

# DRAFT (14 April 08) ORDINANCE 01-2008

Add Chapter 6.00 to Title 6 of the Cambria Community Services District Code to read as follows:

## CAMBRIA COMMUNITY WILDLAND FIRE PROTECTION ORDINANCE

### 1. Background

There are numerous reasons why people choose to visit, live, and remain in Cambria; among the more important are the "small town" atmosphere, proximity to the ocean, and the forest. Indeed, out of the many features that make Cambria attractive, only one stands out as unique – the Monterey pine forest in and around the town. There are many coastal towns that are small and surrounded by beauty, but only Cambria and Monterey are nestled among Monterey pines, and Monterey long ago lost its "small town" atmosphere. However, there are risks that come with living in a forest, including trees that are hazardous to life and property, including the risk of a wildland fire. The risks associated with fire are obvious: loss of life and property, erosion, watershed pollution, spread of invasive plant species, etc. However, many Cambrians accept these risks for the privilege of living in this forest. Most people understand that these risks cannot be reduced to zero without destroying the forest. Given the risks, however, and the many decades of accumulated dead vegetation in the understory, it would be irresponsible not to address the danger of wildland fires – thus, there is a need to develop a plan to reasonably reduce the risk of such a fire.

There are numerous conflicting issues related to living in Cambria's pine and oak forest. For example, activities related to reducing fire risk, controlling the spread of pitch canker and bark beetles, preventing soil erosion, controlling the spread of exotic annual grasses, enhancing carbon sequestration, and ensuring the long-term existence of the town's unique forest can be contradictory. Cultivating a relationship with the Cambria forest is not impossible, but it is nearly impossible to ensure a balance between these many contradictory issues without developing and implementing a comprehensive and integrated forest management plan. Fortunately, Cambria has such a plan – but it needs funding and regulations to be implemented.

The Cambria Forest Management Plan or CFMP, internet link [http://frap.cdf.ca.gov/pitch\\_canker/research/Cambria\\_Forest\\_Management\\_Plan\\_4\\_02.pdf](http://frap.cdf.ca.gov/pitch_canker/research/Cambria_Forest_Management_Plan_4_02.pdf), is a template that addresses many of the important issues that relate to living in a forest ecosystem like Cambria's, including specific actions to reduce the risk of fire. The plan is designed to be implemented by a qualified forest ecologist, in cooperation with landowners and an agency such as the Cambria Community Services District. Briefly, implementation would first entail defining the unique management areas or units within Cambria. It makes little sense to try and manage the diverse neighborhoods of Cambria with a one-size-fits-all approach. Some of these management units would include numerous individual parcels or lots. Then, after specific management objectives are defined for each of the units, management prescriptions or treatments would be applied. Lastly, results would be monitored to ensure that the objectives for each unit are being achieved.

Reducing fire risk is one of several important objectives of the CFMP that involve not only managing vegetation in Cambria, but also managing the many varied activities of people with regard to their impact on the forest. The optimal route to achieving overall forest management is to comply with existing relevant government codes AND implement the CFMP, along with appropriate checks and balances. The following CCSD ordinance represents a collaborative strategy of achieving fire risk reduction without the long-term destruction of the forest, which more than any other natural feature defines Cambria.

### 2. Definitions

**Annual grass:** Those species that do not persist after the winter growing season, but re-seed for the next winter. Most annual grasses in the Cambria forest are exotic and highly invasive, including, but not restricted to, Quaking grass (*Brezia major*), foxtail (*Hordeum* spp.), annual rye (*Lolium* spp.), and brome (*Bromus* spp.).

**Buffer Zone (BZ):**

The area immediately adjacent to the **Building Protection Zone** that is within the **URL** where additional thinning and improved spacing of vegetation is done in order to protect the **Building** from a wildland fire, regardless of lot or parcel lines. The **BZ** is defined as extending between 30 to 100 feet on the horizontal plane from all points on the outside base of the **Building**.

**Building:**

Any structure used for support, storage, and shelter of any use or occupancy.

