

Rancho San Clemente

Community Association

www.rscga.com

Fall
2020
Newsletter

Have a Wonderful Fall Season!

The Board has been conducting meetings telephonically and plans to return to in-person meetings at St Andrew's Church as soon as Covid-19 protocols allow. RSCCA's records, previously stored in 119 cardboard boxes, have been converted to e-storage in several forms: thumb drives, external drives, and cloud storage. This provides convenient, no-cost access, a variety of storage methods to preserve content, and eliminates over \$4,000 in annual storage costs.

RSCCA also has implemented online approval and e-signing for Architectural Application approvals to speed up the process for our members. Enjoy!

New Board Member—Kortney Morrow

The Master Board unanimously voted to appoint Kortney Morrow of Harbor View Estates to serve on the Board. RSCCA sends a warm welcome to Director Morrow.

Fire Zone Maintenance Responsibility

RSCCA's Fire Zone Crew continues year - round maintenance of 100 - foot defensible zones in Master Association Common Areas to protect dwellings and property in accordance with the Orange County Fire Authority (OCFA).

At the January 22, 2020 Workshop, OCFA informed RSCCA that in "Very Severe High Fire Hazard Zone Areas," under state mandates PRC 4291 and GOV 51182, "persons," including agencies and businesses, who own, lease, operate, control, or maintain "structures," "buildings" and/or "dwellings," are responsible for maintaining the 100 foot Fire Zones associated with their structures, buildings, and/or dwellings. Having learned that the Association has been performing Fire Zone maintenance that is the responsibility of other entities, RSCCA has sent out notices to inform the parties of their Fire Zone maintenance responsibilities under PRC 4291 & GOV 51182.

Regarding PRC 4291, one such "structure," as defined in the CA Building Code, is the Ridgeline Trail, which is the city's paved Utility Service Road/Hiking Trail. The Utility Service Road was a city-required condition of approval for RSC's Master Development Plan. The primary purpose of the Utility Service Road is to provide essential vehicular access to city utilities and for a growing number of "for-profit" commercial utilities stationed along the road, such as telecommunication towers antennas and macros. The city's paved road also provides public recreation for hiking & non-motorized biking.

The city has been billed and notified of the Fire Zone maintenance responsibility, and negotiations are on the table. During Public Comment at City Council meetings, Board President Barnes proposed that revenues can be generated by implementing annual Fire Zone Maintenance fees to Utility & Service Businesses stationed along the Utility Service Road. Annual Fire Zone Maintenance Fees may also be incorporated into Permits that are issued by the city.

Examples of municipal and private business utilities include: 5 water towers and pump stations, electrical power structures and buildings, radio transmission facilities, nuclear sirens, OCFA Fire Alert Cameras, SDGE, Verizon, Crown Castle, American Towers, AT&T, T-Mobile, Sprint and other service providers.

Barnes further proposed that a portion of revenues from the sale of "San Clemente Trail & BikeWays Maps" as advertised in the city's quarterly Recreational Magazine(s), can be earmarked for Fire Zone Maintenance along the Ridgeline Trail. More funding is also available from enforcement & fines for infraction of city Ordinance(s) posted on the city's Trail, such as "No Smoking" "No Littering" "No Motorcycles," "Speed Limits, etc. City employees who work along the Trail to service the picnic table areas, trash and dog waste stations, and other park services, can issue citations.

Owners of dwellings along Ave. Salvador, Calle Empalme & Presidio in Misty Ridge HOA are also being notified. Lifetime Fitness will also be notified.

Homeowners Insurance Update

With over \$16 Billion in claims from Northern California Fires in the recent years the Insurance industry made a blanket decision to drop coverage in zip codes of High Fire Zone Areas. Numerous RSCCA members reported loss of coverage upon annual renewals, until the current Insurance Commissioner, Ricardo Lara, barred insurance companies from dropping renewals. However, Lara's Order expires in several months and cannot be renewed. With 2020's devastating fire losses in Northern California, Oregon and Washington, we can expect to see more non-renewals of coverage in RSCCA when Lara's order expires (OC Register Article attached).

