

FINAL STATEMENT OF REASONS

“SRA FIRE SAFE REGULATIONS, 1270”

**Title 14 of the California Code of Regulations (14 CCR),
14 CCR, Division 1.5, Chapter 7, Subchapter 2, Articles 2-5**

Amend:

Article 2. Emergency Access

§ 1273.01 Road Width

§ 1273.02 Roadway Surface

§ 1273.05 Roadway Turnarounds

§ 1273.06 Roadway Turnouts

§ 1273.07 Roadway Structures

§ 1273.08 One-Way Roads

§ 1273.10 Driveways

§ 1273.11 Gate Entrances

**§ 1274.01 Size of Letters, Numbers, and Symbols for Street and Road
Signs**

§ 1274.09 Size of Letters, Numbers, and Symbols for Addresses

§ 1275.00 Intent

§ 1275.01 Application

§ 1275.10 General Standards

§ 1275.15 Hydrant/Fire Valve

§ 1276.00 Intent

§ 1276.03 Greenbelts

Adopt:

§ 1276.04 Driveways

**UPDATED INFORMATION: OVERVIEW OF FINAL ADOPTED REGULATORY
ACTION AND STATUTORY CONTEXT**

Following a 15-Day Noticed rulemaking hearing at its regularly scheduled meeting of October 1, 2014, the California Board of Forestry and Fire Protection (Board) adopted the rulemaking proposal entitled, “SRA Fire Safe Regulations Update, 2014” in its noticed form. This action followed the Board’s adoption of the 45-day Noticed rule text, at its regularly scheduled meeting of August 27, 2014, with the addition of minor revisions. At that time, the Board decided, pursuant to Government Code Section 11346.8(c), to provide additional 15-day Noticing to provide all stakeholders the opportunity to comment on these minor revisions, which were considered substantially related to the 45-Day Noticed rule text. No opposition to these revisions was raised by Board members or public

hearing participants. The first of these revisions is to Section 1273.07 Roadway Structures. This adopted change reorders the references to the California Vehicle Code Sections 35250, 35550, and 35750 to be listed sequentially. The second revision is to Section 1275.10 General Standards. The reference to the California Fire Code in this section was revised per recommendation from the Office of Administrative Law to reduce confusion and future conflicts. The third of the three revisions is also to Section 1275.10 General Standards and was changed based on a written comment letter from the San Ramon Valley Fire Protection District. The statement "Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available." was accidentally struck from section 1275.00 and was intended to be copied into section 1275.10. While water tenders are allowed because of the incorporation of NFPA 1142 in the proposed rule text in the initial 45-Day notice, this statement was re-inserted into the proposed rule text in Section 1275.10 to provide further clarity on the issue.

Pursuant to Public Resources Code Section 4290, the Board is authorized to adopt regulations implementing minimum fire safety standards for the perimeters and access to all residential, commercial, and industrial building construction. These regulations apply to construction within state responsibility areas approved after January 1, 1991. These standards address:

- 1) Road standards for fire equipment access
- 2) Standards for signs identifying streets, roads, and buildings
- 3) Minimum private water supply reserves for emergency fire use
- 4) Fuel breaks and greenbelts

These standards were enacted into code May 30, 1991, and underwent minor amendments in 2011 and 2013.

This regulation is intended to provide more up to date standards for land use development in the SRA and to clarify inconsistencies in the regulations. This regulation will make new development in the Wildland Urban Interface (WUI) and SRA safer for civilians and first responders and help reduce the spread of fire from structure to structure.

The primary benefit of this regulation is increased civilian and firefighter safety in State Responsibility Areas. The changes to the road standards included in this regulation make it possible for modern fire equipment to enter a community under wildfire threat while residents evacuate at the same. It provides for increased safety on one way roads, gated roads, and structures such as bridges, as well as increased address visibility. By establishing vegetation clearance requirements for driveways, this regulation enhances the ability of pre-existing residential defensible space and roadway clearance requirements to reduce home ignitions from wildfires. The regulation also establishes clearer standards for on-site water supply sources that reduce confusion about installing water supply sources and will result in increased compliance rates.