**Building Protection Zone (BPZ):**

The area around a Building that is within the **URL** where thinning, clearing and spacing of vegetation is needed in order to protect the **Building** from wildland fires, regardless of lot or parcel lines. The **BPZ** is defined as extending out 30 feet on the horizontal from all points on the outside base of the **Building**.

**Bush:**

Woody plant that has similar characteristics to those listed under Native Bushes.

**Cambria Forest Management Plan (CFMP):** The plan can be found at this web site:

[http://frap.cdf.ca.gov/pitch\\_canker/research/Cambria Forest Management Plan 4 02.pdf](http://frap.cdf.ca.gov/pitch_canker/research/Cambria_Forest_Management_Plan_4_02.pdf)

**Conservation Lands:**

Land and water within the **URL** that is in its undeveloped natural state, or that has been developed only to the extent consistent with, or is restored to be consistent with, a conservation management plan, conservation easement, deed restriction, or other recorded legal restrictions whose purpose is to protect the subject property for its natural characteristics for the public benefit.

**Dead Trees:**

Any species of tree which has been determined by an arborist, a tree specialist, or a forester as dead.

**Defensible Space:** The combined areas of the **Building Protection Zone (BPZ)** and the **Buffer Zone (BZ)** are referred to as Defensible Space.

**CCSD:**

The Cambria Community Services District.

**Drip line:**

The perimeter of a tree defined by the vertical shadow of its branches.

**Duff Layer:**

The layer of decomposing leaf litter, live roots, and soil lying immediately below the leaf litter layer.

**Exempt Lands:**

**Conservation Land, Open Space**, habitat for endangered or threatened species or candidate species, land kept in a predominantly natural state as habitat, and other lands declared as having scenic values by government agencies.

**Exotic plants:**

Trees and bushes that do not grow naturally within the Cambria **URL**, including those native to other areas of California, such as coast redwood (*Sequoia sempervirens*), incense cedar (*Calodectrus decurrens*), Monterey cypress (*Cupressus macrocarpa*), many forms of Ceonothus (*Ceonothus* spp.), etc. These may be deliberately or accidentally introduced species.

**Invasive plants:**

**Exotic Plants** that pose a high fire risk that have become naturalized to the area within the Cambria **URL**, and thus are prone to natural regeneration and expansion, including but are not restricted to: Quaking grass (*Briza major*), gum trees (*Eucalyptus* spp.), Pampas and Jabuta grass (*Cortaderia* spp.), Scotch broom (*Cytisus scoparius*), and French broom (*Genista monspessulana*).

**Ladder fuel:**

Fuels that can carry a fire vertically, from the surface to the top of the vegetation or tree tops (crown).

**Leaf litter:**

The accumulated leaves, needles, pine cones, and bark fragments on the ground from surrounding bushes and trees that are not decomposing and sit on top of the duff layer, which includes decomposing leaf litter, live roots, and soil.

**Native bush:**

Bushes that are native to the area within the Cambria **URL**, including but not restricted to: toyon (*Heteromeles arbutifolia*), coffeeberry (*Rhamnus californica*), coyote bush (*Baccharis pilularis*), monkey flower (*Mimulus* spp.), California sage (*Artemisia californica*), etc.

