visitors that are essential for the preservation of life, our environment, and property. Cambria has long been identified as a community at significant wildland fire risk. The Governor's Blue Ribbon Fire Commission delivered a report to the Governor after the catastrophic 2003 wildland season. This report identified that local agencies must move forward toward reducing the wildland fuels in their communities or suffer catastrophic and disastrous wildland fires with severe ecological results and the loss of human life and property. It has been predicted and clearly described that it is a matter of when Cambria will suffer a large-scale wildland fire, and not if it will occur. Foresters and wildland fuel experts have performed numerous studies of the Cambria area, including our fuel bed, as well as the actions that our community has taken to reduce the wildland fire threat. They are complimentary of the actions and codes that have been enacted, however, they specifically address the fact that the wildland annual fuel clearance must be accomplished throughout the entire CCSD. This would then reduce the potential of a ground fire gaining significant headway and moving into the treetops becoming a crown fire, which is unstoppable, except by Mother Nature.

This new Defensible Space program will target invasive species that are fire prone for removal. It will also encourage chipping to maintain ground stability. It will remove annual grasses and fuels, improve wildlife habitat, and allow local species to grow and prosper in proper sunlight and adequate space to grow. It will remove thousands of tons of dead fuel, which currently is and has been lying on the ground on hundreds of parcels that have never been fuel managed. It will allow larger parcel owners to submit a fire management plan for mitigating the annual wildland fire threat, without threatening open space or destroying habitat. The Fiscalini Ranch Preserve and other larger parcels currently have such fire and fuel management plans. With the adoption of this proposed Defensible Space Code, the CCSD will join other large and small communities, which have adopted similar codes or ordinances to combat and prevent wildfires.

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BOARD ACTION:    Date \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

UNANIMOUS:       CHALDECOTT    COBIN    FUNKE-BILU    SANDERS    VILLENEUVE

**ORDINANCE NO. 01-2007**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAMBRIA COMMUNITY SERVICES DISTRICT ADDING SECTION 6.00.000, TO TITLE 6 OF THE CAMBRIA COMMUNITY SERVICES DISTRICT CODE, CREATING A COMMUNITY DEFENSIBLE SPACE ORDINANCE**

The Board of Directors of the Cambria Community Services District (CCSD) do ordain as follows:

**Section 1. Section 1. FINDINGS.**

The Board of Directors of the Cambria Community Services District, hereinafter referred to as "District", hereby finds the following:

- A. Section 13869 of the Health and Safety Code of the State of California, and Article 2 (commencing with section 50022) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code authorize the "District" to adopt Ordinances, which incorporates by reference fire prevention and life safety codes, and amendments.
- B. Sections 13879, 14875, 14900.5, and 14931 of the Health and Safety Code of the State of California authorize the "District" to enforce vegetation removal and abatement for the purpose of fire and life safety, and create ordinances to abate these hazards.
- C. California Government Code sections 50022.2, 61000 and 61060 all authorize the "District" to adopt ordinances to carry out the purpose and intent of vegetation removal and abatement for the purpose of fire and life safety.
- D. Sections 4117 and 4291 of the California Public Resources Code authorizes the "District" to adopt and enforce ordinances to carry out vegetation removal and abatement for the purpose and intent of fire and life safety as well as defensible space.
- E. The Uniform Fire Code, the California Fire Code, the Wildland Urban Interface Code, National Fire Prevention Association (NFPA) Life Safety Code, NFPA 1, and NFPA 299 identify, address and specify inspection and enforcement language, authority and necessity to insure fire and life safety within a jurisdictional area, such as the "District".
- F. A report compiled and submitted at the direction of California Governor Arnold Schwarzenegger reviewed a series of significant wildfires that occurred in California in 2003. The Governor's Blue Ribbon Commission compiled a report, which identified shortfalls in prevention, Wildland fuel abatement, prevention and suppression. The Blue Ribbon Commission's report cited the need to be more aggressive in removing accumulated vegetation fuels, promote eliminating conflicting codes and land management issues which reduce or do not allow fuel management to reduce wildfires. The Commission also cited the need to expand the management of accumulated vegetative fuels to reduce future the potential of large scale and catastrophic Wildland fires. This report places the responsibility to enforce and manage accumulated vegetation fuels on agencies such as the "District" in order to comply with California State laws and provide fire and life safety.
- G. The California Department of Forestry and Fire Protection (CAL-FIRE) and the County of San Luis Obispo have long ago identified the community of