Based upon the findings below and a review of alternatives to the adopted regulation, the Board has determined the following (per 11346.9(a)(2)):

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be as effective and least burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the relevant provisions of Public Resources Code Section 4290, *et seq.*

SPECIFIC FINDINGS APPLICABLE TO THE ADOPTED REGULATION

- The Board finds the combination of overstocked forests, dense brush, and increased human habitation in the SRA has resulted in substantial fire hazards to homes and residents. This wildfire hazard is a significant threat to human and natural resources throughout the 31 million acres of SRA, and potentially affects over 811,000 homes within the SRA. The imminent nature of the fire hazard problem has also been repeatedly recognized by many high profile efforts including the Governor's Blue Ribbon Fire Commission of 2004, U.S. General Accounting Office report on western National Forest fire conditions, the Western Governors' Association promulgation of the National Fire Plan, the USDA Forest Service (USFS) Sierra Nevada Forest Plan Amendment, 2004, and legislation proposed by the California State Assembly.
- The Board finds having narrow and overgrown roads leading into and out of communities that lie in the wildland urban interface setting are jeopardizing the safety and lives of not only firefighters but the residents who live in these communities. These narrow roads do not and will not allow for the simultaneous use by evacuating citizens and responding fire department equipment.
- The Board finds the rolling five year average indicates over 200,000 acres annually were burned. While the area burned in wildfires varies greatly year to year, there has been an apparent increase in high fire years (those years with a total area burned greater than 500,000 acres) since 1985.
- The Board finds that wildfire-related financial losses are climbing. From 1947 to 1990, the dollar damages to structures and other resources in State Responsibility Areas (SRA) exceeded \$100 million (2001 dollars) only once. Between 1990 and 2001, losses exceeded \$100 million five times.

- The Board finds that the adopted regulation will make new development in the Wildland Urban Interface (WUI) and SRA safer for civilians and first responders and help reduce the spread of fire from structure to structure.
- The Board finds that the adopted regulation will increase civilian and firefighter safety in State Responsibility Areas by making it possible for modern fire equipment to enter a community under wildfire threat while residents evacuate at the same time. It also resolves confusion about installing water supply sources and will result in increased compliance by the public.

BOARD'S ADOPTED ALTERNATIVE

Preferred Alternative: Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process

The Board chose to adopt the rulemaking proposal as presented in the 45-day Notice of Rulemaking, but incorporated three minor revisions to the rule text. Two of the revisions were intended to provide clarity in references to other California statutes. These revisions were made by staff after consultation with the Office of Administrative Law. The third revision is to provide clarity on the allowable use of water tenders or containment structures for emergency fire supply. This revision was made in response to a written comment by the San Ramon Valley Fire Protection District. No opposition to these revisions was raised by Board members or public hearing participants.

The first of these revisions is to Section 1273.07 Roadway Structures. This adopted change reorders the references to the California Vehicle Code Sections 35250, 35550, and 35750 to be listed sequentially.

The second revision is to Section 1275.10 General Standards. The reference to the California Fire Code in this section was revised per recommendation from the Office of Administrative Law to reduce confusion and future conflicts. The specific year and section of the California Fire Code was deleted in order to keep this regulation up to date and reduce the need to revise the regulation each time a new version of the California Fire Code was released.

The third of the three revisions is also to Section 1275.10 General Standards and was changed based on a written comment letter from the San Ramon Valley Fire Protection District. The statement "Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available." was accidentally struck from section 1275.00 and was intended to be copied into section 1275.10. While water tenders are allowed under the proposed rule text in the initial 45-Day notice, this statement was re-inserted into the proposed rule text in Section 1275.10 to provide further clarity on the issue.

BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED

Alternative #1: No Action – Do Not Adopt Regulation

Adoption of this alternative would have resulted in no change to the existing SRA Fire Safe Regulations. This would result in roadways that presented a public danger by their narrow width, low hanging vegetation, and unclear signage. It would be inconsistent with sections of the California Fire Code, resulting in confusion by the public. The intent of many sections in the existing regulations would remain unclear and result in implementation difficulty for the public.

The possibility of improved public safety and greater compliance by the public outweighs the alternative of leaving in place confusing and conflicting regulations. For these reasons, this alternative was rejected.

Alternative #2: Adopt Detailed Regulation

Adoption of this alternative would have resulted in a series of detailed development prescriptions that would have been the regulatory standard for compliance. The prescriptions would have included specific requirements that are often made obsolete by changes in technology, are not appropriate for all communities, and often result in conflicting and confusing codes.

This alternative would have resulted in the least flexible, most prescriptive regulation that did not allow local communities to adopt alternatives that meet the intent of the regulation but would be less costly or otherwise more appropriate for their community. For this reason, this alternative was rejected.

Alternative #3: Simple and Flexible Performance Standard Regulation

This alternative contained broad regulatory language that would allow affected persons to meet land use development requirements solely using performance based standards. This alternative would have provided maximum flexibility for persons to obtain compliance, but would have lacked information directing the public as to the intent of the regulation and would have resulted in low compliance.

This alternative was rejected as it did not contain enough information to guide landowners and developers towards compliance and did not provide opportunities to consider some practical effect alternatives and alternative development proposals.

