

**Introduced 9/16/09 --
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**NORTHSTAR COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 26-09**

**ORDINANCE AMENDING ORDINANCE 4-00, AN ORDINANCE REGARDING
WILD LAND FIRE PREVENTION AND DEFENSIBLE SPACE
REQUIREMENTS**

WHEREAS, the Northstar Community Services District ("District") is a community services district organized and operating under the authority of Government Code Section 61000 *et seq.*; and

WHEREAS, pursuant to Government Code Section 61100(d), the District may exercise any of the powers of a fire protection district pursuant Health and Safety Code Section 13800 *et seq.*; and

WHEREAS, pursuant to Health and Safety Code Section 13869 a district may adopt a fire prevention code; and

WHEREAS, pursuant to Health and Safety Code Section 13871, any citation issued by a district for violation of a fire prevention code or a district ordinance may be processed pursuant to subdivision (d) of Section 17 of the Penal Code; every person who fails or refuses to correct or eliminate a fire or life hazard after written order of a district board or its authorized representative is guilty of a misdemeanor; and every misdemeanor is punishable pursuant to Section 19 of the Penal Code; and

WHEREAS, the lands within the District are state responsibility area lands; and

WHEREAS, pursuant to Public Resources Code Section 4291 and California Code of Regulations, 14 CCR 1299, while the state shall adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to state responsibility area lands, which regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas, and shall include fuel breaks and greenbelts, these state regulations do not

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supersede local regulations which equal or exceed minimum regulations adopted by the state; and

WHEREAS, the Board of Directors of the District does hereby specifically and expressly find that the regulations contained herein are reasonably necessary because of local climatic, geological, topographical and population conditions unique to the Northstar community in order to protect resources, life and property within the area, and are also required to reduce the possibility of a fire originating within the District from spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTHSTAR
COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:**

Section 1. Background.

Fires pose a serious threat to the preservation of the public peace, health and safety, and are extremely costly. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to minimize the threat of fires and maximize the ability to extinguish them quickly. Preventive measures are therefore needed to insure the preservation of the public peace, health, and safety.

The Board of Directors seeks to adopt regulations equaling or exceeding minimum regulations adopted by the State of California ("the State"). The District hereby specifically and expressly finds that regulations contained herein are reasonably necessary because of local climatic, geological and topographical conditions unique to the Northstar area and are further required to reduce the possibility of a fire originating within the District from spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance. The local official designated by Section 13146(b) of the California Health and Safety Code shall enforce the requirements of this Ordinance.

Section 2. Purpose of Ordinance.

The purpose of this Ordinance is to:

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a. Classify lands within the District in accordance with whether a high fire hazard is present so that District officials and others with similar wildland fire prevention and suppression responsibility are able to identify measures that will retard the rate of spread and reduce the potential intensity of uncontrolled fires that threaten to destroy natural resources, life or property.

b. Require that the measures referred to in Section 2.a above be implemented in order to accomplish the following:

1. Set maintenance standards.
2. Define penalties for violation of this Ordinance.

Section 3. Classifications.

For purposes of this Ordinance, lands within the District are classified as:

- a. Residential and Commercial Parcels; or,
- b. Fuel Reduction Zones.

Section 4. Residential and Commercial Parcels.

Residential and Commercial Parcels shall include all improved and unimproved single family lots, improved commercial properties and all common area parcels maintained or owned by condominium or townhome developments, or homeowners or property-owners associations or similar common-ownership organizations. Owners of Residential and Commercial Parcels shall:

a. Comply with all requirements set forth in California Public Resources Code Sections 4291 through 4299, *et seq.*, as amended from time to time, and any regulations adopted thereunder.

b. In addition to complying with Section 4.a, above, comply with the following treatments:

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1. Maintain the following minimum specifications within 100 feet of any structures on the property:
 - (a) Five feet of clearance (the "Buffer") of all combustible ground fuels around the perimeter of any structure.
 - (b) Beyond the Buffer, and up to 100 feet or to the property line, whichever is less, maintain an average pine needle/forest duff depth of one inch, and in no case exceed a maximum depth of two inches.
 - (c) Remove any tree limbs that are within ten feet horizontally or vertically of any structure.
2. Maintain shrubs on the entire property according to the minimum horizontal spacing between edges of shrubs based on the slope of the property as follows:
 - (a) 0-20% slope - Two times the height of the shrub
 - (b) 21-40% slope - Four times the height of the shrub
 - (c) Slopes greater than 40% - Six times the height of the shrub
3. Remove all standing dead or dying trees on the entire property.
4. Remove all of the lower tree limbs to a minimum of eight feet high (for shorter trees remove limbs on the bottom third of the tree). This distance shall be measured from the lowest hanging portion of the drip line to the ground.
5. All trees the District or the State classifies as intermediate or co-dominant must have the following spacing distances from the edge of one tree canopy to the next:

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- (a) 0-20% slope - Ten feet of canopy spacing
- (b) 21-40% slope - Twenty feet of canopy spacing
- (c) Greater than 40% - Thirty feet of canopy spacing

Section 5. Fuel Reduction Zones.

