

641



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Fire Department

SUBMITTAL DATE:
February 27, 2007

SUBJECT: Amendment to Ordinance 695 concerning the Abatement
of Hazardous Vegetation

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt Ordinance No. 695.3 on successive weeks.

BACKGROUND: The Riverside County Fire Department has been inspecting vacant parcels for hazardous vegetation since the late 1980s. Riverside County Ordinance 695.3 needs to be changed to meet the rapid growth and fire prevention, life and safety needs of the County of Riverside.

The changes that are being requested are the elimination of the requirement to clear entire vacant parcels (under 5 acres) and the cross hatching-clearance of vacant parcels over 5 acres. The addition to the ordinance will require up to 100' clearance or more if the fire hazard warrants additional clearance on vacant lands that are adjacent to occupied structures or along roadways where there is a threat for a fire to start and spread threatening life and property.


JOHN R. HAWKINS, County Fire Chief

**FINANCIAL
DATA**

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$	Budget Adjustment:	
Annual Net County Cost:	\$	For Fiscal Year:	

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE



County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

52 11MA -1 W11: 52
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: | District: All | Agenda Number:

3.24

1 F. It is the purpose of the this ordinance to establish a hazardous vegetation
2 abatement program that protects the lives and property of the citizens of
3 Riverside County while at the same time protecting rare and sensitive plant
4 and animal species and the environment.
5

6 Section 2. DEFINITIONS.

7 A. Combustible Material – Rubbish, litter or material of any kind other than
8 hazardous vegetation that is flammable and endangers the public safety by
9 creating a fire hazard.

10 B. County Fire Chief – The Fire Chief of the County of Riverside or his or her
11 authorized representative.

12 C. Hazardous Vegetation – Vegetation that is flammable and endangers the
13 public safety by creating a fire hazard including but not limited to seasonal
14 and recurrent weeds, stubble, brush, dry leaves and tumbleweeds.

15 D. Improved Parcel – A portion of land of any size, the area of which is
16 determined by the Assessor’s maps and records and may be identified by an
17 Assessor’s Parcel Number upon which a structure is located.

18 E. Structure – Any dwelling, house, building or other type of flammable
19 construction including but not limited to a wood fence attached to or near
20 any other structure.

21 F. Unimproved Parcel – A portion of land of any size, the area of which is
22 determined by the Assessor’s maps and records and may be identified by an
23 Assessor’s Parcel Number upon which no structure is located.

24 Section 3. DUTY TO ABATE HAZARDOUS VEGETATION. It shall be the duty of every
25 owner, occupant, and person in control of any unimproved parcel of land or interest therein, which is
26 located in the unincorporated territory of the County of Riverside as that territory is determined and
27 classified by the Board of Supervisors to abate therefrom, and from all sidewalks and parkways, except
28

1 A. The requirements of this section shall be satisfied if there is cleared
2 pursuant to a Notice to Abate by disking, mowing or any other method described in
3 said Notice:

- 4 (1) a one hundred (100) foot wide strip of land at the boundary of an unimproved
5 parcels adjacent to a roadway; and/or
6 (2) a one hundred (100) foot wide strip of land around structure(s) located on an
7 adjacent improved parcel (some or all of this clearance may be required on
8 the unimproved parcel depending upon the location of the structure on the
9 improved parcel).

10 The County Fire Chief or his or her designee may require more than a one
11 hundred (100) foot width or less than a one hundred (100) foot width for the
12 protection of public health, safety or welfare or the environment. The
13 determination for appropriate clearance distances will be made based upon a
14 visual inspection of the parcel and shall consider all factors that place the
15 property or adjoining structure(s) at risk from an approaching fire. These factors
16 shall include local weather conditions, fuel type(s), topography, and the
17 environment where the property or adjoining structure(s) is located. Examples of
18 the clearance requirements above are attached hereto as Exhibit "A" for
19 informational purposes only.

20 B. Where the parcel's terrain is such that it cannot be disked or mowed, the
21 County Fire Chief may require, or authorize, that other means of removal be used.

22 Section 4. ENFORCEMENT. For the purpose of enforcing this ordinance, the County Fire Chief
23 may designate any person or persons as his/her deputy in the performance of the duties enjoined upon
24 him/her by this ordinance. In addition, each of the following officers within the County of Riverside is
25 hereby designated to perform the same duties within the territory of the political subdivision which he/she
26 serves (and whenever the term "County Fire Chief" is used hereinafter, the following officers are included
27 in the meaning of such word, except that the County Fire Chief, himself/herself, shall coordinate all such
28 officers in the performance of these duties):

1 A. Chiefs or Chief Engineers of all Fire Protection Districts within the County, and their
2 deputies; and

3 B. Such other officers as are designated by the Board of Supervisors or the County Fire
4 Chief.

5 Section 5. NOTICE TO ABATE. It shall be the duty of the County Fire Chief, or any of his/her
6 deputies, whenever such officer deems it necessary to enforce the duty set forth in Section 3 hereof, to
7 issue a "Notice to Abate" by mailing the Notice to the property owner as his or her name appears on the
8 last equalized assessment roll and to the address as shown in the records of the Assessor. The Notice to
9 Abate shall be in substantially the form attached hereto as Exhibit "B".

10 Section 6. APPEALS.

11 A. Appeals Procedure. Any person who is adversely affected by the Notice set
12 forth in Section 5, may appeal to the Board of Appeals within the twenty (20)
13 calendar days of the postmark on the Notice to Abate by filing a written appeal
14 with the Hazard Reduction Officer. Timely appeal shall stay any further action
15 for removal or abatement until the date set for hearing. The Hazard Reduction
16 Officer shall set the matter for hearing before the Board of Appeals and shall
17 notify the Appellant by mail of the date set for such hearing, at least fifteen (15)
18 days prior to said date. If the Appellant resides outside the County, the above
19 period of notice by mail before the hearing shall be at least twenty-five (25)
20 days. The Appellant shall have the right to appear in person or by agent,
21 designated in writing, at the hearing, and present oral, written, and/or
22 photographic evidence. The Board of Appeals shall decide the appeal and shall
23 issue its decision, which shall be in writing.

24 B. Appeals Board. The Board of Appeals shall be comprised of three (3) persons
25 as follows: one (1) member shall be an officer of the department of the issuing
26 officer selected by the Department Head, but not the issuing officer; two (2)
27 members shall be selected by the Board of Supervisors. Members shall serve at
28 the pleasure of the appointing authority.

