

**SPECIAL MEETING of the ROSS TOWN COUNCIL
MONDAY, DECEMBER 5, 2016**

1. 8:00 a.m. Commencement.

Mayor Katie Hoertkorn; Mayor Pro Tempore Elizabeth Robbins; Council Member Elizabeth Brekhuis; Council Member Beach Kuhl; and Council Member Rupert Russell (*arrived@8:15 a.m.*)

2. Posting of agenda.

Town Manager Joe Chinn reported that the agenda was posted according to government requirements.

3. Town Council discussion on Wildland Urban Interface (WUI) standards and requirements, WUI maps and application of such standards in the Town with Fire Chief Mark Mills, Ross Valley Fire Department.

Town Manager Joe Chinn explained that the purpose and objective of the discussion is to provide background information for consideration related to Wildland Urban Interface (*WUI*); there are multiple layers of requirements related to this topic. There are WUI regulations, fire codes, building codes, and state regulations and local regulations. The Council Community Protection Committee has met several times to discuss WUI, most recently on September 20, 2016. At the September 20th Committee meeting it was determined that there should be a Council Workshop so the entire Council would have the background information and opportunity to ask questions related to the WUI regulations. It is anticipated that following this meeting, the item will be brought to a regular Council meeting for action in the early part of 2017.

Fire Chief Mark Mills appreciated the opportunity to make this presentation. He said Ross Valley Fire (RVF) are looking at the WUI codes and building codes already approved as part of the 2017 Fire Code adoption. They are reviewing the actual map that the WUI codes would affect. The WUI codes will affect the Hillside Lot Ordinance (*HLO*).

Council Member Kuhl pointed out that currently WUI only applies to hillside lots, so there is another issue to consider extending the WUI regulations to more than just hillside lots. Town Manager Chinn added that the Vegetation Management Plan (*VMP*) will be part of WUI in regard to defensible space, so what is being considered is not only the extent of the WUI boundaries, but also requirements to harden the structure and VMP's.

Mike Gutierrez, Engineer, provided a presentation describing his experience in fighting the Clayton Fire that occurred on August 13, 2015. He stated the condition was very dry. The fire started burning northeast toward Lake Berryessa and Highway 29. Ross Valley Fire Department was dispatched to the Clayton Fire. The fire escalated due to all the vegetation and within 20 minutes from the initial spot fire the fire was well off. During the process the firefighters were told to move out because the fire was moving across the roadway. Spot fires began developing quickly and it was like it was raining fire. Fire fighters tried to save as many homes and animals as they could. It was very chaotic. There was a lot of livestock. After a few hours they were told

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to back out and head to the City of Lower Lake. He then provided several photographs to the Council to better understand the incident.

Council Member Kuhl asked if there is a way to estimate how long the Town's water supply would last. Fire Chief Mills added that it depends on the number of fire engines and how much water is applied. Typically, the Town's water supply should last between four and six hours.

Council Member Brekhus asked what are the three designations in terms of moderate, high and very high. Fire Chief Mills explained that the Town of Ross is located in a local responsibility area, and that the State has designated one parcel in Town a very high fire hazard severity zone. RVF is recommending that the Council designate the entire Town a WUI fire area, which would provide the RVF and the Town of Ross, the legal authority to enforce WUI building code regulations throughout the Town. Currently, the WUI standards only apply to lots subject to the HLO. The Town has the choice to apply this map to the entire Town or modify the WUI designation area, similar to what has been previously done with the HLO. Chief Mills suggest that the Council should not only be concerned with vegetation clearing, but also ember cast, so buildings should be hardened to make them more fire resistant, hence that is where WUI comes into place.

Todd Lando, Executive Director of FireSafe Marin, explained that the State of California fire hazard severity zone maps were created in 2005. Those maps only address the State responsibility areas (SRA). The State published maps that showed some of the hazards in the local responsibility areas. The State of California is revising those maps and a tremendous change will occur when published in 2017. The State is more willing to address the issues they see in the SRA. The current State fire severity zones are available online. Todd Lando also explained that in 2015, CALFIRE awarded FIREsafe Marin a \$123,200 grant from the SRA Fire Prevention Fee Fund to update the 2005 Marin County Community Wildfire Protection Plan (CWPP), and integrate it with the Marin County Fire Department Unit Strategic Fire Plan. With the grant money and over the last two years, a science-based hazard, asset, risk assessment was performed using up-to-date, high-resolution topography and fuels information combined with local fuel moisture and weather data. The assessment focused on identifying areas of concern throughout the county and beginning to prioritize areas where wildfire threat is greatest. Hazard mitigation efforts can then be focused to address specific issues in the areas of greatest concern. They worked with every community to develop this plan that was adopted by all five board of supervisors. He encouraged everyone to review the CWPP. Marin County will reduce wildland fire hazard using a collaborative and integrated approach that includes pre-fire planning; public education and outreach to promote and implement fire adapted community practices; vegetation management and fuel reduction at the county and community levels; and reducing structure ignitability by promoting and enforcing building codes, ordinances, and statutes. For more information and maps visit: www.FireSafeMarin.org/cwpp