- Native plants:** Plants that grow naturally within the Cambria **URL** boundary.
- Native trees:** Trees that are native to the area within the Cambria **URL**, including but not restricted to: Monterey pine (*Pinus radiata*), coast live oak (*Quercus agrifolia*), willows (*Salix* spp.), alders (*Alnus* spp.), sycamore (*Platanus racemosa*), and madrone (*Arbutus menziesii*).
- Open Space:** All lots or parcels, or portions thereof, within the Cambria **URL** that are not Conservation Lands and that are beyond the combined areas of the Building Protection Zone and the Buffer Zone. These lands specifically shall include sensitive habitats, such as riparian corridors along natural water drainages, and habitats that support federal and state threatened and endangered species, as well as species of special concern.
- Ornamental Plant:** Any plant that is not native to the area within the Cambria **URL** that is used in landscaping.
- Parcels || Lots:** Land that has one or more Assessor Parcel Numbers (APN), including adjoining or merged parcels or lots, conservation lands, open space, retired lots or parcels, vacant lots or parcels, and lands owned by individuals, corporations, trusts, local or non-profit groups, the District, State, or Federal organizations or agencies.
- Perennial (or bunch) grass:** Species that do not die back every summer, but persist for several years with a period of growth during each winter. In the Cambria forest these includes, but are not restricted to: Blue Ryegrass (*Elymus glaucus*), rushes (*Juncus* spp.), and sedges (*Carex* spp.)
- Tree:** A woody plant that has similar characteristics as those listed under Native Trees.
- URL:** Urban Reserve Line, which defines the jurisdiction of the Cambria Community Services District.
- Vegetation Management Plan (VMP):**  
A plan that is created to reduce live and dead accumulated fuels in order to protect life, the environment and property; and which is designed for a specific **Conservation Land(s)**.

### 3. AREAS WITHIN THE URL SUBJECT TO FIRE HAZARD REDUCTION REQUIREMENTS

#### A. Exempt Lands

- I Pursuant to Government Code Section 51184, and with the exception that any portion(s) which lie(s) within a **Defensible Space** will be subject to the requirements specified in 3.B below, this ordinance shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses. This exemption applies whether the land or water area is held in fee title or any lesser interest, and these lands will be herein referred to as "**exempt lands**". This exemption applies to any public agency, any private entity, including non-profit organizations, that have dedicated the land or water areas to one or more of the following purposes or uses, or any combination of public agencies and private entities making that dedication:
- Any **Conservation Land**
  - Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.
  - Land kept in a predominantly natural state as habitat for plant or animal communities.
  - **Open Space** lands that are environmentally sensitive parklands.
  - Other lands having scenic values, as declared by the CCSD, or by local, state, or federal agencies.

- II Periodically, but in no event less than once every two years beginning with the year this Ordinance becomes effective, the owner of any privately owned Exempt Lands within the URL shall meet with a representative of the CCSD (designated by its Board of Directors) to formulate a written Vegetation Management Plan (VMP) for compliance with Sections 4 and 5 of this Ordinance. The VMP shall encompass only those areas of the Exempt Lands that lie within the Defensible Space zone, and shall take into account protection and conservation of the natural features within such areas. The Cambria Forest Management Plan must be used as a guide in drafting the VMP, which must be developed with agreement of a qualified forest ecologist or forester, CCSD Fire staff, and the Exempt Lands owner. The VMP shall address wildland fire risk reduction, along with ensuring the long-term protection and regeneration of the forest, native plants, and wildlife. Upon agreement of all parties, the VMP shall be approved and filed by the CCSD Fire Department, and implemented accordingly by the Exempt Lands owner. The VMP will not be more restrictive than any of the other vegetation management requirements in this ordinance. If a professional ecologist or forester is used, all costs associated with the professional will be the responsibility of the Conservation Land owner or manager.

In the event the owner of such Exempt Lands and the CCSD representative cannot agree on a VMP, the representative of the CCSD and the Exempt Lands owner shall each present a written plan to the CCSD Board of Directors. Following a public hearing, the Board of Directors shall determine which VMP shall apply to such Exempt Lands for compliance with the requirements of this ordinance.

For those Exempt Lands managed or owned by the CCSD, the CCSD representative shall prepare a written plan for compliance that shall be subject to a public hearing at which members of the public may offer alternative VMPs. The **CCSD's** Board of Directors will review and assess all VMPs presented, and determine the appropriate VMP for the property in question.