1 Section 7. REMOVAL OF HAZARDOUS VEGETATION BY PUBLIC OFFICER OR BY
2 PRIVATE CONTRACTOR AND ESTABLISHMENT OF COSTS AND ADMINISTRATIVE FEE. If,
3 at the end of the time allowed for compliance in the original notice, or as extended in cases of appeal, or
4 as specified by the Board of Appeals, compliance has not been accomplished, the officer issuing the
5 Notice or the agency of which he is an officer, may order hazardous vegetation or other combustible
6 material, to be removed by public officers or by employees of said agency, or may cause the removal to
7 be carried out by a private contractor selected by the County Purchasing Agent in accordance with
8 applicable statutes and in the manner and under the terms specified by the Board of Supervisors. The cost
9 of such removal accompanied by a reasonable administrative charge may be imposed as a Special
10 Assessment upon the property, and such property shall be subject to a Special Assessment Lien for said
11 purpose. The costs so assessed shall be limited to the actual costs incurred by the County of Riverside in
12 enforcing abatement upon the parcels, including payment to the contractor, costs of investigation,
13 boundary determination, measurement, clerical, personnel, consultant, and an administrative cost to be set
14 by Resolution adopted by the Board of Supervisors on those parcels where such weeds have not been
15 removed by the property owner at his or her own expense.

16 Section 8. PAYMENT FOR ABATEMENT.

17 A. Procedure for Payment. When said abatement has been completed, the agency or
18 officer so causing the same to be accomplished shall render to the County Auditor-
19 Controller, an itemized statement covering the costs of the work necessary for such
20 abatement. The County Auditor-Controller shall pay the same from the funds of the
21 agency or officer causing said work to be done. The Auditor-Controller shall thereafter
22 cause the charged amount to be entered upon the property from which abatement was
23 accomplished as a Special Assessment which shall be included in the next succeeding
24 tax statement. Thereafter, the amounts of the assessment shall be collected at the same
25 time, and in the same manner, as County taxes are collected, and shall be subject to the
26 same penalties and the same procedure for sale, and in the case of delinquency, as
27 provided for ordinary County taxes, except that if any real property to which such lien
28 would attach has been transferred or conveyed to a bona fide purchaser for value, or if

1 a lien of a bona fide encumbrancer for value has been created and attached thereon,
2 prior to the date on which the first installment of such taxes would become delinquent,
3 then the lien, which would otherwise be imposed by this section, will not attach to such
4 real property and the costs of abatement, shall be transferred to the unsecured roll for
5 collection.

6 B. Appeals. A person may appeal the assessed charges to the Board of Appeals, by
7 following the appeal procedure provided in Section 6 and thereafter, to the Board of
8 Supervisors. Any appeal to the board of Supervisors from the decision of the Board of
9 Appeals, must be filed with the Clerk of the Board of Supervisors within fifteen (15)
10 days from the date of postmark of the mailed decision of the Board of Appeals. Such
11 appeal must be in writing and must specify wherein the Appeals Board erred.

12 C. Cancellation of Claim. All or any portion of any such Special Assessment, penalty or
13 costs heretofore entered, shall, on order of the board of Appeals or the Board of
14 Supervisors, be canceled by the County Auditor-Controller if uncollected, or, except in
15 the case provided for in Section 7, refunded by the County Treasurer-Tax Collector, if
16 collected, if the charges were charged or paid:

17 (1) More than once;

18 (2) Through clerical error;

19 (3) Through the error or mistake of the Board of Appeals, or of the officer, Board
20 or Commission designated by them to give notice, in respect to any material
21 fact, including the case where the cost report rendered and confirmed, as
22 hereinbefore provided, shows the County abated the weeds but such is not the
23 actual fact;

24 (4) Illegally; or

25 (5) On property acquired after the lien date by the State of California, or by any
26 county, city, school district, special district, or other political subdivision, and
27 because of this public ownership, is not subject to sale for delinquent taxes.
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1 The Fire Chief or his/her designee shall have the authority to execute any document that
2 may be required to release or extinguish an assessment or charge that has been recorded
3 against a parcel.

4 D. Procedure for Refund of Payment. No order for a refund under the foregoing section
5 shall be made except on a written claim:

6 (1) Verified by the person who paid the Special Assessment, his/her guardian,
7 conservator, executor or administrator; and

8 (2) Filed within one (1) year after making the payment sought to be refunded.

9 Section 9. VIOLATIONS. It shall be an infraction or misdemeanor for any person, natural or
10 corporate, owning, possessing, occupying, or controlling any lands or premises to fail to perform the duty
11 set forth in Section 3 of the ordinance, or to fail to comply with the requirements in the Notice to Abate as
12 specified in Section 5 of this ordinance, or to interfere with the performance of the duties herein specified
13 for any of the officers named in this ordinance or their deputies, or to refuse to allow any such officer or
14 their deputies or employees, or approved private contractors, to enter upon any premises for the purpose
15 of inspecting and/or removing any hazardous vegetation and/or combustible material hereinbefore
16 described, or to interfere in any manner whatever with said officers or contractors in the work of
17 inspection and removal herein provided.

18 Section 10. PENALTIES FOR VIOLATION. Upon conviction, punishment shall be by a fine of
19 not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) and by
20 imprisonment of not more than six (6) months, or both.

21 Section 11. AUTHORITY TO PROMULGATE REASONABLE RULES AND
22 REGULATIONS. The Board of Supervisors hereby reserves its right to adopt reasonable rules,
23 regulations, and resolutions consistent with this ordinance to enforce, interpret, and carry out the
24 provisions of this ordinance. Such rules may vary among different areas within the County.
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1 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

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BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By _____
Chairman, Board of Supervisors

ATTEST:

NANCY ROMERO
Clerk to the Board

By _____
(Deputy)

(SEAL)

APPROVED AS TO FORM
March 5, 2007

By Karin Watts-Bazan
KARIN WATTS-BAZAN
Deputy County Counsel

G:\Property\MDKing\kwb\Ordinance 695 3 (3).doc

EXHIBIT A

Vacant parcels, adjacent to parcels with structures.

Vacant parcel(s) adjacent to occupied parcels, require 100' of clearance along property lines and, or, from neighboring structures.

