

## Attachment 1

### Fire Safe Regulation History and Proposed 2021 Update Details

In 2014, the BOF initiated a new rule making process to make technical updates to the 1991 State Fire Safe Regulations (FSRs) to reflect lessons learned from statewide fire suppression efforts conducted since the fire safe rules were first enacted. The 2015 update to the FSRs required:

- a wider roadway width (20-foot clear travelway with two-foot shoulders) to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and provide unobstructed traffic circulation during a wildfire emergency;
- changes in the dimensions of roadway turnouts, the clear radius of turnarounds, minimum width of one-way roads, width of gate entrances, and minimum horizontal clear area adjacent to driveways;
- changes to the size of building and road signing and numbering to bring the regulations into conformity with the current State Fire Code; and,
- water supply requirements were also changed to match the revised specifications of the National Fire Protection Association.

On November 17, 2015, the Board of Supervisors adopted Ordinance 2540 amending the Humboldt County's alternative fire safe regulations accordingly, which were thereafter certified by the BOF.

#### *2020 State Fire Safe Regulations Update*

Some of the most destructive wildfires in California history have occurred since 2015 when the State FSRs were last updated (the following data is from the California Department of Forestry and Fire Protection (CAL FIRE)):

- 2015 – 8,200 wildfires; 880,000 acres burned; 3,159 structures damaged
- 2016 - 6,900 wildfires; 669,000 acres burned; 1,274 structures damaged
- 2017 – 9,133 wildfires; 1,248,606 acres burned; 10,280 structures damaged
- 2018 - 7,500 fires wildfires; 1,670,000 acres burned; 24,226 structures damaged
- 2019 – 7,860 wildfires; 259,823 acres burned; 723 structures damaged
- 2020\* - 9,639 wildfires; 4,177,856 acres burned; 10,488 structures damaged

In 2018, the BOF initiated an additional update to FSRs, which were later approved as the 2020 FSRs, making a series of additional changes including:

- applying FSRs the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing and classifying them as residential units;

- specifying that exceptions are only to be approved where the exceptions provide the same overall practical effect as these regulations towards providing additional detail regarding appeals;
- specifying that a “road” provides vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes and that a driveway provides vehicular access to fewer residences;
- specifying that roads and driveways shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency;
- adding vertical clearance requirements to roads and driveways;
- specifying minimum 10-foot width and 14-foot horizontal clearance requirements for driveways;
- substantially reducing the maximum dead-end road length allowed:

parcels zoned for less than one acre	800 feet
parcels zoned for 1 acre to 4.99 acres	1,3520 feet
parcels zoned for 5 acres to 19.99 acres	2,640 feet
parcels zoned for 20 acres and larger to 39.99 acres	5,280 feet
<del>parcels zoned for 40 acres to 159.99 acres</del>	<del>7,500 feet</del>
<del>parcels zoned for 160 acres or larger</del>	<del>Unlimited</del>

Note: The above table represents changes from the County’s certified local fire safe regulations.

- establishing requirements for gate entrances;
- adding details relating to road naming, signage, addresses, and numbers;
- aligning emergency water for wildfire protection with the California Fire Code and National Fire Protection Association-1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, and specifying additional standards for hydrants;
- adding detail regarding exceptions for situations where 30 -foot setbacks are not possible for practical reasons; and
- adding requirements in emergency access covenants or similar binding agreements to ensure continued maintenance of commonly owned properties to assure the continued availability, access, and utilization of the defensible space and standards for greenbelts when included in subdivisions.

Planning and Building staff were working to bring forward amendments to the alternative County fire safe regulations consistent with the 2020 FSRs, when the County was informed that the BOF may not certify alternative local regulations. Sonoma County was the first to submit its local regulations and staff began to track its progress. The primary issue for Sonoma County was the statement by the BOF that “access” requirements apply to all building construction (including the construction of new residential units on existing parcels) unless specifically exempted by the regulations. This would mean that all roads serving new homes must be 24-feet wide and not exceed dead-end requirements

for a building permit to be approved. This disagreement has stalled the certification process for the Sonoma County regulations and there is no indication that any other local regulations with a similar interpretation of access requirements for building permits on legal lots will be certified. As a result, Planning and Building staff put the amendments to the alternative County fire safe regulations on hold and instead sought the delegation of inspection authority pursuant by CAL FIRE and the state's 2020 FSRs rather than the alternative County fire safe regulations. Without this delegation County Building Inspectors could not conduct final inspections, and final building permit approval would be subject to the availability of limited CAL FIRE inspectors. The delegation was approved and allows for prompt final inspections of permitted projects in SRA and ensures that a backlog does not develop because CAL FIRE staff are dedicated to other state priorities, such as wildfire management.