SUMMARY OF BOARD'S NON-SUBSTANTIVE REVISIONS TO ADOPTED RULE TEXT

The regulation was adopted in its noticed form with the addition of three minor revisions summarized below. The three adopted revisions were based upon staff recommendations, a recommendation from the Office of Administrative Law, and comment from the San Ramon Valley Fire Protection District, respectively. No

opposition to these revisions was raised by Board members or public hearing participants.

§1273.07 Roadway Structures. This amended rule section refers to sections of the California Vehicle Code sequentially. The revised rule text is indicated below in double underline and double strikethrough:

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250, 35550, and 35750 ~~and 35250~~.

§1275.10. General Standards. This amended rule section clarifies the reference to the California Fire Code to prevent future conflicts and inconsistencies. The revised rule text is indicated below in double underline and double strikethrough:

Water systems equaling or exceeding the National Fire Protection Association (NFPA) Standard 1231, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition, hereby incorporated by reference, and California Fire Code 2010, California Code of Regulations Title 24, Part 9, Fire-Flow requirements standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

§1275.10 General Standards This amended rule section provides clarifications that it is allowable for communities to provide emergency water in a fire agency mobile water tender, or naturally occurring or man made containment structure. The revised rule text is indicated below in double underline:

Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

REITERATION OF DISCLOSURES REGARDING THE ADOPTED REGULATION, RESULTS OF ECONOMIC IMPACT ANALYSIS, AND ANTICIPATED BENEFITS

The results of the economic impact assessment prepared pursuant to GC § 11346.5(a)(10) for this adopted regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies. Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business

within California. However, it may be speculated that the adopted regulation could benefit the health and welfare of California residents, and improve worker safety. It is possible that the regulation would cause some harm to the state's environment through development of land and associated infrastructure. However, the regulation would not alter the environment beyond the effects of the existing implementation of regulations for SRA development.

The Board has determined that adoption of the regulations identified herein will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Mandate on local agencies and school districts (11346.9(a)(4)):

The adopted regulation does not impose a mandate on local agencies and school districts.

Cost impacts on representative private persons or businesses:

The Board has not identified any cost impacts that a representative private person or business would incur in reasonable compliance with the adopted regulation. The cost of the adopted regulation is balanced by the life, property and the environment that would be saved by it. This adopted regulation applies when landowners in the SRA voluntarily decide to develop their property and would not apply to existing infrastructure, in other words existing infrastructure would not have to be brought into conformance.

Effect on small business:

The adopted regulation will not cause adverse economic impacts to small businesses.

Costs or savings to any State agency:

Some cost savings, associated with fire suppression, may occur, however they are not expected to be significant.

Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

Other non-discretionary cost or savings imposed upon local agencies:

The adopted regulation will not result in the imposition of non-discretionary costs or savings to local agencies.

Cost or savings in federal funding to the State:

The adopted regulation will not result in costs or savings in federal funding to the State.

Significant effect on housing costs:

The adopted regulation will have no significant effect upon housing costs. Since this regulation only applies to new development, the cost of the infrastructure required by the adopted regulation will be absorbed in the cost of new development.

Conflicts with or duplication of Federal regulations:

The adopted regulations neither conflict with, nor duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The adopted regulation does not require a report, which shall apply to businesses.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

No additional material relied upon was identified or updated as compared to the ISOR.

INCORPORATION BY REFERENCE

Two documents are incorporated by reference in these regulations:

American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17)

National Fire Protection Association (NFPA) Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition

The Board had available the entire rulemaking file, including all information considered as a basis for this proposed regulation and the documents incorporated by reference above, available for public inspection and copying throughout the rulemaking process at its office in Sacramento, California.

Publishing the documents referenced above in full in CCR would be cumbersome, unduly expensive, and impractical. AASHTO HB-17 is over 1,000 pages alone and both documents are available in full, online, for free viewing by the public.

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY
NOTICE OF PROPOSED RULEMAKING PUBLISHED July 4, 2014**

Comment L1-1: Rob Heckman, Division Chief/Fire Marshal, Santa Barbara County Fire Department

“Thank you for the opportunity to review and comment on the recommended changes to the SRA Fire Safe Regulations California Code of Regulation Title 14, 1270 Fire Safe Regulations.

The Santa Barbara County Fire Department has reviewed and concurs with all proposed recommended changes without modification. Specifically, we support “Alternative #4: Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process.”

Board Response:

The Board acknowledges and appreciates the generally supportive tone of the comment.

Rule Text Edit: No

Comment L2-1: Caroline Smith, Legislative Policy Advisor, County of San Diego

“We have reviewed the document and provided comment (in text balloons) on pages 3 and 4 of the proposed revisions (pages 19 and 20 of the overall document). Our comments are limited to providing vertical clearance along roadways that is consistent with the California Fire Code. It is our understanding that the Dead End Road Length section of the SRA Fire Safe Regulations will be addressed at a later date, and we will have comments on that section at that time.