#### **B. Other Lands**

- I A Defensible Space will be maintained around all Buildings within the URL, as further defined in Sections 4a and 4b below.
- II Pursuant to Health and Safety Code Section 14898, any Parcel / Lot owner that disagrees, objects to, or protests the implementation or scope of sections 3a or 3b shall have the right to a hearing before CCSD Board of Directors for resolution. The CCSD Board may continue the hearing from time to time.
- III Pursuant to CA Health and safety Code section 14899, upon the conclusion of the hearing the CCSD Board of Directors shall allow or overrule any or all objections. If an appellant's objections are overruled by the CCSD Board, the Board shall acquire jurisdiction to proceed and perform the work of removal, and the decision of the CCSD Board on the matter is final, except as provided in CA Health and Safety Code sections 14920 and 14921.
- IV Since the wildland fuels are seasonal and recurrent, the District Board shall so declare this and, thereafter, such seasonal and reoccurring vegetation shall be reduced and or removed every year without the necessity of any further hearing. (CA H&SC section 14900.5)
- V Before any vegetation reduction or removal is done to meet the defensible space criteria, all seedling and sapling Monterey pines and coast live oaks that are hidden by surrounding vegetation must be marked with flags of at least 3' in height to prevent them from being accidentally removed.
- VI Pursuant to Government Code 51182a2, grass and other vegetation located outside the BPZ, and less than 18" in height above the ground, may be maintained where necessary to stabilize the soil and prevent erosion.

- VII All persons performing the vegetation management required by this ordinance must be certified in a CCSD-approved vegetation-management training course (via either online or class attendance).

4. Building Protection Zone (BPZ) Shall Be Maintained As Follows:

- A. Annual Grasses: Establish a fuel break by trimming all Exotic non-Ornamental grasses to a maximum of 4" above the ground, and avoiding all Native perennial or Bunch Grasses. Alternatively, maintain separate clusters of Native and Ornamental grasses no greater than 10' in diameter and 18" in height, with at least 5' of area between clusters maintained at 4" or less in height. Clusters must be at least 10' from any building.
- B. Invasive plants: All invasive plants that pose a high fire risk shall be removed, with appropriate mitigation for potential erosion. Specimen trees may be maintained in accordance with Section 4.K of this ordinance.
- C. Climbing Vines on trees: Native and Ornamental vines, including poison oak, berries, ivy, etc., must not exceed 18" above ground level. .
- D. Brush Thinning: Woody vegetation, including both Native and non-native Ornamental plants, must be trimmed and thinned, with all associated dead woody material removed and care taken not to compromise plant health and preserve animal habitat as much as practical. Clumps of woody vegetation may be maintained as long as they are no greater than 10' in diameter, they are separated from other clumps of vegetation by at least 5', and the clumps are maintained at least 6' from the lower branches of surrounding trees by trimming the clump of vegetation or the lower tree limbs. The understory of the clumps of woody vegetation must be pruned of all dead materials and maintained, except the litter layer as specified below.
- E. Litter Layer: Leaf litter, including pine needles, leaves, bark, and cones, below trees and woody bushes, must not exceed 4" in depth. All *Eucalyptus* derived litter must be kept to no more than 2" in depth. Litter layers comprised of commercially available materials, bark or local mulch shall not exceed 4" in depth as well. A maximum litter layer of 2-inches in depth is allowed under Buildings.
- F. Dead Tree Trunks and Limbs: Dead standing trees with a trunk diameter of less than 6" shall be removed or chipped. If greater than 6" the tree may be left standing as wildlife habitat as long as all limbs and branches less than 6" are removed or chipped. Dead trees that have fallen may be left on site as long as they are limbed and the trunk is in contact with the ground along the full length of the tree. Standing or fallen trunks must be at least 10' from other dead trees and clumps of vegetation. Tree trunks and limbs of any diameter shall not be cut into rounds and left on the ground; rounds must be removed or chipped and scattered. Scattered chips shall not be greater than 4" deep.
- G. Live Trees (height measurements referenced to ground level at base of trunk):
- I For trees over 20' high: All live limbs smaller than 2" diameter must be removed up to 6' above ground level. All dead limbs must be removed 12' above ground level, or if adjacent to a Building, above the height of the Building. All dead woody debris beneath trees, and 2' beyond their drip lines, must be removed. Live surface vegetation beneath the tree, and within a radius extending out to 2' past the drip line, must not be closer than 6' to any tree limb.
  - II For trees between 10' and 20' high: All live limbs must be removed to 2' above ground level. All dead woody debris beneath trees, and 4' beyond their drip lines, must be removed. Live surface vegetation within drip lines and extending 2' beyond drip lines must be trimmed to 4" height, and trimmed to 18" height between 2' and 6' outside drip lines.
  - III For Trees under 10' high: All branches must be removed to 12" above ground level. All dead woody debris beneath trees, and within 4' of drip lines, must be removed. Live

