

**Woodside Fire Protection District  
Board of Directors Meeting  
Administration Building  
808 Portola Rd.  
Portola Valley, CA 94028  
February 28, 2023**

The regular meeting of the Board of Directors was called to order at 7:01 P.M. by Director Miller.

**Directors Present:** Cain, Miller, Holthaus

**Directors Absent:** None

**Staff:** Chief Lindner, Deputy Chief Cuschieri, Finance Manager Edwards, Fire Marshal Bullard, Battalion Chief Dagenais, Battalion Chief Smith, Battalion Chief K. Hird, Battalion Chief Zabala, Deputy Fire Marshal M. Hird, Interim Battalion Chief Nannini, Pub Ed Officer Brown, FF/P Beau Witsoe, Fuels Management Engineer Dempsey

**Other Attendees:** Brian Malone (MidPen), Jon Holtzman (RPLG), Nicholas Calderon (SMC Parks), Jeremy Dennis (PV Town Manager), members of the public

**Public Comment Non-Agendized Topics:**

**Consent Agenda:**

Director Cain motioned to move items 1, 2, 3, 4 and 5 to the consent agenda, 2<sup>nd</sup> by Director Miller. Motion passed 3-0.

**Item 6:** Reorganization of the Board of Directors

- a. Election of Board President
- b. Election of Board Secretary

Director Cain made a motion to elect Director Miller as Board Present, 2<sup>nd</sup> by Director Holthaus, motion passed 3-0. Director Miller made a motion to elect Director Cain as Secretary, 2<sup>nd</sup> by Director Holthaus. Motion passed 3-0.

**Item 7:** Station 7 and Station 8 Project updates

Chief Lindner referenced the pictures attached to the Board Packet. Reported to the Board that the steel is up at Station 7, mostly basement and 1<sup>st</sup> floor. Chief Lindner reported to the Board that at Station 8 a lot of the structure portion is up and they are getting ready to close up the walls for the bathroom remodel.

Director Miller inquired about PG&E. Chief Lindner stated that Station 7 has been figured out at this time, but Station 8 is still forthcoming.

**Item 8:** 1st Reading – Ordinance No. 22-02 – An Ordinance of the Woodside Fire Protection District of San Mateo County, California, Designating Certain Identified Areas within the District as a Wildland-Urban Interface Area.

**Item 9:** 1<sup>st</sup> Reading – Ordinance No. 22-03 – Hazardous Vegetation and Fuels Management Ordinance – An Ordinance of the Woodside Fire Protection District of San Mateo County, California, Adopting a Defensible Space Standards with Findings of Fact Establishing Additional Requirements in the SRA and LRA.

Director Miller stated to the attendees that tonight's meeting will not have a vote, and the Directors will be taking public comments/feedback from residents and other stakeholders.