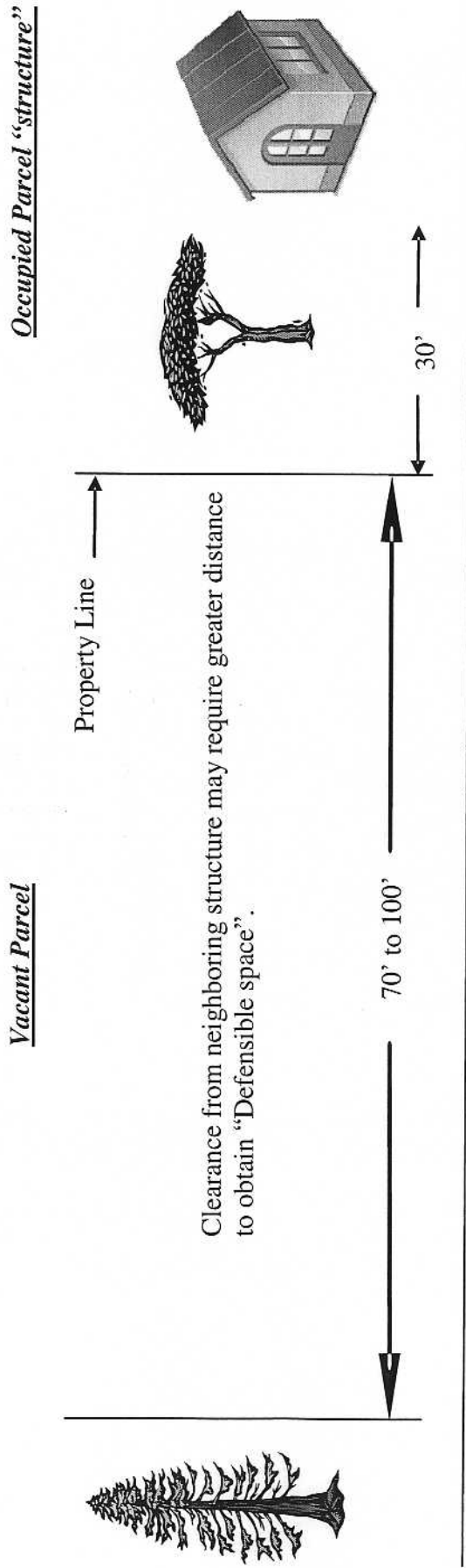
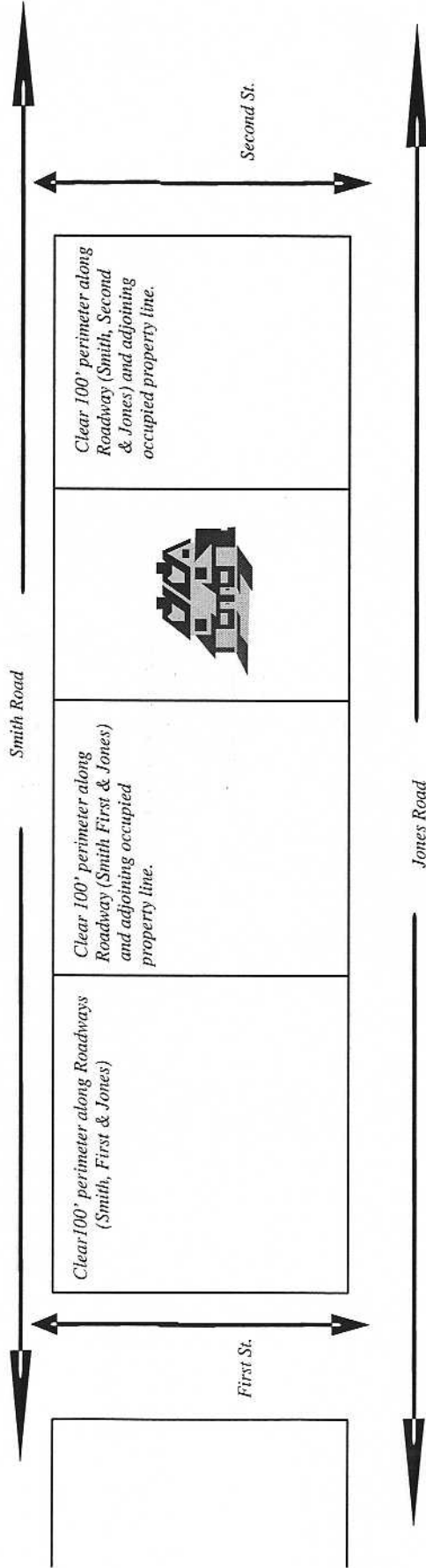


EXHIBIT A

Vacant parcels Adjacent to Roadways, Structures and other vacant Parcels

- Vacant parcel(s) adjacent to occupied parcels and or roadways may require 100' of clearance along adjoining property line(s).
- Vacant Parcels adjoining vacant parcels may not require clearance.



Clear 100' perimeter along Jones Rd and adjoining occupied property line.	Clear 100' perimeter along Jones Rd and adjoining occupied property line.	Clear 100' perimeter along Jones Rd and adjoining occupied property line.	Clear 100' perimeter along Jones Rd	Clear 100' perimeter along Jones Rd and adjoining occupied property line	Clear 100' perimeter along Jones Rd and adjoining occupied property line	Clear 100' perimeter along Jones Rd and adjoining occupied property line

EXHIBIT A

Vacant parcels, adjacent to Roadways.

Vacant parcel(s) adjacent to roadways, require 100' of clearance along property line(s) adjacent to Roadways and, or, neighboring structures.

