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## Orinda council discusses proposed new MOFD fire ordinance

By Alison Burns

The Moraga-Orinda Fire District (MOFD) on Aug. 31 announced that a Special Meeting would take place in the Community Center on Sept. 6 in order to "introduce and waive" the reading of Amended Fuel Break Ordinance 23-08. Or to give the document its full name: "An Ordinance of the Moraga-Orinda Fire District of Contra Costa County, California, Adopting Requirements for Fuel Breaks on Certain Parcels in Both the State Responsibility and Local Responsibility Areas within the Fire District, Adopting Findings of Fact Regarding Fire Hazards in the Fire District, Adopting Findings of Exemption under the California Environmental Quality Act, and Repealing Ordinance 23-04."

Since the regular Orinda City Council Meeting took place on Sept. 5 - one day before the new fire ordinance was presented at the MOFD board meeting - much of last Tuesday's city council discussion could only be conjecture, although members of the public who stood at the lectern or called in via Zoom had plenty to say.

At first glance this new ordinance reads almost the same as its previous iteration (Ordinance 23-04, February 2023) but, according to the Orinda residents, the city manager and council members who spoke at the Sept. 5 council meeting, the new requirements appear somewhat more controversial. In the meantime, the previous ordinance has been suspended. The new (19 page) document can be found online at:?

[www.mofd.org/ordinances-resolutions](http://www.mofd.org/ordinances-resolutions) or through the District Clerk at (925) 258-4501.

Leading the discussion at the council meeting, Mayor Inga Miller said that she had asked for the ordinance to be placed on the agenda "in a somewhat unusual format," rather than go through the regular process of having city staff initiate each agenda item first, because there had not been enough time for the council to have a meeting and comment - although Miller had herself spent a lot of time over the holiday weekend studying the document and wanted to give some factual background.

The revised ordinance, she said, covers "any area that's a community at risk" - which in this case is defined as all of Orinda and Moraga - with different rules applying according to the size of the land: essentially if the property is under an acre, the whole ordinance applies, but if the parcel is over an acre, the ordinance calls for a 100-foot buffer around the property.

However, Council Member Brandyn Iverson pointed out that as a lay person, she felt that the way the new ordinance reads, "all of Moraga and all of Orinda is a fuel break - every house, every yard . all landscaping and grass and trees and critters," and that wording of this latest fire ordinance is a real paradigm shift for a city that has so much natural beauty and animal life. She said she understood that a lot of thought was put into exceptions but "it feels that the default is that everything is to be cleared unless you can argue for maybe larger more beautiful trees."

One of the main areas that concerned Miller (which she had also mentioned back in February when the original ordinance was adopted) was the "landslide potential" in removing vegetation on the hillsides "because here in Orinda these plants are part of our protection against erosion," and now that Orinda is "four or five years into pretty hard work on vegetation removal" she was concerned that "we're seeing a lot of areas that are left bare, and those areas are either getting really dry, which may in part be because of the drought, or it may be because those soils are no longer retaining water."

Miller also mentioned seeing a "ton of invasives" throughout Orinda, whether it was the broom sweeping through downtown, around Lake Cascade, or weeds on the hillsides. After taking a look at the state code that deals with exceptions for hillsides, she asked City Manager David Biggs to raise these points with MOFD Fire Chief Dave Winnacker.

Winnacker replied that he certainly had no problem proposing to the board that trees less than 15-feet could just be limbed up one third.

Although the discussion about the latest fire ordinance came to no conclusions, the obvious takeaway was that Orinda's residents would be welcomed in sharing their comments with the MOFD board because, as Biggs pointed out, "they're the only ones who can actually make changes to the ordinance." He gave as an example, the time last January when the city objected to a certain element of a fire code update which would have barred any sort of traffic calming in very high fire severity zones. The city was ultimately successful in getting the MOFD board to take that provision out.

Miller also praised the level of interest shown by residents in local matters, saying that "Orinda's public have a great ability to come to meetings in order to comment" and despite the fact that very few people had been able to study the yet-to-be approved Fire Ordinance 23-08, four members of the public, in person and via Zoom, were ready with their opinions.

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