**The following is transcribed as recorded:**

**Brian Malone** – “Thanks for taking the opportunity to listen to public comment tonight. And thanks for acknowledging -- I did check the packet that was posted. So, thanks for acknowledging that you had received the letter from the Town of Portola Valley, Woodside, Mid-Peninsula Regional Open Space District, and the county of Santa Clara, as well as the Woodside School district. We really felt it was good to put our thoughts together, to really give a thoughtful process, to really give you, as the board, the opportunity to think about what's going into this ordinance and perhaps some of the ways that it could be made better. I'll just touch on a few things that are of particular concern for the Open Space District. And, you know, one of them is just the difference between the adopted fire code. And this is kind of a question, but it seems as soon as the adoption of this new ordinance, there would be a conflict between two Woodside Fire Protection District ordinances. The adopted fire code, which talks about perimeter property clearance, you know, when required by the fire marshal, of 50 feet. And then this new ordinance which is proposing for an improved larger properties. 100 feet, without requiring by the fire marshal, just for everyone to do, unless there was an exception granted. So, that seems like that should be clarified and figured out. Which one is going to take precedence, and which one it is. There's also the general question of why this isn't being done under fire code adoption to prevent that kind of conflict. I also want to make clear that the Open Space District and county parks as well have put a lot of work into scientific evaluation of fuel clearance, extensive public input. And then, we connect with each of the fire districts that we work with every year to get input on what the priorities for the next year are. And I want to just have that as a counterpoint to the really random, if you look at a map of property lines, random placement of fuel reduction. And one of the things that concerns us is that our efforts will be misplaced if we are directed through this ordinance, to do more work on the property lines that, really, many of them are in terribly inaccessible locations and have no value for responding to or stopping a fire. And most fuel breaks are not capable of stopping a fire just on their own. You know, sometimes there's a small fire on a disc land, where we actually go through and discard all the dirt, might run up to that and stop. But out in the middle of the woods, where you do some fuel reduction or a shaded fuel break, you actually have to have a fire response there. And a lot of these property parcel boundaries are out in the middle of the woods where you have no access. And in fact, some of the better places to put a fuel brake or fuel reduction are on some of the access roads that are not required in this ordinance. But through our Wildland Fire resiliency program, we do identify as priorities. So, we're really concerned that the public's dollars are going to be shifted from really valuable, important fuel reduction work that's done environmentally sensitive, to what is really a random property parcel boundaries, particularly when the fact is taking into consideration, that even parcels, that there has to be a specific exemption for parcels that are, you know, one unit but have a bigger parcel or a park or a preserve has multiple parcels. And then I also just want to say that, given the concerns of, really, all the agencies and the largest property owners within the fire district, I think it's time to sit down with staff, which we have requested and we did appreciate the response and at least some attempt to address the concerns that I had put in the letter that I sent the board back in November when I appeared before the board. So, we appreciate that, but certainly, I believe, the Open Space District believes that we could do more work to make this ordinance better. And if you would like or need more education about our

wildland fire resiliency programs, we've done public outreach on that with citizens in Portola Valley and a lot of other communities served by the Open Space District, and we'd be happy to do that with the board as well. So, thank you for taking the time, for listening tonight, and look forward to working with the fire district on this ordinance in the future.”

Director Miller thanked them for their comments.

**Dudley Carlson** – “Thank you very much. I want to, first of all, thank those who worked on this ordinance or this pair of ordinances, because I know it's taken an enormous amount of time. And thanks also to Brian as well for what the Open Space District is doing. And looking at their issues, I support the vegetation ordinance, and I also support the idea of fuel brakes as opposed to firebreaks, around perimeters of properties like that. Speaking, I guess, selfishly, as a neighbor of one of the Mid-pen properties here in town. There is a real discomfort in being a very close neighbor of a large open space. I live at Portola Valley Ranch. We also own a large open space. So, there would be a cost to us, of doing this kind of perimeter, but I think considering the need for this, perhaps leaving it to the fire marshal or the fire whoever the fire official is, to make that decision. But I think that's a very important consideration that needs to be looked at really hard. I would love to see more than just three feet of vegetation removed from the edges of whatever roads are specified. Improved roads. I think that's a very narrow margin, and I was delighted to see that some of the flammable fiber on the list of things that need to come off. I would also suggest that there be a definition for brush, because there isn't one in the list of definitions here. And my understanding of what brush is, as an individual and a general resident, is that it's shrubs and vines and groundcover and any other understory vegetation, living or dead. This document seems to interpret brush to mean, basically, shrubs and groundcover, because when you talk about brush within the three-foot defensible space, you're really talking about removing the part of the understory that's a fuel ladder or separating it more widely. And I think it needs to be really clear to residents what brush means. Thank you very much.”

Director Miller thanked them for their comments.

**John Donahoe** – “I hate to be that guy in the crowd, but as we typically do, we had the draft ordinances that are being proposed, so I'm speaking on behalf of both ordinances tonight, reviewed by our legal counsel. And they pointed out something very important, and I think it's something that the district needs to be very aware of, and that is quite simply, in your agenda or the report for both proposed ordinances, you did not discuss whether or how review of sequel has occurred for these two proposed ordinances. Now, granted you may be categorically exempt or statutorily exempt for one or both ordinances, but quite frankly, the law states that you need to specifically address that in the report and it needs to be part of your agenda 72 hours before the report is issued. Unfortunately, again, because I'm on a backup laptop, I tried to submit a letter to you stating this. Unfortunately, it's probably sitting in Don Bullard's email, because I was not able to send it until close to 5:00. So, I did outline that. I do want to say that Stanford University is very interested in participating both in any kind of public outreach for these ordinances and future ordinances, such as the Fire Code Amendment. We all, I think, collectively, any of the jurisdictions, and I don't count Stanford as a jurisdiction, but certainly a large landowner. We need time to understand everything that's being proposed. Stanford University is not a homogeneous piece of property. We have a variety of different conditions that all require a different level of review. And as the district knows, we just recently prepared our own campus-wide fuel management plan, and I think we have reviewed that with members of the district as well as any other elected officials in Santa Clara and San Mateo County. So, I want to stress the need, the hope that you conduct more public outreach for these ordinances and any future ordinances, so that we all collectively can work together and understand them before they reach this board for consideration. Thank you.”