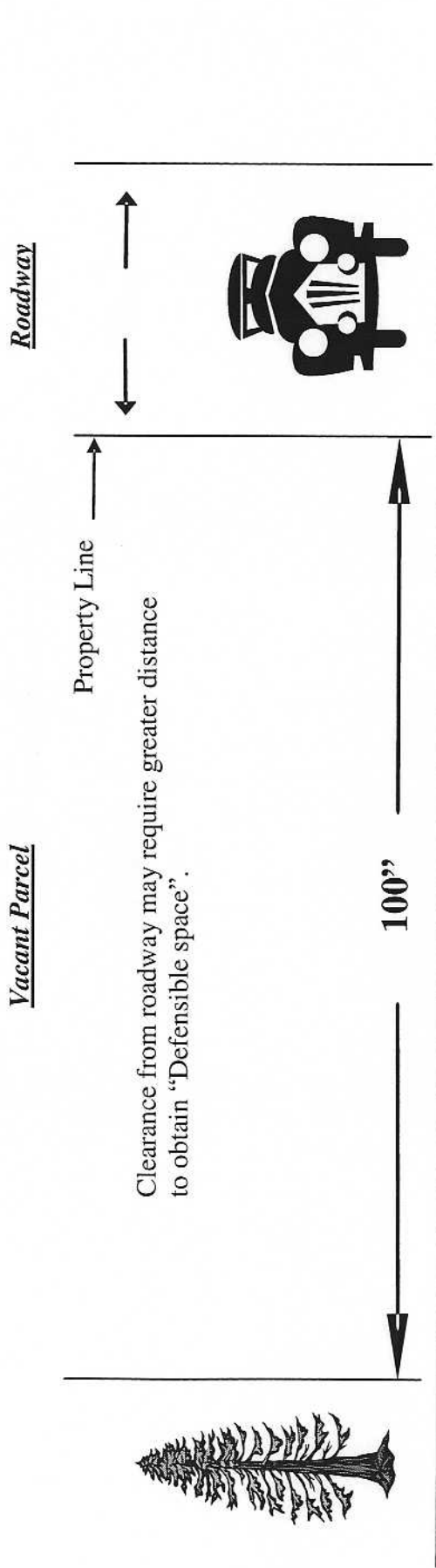
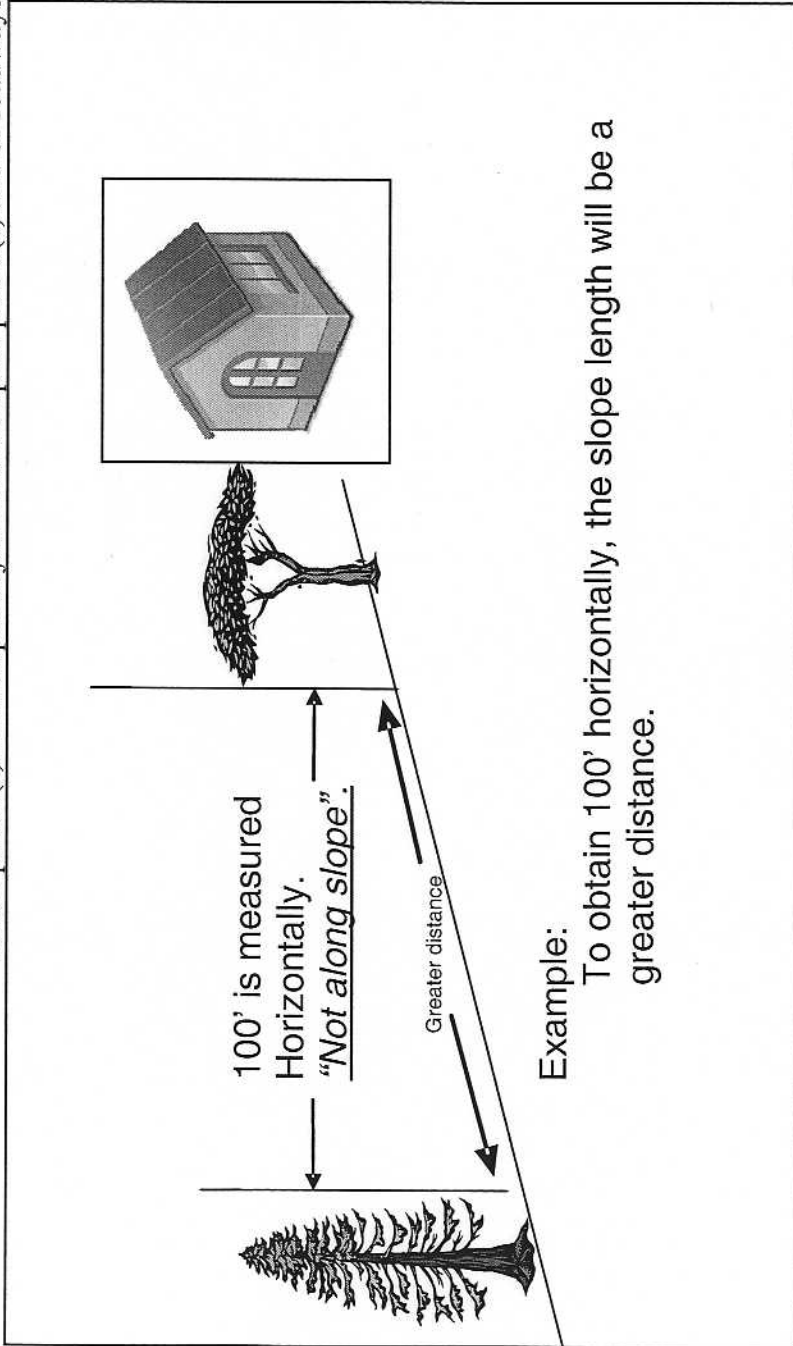


EXHIBIT A

Horizontal Clearance

Vacant parcel(s) with slopes adjacent to occupied parcel(s) and or roadways.



Example:
To obtain 100' horizontally, the slope length will be a greater distance.

EXHIBIT B
Riverside County Fire Department
Hazard Reduction Office
PO Box 2047
Perris, CA 92572-2047
(951) 940-6307

Notice To Abate

«OWNER1»

Parcel Number: «PARCEL»

«OWNER2»

Date: «MailDate»

«OWNER3»

«OWNER4»

«MAILADDRESS1»

«MAILADDRESS2»

«MAILCITY» «MAILZIP»

Pursuant to the provisions of Riverside County Ordinance No. 695, you are hereby NOTIFIED and REQUIRED to abate the hazardous vegetation as specified below from your property, described as «PARCEL». The Riverside County Assessor's records lists you as the owner.

If said hazardous vegetation is not removed within THIRTY (30) days from the above date, the County Fire Chief, or other duly designated officers may order said vegetation removed by public employees, private contractors, or other persons, and the cost of said removal shall be levied with an added ADMINISTRATION FEE of «AdminCost» per parcel, and assessed against the property as a SPECIAL LIEN.

APPEALS INFORMATION

An APPEAL from this order may be taken by presenting a WRITTEN APPEAL to the HAZARD REDUCTION OFFICE at PO Box 2047 Perris, CA 92572-2047 Tel: (951) 940-6307 within TWENTY (20) calendar days of the post mark on the NOTICE TO ABATE. The Hazard Reduction Officer shall set the same for hearing before the Board of Appeals, and shall notify the Applicant in writing of the hearing date.

IF YOU HAVE ANY QUESTIONS PLEASE CALL (951) 940-6307
Monday-Friday, 8 AM to Noon or 1 PM to 5 PM

Or visit Riverside County Fire's Web Site at: www.rvcfire.org.

Note: If the property subject to this Notice is currently conserved for the benefit of threatened or endangered species or the property is being used for agricultural purposes, please contact this office at (951) 940-6307.

The requirements of this Notice to Abate shall be satisfied by disking, mowing or any other method as described below:

_____ a one hundred (100) foot wide strip of land at the boundary of the unimproved parcels adjacent to a roadway; or

_____ a one hundred (100) foot wide strip of land around the structure located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel subject to this Notice depending upon the location of the structure on the adjacent improved parcel); or

_____ The County Fire Chief has determined it is necessary to increase/decrease the one hundred (100) foot wide strip of land identified above to _____ feet for the protection of public health, safety and welfare or the environment.

_____ The County Fire Chief has determined that the clearance methods of disking or mowing may not be appropriate for the removal of hazardous vegetation on the parcel. Accordingly, the method of _____ has been determined to be acceptable

Examples of the clearance requirements above are attached hereto as Exhibit "A" for informational purposes only.

Please ensure your property is cleared and maintained throughout the year pursuant to Health & Safety Code Sections 14875-14922.



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law*

March 12, 2007

VIA FAX and ELECTRONIC MAIL

Riverside County Board of Supervisors,
Clerk of the Board
4080 Lemon Street, 1st Floor
Riverside, CA 92501
fax 951.955.1071
cob@rcbos.org

**Re: Agenda Item 3.24, Hearing Date March 13, 2007:
Ordinance No. 695.3, Requiring the Abatement of Hazardous Vegetation**

Honorable Supervisors Buster, Tavaglione, Stone, Wilson, and Ashley:

Prior to approval of Ordinance No. 695.3, Requiring the Abatement of Hazardous Vegetation ("Ordinance"), the decision and impacts must undergo environmental review under the California Environmental Quality Act ("CEQA"). Pub. Res. Code, § 21000 et seq. These comments are submitted on behalf of the Center for Biological Diversity ("Center"), a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 32,000 members throughout California and the western United States, including in Riverside County.

The Center strongly supports fire protection for communities in the wildland urban interface that are subject to high fire threat and danger. Many of the ground clearing and vegetation removal activities that serve to protect communities from the threats of wildland fire also have negative impacts upon sensitive species and ecosystems. It is critical to fully analyze the impacts of those decisions prior to approval. This analysis must be performed through an open, public, and deliberative review process. Adoption of the ordinance without adequate analysis and disclosure to the public and decision makers violates both procedural and substantive mandates of the law.

