

RESPONSE TO GRAND JURY REPORT FORM

Report Title: MARIN ON FIRE! Not if, but when.

Report Date: April 1, 2008

Response by: Governing Board, Marinwood Fire Department

By: CHIEF THOMAS ROACH

FINDINGS

- I (we) agree with the findings numbered: F2, F3, F7, F8, F9, F12
- I (we) disagree wholly or partially with the findings numbered: F1, F4, F5, F6,
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R2 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: May 29, 2008 Signed: Bruce Anderson

Number of pages attached 5

MARINWOOD FIRE DEPARTMENT RESPONSE TO FINDINGS

- F1.** *Compliance with vegetation management codes and the threat of wildland fires in Marin are not top-of-the-mind public concerns.*

MARINWOOD Response: We partially disagree with this finding. Three countywide surveys (a survey conducted by the Marin County Library, and two tax measure surveys done by the County of Marin) conducted over the last year indicated that concern over wildfires consistently polls as either the top or second greatest issue of concern of Marin County residents. Three years ago Marin County Open Space underwent a policy review with input from Marin County residents. During that review process it was discovered that wildland fires were a major concern to county residents. Also, the threat of wildfires comes as seasonal concerns to residents. As the weather gets hot leading into summer, the number of fire hazard complaints typically increases. Once wildfires in the state begin occurring and getting publicized the wildfire threat becomes a primary concern to residents.

- F2.** *Easily identifiable egregious vegetation management code violations exist throughout Marin County.*

MARINWOOD Response: Although we agree in general with this finding, it must be noted that codes regarding adequate vegetation management and defensible space are subjective and can be interpreted differently by different jurisdictions and homeowners. Also, staffing and budget constraints make hazard identification and follow up difficult.

- F3.** *Homeowners can decrease fire risk by increasing defensible space, which reduces fuel.*

MARINWOOD Response: We agree with this finding.

- F4.** *A number of municipalities in Marin have made significant changes in building codes for new construction and major remodels. These new Wildland-Urban Interface codes have little impact on the vast majority of Marin homeowners.*

MARINWOOD Response: This finding is not entirely correct. The Marinwood and Marin County amendments to the 2007 California Fire Code (CFC) include specific code sections on vegetation management and defensible space that apply to existing structures.

Furthermore, we need to clarify the differences between the building and fire codes and the Wildland-Urban Interface Code since they have important differences and appear to have been used interchangeably in the finding. In general, Building Codes only apply to new structures. Also, when a building

code is applied to an existing structure, the code applied is the version of the code under which it was built. Fire codes, on the other hand generally regulate processes that occur in the built-environment, and fire safety. As such, many provisions of fire codes may be retroactively applied to existing buildings.

To address the threat of wildfires to the built environment, Chapter 7A of the 2007 California Building Code (which amends the 2006 International Building Code) contains building standards for new structures built in areas designated by the local jurisdiction as part of a Wildland-Urban Interface Area or in a Very High Fire Hazard Severity Zone (if the local jurisdiction is a "Local Responsibility Area" LRA)) as designated by CAL FIRE. If the local jurisdiction is State Responsibility Area (SRA), the Chapter 7A requirements apply to new construction in all areas designated by the State as being in a Fire Hazard Severity Zone (Moderate, High, or Very-High). The Chapter 7A provisions are effective for SRA and LRA January 1, 2008 and July 1, 2008, respectively.

The provisions of Chapter 7A were not made at the local level. They were developed as a result of the Governor's Blue Ribbon Commission's recommended changes to the building codes in the wake of the 2003 Southern California Fire Siege. Conversely, the International Code Council's Wildland-Urban Interface Code mentioned in the finding incorporates both building standards, and fire code provisions such as access, defensible space/vegetation management, and firefighting water supply requirements.

It should be noted that the Wildland-Urban Interface Zone and the Fire Hazard Severity Zones as determined by CAL FIRE are two different designations. The CAL FIRE FHZ maps were developed using criteria including slope, aspect, fuel type, critical fire weather, and fire history. Developers of the WUI Zone map not only took into account slope, aspect, and fuel type. They also used the structure's proximity to wildland, as well as structure density. As such, the State's FHZ maps include many areas that have few or no structures, while the WUI map is confined to areas containing communities of homes and structures.

While it is true that the adoption and implementation of the WUI ordinances and the CBC's Chapter 7A (which only effects building structural elements) effect new construction and (in the case of most of the WUI ordinances) substantial remodels, we have to start somewhere. The current situation with regards to the WUI ordinances is analogous to the early 1990s when residential sprinkler ordinances were adopted. Also, it has always been a basic tenet of the codes that each new cycle of codes is not retroactively applied to existing buildings.

The hope is that as new homes/buildings are built applying the provisions of Chapter 7A of the CBC and/or the WUI Code it will encourage neighboring homes and communities to follow the example of the newer homes and work to reduce their respective individual fire risk. In the end, a reduction in fire risk will only be accomplished on a neighborhood basis.

F5. *There is inconsistency in various vegetation management codes throughout the county.*

MARINWOOD Response: We disagree with this finding. For at least the last three code cycles, the Marin County Fire Prevention Officers has met many times over several months to develop consistent county-wide amendments to the Fire Code that are followed by Marin County Fire Agencies.

Specifically, every jurisdiction has adopted Appendix II-A of the 2000 Uniform Fire Code for the last three code cycles (1999, 2002, and 2006). Furthermore, other code sections requiring removal of pyrophytic plants within 30 feet of structures for example, have been part of the amendments to the adopted fire codes county-wide.

Until this past year when San Rafael adopted their vegetation management ordinance, **all fire jurisdictions** (with the exception of the small volunteer West Marin fire agencies) had the same vegetation management codes. The inconsistency exists is in the areas of interpretation and enforcement.

F6. *Most vegetation management codes and homeowner educational materials are difficult to interpret and confusing to the layman.*

MARINWOOD Response: We disagree with this finding. We have posted on our web site very simple checklists, as well as simple to understand brochures from both CAL FIRE and Fire-Safe Marin, which include clear diagrams detailing the various defensible space zones and best practices. Marinwood Fire Department sends out a mailer every year with approximately 10-12 items that will greatly increase a home's chances of surviving a wildland fire.

Fire-Safe Marin has also recently produced a DVD (MARIN ON FIRE), which is conveniently broken-up into 5-6 minute segments taking the viewer through fire-safe landscaping, fire hardening of the home, etc. to help the homeowner better understand the importance of vegetation management.

The codes themselves may be confusing, but simple brochures with guidelines are readily available to help the homeowner understand the importance of and how to better protect their structure against wildland fires.

F7. *"Best practice" vegetation management policies require fire department access to the whole property in the company of the owner. No jurisdiction has a plan for this.*

MARINWOOD Response: We agree with this finding. However, we are prohibited from going onto private property without landowner permission. With

MARINWOOD Response: Marinwood Community Services District just completed its amendments and adoption of the 2007 California Fire Code. Marinwood Fire Department is continuously reviewing and updating its public education materials and is available to the requests of the public on vegetation management concerns or questions.

R2. *All fire jurisdictions develop plans with specific goals for compliance and enforcement of vegetation management and defensible space codes by June 30, 2009.*

MARINWOOD Response: Marinwood Fire Department is in the process of reviewing its vegetation management/defensible space inspection processes with the goal of increasing homeowner education and participation. We are also laying out project areas of the District and aggressively seeking grant funding to reduce the wildland fire threat to the community.