#### *2021 State Fire Safe Regulations Update*

During the time that the Sonoma County regulations were under review, the BOF was simultaneously conducting an emergency rulemaking to exempt accessory dwelling units and junior dwelling units from FSRs and, in light of the recent devastating fire seasons, also initiated a somewhat comprehensive update to FSRs that includes the definition of "access" central to the Sonoma County fire safe regulations conflict. The emergency exemption for accessory units is now in effect and the BOF is carrying out a public review process for new draft regulations intended to be approved by summer 2021, hereafter 2021 FSRs.

The complete draft 2021 FSRs were first released at the beginning of December and revised draft was released on December 21<sup>st</sup>. The 2021 FSRs would make the following changes:

- apply State FSRs in Local Responsibility Area Very High Fire Hazard Severity Zones (LRA VHFHSZ) approved after July 1, 2021 [Note, currently there are no LRA VHFHSZ in Humboldt County];
- remove the process for local certification of alternative FSRs, but allow the application of local regulations that equal or exceed the minimum performance or prescriptive state FSRs and specify a detailed process and requirements for local approval that must be provided to both the BOF and CAL FIRE;
- specify that inspection authority may only be delegated by the BOF Director and that may include reporting requirements and unspecified additional criteria;
- local regulations shall not include exemptions or exceptions to Building Construction that are not enumerated in state FSRs;
- the process for granting exceptions is specifically enumerated and requires substantial compliance with the minimum standards provided in state FSRs supported by substantial evidence in the light of the whole record;
- once granted, the exception shall be made available to the public, posted on the local jurisdiction's internet website, and forwarded to the Board and CAL FIRE;

- a discretionary permit may need to be added for exceptions or at least for the appeal of exception requests that are denied by the inspection entity;
- “Access” is defined as “the ability or means to enter or approach a Structure or other Building Construction from the nearest Collector Road” where road function (i.e., collector or local) is defined by the local jurisdiction based on federal highway procedures;
- “Building Construction” now means the addition of residential units (not including an accessory or junior accessory dwelling unit), increases in the service capacity of a commercial enterprise or commercial use; or increases the number of persons on the premises of an industrial site;
- a road must be designed to allow for wildfire fighting apparatus and civilian vehicles to simultaneously and safely pass each other on Roads; and provide for unobstructed access to the nearest Collector Road from any Local Roads, such that wildfire impacts (e.g., hanging power lines, downed trees or power poles) do not trap evacuees;
- the new State FSRs provide substantial new road surface, geometry, and weight requirements [Public Works staff are preparing comments in consultation with CSAC];
- State FSR road requirements applicable to all building construction, unless specifically exempted;
- maximum Lengths of Dead-End Roads reduced the County’s local FSR dead-end lengths by 50%
  - parcels zoned for less than one acre - 800 feet
  - parcels zoned for 1 acre to 4.99 acres - 1,320 feet
  - parcels zoned for 5 acres or larger - 2,640 feet

### **Approved Housing Element Inventory**

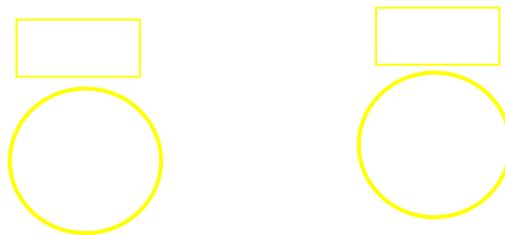
- The County’s approved Housing Element Inventory is 5,162 units.
- 74% (or 3,801) of the units in the County’s approved Housing Element Inventory are located within SRA.
- 75% percent of the Housing Element Inventory parcels are in SRA and located on roads that do not meet the maximum dead-end or minim width requirements and could not be approved without substantial off-site road construction that would require the acquisition of right of way.
- The Shelter Cove community has a population of approximately 500 persons and is located on the southern Humboldt County coastline at the end of a county-maintained mountainous two-lane road and is almost entirely located within SRA. 1,141 units of the County’s approved Housing Element Inventory is located within Shelter Cove. Based on the definition of “dead-end road,” the entire Shelter Cove community is subject to the dead-end road criteria. Parcels in Shelter Cove have various zoning classifications and

the regulations specify that “where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply,” which is 800 feet. All parcels in Shelter Cove are at least two miles from the nearest through road. Therefore, the approval of any of the Housing Element Inventory units in Shelter Cove would require an approved exception relating to dead-end road length.