Adoption of the Ordinance constitutes approval of a discretionary project that must undergo environmental review under CEQA. CEQA generally applies to "discretionary projects proposed to be carried out or approved by public agencies." Pub. Res. Code, § 21080(a). "CEQA defines a project extremely broadly." Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster, 52 Cal. App. 4th 1165, 1188 (Cal. Ct. App. 1997). A discretionary agency action qualifies as a "project" whenever it is necessary to the carrying out of some private project involving a physical change in the environment. Santa Clara County Dist. Attorney Investigators Assn. v. County of Santa Clara, 51 Cal. App. 3d 255, 277-279 (Cal. Ct. App. 1975). Ordinances and resolutions adopted by a local agency are projects within the meaning of CEQA.

Tucson • Phoenix • San Francisco • San Diego • Los Angeles • Joshua Tree • Silver City • Portland • Washington, DC

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Rosenthal v. Board of Supervisors, 44 Cal. App. 3d 815, 823 (Cal. Ct. App. 1975); 60 Ops.Cal.Atty.Gen. 335 (1977). Adoption of this ordinance will clearly have a direct impact on the environment by requiring property owners to conduct fuel clearance activities that will remove brush and vegetation. Vegetation removal will result in direct harm to wildlife and indirectly harm wildlife by removing necessary habitat. These impacts must be analyzed and addressed prior to approval of the ordinance.

Adoption of the Ordinance in question is a discretionary action taken by the Board of Supervisors in order to amend the current County regulations. A discretionary project is one that requires the exercise of judgment or deliberation when the public agency decides to approve or disapprove a particular activity, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes or regulations. CEQA Guidelines § 15357. Because the ordinance adopts standards that vary from existing statutes or guidelines, and actually contradict some state guidance from the California Department of Forestry and Fire Protection on the establishment of fuel clearance, it represents the exercise of judgment and deliberation by the County that makes it a discretionary action.

The potential scale of implementation of this measure is extremely broad. When conducted on a countywide scale it will result in thousands of acres being cleared. Elimination and destruction of habitat on such a scale will inevitably impact rare, sensitive, threatened, and endangered species in the County. This impact must be analyzed. Additionally, the scale of habitat removal will negatively impact wildlife corridors and migration throughout the County. Finally, the Ordinance's consistency with the applicable Riverside County Multiple Species Habitat Conservation Plan (MSHCP) must be analyzed. The project has the potential to conflict with the goals, policies, and implementing guidelines of the MSHCP.

The Center would like to be placed on the mailing list for future notices or approval related to this action. Thank you very much for your attention to this matter. Should you have any questions feel free to contact me at the number listed above.

Sincerely,



Jonathan Evans

cc:

Hon. John F. Tavaglione, Chairman
Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 92501
district2@co.riverside.ca.us

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



March 9, 2007

BY FACSIMILE ONLY

Hon. John F. Tavaglione, Chairman
Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 92501

**RE: Agenda Item 3.24, Hearing Date March 13, 2007:
Ordinance No. 695.3, Requiring the Abatement of Hazardous Vegetation**

Dear Chairman Tavaglione and Members of the Board:

The Endangered Habitats League (EHL) writes to express its concerns – both procedural and substantive – regarding the above-referenced proposed ordinance requiring the abatement of hazardous vegetation on unimproved property. While the proposed amended ordinance before you is a major improvement over the existing one, several substantive areas of concern still remain, and the review process to date has been wholly inadequate. EHL therefore asks that the Board defer action on the proposed ordinance until the below-described substantive concerns are resolved, and until the draft ordinance has been subjected to adequate review by the public, and by fire prevention experts.

As an initial matter, we support the proposed ordinance to the extent that it dispenses with the “perimeter clearing” of unimproved land and the requirement that such land be cleared into 2.5-acre “strips” irrespective of the location of structures. These burdensome requirements are extremely destructive to sensitive habitats, are costly to enforce and implement, and bear no rational relationship to any legitimate fire protection goal.

Nonetheless, the current draft still needs work in three substantive areas. While each problem area technically refers to maximum requirements that might be modified in special cases on an individual basis, the default standard contained in the ordinance is the norm.

First, the proposed ordinance’s requirement that a 100-foot area be “cleared” by discing or mowing is inconsistent with California Department of Forestry and Fire Protection (CDF) guidelines. (See attachment.) State-of-the-art fire protection practices, according to the state, recognize that complete clearing of vegetation can actually make matters worse by encouraging the propagation of highly flammable exotic grasses. Instead, state standards recommend clearing of the first 30 feet closest to structures, and selective thinning of grasses, dry brush and lower limbs in the outer 70 feet. This provides more effective fire protection, and less erosion of hillside soils. CDF provides

specific guidance for thinning the chaparral vegetation that exists in our brush areas, to form a "reduced fuel zone." EHL asks that the state standard practice be considered for adoption. At a minimum, the public is entitled to an explanation why a departure from state standards in favor of the 100-foot complete clearing requirement is justified.

Second, EHL can conceive of no rationale supporting a 100-foot clearing requirement alongside roads. Roads, unlike dwellings, do not require protection from fire. Indeed, EHL is not aware of anywhere else in the state where 100-foot clearing is required alongside roads. While EHL recognizes that some vegetation removal is justified along roads in some cases (e.g., to enable cars to pull over, to make escape from a fire safer, and to reduce fires from thrown cigarettes, etc.), a 30-foot standard appears adequate for these purposes unless there are extraordinary circumstances.

Third, the proposed ordinance inexplicably requires that 100 feet of vegetation alongside either side of a wooden fence be cleared, creating a 200-foot wide gash in the landscape for no apparent reason other than to protect a fence. Because this does not make sense, the definition of "structure" in the ordinance should be redrafted so that it does not include fences of any kind.

EHL believes these substantive problems may appear in the ordinance because the review process leading to this hearing has been woefully deficient. The draft ordinance was made available to the general public just three working days before the hearing. This is far too short a time to obtain the type of review an ordinance governing something as important as fire protection requires. For this reason, EHL asks that the Board defer action on the ordinance until experts and interested parties have had a meaningful chance to provide input.

On a related note, EHL has been disappointed that, following an initial promising meeting, repeated attempts to work collaboratively with Fire Dept. through information exchange and dialogue have not been successful. We are concerned that an insular approach will not result in the best possible ordinance. Regrettably, it is now up to this Board to open up the necessary discussion.

As always, EHL looks forward to working collaboratively with the Board, staff, and other stakeholders to achieve a sensible and effective approach to fire protection in Riverside County. We also reiterate our call to end the land use policies which continue to place people and property at risk in high fire hazard zones, and which burden the taxpayer with the costs.