**Cambria as having a significant Wildland fire risk due to climatic, geological and topographical features that exist here as well as local and invasive vegetation species that will significantly escalate any wildland fire's behavior. The San Luis Obispo County General Plan Safety Element describes Cambria as an at-risk community that is located in a wildfire prone vegetation fuel bed that requires additional Wildland and vegetation fuels management and defensible space enforcement.**

## **Section 2. ADOPTION.**

The Cambria Community Services District, hereinafter referred to as "District" adopts the following:

- 1. All parcels and lots located within the "District" are required to create and maintain a Defensible Space, in order to comply with this ordinance and maintain a minimum level of community fire prevention/protection and life safety. Parcels or lots are described as having one or more Assessors Parcel Number (APN); may be adjoining or merged with a parcel or lot that has a structure or building of some type located on it; may be designated open space, as a retired lot or parcel, or a vacant parcel; and may be owned by an individual, corporation, trust, local or non-profit group, District, State or Federal organization or agency.**
- 2. Parcels are required to be cleared of vegetation material and debris to provide a Defensible Space and maintain a minimum level of community fire prevention/protection and life safety at all times. Parcel or lot owners are responsible to maintain their property in compliance with the terms and specifications of this ordinance.**
- 3. Large open space, park or parcel owners who are responsible for property that is larger than 2-acres located at one sight may submit a Wildland fuel management plan or similar document for that site, in place of complying with this ordinance provided that the content and requirements of the submitted plan are equal to or more stringent than the contents of this ordinance.**
- 4. Beginning in the year this ordinance is adopted notices will be sent to all existing property owners who own or maintain parcels or lots within the "District". This will continue for an additional 2-years, and then no further general notices will be sent out, except for changes of parcel or lot ownership as a courtesy. The notice will state that all parcels located within the "District" must be cleared of vegetation as described in this ordinance, and give the date for required compliance.**
- 5. Defensible space is defined as follows:**
  - a. Grass and annual vegetation is to be cut to 4-inches above the ground surface.**
  - b. Brush, ornamental vegetation, native and non-native species that look like brush is to be cut and thinned to reduce the potential of combustible dead fuels accumulating under the brush (dead debris and plant matter).**
  - c. Invasive brush defined as Scotch/Irish or other types or species of broom; pampasgrass or jubatagrass; or other similar invasive brush/plant species must be removed.**
  - d. Poison oak and poison sumac and other vine-like vegetation are required to be thinned and or removed.**
  - e. Live trees must be limbed up at least 6-feet off of level ground (removal of ladder fuels) and trees on a slope are required to be trimmed so that the all portions of lower limbs are a minimum of 6-feet off of the ground.**

This will require that trees located on a slope will be required to be trimmed more than 6-feet up, with steeper slopes requiring more limb removal.