**Examples of how the one-size-fits-all road requirements may not be appropriate:**

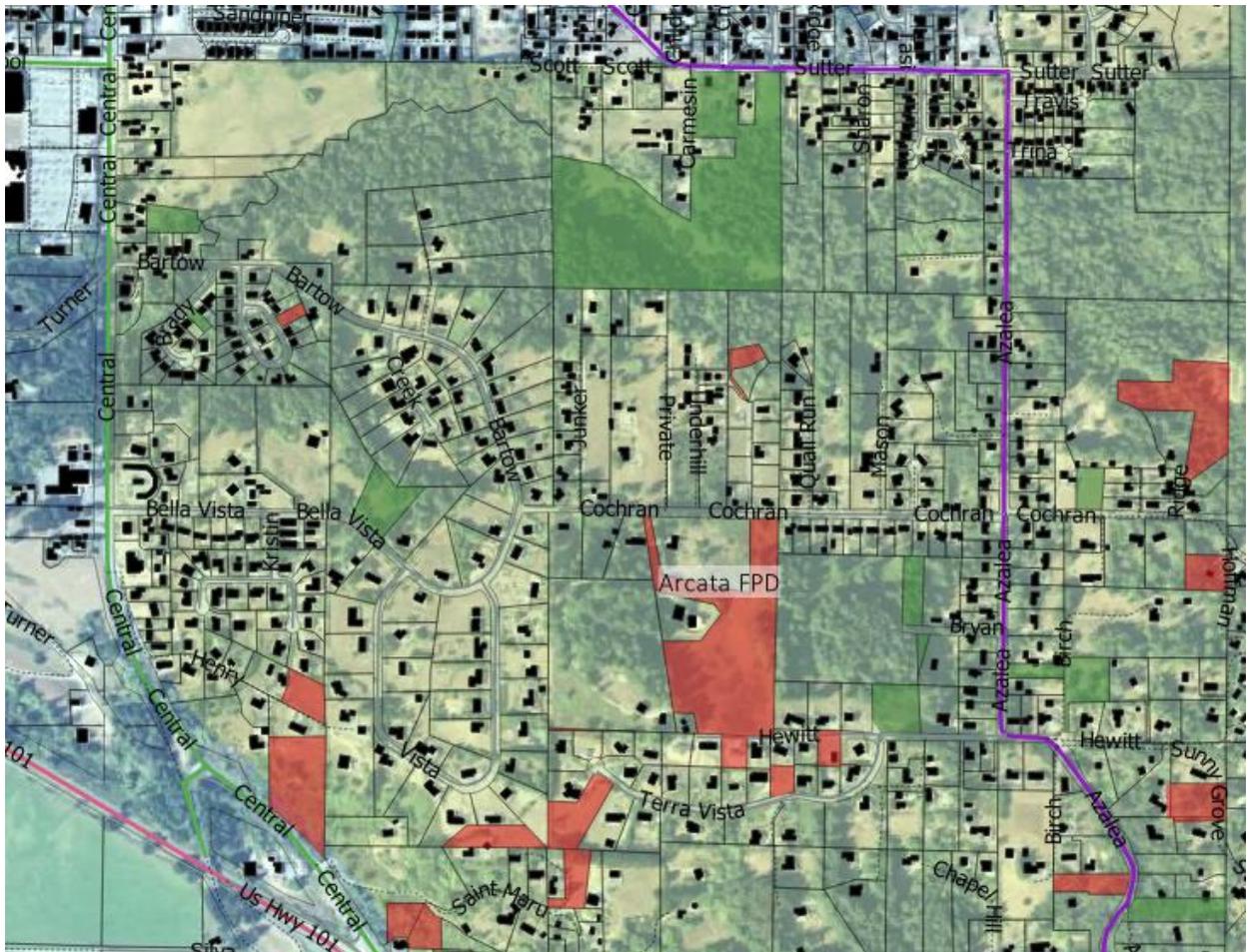
As shown on the following maps, the yellow shading represents State Responsibility Area and the area with no shading is Local Responsibility Area. The first map illustrates an area that is entirely located within the Arcata Fire Protection District and within approximately one mile from the fire station. This area also has access to all urban services (paved two-lane roads, public water and sewer, street lighting, recreation services, and two bus stops within ½ miles). The state Fire Safe Regulations specify that parcels must be served by 20-foot wide access roads and cannot be locate on a dead end road that exceeds 800 feet (zoned for > 1 acres parcels ); ¼ mile (zoned for 1-4.99 acres parcels); or ½ mile (zoned for ≥ 5 acre parcels). Humboldt County Housing Element Inventory lots are shaded in green, yellow, or red. Lots shaded “green” do not appear to have FSR road-related limitations, lots shaded in yellow may have road limitations or other complexities that would make approval of a new home, through a building permit, challenging and lots shaded red could not be developed without substantial public improvements.