Director Miller thanked them for their comments.

**Sarah Gilbert** – “Hi. I am a resident of Portola Valley Ranch, and also, I'm chair of the landscape committee here. And I'm not representing the landscape committee with these comments, but, in reading through this ordinance, there's some really good things in it and then some things that raise some concern. And as Dudley said, brush is not defined, and yet there's quite a bit of removing non-irrigated brush, both required under the fuel breaks, which would be all around the perimeters of properties, and under the definition of hazard vegetation, which is supposed to be removed in a number of cases. And this is a very vague term, I think a lot of people could well interpret it as any shrub or anything that's not a tree. Whereas, it would be much better to have it be a much more specific, maybe use a completely different terminology. I am guessing you don't mean that you want people to remove all non-irrigated shrubs, because what happens in that case is, if you remove all the native vegetation, you end up opening the door to invasive plants like French Broom, etc., and other fast-growing plants, some are native, will end up taking over that area, whereas they had been suppressed by the slower growing native vegetation prior to that removal. We found this happening. We'd regularly remove French Broom in our preserve, The Coalmine Ridge Nature Preserve. And we've now added another part, another location there, because a nearby resident came on to our property and removed all the understory vegetation. And now we have French broom there, and we need to be on top of it or it will become a much more serious problem of fire hazard than it was before. So, I really think that needs to be clearly defined, and I'm hoping that you would be encouraging people to keep the more fire-resistant native vegetation and not remove that. Another item that I was concerned about, and you've partially addressed that in the most recent version that I saw, is, you have exceptions for sensitive habitat and riparian areas. That's under unimproved parcels, and which is great, but I believe that exception should also be under the improved partial part of the document, and that there are a lot of riparian areas that are on improved parcels, and those should also be protected. I also am concerned about vegetation removal in very steep slopes where it might result in erosion and landslides. It would be nice to have some cautionary language in there about that. And then, the 100-foot fuel perimeter, fuel brake. I did some calculations and it sure looks to me like you would end up then with most of the Central Portola Valley being a fuel break. A 100-foot fuel break around a two-acre parcel, ends up being 90% of that parcel. I'm just taking a nice square, easy calculation. But there's a lot of parcels in central Portola Valley that are between one and four or five acres. And even if you go up to a five-acre parcel, it's still about two-thirds of that area, that parcel, would need to be a fuel break under this 100-foot perimeter, which is, it would end up bringing almost the entire amount of central Portola Valley, would need to be treated, and it just seems like too much to be doing too dramatic of an effect on the habitat and landscape. And hopefully, they, you know, won't have too many people interpreting that every shrub needs to be removed. But people will not necessarily be seeking clarification from Woodside Fire or from the Fire Marshal about this, and the people that they hire.”

Director Miller thanked them for their comments.

**Emerson “Chip” Swan** – “I just want to say that having read the proposed ordinances, I recognize that there are going to need to be exceptions, and I recognize that, as written, there are some things that jump out and people have pointed out, that might not -- you might not want to enforce a thing a certain way because there's another way to make it more fire resistant. And I believe that the goal that the department is seeking is to reduce fire risk. And so, any time an issue like that comes up, of course, the fire marshal or his appointed deputies would go out and take a look and determine what is best for reducing the fire risk. And I have full faith in the department to make those decisions. That being said, I think it's good to have a bar set high enough that they can say; nope, we need to just follow the rules on this one, and not have to negotiate every point. So, I have faith in the ordinance as written. I have faith in the department to examine each potential exception. I don't like designing any kind of a system that starts with broad exceptions. It seems like you're just asking for