- f. Leaves, needles, bark and other materials that collect and accumulate and are produced by trees must be reduced and or removed. These materials can bio-accumulate and become a significant fuel source for a Wildland fire. Eucalyptus and other species of trees can deposit enough materials to create a significant fuel accumulation and fire threat. A one to two-inch ground layer of these types of materials is the maximum amount that is allowed to accumulate. Any amount of accumulated materials more that what has been identified here must be removed.
  - g. Trees limbs must be trimmed adjacent to all public right-of-ways in order to maintain emergency fire access and defensible space. Trees on all property must be maintained to keep a minimum of 13-feet 6-inch vertical clearance, and maintain roadway width. This can be accomplished by removing lower limbs and keeping new trees back from public right-of-ways.
  - h. All downed tree limbs, tree rounds, and tree trunks are to be removed from the lot or parcel. If tree limbs or materials have decayed to the point where they fall apart when stepped on or during methods to remove them from the property, then those sections which meet the description of decay above can be left of the lot or parcel to decay and compost.
  - i. Downed tree limbs, and section of trees may be chipped at the site and the chipped material blown back onto the property, unless prohibited by the "District". Prohibition of blowing chipped material generated from the lot back onto itself will be required by the "District" if the accumulated grounds fuel load is already significant and placing the chipped material would create an unsafe condition or fire risk.
  - j. Standing dead trees must be removed from all lots or parcels. They must be cut down and disposed of as described in section f. above. The only exception to this is that a maximum of one standing dead tree is allowed to remain per ¼ acre increment. This will allow some bird and mammal habitat.
  - k. Other combustible materials such as construction debris, tires, garbage and other similar materials also must be removed from the parcel or lot.
6. All lots or parcels described in this ordinance must be cleared as described above by the owner or their designate on a regular basis, and at their cost. All workers performing the vegetation removal and Defensible Space work must be trained or certified in the *Fire Wise Defensible Space Field Worker* program or a "District" approved similar program.
7. The deadline for creating and or maintaining a Defensible Space shall,be as follows:
- a. All lots and parcels will be cleared and maintained on a regular basis.
  - b. All lots and parcels described in this ordinance will be cleared by the owner or their designate by June 10<sup>th</sup> annually unless this date is changed by the "District".
  - c. Lots or parcels not cleared properly by the owner or responsible party will be sent to contract to be cleared, in compliance with the standards in

this ordinance by June 17<sup>th</sup> annually unless this date is changed by the "District".

- d. If unusual weather conditions occur and vegetation grows significantly, or fuels accumulate the "District" shall have the authority to require compliance with this ordinance after a lot or parcel has initially passed an inspection by the "District".
8. All parcels or lots cleared by the owner or their designate must be reported to the "District" for a compliance inspection. Requests for parcel or lot inspections shall be submitted as follows:
    - a. The "District" is to be contacted directly to request an inspection.
    - b. The property owner is responsible and accountable for requesting lot or parcel compliance inspections.
    - c. All lot and parcels that are not submitted by the owner or responsible party for a compliance inspection by the final clearance date shall be considered as non-compliant and will be sent to contract. These parcels will be inspected and cleared by the "District" and the property owner shall bear all charges and fees for such inspection and clearance.
    - d. Under no circumstances will lot or parcel compliance inspections that are requested, be conducted by the "District" before June 1<sup>st</sup>.
  9. All lot or parcels that are not cleared and or a request for a compliance inspection is not received prior to the June 10<sup>th</sup> deadline, will be assessed the following fees and charges:
    - a. A lot or parcel inspection charge will be assessed each parcel that was either not cleared or a compliance inspection was not directly received by the "District". The fee for this can be found in the "District" schedule of charges and will be for a minimum 15-minute increment, which will include a vehicle and inspector or crew. The amount charged will be based on the time needed to conduct the lot or parcel inspection.
    - b. All clearance charges and other associated fees incurred by the "District" or its' agent(s) in order to have the lot or parcel conform to this ordinance shall be billed directly to the property owner or responsible party. The amount of these charges shall be set in the "Districts" contract with the approved contractor, as required by law and in compliance with the "District" contract policy.
    - c. All charges incurred by the "District" or its' agent(s) shall be placed on the San Luis Obispo County Tax Collectors charges for collection. Included in these charges are the "District's" administrative charges and the charges that the San Luis Obispo County Tax Collectors office charges the "District" to collect the submitted charges.

### **Section 3. Repeal of Conflicting Ordinances:**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance that were previously adopted are repealed.

**Section 4. Provisions of this Ordinance:**

If any provisions of this ordinance for any reason are held to be invalid by a court of competent jurisdiction, the Cambria Community Services District hereby declares that it would have passed each and every remaining provision irrespective of such holding order to accomplish the intent of this ordinance.

**Section 4. Date of effect:**

This ordinance shall take effect and be in force from and after its approval, as required by law and the California Government Code. This ordinance shall be published as required by law in a newspaper of general circulation published within the Cambria Community Services District's jurisdictional boundaries.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_,

and the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:

Ordinance 01-2007 is hereby adopted.

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Ilan Funke-Bilu  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy A. Choate  
District Clerk

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Arther R. Montandon  
District Counsel