Fuel Reduction Zones include all land that is not included in the definition of Residential or Commercial Parcels in Section 4, and that is within 300 feet of Residential or Commercial Parcels.

Owners of Fuel Reduction Zones shall comply with the following:

- a. Stocking: The forest stand must be thinned in accordance with the species components discussed in this Section 5.a.
 - 1. Pure pine stands shall be thinned to a range of 50-75 square feet of basal area;
 - 2. Mixed conifer stands shall be thinned to an average of 75 square feet of basal area; and,
 - 3. True fir forest stands shall be thinned to a range of 75-90 square feet of basal area.
- b. Understory: Smaller diameter trees shall be thinned so as to be below the level that provides a fire ladder into larger diameter trees.
- c. Brush component: Brush components consisting of native flammable vegetation shall be removed according to the site's land capability and fire characteristics. Brush removal shall consist of a range of actions, from complete removal, to creation of mosaics, depending on the site characteristics, slope, aspect, brush flammability characteristics and proximity to structures, roads and trails.

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d. Logging slash: Logging slash over the entire parcel shall be chipped, or pile burned, hauled away or mechanically treated where appropriate and authorized to reduce fuel load on the parcel.

Section 6. New Development.

The District will require, as a condition of approval of new development that the entire parcel be brought into compliance with the applicable standards set forth in Section 4 and/or Section 5 above, as determined by the District.

Section 7. Approval of Landscape Plans.

Owners of all Residential or Commercial parcels shall submit any landscape plan that must be approved by a homeowners or property-owners association or similar common-ownership organization, or that is otherwise subject to advance review under the provisions of deed covenants, conditions and restrictions ("Plan") to the District for approval before implementation of the plan. The Plan shall describe the landscaping in sufficient detail so that the District can evaluate the Plan for compliance with this Ordinance, and the District's review of the Plan will be limited to such compliance. The District's approval of the Plan shall be valid for 24 months from the date of approval.

Section 8. Disclosure Required Prior to Close of Escrow.

Prior to the sale and close of escrow ("Close of Escrow") of any real property subject to the requirements of this Ordinance, the selling property owner shall deliver to the buyer the District's "Defensible Space Requirements" pamphlet ("Pamphlet"). As a condition precedent to Close of Escrow for all real property subject to this Ordinance, the seller shall deliver a copy of the District's Notice of Defensible Space Requirements form signed by the seller and buyer to the District. Delivery of the Notice to the District shall be timely so long as the Notice is postmarked on or before the date the deed transferring title to the property is recorded in the office of the Placer County Recorder. The delivery of the Pamphlet shall be deemed to represent full and complete compliance with the provisions of this disclosure requirement.

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Section 9. Consultation and Advice from District Staff.

Property owners are urged to consult with or request advice from the District regarding the classification of the owner's property, the methods for complying with this Ordinance, or other information about it. The ultimate responsibility for compliance with this Ordinance rests with the property owner.

Section 10. Final Authority.

The District shall have the final authority on the determination of compliance with the provisions of this Ordinance.

Section 11. Additional Permits Required.

Any and all open pile burning of pine needles, slash, brush or other debris shall require a valid permit from the District and any other agencies with jurisdiction.

Section 12. Exclusions From Ordinance.

This Ordinance shall not apply to any land within the District boundaries that is habitat for endangered or threatened wildlife species, or that has historical or archeological significance or is otherwise declared excluded by state or federal law.

Section 13. Violations of Ordinance.

Violations of this Ordinance shall be punishable as provided in California Health and Safety Code Section 13871.

Section 14. Partial Invalidity.

The finding by a court of competent jurisdiction of the invalidity of any part of this Ordinance shall not invalidate any other part.

Section 15. Effective Date of Ordinance; Amendment of Previous Ordinance.

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This Ordinance shall take effect and be in force 30 days from the date of its adoption. On its effective date, this Ordinance will supersede, in its entirety, the District's Ordinance 4-00.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Northstar Community Services District on _____, 2009 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Evans
Chairperson, Board of Directors

ATTEST:

Myra Tanner
Clerk of the Board