trouble to creep in there. But individual exceptions, I have faith in the department to make those decisions. And so, I'm in support of what the Fire Marshal is proposing at this point. Let me just add that, any plan is going to have to come across exceptions. There's going to be stuff that's going to -- unanticipated. Unanticipated things always happen. I took an electrical engineering degree from Stanford University about 40 years ago, and that's one of the first things that they taught me was, you know, no matter how well you design it, something unanticipated is going to happen. The whole computer is going to halt and catch fire, which is -- that's just life. And you need to be flexible for that, and I have faith in Don and his crew to handle those situations.”

Director Miller thanked them for their comments.

**Bill Maimone** – “Thank you. So, my name's Bill Maimone. So, I'm the local community leader in the Bear Gulch neighborhood. So, that's the area to the north of Wunderlich Park and adjacent to Carl Warner property. So, our emergency accident action team, last week, our (Inaudible: 29:57) meeting, voted unanimously in support of the Hazardous Vegetation Ordinance 22-03, in particular with the amendment in Section 2 to extend those guidelines to unimproved properties, subject to judgment of fire officials. So, as a recently certified fire rise community, we've demonstrated our commitment to fire safety and we'd be, of course, disappointed to see any blanket exception to immediately adjacent open space and parklands surrounding our community. The efforts we completed covered every property, including all of the unimproved properties in our neighborhood. We expect the county in Mid-Pen should conform to the same fire standards that apply everywhere else, with the guidance of fire authorities to enforce these guidelines as appropriate. And I express my full support. I think Don Bullard did a wonderful job, in particular with the unimproved properties and understanding how to apply things focused around the immediately adjacent areas with houses on them. So, much better to spend our time on that than, perhaps, areas way off in the woods. So, a number of our properties are all greater than five acres. So, for many of them, there are parts of the properties that are way, way, way far from an inhabited structure. But I trust Don and our fire officials to understand how to use common sense and apply these things to make the best use of our limited resources. Thanks.”

Director Miller thanked them for their comments.

**Nicholas Calderon** – “Yeah, thank you. Thank you for the opportunity to address the board. My name is Nicholas Calderon, and I am the director of the San Mateo County Parks Department. The department and the county are committed to mitigating the threat of wildfire. And in recent years, the county has committed millions of dollars to fuel reduction and fire mitigation. And over the last three years, the department has conducted over a thousand acres of fuel reduction, including over 400 acres at Huddart and Wunderlich parks. The park's department signed on to the joint letter with the Town of Portola Valley, Town of Woodside, Mid-Pen, and the school district. In that letter, we had some clarifying questions that we think should be addressed, so that our entities and the public can best understand the impacts of these ordinances. I'd also like to express concern that the 100-foot fuel break along boundaries of larger properties is rather arbitrary and not actually going to guarantee to mitigate the threat of wildfire to residents. Instead, landowners, and specifically large landowners, should be encouraged to conduct projects that are scoped to actually mitigate the threat of wildfire, as well as improve access for first responders. The department has what its referred to as its wildfire fuel management program, that has shown by scoping and evaluating projects this way, we've actually been able to be far more effective at reducing the risk to residents than using an arbitrary standard of 100 feet. For this reason, we respectfully ask that the district table this ordinance so that further engagement with the public and with landowners can occur, so that the ordinance can properly be crafted and drafted to truly make the public safer. If this item is not to be continued, then we do request that an amendment be added by the board that allows an entity to comply with the ordinance, if a wildfire mitigation program has been adopted by the local

jurisdiction. And we do think that, again, by allowing large landowners to have specific wildfire mitigation programs adopted, it allows us to look at our specific lands and craft projects to improve access for first responders and locate fuel breaks and shaded fuel breaks where they are going to be most effective, instead of just requiring them along the property boundary. So, again, we do respectfully request that this be tabled for further engagement and open for further amendments, but at the very least, that that request just made would be considered by your board, prior to any action being taken. And I do want to be respectful of everyone's time, so I will leave it there, but thank you again for the opportunity.”

Director Miller thanked them for their comments.

**Cori Moesta** – “I just want to say that I agree with many of the comments from the PV Ranch residents and Bill Maimone. I'm a community leader on the other end of the district in the hills near Thornwood Preserve. And I'd like to thank the fire district for encouraging defensible space over the last several years. It really makes a difference for us. I agree with Dudley, who expressed concern about living next to large open spaces. Well, I respect the opinion expressed by Mid-Penn and SMC Parks. I think that this vegetation ordinance is an important step, especially for those of us who live in the WUI and about open space, to reduce the fire fuels right up against homeowner properties. And though it's not -- there are no guarantees and it wouldn't be guaranteed to stop a wildfire, it would certainly slow wildfires so that we would have a hope of evacuating. That's our main concern on these narrow winding roads in the WUI. And I think good progress has been made by the district encouraging defensible space, but the problem is that not all property owners have started this work or really put in a concerted effort yet. So, the ordinance is an important step to spur participation by all property owners. I think there'll be a lot of pushback on this. People that haven't started it or don't understand or live on steep slopes in dense forest, this seems daunting, especially on large properties. It's going to be hard work. And our neighborhood has made some recommendations to Fire Marshal Bullard, to help the ordinance go more smoothly, to get more clarity and consistency, and to continue to modify the ordinance, to make it understandable to everybody. And we know that he and his team will encourage property owners to do what's needed and would make reasonable modifications for us, but it's essential for all of us, especially as more people move into these areas, to be able to keep our evacuation routes accessible and to slow wildfires before they get to us. So, I thank you for your work on this.”

Director Miller thanked them for their comments.

**Tim Clark** – “Thank you very much. My name is Tim Clark. I live in the neighborhood of Ladera, and I'm associated with Ladera Community Church. I'll start with the neighborhood. We have 550 residents here, individual residences. And I think under the rules, as I read them, this neighborhood could not be built today. And I'm not sure if that's what you intend, but that's the way I read the measure. I also looked around my own property, where there's about six trees. It appears to me that I probably have to lose half of them, in order to comply with the ordinance. Moving more broadly to the church, Ladera Community Church, we're at 30300 Alpine Road. So, many of you pass it, I'm sure. We have a vacant half acre next to our church. We have been working for four years now on getting some kind of a affordable housing project built on that rather tiny space for development. These rules kind of threw us back to the starting point again. One edge of the property is right next to the church, and if there's to be a hundred feet of separation, there's not a heck of a lot of room when we have a lot that is 150 feet wide.”

Director Miller informed Tim Clark that there is no 100-foot building separation anywhere. He clarified that this would be a fuel break at the edge of a property. He also stressed that there is no tree removal requirement.

**Tim Clark** – “Well, I appreciate your correction. I'm not yet comfortable with what I have read in the fire ordinances, and I would add two other points. Number one, the jurisdictions to municipalities within your jurisdiction, Woodside and Portola Valley, are under pressure to add housing. They're being required to do so by the state. I think you ought to address in the ordinance, the issues of 80 years, which are a major portion of the strategies for both departments. And secondly, for multi-family housing, how you think how these would apply to those. And finally, I think you would -- there was mention in the ordinance that you would plan, eventually, to publish it in the Country Almanac. I would think that you ought to do that before it's finally adopted. So because, as many others have spoken, it is not well publicized. And if you put your rules out there early, I think you will avoid some of the firestorm that you might get when you eventually adopt this. Appreciate your time.”

Director Miller thanked them for their comments.

**Denise Enea** – “Good evening. My name is Denise Enea. I'm the executive director of Fire Safe, and I just wanted to share my comments. I believe the timing for this grant or this ordinance, excuse me, is very appropriate. Most of the large landowners have either completed their EIRs for wildfire resiliency, and it includes fire fuel management work. I know Mid-Penn and San Mateo County Parks have conducted that, and there's plentiful amounts of grant money that's now available to get that work done, and those agencies are in the process of doing that. I believe the ordinance is flexible with its allowance for the exceptions, and the fire district is the fire expert. And it's my feeling and with great confidence, that they can easily navigate the exception applications with expertise. In the past, the large landowners of our jurisdiction and of our county have not conducted adequate hazardous fuel treatments, and it's really only been with the proactive ordinances and lobbying and education of the fire districts that the large landowners have started considering defensible space along their perimeters and within their lands. So, I commend the fire district for its proactive stance, and I wholeheartedly agree with it. Thank you.”