It is unfortunate that Southern California Fire Zone Areas are being penalized with loss of coverage due to events that are taking place in other geographical locations. None of the Insurance companies have contacted RSCCA or OCFA to schedule an on-site review of the Associations Defensible Zone Areas. It appears to be that it makes no difference how well Defensible Zones are maintained. The only criteria for cancellation of insurance appears to be whether dwellings are located in zip codes that have High Fire Zone Areas.

Regardless, RSCCA's Fire Zone Crew will continue to work year-round to provide Defensible Fire Zone maintenance to protect our community.

Board of Directors

President: Vonne Barnes, Montego

Vice-President: Jerry Anderson, Villagio I

Treasurer: Marjie Butterworth, Vilamoura

Secretary: Robert Anderson, Bella Vista

Director: Kortney Morrow, Harbor View

Meetings are on the second Thursday each month at 6:00 pm at St. Andrews Church, 2001 Calle Frontera, San Clemente, CA 92672

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One big issue skipped by lawmakers: fire insurance

Op ED OC Register, Dan Walters 9.8.2020

As wildfires of record magnitude swept through Northern California last week, destroying thousands of homes and other structures, the Legislature closed its 2020 session without doing something about the fire insurance crisis that afflicts fire-prone areas. It ranks near the top of a long list of legislative failures this year, right up there with housing shortages and police reforms.

Insurers have sustained massive losses, tens of billions of dollars, from wildfires in recent years and are increasingly reluctant to continue coverage in fire-prone communities, even threatening to quit the market if they cannot increase premiums enough to cover projected future liabilities. Often, homeowners can only buy coverage through the state's FAIR plan, which is bare-bones and expensive.

The ultimate solution would be to stop building and rebuilding homes in the "wildland-urban interface" — essentially the outer suburbs of major metropolitan areas — where the risk of catastrophic losses is highest. However, for the foreseeable future, much of California's population will continue to live in those communities, such as Sonoma and Napa counties, the Sierra foothills and the mountain ranges ringing Los Angeles.

We need a new approach. A truly comprehensive solution would be layers of coverage, beginning with a basic statewide policy financed by mandatory fees on all residential property, adjusted by region. The statewide policy would be backed by reinsurance from the global market and, by covering the first layer of fire losses, would make private insurers more willing to offer additional layers. The national flood insurance program more or less takes that approach. Homeowners in designated flood-prone areas must buy it, but it has limits, so they can purchase supplemental insurance to fill the gap between coverage and loss.

The insurance industry itself took a stab at a solution this year with legislation, Assembly Bill 2167, allowing insurers to include the cost of reinsurance in their rates, as well as allowing them to base premiums on calculations of future losses — two aspects banned by current law.

What insurers proposed is a "market assistance plan" that would make insuring homes in fire-prone areas less risky. However, AB 2167 drew fierce opposition from consumer groups, saying it undermined Proposition 103, the 1988 law that imposed direct regulation on premiums by an elected insurance commissioner. The current commissioner, Ricardo Lara, joined the opposition: "In an era where climate change is contributing to more severe and frequent wildfires, homeowners need more protection — not less. COVID-19 might be the Legislature's primary focus, but we cannot let the insurance industry use it to gut important consumer protections that have existed for decades."

Last December, after several years of wildfires, Lara barred insurers from refusing to renew policies in Zip Codes where fires were common, but that order expires in a few months and cannot be renewed.

Although rural counties endorsed AB 2167, the opposition prevailed. In its last incarnation, the bill merely ordered a study by Lara's Department of Insurance — the time-dishonored way politicians duck tough issues. But even that version died without a vote when the legislative session ended.

Obviously, the crisis will not solve itself. Insurers are facing many more billions of dollars in losses from this summer's fires — and the traditional autumn fire season hasn't even begun.

When Lara's order expires, we probably will see insurers refuse to renew policies in the wildland-urban interface or even pull out of California altogether.

CA Public Resources Code Section 4291 (a):

A person who owns, leases, controls, operates, or maintains a building or structure in, upon or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph 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. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion.

2) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is not other feasible mitigation measure possible to reduce their risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

GOVERNMENT CODE SECTION 51182(a)

A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:

1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph 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. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion.

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