Very truly yours,



Daniel Silver, MD
Executive Director

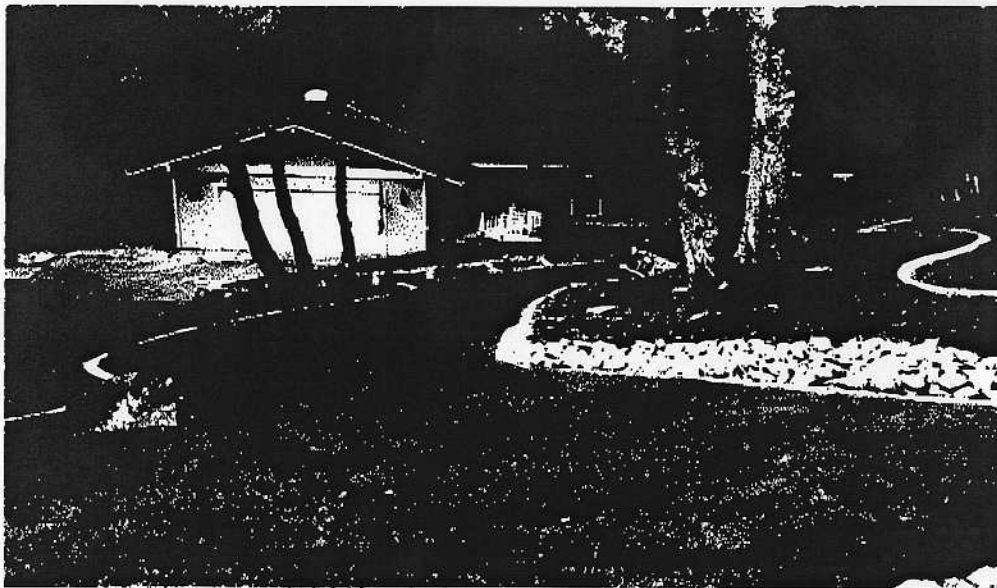
Attachment

General Guidelines for Creating Defensible Space, California Dept. of Forestry and Fire Protection

General Guidelines for Creating Defensible Space

State Board of Forestry and Fire Protection (BOF)
California Department of Forestry and Fire Protection

Adopted by BOF on February 8, 2006
Approved by Office of Administrative Law on May 8th, 2006



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A. Purpose of Guidelines

Recent changes to Public Resources Code (PRC) 4291 expand the defensible space clearance requirement maintained around buildings and structures from 30 feet to a distance of 100 feet. These guidelines are intended to provide property owners with examples of fuel modification measures that can be used to create an area around buildings or structures to create defensible space. A defensible space perimeter around buildings and structures provide firefighters a working environment that allows them to protect buildings and structures from encroaching wildfires as well as minimizing the chance that a structure fire will escape to the surrounding wildland. These guidelines apply to any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.



Effective defensible space

The vegetation surrounding a building or structure is fuel for a fire. Even the building or structure itself is considered fuel. Research and experience have shown that fuel reduction around a building or structure increases the probability of it surviving a wildfire. Good defensible space allows firefighters to protect and save buildings or structures safely without facing unacceptable risk to their lives. Fuel reduction through vegetation management is the key to creating good defensible space.

Terrain, climate conditions and vegetation interact to affect fire behavior and fuel reduction standards. The diversity of California's geography also influences fire behavior and fuel reduction standards as well. While fuel reduction standards will vary throughout the State, there are some common practices that guide fuel modification treatments to ensure creation of adequate defensible space:

- Properties with greater fire hazards will require more clearing. Clearing requirements will be greater for those lands with steeper terrain, larger and denser fuels, fuels that are highly volatile, and in locations subject to frequent fires.
- Creation of defensible space through vegetation management usually means reducing the amount of fuel around the building or structure, providing separation between fuels, and or reshaping retained fuels by trimming. Defensible space can be created removing dead vegetation, separating fuels, and pruning lower limbs.
- In all cases, fuel reduction means arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs, or creating a bare ring of earth across the property.
- A homeowner's clearing responsibility is limited to 100 feet away from his or her building or structure or to the property line, whichever ever is less, and limited to their land. While individual property owners are not required to clear beyond 100 feet, groups of property owners are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces.
- Homeowners who do fuel reduction activities that remove or dispose of vegetation are required to comply with all federal, state or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources. For example, trees removed for fuel reduction that are used for commercial purposes require permits from the

California Department of Forestry and Fire Protection. Also, many counties and towns require tree removal permits when cutting trees over a specified size. Contact your local resource or planning agency officials to ensure compliance.

The methods used to manage fuel can be important in the safe creation of defensible space. Care should be taken with the use of equipment when creating your defensible space zone. Internal combustion engines must have an approved spark arresters and metal cutting blades (lawn mowers or weed trimmers) should be used with caution to prevent starting fires during periods of high fire danger. A metal blade striking a rock can create a spark and start a fire, a common cause of fires during summertime.

Vegetation removal can also cause soil disturbance, soil erosion, regrowth of new vegetation, and introduce non-native invasive plants. Always keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques such as minimizing use of heavy equipment, avoiding stream or gully crossings, using mobile equipment during dry conditions, and covering exposed disturbed soil areas will help reduce soil erosion and plant regrowth.

Areas near water (riparian areas), such as streams or ponds, are a particular concern for protection of water quality. To help protect water quality in riparian areas, avoid removing vegetation associated with water, avoid using heavy equipment, and do not clear vegetation to bare mineral soil.

B. Definitions

Defensible space: The area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

Aerial fuels: All live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush. Examples include trees and large bushes.

Building or structure: Any structure used for support or shelter of any use or occupancy.

Flammable and combustible vegetation: Fuel as defined in these guidelines.

Fuel Vegetative material, live or dead, which is combustible during normal summer weather. For the purposes of these guidelines, it does not include fences, decks, woodpiles, trash, etc.

Homeowner: Any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area.

Ladder Fuels: Fuels that can carry a fire vertically between or within a fuel type.

Reduced Fuel Zone: The area that extends out from 30 to 100 feet away from the building or structure (or to the property line, whichever is nearer to the building or structure).

Surface fuels: Loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

C. Fuel Treatment Guidelines

The following fuel treatment guidelines comply with the requirements of 14 CCR 1299 and PRC 4291. All persons using these guidelines to comply with CCR 1299 and PRC 4291 shall implement General Guidelines 1., 2., 3., and either 4a or 4b., as described below.

