

RESPONSE TO GRAND JURY REPORT FORM

Report Title: MARIN ON FIRE! Not If, But When
Report Date: April 1, 2008
Response by: Governing Board, Mill Valley Fire Department
By: Robert G. Ritter, Director of Police & Fire Services
Jeff Davidson, Battalion Chief, Mill Valley Fire Department

FINDINGS

- I (we) agree with the findings numbered: F-1, 2, 3, 6, 7, 8, 9, 12
- I (we) agree disagree wholly or partially with the findings numbered: F4, 5, 10, 11

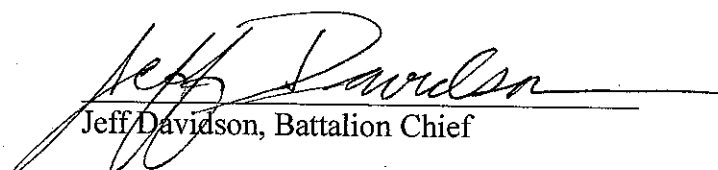
RECOMMENDATIONS

- Recommendations numbered R-2 have been implemented.
- Recommendations numbered R-3 have not yet been implemented but will be implemented in the future.
- Recommendations numbered R-1 require further analysis.

Date: 6-10-08

Signed: _____


Robert G. Ritter, Director


Jeff Davidson, Battalion Chief

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FINDINGS:

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

Response: **Agree with the finding.**

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

Response: **Agree with the finding. There are plenty of examples of properties through Marin, both public and private, where both the intent of the code and the strict letter of the code are not in compliance.**

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

Response: **Agree with the finding. One of the single most important things that can be done is to reduce the amount of flammable/combustible vegetation.**

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.

Response: **Disagree wholly or partially to the finding. The new model state building codes became effective January 1, 2008. In this new code is Chapter 7A which regulates construction in the Wildland-Urban interface zones. Mill Valley had no choice in adopting this code; it was state-mandated. The only agencies in Marin that did make changes to the building codes prior to January of 2008 were the Novato Fire Protection District and the County of Marin. These codes were included in as Chapter 5 of their Wildland-Urban Interface Codes which they adopted between 2003 and now.**

Mill Valley did adopt the Wildland-Urban Interface Code as of 1-1-2008. This code identifies the WUI zone, increases requirements for access, water supply and vegetation management. Many jurisdictions in Marin did adopt the WUI code at the beginning of 2008.

It is still to be evaluated how much impact these codes will have on the vast majority of Marin homeowners. As it currently stands in Mill Valley, new construction will be bound by the increased construction features found in Chapter 7A of the Building Code and the provisions of the WUI Code.

Homes substantially remodeled will have to comply with the vegetation and access issues of the WUI Code. What is still being evaluated in Mill Valley is what, if any, threshold of remodel would prompt the construction requirements. Some jurisdictions say that it only applies to new construction and would have no effect on remodeling projects. Some say any work performed must meet the new requirements. This issue is currently under discussion with the Fire Marshal, Planning Department staff and City Manager. A joint study session of the City Council and Planning Commission has already taken place to hear more about these issues.

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

Response: **Disagrees wholly or partially to the finding.** We do not feel there is inconsistency in the codes. Most agencies have adopted the fire code that includes language about vegetation management. Many have or are in the process of adopting the WUI, *however, there is inconsistency in implementation of them.*

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

Response: **Agree with the finding.** We generally agree with this. Part of the problem is that there is an inconsistent message between jurisdictions and sometimes from within jurisdictions (Planning, Building, Fire) and externally from design professionals and retailers.

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

Response: **Agree with the finding.** It would be best for us to see the entire property, but this is not consistent with our current policy of not trespassing and a large number of property owners will not approve full access.

F8 Not all Marin County fire jurisdictions proactively inspect for vegetation management code compliance without a complaint or owner request.

Response: **Agree with the finding.** Some departments do self-inspections, some do drive-bys, and some don't do any unless a complaint or owner request.

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F9 Resources for fire jurisdiction inspection and enforcement are limited, and homeowners cost for compliance can be extremely high.

Response: **Agree with the finding.**

F10 The San Rafael Fire Department in August of 2007 adopted a novel vegetation management approach, combining a simple and clear code with a specific aggressive three-year enforcement plan.

Response: **We neither agree nor disagree with this finding. At this point we do not know enough about the San Rafael program to comment on it. It is known that one thing they have done is spend a lot of time on public education and outreach.**

F11 While it is too early to evaluate the long-term results in San Rafael, there are initial indications that homeowner response is positive and vegetation risk is being reduced. If successful, the San Rafael experiment would demonstrate one way to bridge the gap between where we are and full compliance – at costs acceptable to both fire departments and homeowners.

Response: **We neither agree nor disagree with this finding. We do not have sufficient information to definitively comment on this Finding. We do know, however, that we have received mostly positive support for the various programs that Mill Valley Fire Department has initiated through our MST/Vegetation Programs. While some resistance has been encountered, the majority of the feedback on the programs has been met with support.**

F12 Significant progress in enforcing vegetation management and defensible space codes will require additional resources and/or a change in direction by governing boards.

Response: **Agree with the finding.**

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RECOMMENDATIONS:

R1 Governing boards of all fire jurisdictions in Marin County review and update current vegetation management and defensible space codes and homeowner educational material to be certain they are realistic, achievable, enforceable and easily understood by the public-at-large. The boards should target completion by June 30, 2009.

Response: **Partially implemented and ongoing. These will be considered in the future as terms referenced may be amended as the recommendations are further defined. Mill Valley just updated its model codes through adoption of the 2006 California Fire Code and the 2006 WUI Code. The web site was updated with tons of new and updated information in support of the updated fire code and the WUI. This includes standards and references. Through the MST/Veg Management Program a newsletter went out last year to residents with information on defensible space.**

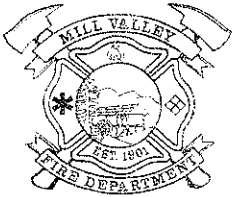
The terms "realistic, achievable, enforceable and easy to understand" are subjective.

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

Response: **Generally implemented at this time. We have existing programs in place such as the annual weed abatement inspection program. We have been requiring non-combustible roofing and sprinklers for over 25 years. We just implemented the WUI code requirements.**

R3 The City of San Rafael provide quarterly reports to all other fire jurisdictions in Marin on the results of its new aggressive approach to vegetation management.

Response: **Will implement immediately when/if San Rafael Fire Department is willing to share data.**



MILL VALLEY FIRE DEPARTMENT

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Robert G. Ritter
Fire Chief
Director of Police
& Fire Services

June 6, 2008

Roberta Robinson, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 303
San Rafael, CA 94903

Dear Ms. Robinson,

The Mill Valley City Council and Mill Valley Fire Department have received a copy of the Grand Jury Report "Marin On Fire! Not If, But When", dated April 1, 2008.

The Grand Jury has requested a response to Findings and Recommendations from the City of Mill Valley's Governing Board, which is the Mill Valley City Council. Please find attached our response, which was completed by Fire Department management personnel, and reviewed by the Mill Valley City Manager and City Councilmembers. The content of our response will be heard at a lawfully noticed open City Council meeting on June 16, 2008.

Thank you for the opportunity to present our Findings and Recommendations to the Grand Jury.

Sincerely,

Robert G. Ritter
Director of Police & Fire Services

cc: City Council
City Manager
MVFD Management Team