surface vegetation beneath trees, and within 2' of drip lines, must be trimmed to 4", and trimmed to 18" high within 4' of drip lines.

- H. All combustible materials not associated with landscaping (i.e. construction materials and debris, tires, garbage, etc.) must be removed.
- I. Dead wood in all trees within 10' of a Building must be removed.
- J. All accumulated needles, leaves, and dead branches on roofs, gutters, and deck surfaces must be removed. .
- K. Pursuant to Public Resource Code Section 4291a, and Government Code Section 51182a1, single specimen trees, or other types of vegetation, that are well pruned and maintained so as to effectively manage fuels, and not form a means of rapidly transmitting fire from other nearby vegetation to any Building, shall not be subject to this ordinance.

**5. Buffer Zone (BZ) Shall Be Maintained As Follows:**

- A. **Annual Grasses:** Establish a fuel break by trimming all **Annual Grasses** to a maximum of 8" above the ground, and avoiding all **Native** perennial or **Bunch Grasses**. Alternatively or additionally, maintain separate clusters of **Native** and **Ornamental Grasses** no greater than 10' in diameter and 24" in height, with at least 5' of area between clusters maintained at 8" or less in height.
- B. **Invasive plants:** All invasive plants that pose a high fire risk shall be removed, with appropriate mitigation for potential erosion. Specimen trees may be maintained in accordance with Section 4.1 of this ordinance.
- C. **Climbing Vines on Trees:** Vines, including poison oak and berries, must be trimmed / thinned within 4' of the ground along tree trunks.
- D. **Brush Thinning: Native and Ornamental** woody vegetation must be trimmed / thinned to remove all associated dead woody material and care must be taken not to compromise plant health and preserve animal habitat as much as practical. Clumps of woody vegetation may be maintained as long as they are no greater than 20' in diameter, they are separated from other clumps of vegetation by at least 6', and the clumps are maintained at least 6' from the lower branches of surrounding trees by trimming the clump of vegetation or the lower tree limbs.
- E. **Litter Layer:** Leaf litter, including pine needles, leaves, bark, and cones, below trees and woody bushes must not exceed 6" in depth. All *Eucalyptus* derived litter must be kept to no more than 2 inches in depth.
- F. **Dead Tree Trunks and Limbs:** Dead standing or fallen trees and limbs with diameters of less than 6" shall be removed or chipped. If greater than 6" in diameter, trees may be left standing as wildlife habitat, as long as all limbs and branches less than 6" diameter are removed or chipped. Dead trees greater than 6" diameter that have fallen may be left on site, as long as they are limbed and the trunk is in contact with the ground along the full length of the tree. All other downed and dead trees must be removed. Tree trunks and limbs of any diameter shall not be cut into rounds and left on the ground; rounds must be removed or chipped and scattered. Scattered chips shall not be greater than 4" deep.
- G. **Live Trees** (height measured from the ground at base of the trunk):
  - I For trees over 20' high: All live limbs must be removed up to 3' above ground level. All dead limbs must be removed up to 8' above ground level. All dead woody debris beneath trees, and 6' beyond their drip lines, must be removed. Live surface vegetation beneath the tree, and within a radius extending out to 2' past the drip line, must not be closer than 6' to any tree limb.