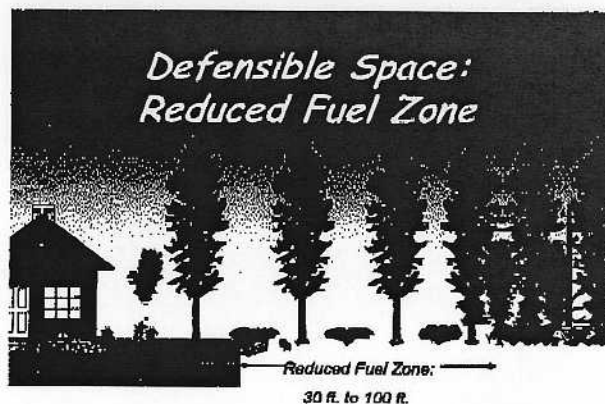
General Guidelines:

1. Maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure, with certain exceptions pursuant to PRC §4291(a). Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
2. Dead and dying woody surface fuels and aerial fuels within the Reduced Fuel Zone shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches. This guideline is primarily intended to eliminate trees, bushes, shrubs and surface debris that are completely dead or with substantial amounts of dead branches or leaves/needles that would readily burn.
3. Down logs or stumps anywhere within 100 feet from the building or structure, when embedded in the soil, may be retained when isolated from other vegetation. Occasional (approximately one per acre) standing dead trees (snags) that are well-space from other vegetation and which will not fall on buildings or structures or on roadways/driveways may be retained.
4. Within the Reduced Fuel Zone, one of the following fuel treatments (4a. or 4b.) shall be implemented. Properties with greater fire hazards will require greater clearing treatments. Combinations of the methods may be acceptable under §1299(c) as long as the intent of these guidelines is met.

4a. Reduced Fuel Zone: Fuel Separation

In conjunction with General Guidelines 1., 2., and 3., above, minimum clearance between fuels surrounding each building or structure will range from 4 feet to 40 feet in all directions, both horizontally and vertically.

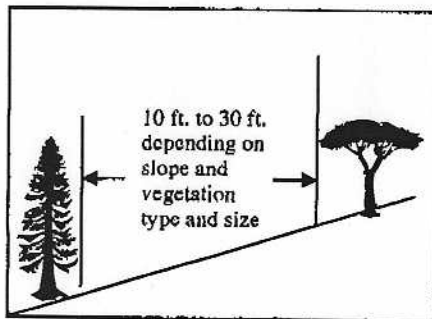
Clearance distances between vegetation will depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content etc.). Properties with greater fire hazards will require greater separation between fuels. For example, properties on steep slopes having large sized vegetation will require greater spacing between individual trees and bushes (see Plant Spacing Guidelines and Case Examples below). 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.



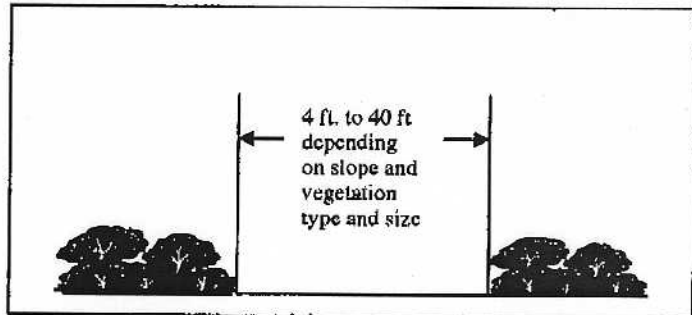
Grass generally should not exceed 4 inches in height. However, homeowners may keep grass and other forbs less than 18 inches in height above the ground when these grasses are isolated from other fuels or where necessary to stabilize the soil and prevent erosion.

Clearance requirements include:

- Horizontal clearance between aerial fuels, such as the outside edge of the tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.



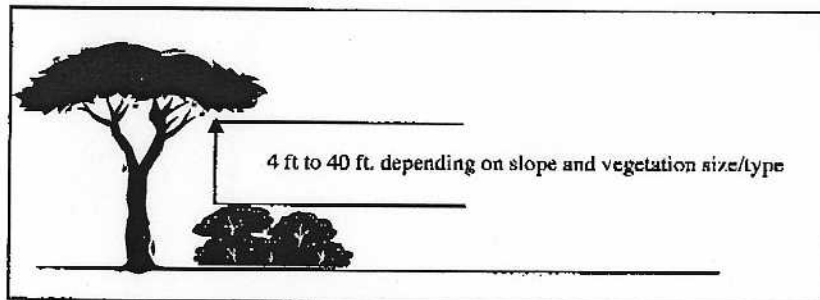
Trees



Shrubs

Horizontal clearance between aerial fuels

- Vertical clearance between lower limbs of aerial fuels and the nearest surface fuels and grass/weeds. Vertical clearance removes *ladder fuels* and helps prevent a fire from moving from the shorter fuels to the taller fuels.



Vertical clearance between aerial fuels



*Effective vertical and horizontal fuel separation
Photo Courtesy
Plumas Fire Safe Council.*

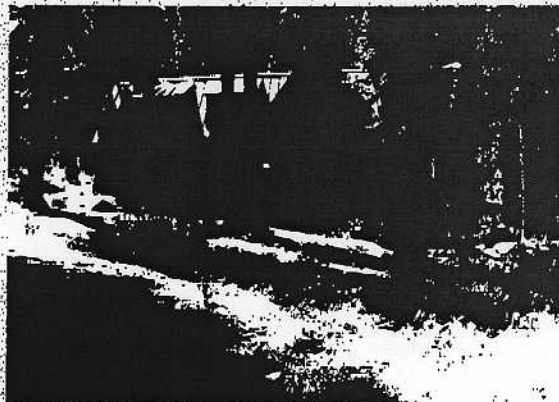
Plant Spacing Guidelines		
Guidelines are designed to break the continuity of fuels and be used as a "rule of thumb" for achieving compliance with Regulation 14 CCR 1299.		
Trees	Minimum horizontal space from edge of one tree canopy to the edge of the next	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 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	

Adapted from: Gillmer, M. 1994. California Wildfire Landscaping

Case Example of Fuel Separation: Sierra Nevada conifer forests

Conifer forests intermixed with rural housing present a hazardous fire situation. Dense vegetation, long fire seasons, and ample ignition sources related to human access and lightning, makes this home vulnerable to wildfires. This home is located on gentle slopes (less than 20%), and is surrounded by large mature tree overstory and intermixed small to medium size brush (three to four feet in height).

Application of the guideline under 4a, would result in horizontal spacing between large tree branches of 10 feet; removal of many of the smaller trees to create vertical space between large trees and smaller trees and horizontal spacing between brush of six to eight feet (calculated by using 2 times the height of brush).



Case Example of Fuel Separation: Southern California chaparral

Mature, dense and continuous chaparral brush fields on steep slopes found in Southern California represents one of the most hazardous fuel situations in the United States. Chaparral grows in an unbroken sea of dense vegetation creating a fuel-rich path which spreads fire rapidly. Chaparral shrubs burn hot and produce tall flames. From the flames come burning embers which can ignite homes and plants. (Gilmer, 1994). All these factors results in a setting where aggressive defensible space clearing requirements are necessary.



Steep slopes (greater than 40%) and tall, old brush (greater than 7 feet tall), need significant modification. These settings require aggressive clearing to create defensible space, and would require maximum spacing. Application of the guidelines would result in 42 feet horizontal spacing (calculated as 6 times the height of the brush) between retained groups of chaparral.

Case Example of Fuel Separation: Oak Woodlands

Oak woodlands, the combination of oak trees and other hardwood tree species with a continuous grass ground cover, are found on more than 10 million acres in California. Wildfire in this setting is very common, with fire behavior dominated by rapid spread through burning grass.