The second map below shows parcels just outside of Central McKinleyville. Central Avenue and Bartow Roads are through roads and there are two adjacent cul-de-sac subdivisions zoned for as small as 5,000 square foot lots. Lot #1, the “green” colored lot. is the last vacant lot (approx. ¼ acre) of a subdivision (recorded in 1996) served by an approximately 770-foot road that is at least 20 feet in width and that connects to a through road. Lot #2, the “red” lot, is the second to last vacant lot of a subdivision (recorded in 1981) served by an approximately 1,200-foot looped road that is at least 20 feet in width and that connects to a through road. The dead-end road length exceeds state FRS requirements for the red parcel and a secondary access must be established.



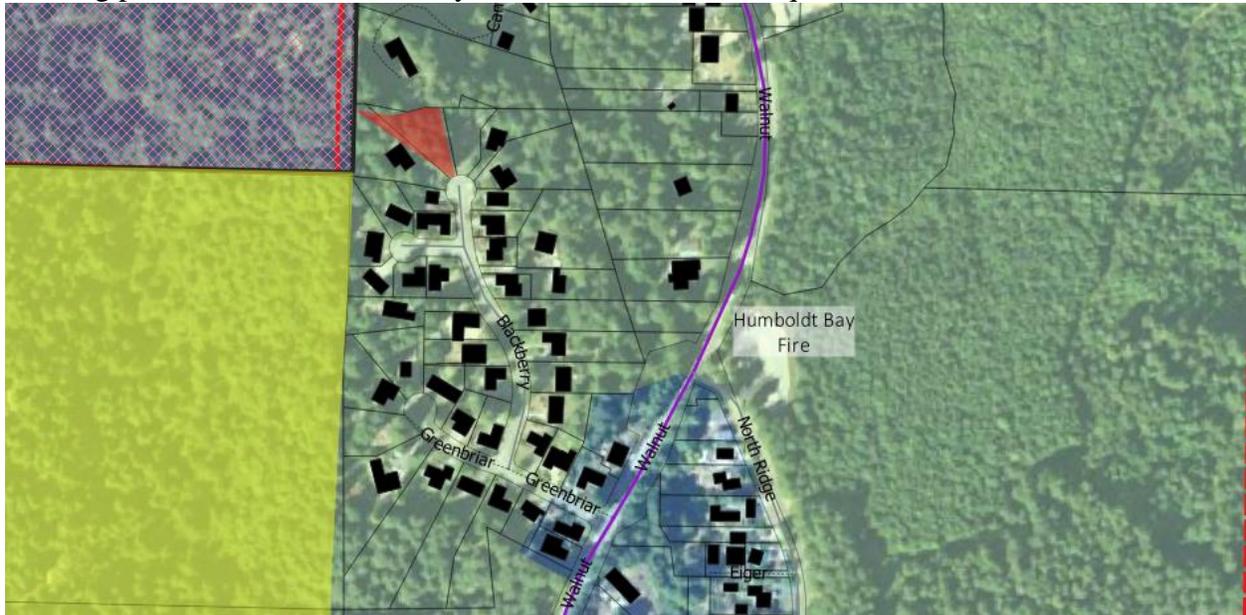


The map below shows areas of McKinleyville east of the map above, indicating that most Humboldt County Housing Element Inventory lots in this area are located on dead-end roads that exceed maximum road length and many roads do not meet minimum road with requirements.



The map below shows a similar instance in portions of Cutten. As above, Humboldt County Housing Element Inventory lots are shaded in green, yellow, or red. In this area, the cross-hatched areas are within the City of Eureka, and by definition, Local Responsibility Area (LRA). The area that appears blueish below the “Humboldt Bay Fire” label is also mapped as LRA but the parcels that abut North Ridge Road are in the SRA.