- II For trees under 20' high: All live limbs must be removed up to 2' above ground level. All dead limbs must be removed up to 6' above ground level. All dead woody debris beneath trees, and 3' beyond their drip lines, must be removed. Live surface vegetation beneath trees and extending 2' beyond drip lines must be trimmed to 4" above the ground, and trimmed to no more than 18" above the ground between 2' and 4' beyond their drip lines.
- III Native Trees are exempt from trimming until they reach 12'
- H. All other combustible materials (i.e. construction materials and debris, tires, garbage, etc.) must be removed.
- I. Pursuant to Public Resource Code Section 4291b, and Government Code Section 51182a2, single specimen trees, or other types of vegetation, that are well pruned and maintained so as to effectively manage fuels, and not form a means of rapidly transmitting fire from other nearby vegetation to any Building, shall not be subject to section 4b of this ordinance.

**6. Areas Adjacent to Public Right-of Way including driveways:**

- A. Wildland fuels and vegetation adjacent to streets or roadways must be managed in accordance with BPZ requirements. Dead or downed trees and limbs within 10' of street or roadway must be removed.
- B. All trees and other brush and bushes must be trimmed to allow a vertical clearance of 13 feet 6 inches over streets or roadways.
- C. All driveways must have a minimum 5-foot fuel reduction area adjacent to the driveway with a larger distance required on longer driveways.
- D. All fire protection water supply devices and fire protection systems must have a minimum 3-foot-clearance of all vegetation. No vegetation may obstruct access or use of these devices. In the event the minimum required distance is changed by local or CA State Fire Codes the more restrictive requirement shall apply.

**7. Compliance**

Two separate and distinct methods shall be utilized to insure compliance with this ordinance. One method shall be utilized for vacant lots and parcels, which shall include an annual deadline and clearing by the **CCSD Contractor**. A separate inspection based system will be utilized for parcels or lots with **Buildings**.

- A. All vacant lots or parcels that are not in compliance with this ordinance after June 10th, will be assessed the following fees and charges:
  - I All direct costs incurred by the CCSD and its agents, in addition to the current fee as described and approved in the CCSD User Fees and Charges, 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 costs shall be set in the **CCSD** contract with the approved contractor, as required by law and in compliance with the **CCSD** contract policy.
  - II All direct costs incurred by the CCSD and its agents, in order to have the lot or parcel conform to this ordinance, together with the current fee as described and approved in the CCSD User Fees and Charges, shall be placed on the San Luis Obispo County Tax Collector's bill for collection. Included in such costs shall be the fee assessed by the San Luis Obispo County Tax Collector to collect the costs and fee submitted by the CCSD.
- B. All parcels with a **Building** located on them will be inspected for compliance by the CCSD Fire Department. If the parcel is not compliant with the requirements of this ordinance:

- I A 21-day correction period will be set and a second inspection scheduled.
- II If upon the second inspection, the violations are corrected, no further action shall be taken. If compliance is not achieved then a third inspection will be scheduled no sooner than 14 days.
- III If compliance is achieved before the third inspection is completed, there will be no further action.
- IV If upon completion of the third inspection, compliance has not been achieved, the land owner shall be subject to the sanctions set forth in CA Government Code Section 51185.
- V The time for compliance shall be tolled pending a final decision on any appeal filed in accordance with Section 3.A.II or 3.B.II of this ordinance.

**8. REPEAL OF CONFLICTING ORDINANCES:**

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

**9. 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 CCSD hereby declares that it would have passed each and every remaining provision irrespective of such holding order to accomplish the intent of this ordinance. If the State of California or other similar regulatory agency or authority enacts requirements that are more restrictive than this ordinance, this ordinance shall defer to such legal and lawful requirement(s).

**10. 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 CCSD's jurisdictional boundaries.

**11. REFERENCES:**

Internet web page links (URLs) containing information relevant to this ordinance, and which provide additional details on various aspects of this ordinance, can be found on the Cambria Community Services District website: [WWW.CambriaCSD.ORG](http://WWW.CambriaCSD.ORG).