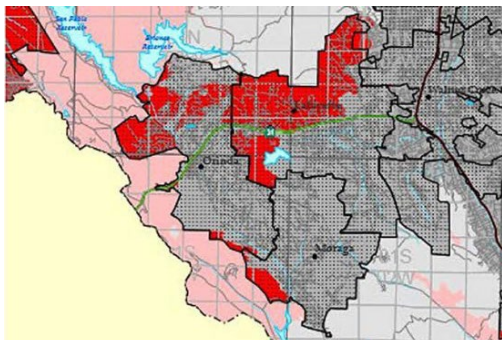


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MOFD Chief pushes to sell new fire code to councils

By Sora O'Doherty



Very high fire hazard severity zones in LRA As recommended by CAL Fire

the area has been designated WUI for years. He said that he has consulted with insurers who tell him that the change would actually encourage them to continue to provide fire insurance because they would be reassured that steps are being taken to reduce the risks of wildfire damage.

Winnacker pressed the council to act quickly, saying, "We have a limited period of time to change the profile to prevent insurance cancellations." He said that the district has a 90% under-insurance rate, but that insurance premiums can only be increased by 3% per year, and suggested that insurers face a stark choice.

In regards to home sales, Winnacker believes the duty to assure compliance with the fire code should properly rest with the seller, not the buyer.

Under the proposed code, an exterior fire hazard inspection would be required, and sellers would be obligated to provide buyers with proof of compliance before the close of escrow. The chief would have discretion to accept alternatives in the event that bringing a property into compliance would delay the close of the sale.

Council members were concerned that sellers might need their equity to live on, or to purchase another home. Winnacker assured them that no-interest liens will be available for sellers to bring properties into compliance before the close of escrow, although those liens would then be satisfied from the equity before it would be disbursed to the seller. Rochelle Latimer, a resident of Orinda who also owns property in the Lake Tahoe area, spoke during the comment period and reassured the council that this lien method is being successfully used in subdivisions in Lake Tahoe.

The revised fire code applies differently to existing buildings and new buildings, and also has provisions for new housing developments. For existing buildings to be in compliance would chiefly mean removing plants and trees from close to the building. There was considerable confusion about what types of plants and trees are allowable, and concern about the expense of removing large trees in a short period of time. Under the new code, the time allowed to remedy noncompliance would be extended from 10 to 15 days. Basically, for a two-foot area around existing structures no combustible materials would be allowed, but this increases to three feet around new structures. This includes a ban on all forms of mulch, but would allow green grass, bare ground, river rock, crushed rock or gravel. Certain plants would be allowed, but some would need to be trimmed up two-feet from the ground.

Certain types of trees would have to be removed if within six feet of a structure or three feet of an evacuation route. This includes eucalyptus and Monterrey pine trees. Because of the size of the problem, residents would be given until 2023 to remove all juniper and bamboo within 10 feet of a road.

The chief proposes more stringent requirements for new construction, which would include major remodels. The proposed code requires ember resistant construction and exterior under-eave sprinklers for residential systems. The proposed code also requires increased road widths for new units: an increase from 16 to 18 feet for one to two new units and to 28 feet for three or more new units.

There are 14,000 parcels in the fire district. In answer to a question about the viability of inspecting all those parcels, Winnacker said that the vast majority can be inspected from the street. Council Member Inga Miller said that there were accusations that particular properties had been "targeted" for enforcement, and Winnacker agreed that two members of the community were targeted for their political affiliations and that

Very tall, very determined, Moraga-Orinda Fire District Chief Dave Winnacker spoke for over two hours at the podium during what was described as the longest ever "items for the good of the city" at the Feb. 18 Orinda City Council meeting. Winnacker would like to see changes that he proposes to the fire code be implemented, which require approval by the Orinda City Council, the Moraga Town Council, the MOFD board of directors and Contra Costa County Board of Supervisors. Winnacker explained his ambitious and controversial plan and answered every question raised by the public and council members.

The first item on the chief's list - declaring all areas of the district Wildland Urban Interface for purposes of the fire code - caused concern among members of the public and the council members who feared such a declaration could give insurers a reason to refuse to reissue fire insurance policies in the area. Winnacker said that in fact

the employees responsible were fired.

Terry Murphy, former head of the Orinda planning commission, said that, at first, he thought that the chief's plan was a case of "classic overreach."

"Then," he said, "I remembered a burned boy who took a year to recover. The chief is trying to make our community safe," he concluded.

Michael Brown said that he thinks that some elements of the plan, such as the under-eaves sprinklers, should go to the planning commission. Dan DeBusschere urged the council not to delay but to adopt the plan, which he characterized as reasonable, and doable.

Vice Mayor Amy Worth praised Winnacker, noting that since he's been on board, Orinda has had much more active fire code enforcement. Winnacker said that his proposed plan is the distillation of his experience over the past two years.



Removal of mulch and combustible vegetation within 2 feet of the home is intended to make our community safe. To see full videos showing ember caused fire in mulch, visit: <https://ibhs.org/wildfire/wildfire-demo-2019/> or <https://vimeo.com/79340385>

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[back](#)

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