Fire Chief Mills stated that several factors lead to the ignition of homes during a wildfire event. Recent research indicates that wildland fires progress from a fire involving wildland vegetation only, to embers and wildland vegetation igniting domestic vegetation, which then ignites the adjacent structure. Mills stated that the fire would then morph in to a series of structure fires, with involved structures igniting other structures. If there is a fire in Ross there will be ember cast and they want to preserve the Town and the best way to preserve is to strengthen the

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structures. Homes and structures located anywhere in and around the WUI are at a higher risk for exposure to wildland fire. Fire can spread rapidly within WUI areas through adjacent structures and/or vegetation, or by ember dispersion. Property owners in the WUI have a responsibility to prepare their property for structure defense by providing adequate defensible space and complying with WUI building codes and ordinances. It is the responsibility of the property owner to provide the necessary protection for their individual property, which in turn, better prepares the entire community for defense from a wildfire incident. By adopting an ordinance designating the WUI fire areas, the Town will provide the community with building standards consistent with those being enforced throughout the Ross Valley Fire Department's jurisdiction and the county.

Mayor Hoertkorn asked if they adopt the WUI map for the Town, what would be the VMP requirements for tree and vegetation removal. Fire Chief Mills stated that the VMP is done on a case-by-case basis. It is a landscaping plan. For a remodel, existing vegetation would be required to be trimmed back and up from the ground.

Council Member Kuhl asked how far could an ember cast travel. Fire Chief Mills responded that an ember cast that creates spot fires can travel up to three miles, but a quarter to a half-mile is very common.

Fire Inspector Ruben Martin explained that with a remodel, they review the plant species and make recommendations on what vegetation should be removed and the type of vegetation being planted. The goal is to create a "park like" setting.

Council Member Brekhus noted confusion in regard to the VMP. They have such a low threshold for substantial remodel in Ross which would then require VMP's for those projects. In Fairfax, they wanted to encourage second units they modified their sprinkler requirements for new construction or second units. She pointed out that her review of Novato, San Anselmo and Larkspur, jurisdictions are trying to make sense of what the fire departments are recommending and what are good policy decisions. Every jurisdiction within the county is close to open space. The argument that has been made is that every single spot in Marin County should be within a WUI. From the standpoint of preserving the appearance of the Town, design review, increased cost of construction and existing landscaping the Town wants to preserve, it can potentially be argued that the Town should not be designated to be within a WUI.

Mayor Pro Tempore Robbins believed the wind and the water changed everything in regard to the Clayton fire. She wondered if there is data about communities that have implemented all of the regulations, and with a bad fire, will all these implementations really save the Town. Fire Chief Mills explained that as noted in the staff report, in addition to the defensible space available around structures, other factors that lead to structure ignition include the configuration of building elements and the type of construction materials used. For example, CALFIRE's study of the Santa Barbara Paint Fire (5000 acres, 440 houses, 28 apartment complexes) found an 86% survival rate for homes with non-combustible roofs and 30 ft. of defensible space.

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Council Member Kuhl believed their obligation is to provide the maximum protection possible with respect to applying WUI. He stated that they should provide whatever protection they can in terms of how they apply the WUI rules.

Council Member Russell asked if this has to be addressed this year or can it be addressed next year. Fire Chief Mills responded that it should have been addressed in 2007, which is when the original maps were done. They are now trying to catch up. The farther they go down the line, the more scientific data and more extreme fire seasons become, it all points to having stricter and stricter fire codes and implementing more regulations for new construction and remodels. The fire seasons within California are getting worse. It depends on the weather, topography and fuel types that will dictate what takes place.

Mayor Hoertkorn opened the public comment period on this item.

Sandy Gould, Marin County resident, asked that Marin Municipal Water District (*MMWD*) implement an integrated pest management program (*IPM*). She felt MMWD has given up on trying to control the broom. Ross is vulnerable due to the massive infestations of broom in Ross. It would be in Ross' interested to ask MMWD board to change their position and adopt IPM so they can start doing some effective broom control just outside the Town of Ross.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion.

Town Manager Chinn stated this is a complex level of building codes, fire codes and WUI ordinances, and wanted to make sure the Council completely understands the VMP.

Mayor Hoertkorn felt more clarification is needed in regard to what is allowed and what is not. In her view, the landscaping issues are not easy to understand. Fire Chief Mills noted that VMP is involved when there is a construction project. A property owner would work with a landscaper to develop a fire safe landscape plan. The Fire Department would be very selective on what is planted. The issue of defensible space is creating 100 ft. of defensible space to prevent that ember shower to land on dead vegetation. Proper Defensible Space is achieved by accomplishing the following:

- Cutting dry grass regularly within 100 ft. of your home. Rake and remove clippings.
- Use irrigated, fire-resistant plants where possible.
- Make decks fire safe by clearing vegetation and combustibles like lumber and firewood from underneath
- Keep trees limbed up 10' from the ground or from the tops of plants below (or 1/3 the height of trees short than 30')
- Cutback at least 10' from your chimney and roof. Remove all dead limbs.
- Clean all needles and leaves from the roof and rain gutters regularly during fire season.
- Maintain your landscaping by mowing, watering, weeding and removing dead needles and leaves.
- Maintain fire engine access to your home by clearing vegetation 10 from the sides of roads and driveways and 14' vertically.
- Make your address visible from the street in both directions, with 4" (minimum) reflective numbers on a contrasting background.