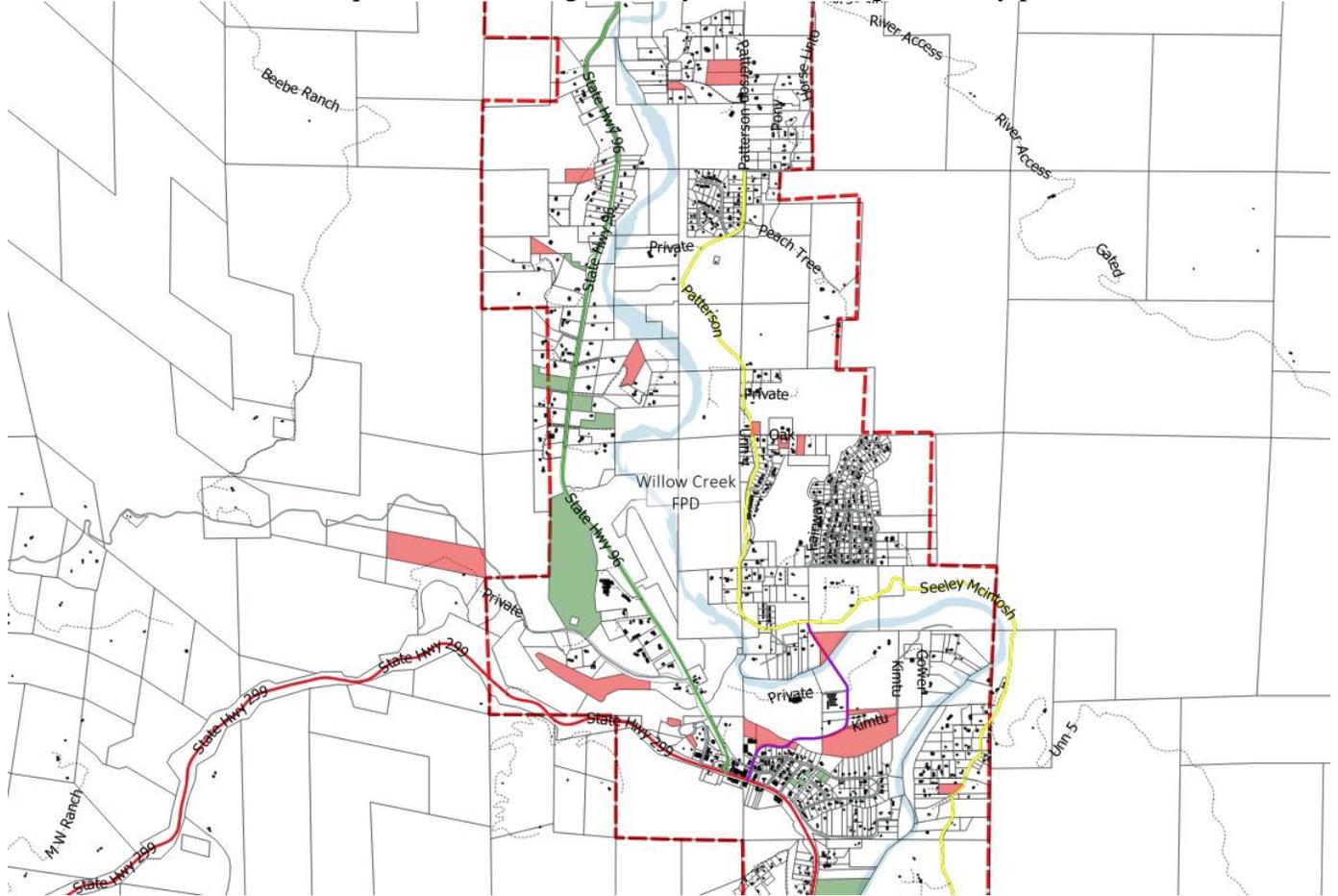
On the west side of Walnut there is a subdivision zoned for 6,000 square foot lots with a Housing Element Inventory lot that was created in 1981 with a dead-end road over 20 feet in width that is approximately 2,000 feet long. The red shaded parcel cannot be constructed through a simple building permit because a secondary access road would be required.



The map below shows the Ridgewood area where the maximum dead-end road requirements will significantly affect Housing Inventory parcels within the SRA.



The map below shows the Willow Creek Community area, which is entirely SRA, where the maximum dead-end road requirements will significantly affect Housing Inventory parcels.



The following map shows Redway, which is entirely SRA, where the maximum dead-end road requirements will significantly affect Housing Inventory parcels within the SRA, including below moderate multi-family sites.

