

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Matt Peters, Director of Community Development

DATE: May 27, 2025

SUBJECT: Adopt Fire Hazard Severity Zone Maps for the City Prepared by the State Fire Marshal

RECOMMENDATION:

1. That prior to consideration of the proposed Ordinance, the City Clerk randomly select Mayor Kalfus, Council Member Stewart or Council Member Rahn pursuant to Section 18705 of the Regulations of the Fair Political Practices Commission to achieve a quorum for this Agenda Item since these three Council Members own residential property in the proposed Fire Hazard Severity Zones and three affirmative votes of the Council are required by State law to adopt the Ordinance.
2. That the City Council introduce an ordinance entitled:

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA, CALIFORNIA ADOPTING THE FIRE HAZARD SEVERITY ZONE MAP AND ADDING CHAPTER 15.14 TO THE TEMECULA MUNICIPAL CODE, FIRE HAZARD SEVERITY ZONE MAP AND FINDING THE ORDINANCE EXEMPT FROM CEQA

BACKGROUND

Government Code Section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

On March 24, 2025, pursuant to Government Code section 51178, the State Fire Marshal published a map indicating the Local Responsibility Area Fire Hazard Severity Zones for the City of Temecula that designates various areas in the City of Temecula as moderate, high and very high Fire Hazard Severity Zones (“FHSZ”).

Within 30 days after receiving the Fire Hazard Severity Zones map, the City made the maps and information available for public review and comment and placed the information and maps on its website in an understandable and accessible form. Information is available on the City's Fire Hazard Severity Zone website at: www.TemeculaCA.gov/Firemap.

The recent updates to Fire Hazard Severity Zones in California provide a more precise assessment of wildfire risks using modern climate data and advanced fire modeling. These updates impact Local Responsibility Areas (LRA), influencing fire prevention measures. Including defensible space, building codes, and real estate disclosure requirements.

ANALYSIS

Factors Used in the Designation of the Fire Hazard Severity Zones

Properties are designated as Moderate, High, or Very High Fire Hazard Severity Zones based on:

- Terrain and topography
- Vegetation and fuel conditions
- Fire history and frequency
- Climate and weather patterns

The FHSZ maps identify the hazard potential, not the immediate risk. They do not factor in mitigation efforts such as defensible space, fire-resistant construction, or local firefighting capabilities.

According to Cal Fire, the fire hazard severity model for wildland fire has two key elements: probability of an area burning and expected fire behavior under extreme fuel and weather conditions. The zones reflect areas that have similar burn probabilities and fire behavior characteristics. The factors considered in determining fire hazard within wildland areas are fire history, flame length, terrain, local weather, and potential fuel over a 50-year period. Outside of wildlands, the model considers factors that might lead to buildings being threatened, including terrain, weather, urban vegetation cover, blowing embers, proximity to wildland, fire history, and fire hazard in nearby wildlands. FHSZs are not a structure loss model, as key information regarding structure ignition (such as roof type, etc.) is not included.

Impact of Zone Designation on Homeowners within a Zone

Generally, homeowners in Very High FHSZ must:

- Maintain 100 feet of defensible space around structures.
- Comply with home hardening requirements to reduce ignition risks.
- Ensure new construction and renovations adhere to Wildland-Urban Interface (WUI) building codes which are found in the California Building Code Chapter 7A.
- Disclose FHSZ designation when selling property.

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- Comply with home hardening requirements to reduce ignition risks.
- Ensure new construction and renovations adhere to Wildland-Urban Interface (WUI) building codes.
- Disclose FHSZ designation when selling property.

Specifically, Government Code Section 51182 requires homeowners in the Very High FHSZ to:

- Maintain defensible space of 100 feet from each side and from the front and rear of the structure. The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure. This does not apply to single specimens of trees or other 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 a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.
- Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.
- Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

These provisions would be enforced through Chapter 8.16 of the Temecula Municipal Code, Hazardous Vegetation, both on an annual basis and any time violations are or reported.

Additionally, the City may not decrease the FHSZ level recommended by State Fire Marshall. The City may add to or increase the recommended FHSZ level, but Riverside County Fire Department (Cal Fire) is not proposing any additions or increases during this adoption process.

Fire Insurance Related Questions

According to Cal Fire, insurance companies use risk models, which differ from hazard models, because they consider the susceptibility of a structure to damage from fire and other short-term factors that are not included in hazard modeling. It is unlikely that insurance risk models specifically call out Cal Fire's Fire Hazard Severity Zones as a factor, but much of the same data that is used in the fire hazard severity zone model are likely included in the insurance companies' risk models. However, insurance risk models incorporate many additional factors and factors that

change more frequently than those that Cal Fire includes in its hazard mapping, which is built to remain steady for the next 10+ years.

Procedure for Random Selection Pursuant to Section 18705 of the Fair Political Practices Commission Regulations

Government Code Section 51178 requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas.

Government Code Section 51179 requires that “A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.”

Government Code Section 36936 provides that “ordinances require a recorded majority vote of the total membership of the city council.” Since the Temecula City Council has five members, three affirmative votes are required to adopt an ordinance and fulfill the requirement of Government Code Section 51779.

The personal residences of Mayor Kalfus, Council Member Stewart and Council Member Rahn are located on parcels within the Fire Hazard Severity Zones for the City of Temecula identified by the State Fire Marshal. In the opinion of the City Attorney, these three members may not participate in the Council’s decision to approve the Fire Hazard Severity Zones pursuant to Section 18702.2(a)(1) of the Regulations of the Fair Political Practices Commission because the Council action to adopt the Fire Hazard Severity Zones “involves the adoption or amendment of a development plan or criteria applying the parcel.”

In the event potential conflict of interest will prevent a legislative body from achieving a quorum for the transaction of business, Section 18705 of the Fair Political Practices Commission Regulations specifically authorizes the random selection of one or more members of a legislative body that would have a financial interest in a decision to participate in that decision if necessary to achieve a quorum of the legislative body. Therefore, in order to achieve a quorum of three Members of the City Council pursuant to and to enact an ordinance approving the Fire Hazard Severity Zone Maps as required by Government Code Sections 36936 and 51779, it is necessary to randomly select either Mayor Kalfus, Council Member Stewart or Council Member Rahn to achieve the required quorum.

The following procedures have been found by decisions of the Fair Political Practices to meet the requirements of Section 18705 of the Fair Political Practices Commission Regulations for the random selection of a City Council Member to achieve the required quorum for approval of the Fire Hazard Severity Zones pursuant to Government Code Sections 36936 and 51779:

1. The random selection process will occur just prior to consideration of the Fire Hazard Severity Zone by the Council at the public session at the May 27, 2025 regular meeting of the City Council.
2. This Agenda Report includes a description of the nature of the economic interest of the

members involved, the real property interests of the members involved, and a description of the circumstances in which the conflict might arise, and the legal necessity of achieving a quorum to act on this matter, as required by Section 18705.

3. The City Clerk will stand in front of the public audience, with the Deputy City Clerk as a witness, and place the names of Mayor Kalfus, Council Member Stewart and Council Member Rahn on individual pieces of paper into a clear bowl and folded so that their names are not visible or otherwise identifiable.
4. The City Clerk will announce that she will draw the name of one of these Council Members from the bowl and that the Council Member whose name is drawn will be deemed randomly selected to participate in all matters of the City Council to act on the Fire Hazard Severity Zones as required by Government Code Sections 36936 and 51779.
5. The City Clerk will draw a piece of paper from the bowl and announce the name of the member selected to participate in all actions related to the Fire Hazard Severity Zones.
6. The City Clerk will specifically record in the official minutes of City Council a description of the process employed and the name of the Council Member randomly selected to participate.
7. The Council Member randomly selected will then be entitled to participate in all actions of the City Council related to the Fire Hazard Severity Zones as required by Government Code Sections 36936 and 51779.

FINANCIAL IMPACTS

There are no financial impacts to the City from the recommended action.

- ATTACHMENTS:**
1. Exhibit A - Ordinance No. 2025-XX
 2. Exhibit B - Fire Hazard Severity Zone Map for the City of Temecula
 3. Notice of Public Hearing
 4. Notice of Exemption
 5. Cal Fire's Frequently Asked Questions and Answers Fire Hazard Severity Zones