Fire Chief Mills agreed to work with Town staff to develop definitions that clearly apply, so there is not so much ambiguity in the interpretations by the individuals inspectors to be applied across the board, and then bring back at a later date to be approved by the Council. Town Manager Chinn believed between fire, planning, and building they will think through the scenarios.

Mayor Pro Tempore Robbins asked why they want to legislate more than what the State requires. If this is adopted, it will inconvenience several located in the hillsides. She felt they are making laws that will impact several residents.

Council Member Brekhus stated that when everything is put into a WUI they go from having the authority to review and decide on landscaping meeting Ross standards to giving it to the fire department. Then the fire department has the authority and the Council no longer has the ability to enforce what was in place in terms of a landscaping plan. She did not believe if they translate certain landscaping into the ordinance would create local control. They should see if the entire Council supports WUI. She would like to see WUI in the HLO areas, but not in the flats.

Town Manager Chinn discussed the following:

What can Ross Building Department enforce without a WUI Map:

- Defensible Space on Hillside Lots per PRC 4291 & California Government Code 51182
- Require full State WUI compliance for projects that trigger a Hillside Lot Permit.
- Class A roofing or Class A by Assembly
- Fire Sprinklers

Specific list of building permit plan check requirements Ross requires during plan check for properties within a designated WUI Area (*Hillside Lot Permits and Very High Fire Hazard Severity Zones*):

- Metal Gutters
- Eave protection and attic ventilation
- WUI compliant Windows (tempered glass or triple pane glazing)
- Ignition resistant decking material
- Fire resistant exterior wall coverings
- 20 minute fire protection rating solid core wood doors
- Vegetation Management Plan
- Class A roofing material or Class A by assembly (*Required for all properties in Ross when proposing a new roof*)
- Fire Sprinklers Plan (*Required for all properties in Ross when triggering a substantial remodel per the code*)

Council Member Kuhl asked what is the definition of “ignition resistant decking material.”

Fire Chief Mill responded that it would be similar to the “Trex” composite material or solid wood based on the thickness, which is considered timber and ignition resistant. Mayor Pro Tempore Robbins asked if a redwood deck would be included. Fire Chief Mills responded in the affirmative, based on its thickness. With shingled houses, they would use pressure treated shingles, and it would be based on how the contractor assembles the wall.

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Council Member Brekhus asked where is the *“like for like”* expression defined in the code. Fire Chief Mills added that is one of the amendments being requested through the WUI code.

Council Member Kuhl is in favor of following the fire departments regulations, but agreed they need to have more specificity put in the code for a better understanding.

Mayor Pro Tempore Robbins agreed to apply the WUI to the HLO areas, and nowhere else. Council Member Brekhus agreed to leave *“as is”* and not extend out to other areas in Ross.

Council Member Russell wondered if it possible to adopt a WUI, but give some ability to gain exemption for specific items where the costs are exponentially high or difficult to make the changes. He desired some mechanism to build in some flexibility or process to result in this not being a complete absolute.

Mayor Hoertkorn is concerned about protecting the Town, but desired some sort of ability to appeal or have exemptions in place. She is not sure if there is some sort of middle ground. She suggested another meeting in order to receive answers and more specificity to their questions.

Building Official Lucido pointed out that there is an appeals process. This is subject to interpretation. He believed the Council adopts the codes as written since the experts took the time to develop and then the Council can implement the policies. They are asking fire, building and planning to get well-written policy statements, so they are enforcing the codes in a way the Town likes to enforce the codes. Any time staff makes an interpretation, an applicant can appeal and then it would go to the Council to hear both sides.

Council Member Brekhus expressed concern for the number of residents that would know about the appeal process. Practically, this is not a good solution in her view. The encroachment permit is a perfect example. She did not feel it is a good idea to have such a discretionary ordinance.

Council Member Kuhl wanted some discretion to alleviate a provision that turns out to be harsh in particular instances. They must protect against unintended consequences.

Town Manager Chinn noted that those projects that come before the Council for approval, the Council can be the ultimate approver of the VMP for those projects. They need another workshop to answer all the Council’s questions. In the end, we need to adopt a WUI map which will help applicants, residents, and staff moving forward.

Fire Chief Mills agreed to review the neighboring towns, the history and how it was adopted in regard to the carve outs.

Town Manager Chinn agreed to schedule another meeting to further discuss.

4. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 10:10 a.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk