



## Legislation Text

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**File #:** 2020-0723, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma Fire Prevention

**Staff Name and Phone Number:** James Williams, 707-565-1154

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

Amendments to Chapter 13 Fire Safe Standards

**Recommended Action:**

Adopt a proposed ordinance to update Sonoma County Code Chapter 13, Article V, Fire Safe Standards (Second Reading- Ready for Adoption)

**Executive Summary:**

The County's fire safe standards ordinance was most recently certified by the California Department of Forestry and Fire Protection (Board of Forestry) in 2017. On January 1, 2020, and again on July 27, 2020, the Board of Forestry updated its regulations. When the Board of Forestry updates its regulations, counties must submit their local ordinance for re-certification. The Board of Forestry staff reviewed the County's proposed fire safe standards ordinance, and made one request: the Board of Forestry staff recommended the ordinance clarify the County's current practices for fire safety evaluation of existing roads serving legal parcels. The proposed ordinance incorporates the clarifications requested. The Board of Forestry staff have reviewed the proposed changes to the ordinance and have determined that in Board of Forestry staff's opinion, the proposed ordinance satisfies the Board of Forestry's requests. In addition, CalFire has reviewed the proposed ordinance and fully supports continuing to certify Sonoma County as the inspecting authority. If the proposed ordinance is approved by the Board of Supervisors, the Board of Forestry is expected to consider the ordinance and Board of Forestry staff's recommendation on September 22-24.

**Discussion:**

From 1964-2015 Sonoma County experienced 18 major wildfires that destroyed nearly 2,000 structures; then the Sonoma Complex Fires hit in October 2017 and resulted in the loss of 43 lives, destroyed nearly 7,000 homes, and burned more than 100,000 acres, 37,000 of which were in Sonoma County. The Complex Fires burned in nearly identical footprints to 1964's Hanley Fire and Nuns Canyon Fire. In 2019, the Kincadee Fire burned 77,758 acres in northeastern Sonoma County, destroying 374 structures, including 174 homes. Because of high likelihood that the fire would cross into western Sonoma County, hundreds of thousands of county residents were evacuated during the incident. Like the Sonoma Complex, the Kincadee burned within or near historical fire footprints. Throughout this history, the County has had a close partnership with Cal Fire, the Board of Forestry, and our local fire protection districts to protect the community from wildfire threats and continue to develop methods to further enhance our community's fire safety.

***Collaborative Effort to Develop Local Fire Safe Standards*** In 1991, the County of Sonoma coordinated with

Cal Fire, local fire districts and many local stakeholders to develop the original County of Sonoma fire safe standards ordinance. Sonoma County Code Chapter 13, Article V. The Board of Forestry's regulations continue to allow counties to adopt their own local fire safe standards as long as they are certified to meet or exceed State standards. 14 C.C.R. section 1270-1276. Many of those original provisions remain the same. In 2017, the Board of Forestry reviewed the County's fire safe standards and certified that they continue to meet or exceed State standards. The County of Sonoma has been the first county in line for certification during the most recent regulation update.

***New State Regulations on January 1, 2020 and July 27, 2020*** The Board of Forestry updated its fire safety regulations on January 1, 2020 and again on July 27, 2020. All counties that have their own local ordinances are required to obtain re-certification. The Board of Forestry staff reviewed Sonoma County's proposed ordinance and determined that it meets or exceeds State standards. The Board of Forestry staff recommended minor changes to the ordinance to clarify the County's existing fire safety evaluation practices. The proposed ordinance includes minor changes to more clearly reflect the County's existing practices and correspond with State law.

- A. In Section 13-25(d), the County of Sonoma historically has exempted ADUs, but that exemption was not included in the Board of Forestry regulations. In May and June 2020, the Board of Forestry held hearings to consider whether to exempt ADUs in an emergency rulemaking process. On July 15, 2020, the Board of Forestry adopted emergency regulations to adopt this same ADU exemption statewide. Sonoma County's proposed ordinance complies with the new Board of Forestry regulations, deletes outdated square footage and replaces it with the new square footage limit of an ADU as authorized by state law. ADUS still must comply with Fire Code laws to ensure residents' safety; however, this exemption removes the requirement to upgrade or extend roads and driveways that already serve the primary residence. That would have added a potentially enormous expense to the construction of ADUs and the Board of Forestry agreed to remove this unnecessary cost burden.
- B. In Section 13-25(g), the language for this exemption has been modified to replicate the exact language of the State regulation. This is an exemption for building permits issued on certain parcels created with conditions of approval to access to the parcel.
- C. In Section 13-25(h), the current ordinance has an exemption for existing driveways that is a bit confusing because it contains an exception within the exemption. The Board of Forestry staff suggested a rewrite to retain the same requirements but simply write them clearly for what is required for existing driveways. The proposed ordinance language would make this change.
- D. In Section 13-32, for new road and driveway construction, the proposed ordinance includes the same language from the Board of Forestry regulations about construction standards for horizontal curves width requirements for roads with horizontal and vertical curves.
- E. In Section 13-34, the current ordinance allows 12 foot widths with two feet of shoulder and six feet of an additional clearance lane for new subdivision roads if approved by County departments and the Fire Marshal, if turnouts and turnarounds are included as specified. The County's current practice has been to authorize this road width for minor subdivisions (4 parcels or less). The proposed ordinance includes the word "minor" to reflect the County's current practice.

F. In Section 13-62, there is a process established to request alternative fire protection measures in accordance with State regulations. The Board of Forestry staff requested the County insert “the same practical effect” to explain that these alternatives may be offered only if they have “the same practical effect” as the other standards. This proposed change matches our current practice and the requirements in State law.

1. The most significant proposed change is in Section 13-25(f) pertaining to fire safety evaluations of existing roads. In Section 13-25(f), the current ordinance requires any pre-1991 road that serves a legal parcel to provide year round unobstructed access to conventional drive vehicles, including sedans and fire engines. The proposed ordinance clarifies that requirement and creates a checklist to document the current fire safety evaluation for existing roads. The proposed ordinance references an Administrative Policy for Fire Safety Evaluations of Existing Roads. (Attachment 4.) The Administrative Policy requires the following:

2. Any existing private road shall satisfy these criteria if it provides at least a twelve foot path of travel and at least one foot of vegetation clearance on each side of the road. For discretionary approvals, additional turnouts and turnarounds or other mitigation measures may be required to ensure concurrent fire engine access and civilian evacuation. Requirements for existing public roads serving discretionary development project approvals are in the Sonoma County TPW and PRMD Guidelines for Traffic Impact Studies.

<https://sonomacounty.ca.gov/TPW/Roads/Services/Data-and-Resources/Traffic-Study->

[At the certification meeting, if the Board of Forestry does not approve of the first sentence above that states, “Any existing private road shall satisfy these criteria if it provides at least a twelve foot path of travel and at least one foot of vegetation clearance on each side of the road,” the Board of Supervisors delegates authority to staff to suggest the following alternative language for the Board of Forestry to consider: “Any existing private road shall satisfy these criteria if it provides at least a twelve foot road and at least one foot of vegetation clearance on each side of the road.” Both versions of this sentence clarify the current practice for reviewing fire safety.]

3. All of the other provisions of Sonoma County Code Chapter 13, Article V Fire Safe Standards shall apply to any road if it is extended, reconstructed or improved pursuant to a development approval, but only as to the portion of the road that is extended, reconstructed or improved [This is already a requirement in Sonoma County Code section 13-25(f)].

4. All existing roads shall comply with Sonoma County Code Chapter 13, Article V, Division C Signing and Building Numbering. [This is already a requirement in Sonoma County Code section 13-25(f)].

5. All roads shall have vertical clearances that conform to the requirements in California Vehicle Code. This requires a vertical clearance of 13 feet, 6 inches to ensure fire engine access. [This is already a state law requirement.]

6. Except as otherwise provided in the Fire Safe Standards, all applications for development approvals shall be accompanied by plans, engineering calculations and other data necessary to determine compliance with the provisions of the Fire Safe Standards. [This is already a requirement in Sonoma County Code section 13-24(b)].

The proposed ordinance authorizes the Fire Marshal, in coordination with County Counsel, the Director of Permit Sonoma and the Director of Transportation and Public Works, to update the Administrative

Policy when necessary to comply with updates in federal, state and local laws. In addition to the Board of Forestry, CalFire has reviewed the proposed ordinance. In many other counties, CalFire is the inspection authority and reviews proposed development projects for compliance with the Board of Forestry regulations. In Sonoma County, CalFire has re-affirmed its trust in Sonoma County Fire Prevention staff. CalFire has reviewed the proposed ordinance, confirmed that it meets or exceeds State standards, and has continued to recommend the County conduct its own fire safe inspections for proposed development projects. CalFire has been, and continues to be, a valuable partner to protect our community and ensure fire safety.

### ***Continuing to Update Fire Safe Standards to Ensure Fire Fighter Access and Evacuation***

The State's legal requirements for upgrading existing roads in the State Responsibility Area may be evolving. Recently the Board of Forestry announced that it may begin another rulemaking process over the next year to develop new regulations for existing road standards. If it takes this step, the Board of Forestry will reach out to all counties in the State Responsibility Area and other stakeholders to develop this new regulation through a standard rulemaking process. County staff will monitor the proposed regulations and report back to your Board as needed.

### ***Community Outreach***

Fire Prevention and Permit Sonoma Planning staff have reached out to the Farm Bureau, North Bay Builders Exchange, North Bay Association of Realtors, fire district personnel and Cal Fire to update those stakeholders about the proposed ordinance and Administrative Policy.

### ***Next Steps***

The Board of Forestry staff have already reviewed the proposed ordinance and in Board of Forestry staff's opinion, the proposed ordinance satisfies the request made by the Board of Forestry. If your Board adopts the proposed ordinance, it is expected to be placed on the Board of Forestry's agenda to consider for certification on September 22-24.

### **Prior Board Actions:**

- August 4, 2020: Adoption of the resolution to introduce and waive reading of the proposed ordinance.
- December 2, 2019: Adoption of the Fire Safe Standards, Chapter 13, Article V

### **FISCAL SUMMARY**

None.

### **Narrative Explanation of Fiscal Impacts:**

There are no fiscal impacts to the County of Sonoma.

### **Narrative Explanation of Staffing Impacts (If Required):**

None.

### **Attachments:**

- Att 1: Post Adoption Ordinance Summary
- Att 2: Strikeout Version of the Ordinance

Att 3: Clean Version of the Ordinance

Att 4: Administrative Policy

Att 5: Notice of Exemption for Fire Safe Standards

**Related Items “On File” with the Clerk of the Board:**

None.