Given a setting of moderate slopes (between 20% and 40%), wide spacing between trees, and continuous dense grass, treatment of the grass is the primary fuel reduction concern. Property owners using these guidelines would cut grass to a maximum 4 inches in height, remove the clippings, and consider creating 20 feet spacing between trees.



4b. Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy

To achieve defensible space while retaining a stand of larger trees with a continuous tree canopy apply the following treatments:

- Generally, remove all surface fuels greater than 4 inches in height. Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.
- Remove lower limbs of trees ("prune") to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees). 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.

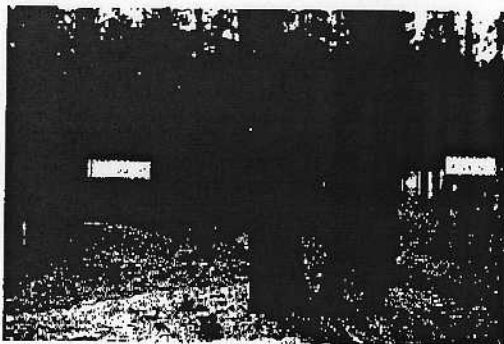
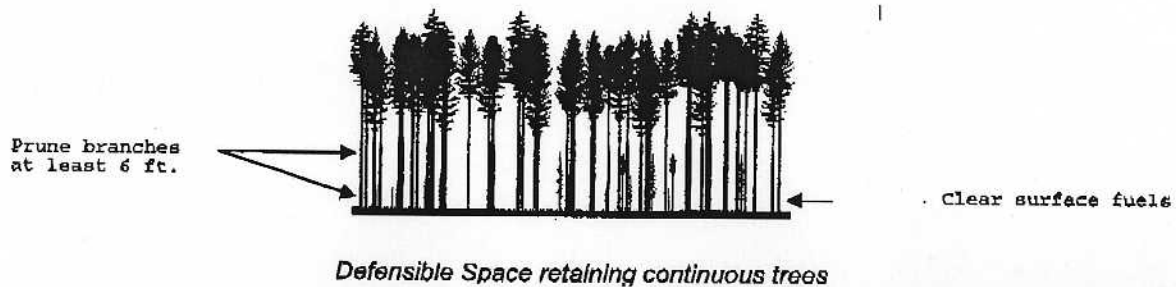
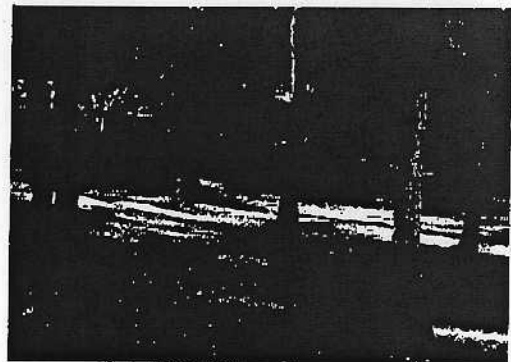


Photo Courtesy Plumas Fire Safe Council.



Defensible space with continuous tree canopy by clearing understory and pruning

Authority cited: Section 4102, 4291, 4125-4128.5, Public Resource Code. Reference: 4291, Public Resource Code; 14 CCR 1299 (d).



March 12, 2007

Riverside County Board of Supervisors,
Clerk of the Board
4080 Lemon Street
Riverside, CA 92501

RE: Agenda Item 3.24 for March 13, 2007 Board of Supervisors Meeting
SUBJECT: Amendment to Ordinance 695 concerning the abatement of hazardous vegetation

Honorable Supervisors:

Balancing safety with conservation of wildlands can be difficult. The Riverside-Corona Resource Conservation District (RCRCD) has a history of educating the public and agencies regarding fire safety and protection of homes in the wildland-urban interface. Last year, we met with County Fire and a Riverside County Councilor regarding the need to revise weed abatement notices and Ordinance 695.

Our agency commends the Fire Department for recommending changes in Ordinance 695. In past meetings, our staff discussed how the type and extent of clearing created by carrying out instructions on past weed abatement notices damages wildlands and wildlife, increases soil erosion, and negatively impacts air and water quality. The past requirement to completely clear parcels less than 5 acres and to cross cut larger parcel and to clear a 100 foot perimeter around all parcels, although sometimes warranted within vacant parcels in urban areas was inconsistent with preservation of soil, air, and water resources in most other areas, especially in conservation easements, conservation lands, and by watercourses. Such lands are especially sensitive and important to regional habitat conservation plans such as the Western Riverside Country Habitat Conservation Plan and to the plan being developed for the desert region.

We are very pleased to see the portions of the proposed ordinance that eliminates the archaic requirements that were meant for developed areas, not open wildlands. It is also important to have a 100 ft. fuel modification zone around homes. However, there are several sections of the proposed ordinance that need revision. These include:

1. There is a problem with the way structures are defined. Not all structures are worthy of having a required 100 foot fuel break bestowed upon a homeowner or neighboring property owner, especially if the neighboring property is conservation land.
2. The requirement to completely clear 100 feet from roads and structures by disking or mowing. Many roads traverse sensitive wildlands and can be kept safe without a full 100 feet of fire


- clearance. Special protections and fuel modification techniques should be defined where roads are next to or cross sensitive habitat, especially watercourses or riparian/riverine habitat.
3. The lack of providing for an alternative type of 100 foot reduced fuel zone that would be consistent with 2006 guidelines provided by the California Department of Forestry and Fire Protection.
 4. The lack of citation of AQMD Rule 403 on fugitive dust and a requirement that there be a shift towards methods that do not cause PM 10 pollution and destruction of soil structure.

Here we enclose our new brochure "Living on the Edge" that provides information about creating defensible space in environmentally sensitive areas. Please note that our new brochure is consistent with the 2006 guidelines provided by the California Department of Forestry and Fire Protection in that it illustrates two zones—a zone of 30 feet closest to structures that contains non-flammable hardscaping, low plants with high water content, and/or well spaced plants that can be hydrated during the dry season, together with an absence of highly flammable species such as pines and junipers. The outer 30 feet to 100 feet + is a fuel-modified zone(= reduced fuel zone) within which plants are kept widely spaced, trimmed. The amount of trimming and spacing depends on the particular terrain and neighboring vegetation. This outer zone does not actually need to be disked or mowed to be defensible against fire. Similarly, a wildland or conservation parcel that provides habitat for plants and wildlife does not need to be completely cleared by disking or mowing. In many instances, such parcels can be fuel modified if they are within 100 feet of an important structure or home. Tool sheds, wood fences, gazebos and other similar structures should not be regulated to the same level as an human occupied buildings or livestock holding structures.

I am sure that there are other details that we could discuss if more time be made available. We understand the urgency but we realize that there are complex and diverse consequences that need to be dealt with. We recommend continuing the adoption of this ordinance to allow for appropriate review and input from affected agencies, organizations, and individuals.

We would like this to be an ordinance that we can all live with that protects life, property and natural lands.

Sincerely,



SHELLI LAMB
District Manager