Director Miller thanked them for their comments and for what their organization has done in San Mateo County.

**Jeremy Dennis** – “Hi there. It's Jeremy Dennis. I'm the town manager in Portola Valley. It's good to see everybody. Thanks for the opportunity to speak tonight. I don't want to reiterate too much of what's in the joint letter from the five entities that Nick referred to a moment ago, but I did want to take a second to just share some, maybe some context related to the other ordinance, which I believe I can speak to. I came a little late tonight. I apologize. The WUI ordinance. And to bring a point to that, the joint letter speaks to an overall interest in learning more about the timing of the WUI ordinance in particular, as it relates to the great work that the district is doing right now with Flame Mappers. And I wanted to point out that, you know, right now, there's a couple of different sources of material associated with creating an equivalent map to what Cal Fire does on an ongoing basis, from time to time, that may be contradictory, that may be telling a different story about particular areas, particular parcels, particular pieces of land. And, you know, so just to emphasize that wanting to learn more about the timing in particular, if the flame mapper product is going to be coming out in the next, you know, 60 days, 90 days. Presumably, there could be a change in approach and it could be at least a change as it relates to properties in the way that they're affected and what regulations they may be under. So, with that, I'll conclude my comments. I hope our letter was received in the spirit that was intended, in order to help further refine that to the extent that that was possible and share our collective concerns. Thanks very much. Thanks for everything you're doing.”

Director Miller thanked them for their comments and for the work they have done for the Town of Portola Valley.

Director Miller reiterated that tonight is about taking input. He informed the public that the Board is looking for ways to clarify things, and to identify what is not clear. He expressed his knowledge that this is a big change for everyone, and will take a lot of work, but that the District is moving in the right direction. He then asked if Director Cain or Director Holthaus had any questions.

Director Cain agreed with Director Miller.

Director Holthaus agreed with Director Miller. He also thanked everyone for their public comment.

### **Staff Reports:**

Director Holthaus commented that he noticed a spike in solar photovoltaic and battery inspections. He inquired if it was because of more being implemented with the state incentives.

Fire Marshal Bullard responded that solar and battery inspections are the primary work being done.

### **Fire Chief's Report:**

Chief Lindner re-acknowledged Interim B/C Nannini and B/C Zabala on their promotions. He informed the Board that there have been subsequent promotions at the Captain level, Captain Joe Porter and Interim Captain Brandon Lima. As well the Finance Manager position has been filled, and they start next week.

Chief Lindner reported on the weather events and how the County is experiencing significant impacts. He informed the Board that the County went to a high call volume, which allows dispatch to address the workload by dispatching units differently for specific types of calls. He stated that the Fire District fared very well.

Chief Lindner discussed the AB361/AB2449 updates. He mentioned there are several requirements for remote attendance and teleconferencing which will go into effect tomorrow. Mainly, with remote attendance it is required that members may attend remotely if they fall under "Just Cause" or "Emergency Circumstances", and that there are procedures required if this is the case.

Chief Lindner informed the Board that holding the meeting in a different location may be required to allow the public to attend. Consideration for moving the meeting to a different date is also an option.

### **New Business:**

### **WRITTEN COMMUNICATIONS:**

None at this time.

Meeting was adjourned at 8:12 P.M. and entered closed session.

### **Closed Session:**

Chief Lindner gave the Board an update on personnel issues. There was no further action taken by the Board.



Chief Lindner gave the Board an update on the ongoing legal issue with the cell tower at Station 7 and the provider on site. The decision was made to file a dismissal without prejudice. There is ongoing discussion of where to place the equipment and tower on the property. There will be more information to follow after discussions with the architect and engineer.

**Return from Closed Session:** The Board returned from closed session at 9:15 P.M.

**Adjournment:** The meeting was adjourned at 9:15 P.M.

The regularly scheduled meeting to be held on 3/28/23 will be canceled.

The next scheduled meeting will be a special meeting to be held April 4th, at 7:00 P.M at the WFPD Administration Building, 808 Portola Rd. Portola Valley, CA 94028.

Respectfully Submitted,

Pat Cain – Board Secretary

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