



COUNTY OF HUMBOLDT

For the meeting of: 1/12/2021

File #: 21-53

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

SUBJECT:

Comment Letter to California Board of Forestry Regarding 2020 Amendments to State Fire Safe Regulations

RECOMMENDATION(S):

That the Board of Supervisors:

1. Consider draft comment letter to the California Board of Forestry 2021 regarding Amendments to State Fire Safe Regulations;
2. Receive public comment; and
3. Revise the comment letter and authorize the Chair of the Board to sign and send the final letter.

SOURCE OF FUNDING:

Funding to support preparing this staff report is included in the General Fund contribution to the Long-Range Planning unit, 1100-282.

DISCUSSION:

The Board of Supervisors Fire Services Ad Hoc and members of the associated Humboldt County Chiefs Association Sub-Committee met on December 21 with staff from County Planning and Building, Public Works, and County Administrative Office to discuss proposed changes to the State Fire Safe Regulations (FSR) under consideration now by the California Board of Forestry and Fire Protection (BOF). The proposed changes could have significant implications for development in the unincorporated area, in particular a substantial portion of the County Housing Element Residential Land Inventory would be rendered unbuildable. A “final draft” of the proposed changes will be presented at the BOF Joint Committee meeting on January 19, 2021, with the goal of BOF approval of the Notice (which sets in motion the approval process) at the full BOF meeting on January 20, 2021. The Fire Services Ad Hoc and advisors agreed that the Board of Supervisors should send a letter to the BOF prior to their meeting asking that the process be extended to ensure that there is close coordination with counties in the development of regulations.

Background

In 1991 the State Board of Forestry first adopted State FSRs for lands within State Responsibility Areas (SRA) as required by California Public Resources Code Section 4290. The SRA is the area in which the financial responsibility of preventing and suppressing fires is primarily that of the state. In Humboldt County, the SRA comprises approximately 1,620,000 acres of the county's nearly 2.3 million acres. The FSR provide minimum wildfire protection standards for development in the SRA, including measures for basic emergency access and perimeter wildfire protection, water supply for emergency fire use, and vegetation modification.

The BOF is authorized to certify alternative county fire safe regulations equal to or exceeding the State FSR minimum standards. The Humboldt County Board of Supervisors formed a Citizens Advisory Committee to develop alternative County Fire Safe regulations, which were ultimately adopted by the Board of Supervisors (Ordinance No. 1952) on December 17, 1991 and later certified by the BOF.

After the 1991 adoption of the original FSRs, the BOF initiated a rule making processes and adopted updates in 2015 based on lessons learned during the intervening fire seasons that included wider minimum road widths to allow simultaneous fire response and community evacuation, among other changes. The Board of Supervisors amended the Humboldt County's alternative fire safe regulations consistent with the 2015 changes, which were thereafter certified by the BOF.

Discussion

The BOF adopted additional changes in 2019 after a series of destructive fire seasons that made substantial changes, including reducing the maximum dead-end road length, and has not certified any local alternative regulations reflecting these amendments. The County is currently administering the State FSRs and not the prior certified alternative regulations. The BOF initiated further changes in 2020 that would essentially require that all roads serving any new development meet minimum State FSR requirements (see Attachment 1 for a discussion of recent changes to the State FSRs and the implications for Humboldt County prepared by the Planning and Building Department). Humboldt County would clearly support improvements to the State FSRs to ensure the safety of the public and firefighters, but the changes proposed would not allow many infill lots in communities like McKinleyville, Cutten, Willow Creek, and Redway to be developed without a secondary road and/or significant increases in road width. Nearly 75 percent of parcels in the County's certified Housing Element Residential Land Inventory would be in this situation.

The Fire Services Ad Hoc recommends that the Board send a letter to the BOF (see Attachment 2) requesting that the rule making process be suspended until the proposed one size fits all road standard can be reviewed with counties based on the effect of its implementation and revised into a more nuanced set of regulations that would have the same intended effect (to "provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency").

FINANCIAL IMPACT:

Work on the Firesafe regulations is programed within the work program for the Long Range Planning

Unit.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health and protecting vulnerable populations.

OTHER AGENCY INVOLVEMENT:

Planning and Building staff has coordinated closely on this topic with the Department of Public Works and the County Administrative Office as well as a sub-committee of the Humboldt County Fire Chiefs Association and the California Department of Forestry and Fire Protection.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not approve the recommendations leaving input the update to the State FSRs to organizations such as CSAC and RCRC.

ATTACHMENTS:

1. Fire Safe Regulation History and Proposed 2021 Update Details
2. Draft Comment Letter to the Board of Forestry

PREVIOUS ACTION/REFERRAL:

Board Order No.: D-11

Meeting of: November 17, 2015

File No.: 15-1229