Text balloon comments -

[Regarding amendments to §1273.10] Our department recommends that the minimum vertical clearance be changed to 13’ 6” so as to be consistent with the California Fire Code and other nationally-recognized standards.

[Regarding amendments to §1273.11] Our department recommends that the minimum vertical clearance be changed to 13’ 6” so as to be consistent with the California Fire Code and other nationally-recognized standards.”

Board Response:

The Board is proposing adding a minimum vertical clearance standard to 1273.11 Gate Entrance to match the previously existing requirement of 15’ in 1273.10 Driveways. This requirement is 15’, rather than 13’6”, to meet the dimension requirements of modern firefighting apparatus.

Rule Text Edit: No

Comment L3-1: Staci Heaton, Regulatory Affairs Advocate, Rural County Representatives of California (RCRC)

“While RCRC acknowledges that these changes may make a community more fire safe, we question the assessment that no costs will be incurred by

homeowners or local agencies by these changes. Despite the fact that these regulations seem only to be attempting to change rules affiliated with new development, and thereby any increase in costs over and above what compliance would be under current rules could be rolled into new development costs, RCRC believes that there could be higher costs imposed on local governments and on individuals in attempting to comply with these regulations.

Changes to road width, roadway surfacing materials, requirements regarding road signs, size and shape of roadway turnarounds, turnouts, and bridges all could potentially increase costs to local governments. Even if these regulations were to be applied only to new developments, counties would likely be tasked with the maintenance and repair of these roads – larger roadways, specialty surfacing, increased strength, and bracing in bridges all are likely to increase the costs of maintaining these roads. Moreover, substantive changes to these regulations could increase county liability for any existing roads or structures that do NOT meet these standards, even if the jurisdiction is not formally REQUIRED to meet them.

Additionally, sizes of letters, numbers and symbols for addresses, the need to maintain water for wildfire fighting, and specific rules regarding driveways will increase the cost of development, potentially driving away this vitally needed economic development in many rural and economically depressed areas.

RCRC supports defensible space activities, fuels management, and other methods to make our rural communities more fire safe. However, that need must be balanced against the reality of minimal county general fund budgets and the fact that changes to rules governing those municipal structures and roads will, ultimately, increase costs to those local governments responsible for them.”

Board Response:

The Board has found that the cost of the adopted regulation is balanced by the life, property and environment that would be saved by it. This adopted regulation applies when landowners in the SRA voluntarily decide to develop their property and would not apply to existing infrastructure. Additionally, the Board finds the adopted regulation will have no significant effect upon housing costs. Since this regulation only applies to new development, the cost of the infrastructure required by the adopted regulation will be absorbed in the cost of new development.

Rule Text Edit: No

Comment L4-1: Kevin R. Hamblin, AICP, Director, Humboldt County Building and Planning Department

“Our principal comment on the proposed revisions is that the County continues to support [Humboldt County] Ordinance 1952 as it provides workable and effective measures for ensuring defensible space while accommodating local conditions.

This includes the ability to utilize the County's roadway design manual with built in mitigation to address topographic and environmentally constraints that would otherwise preclude development. These measures were previously evaluated and were found to be of the same or greater effectiveness than the SRA regulations. The process to develop these regulations included a citizen's advisory committee working closely with CAL FIRE to insure that the intent and application of the regulations met the diverse conditions in our county while providing for defensible space.

Section 1270.03 in the original release draft of the regulations raised questions for the County as to how existing ordinances would be treated under the proposed changes to the SRA Fire Safe Regulations. That section referred to situations where *"previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances"* and further, *"The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board."* This section appears to have been removed or omitted from the present notice of proposed rulemaking published July 4, 2014. It should be noted that the County has not proposed any amendment to our Ordinance 1952.

With Section 1270.03 omitted and the effect of the proposed changes on counties with certified ordinances unclear, is important for us to know how the process currently underway affect the County's own Alternative Fire Safe Regulations. If the SRA Fire Safe Regulations Update, 2014 changes are adopted by the Board of Forestry will the County be mandated to resubmit its Ordinance 1952 for recertification? If the County's previously certified alternative regulations will be affected, does the Board of Forestry intend to offer the County ample time and financial support to enable the County the re-initiate its original process and re-engage community members and stakeholder groups in the development of appropriate amendments to our regulations?"

Board Response:

The Board is not amending the section in question, Section 1270.03, and it is therefore not included in this rule plead, nor was it included in the rule plead associated with the 45-Day Notice. Prior to starting the regular rulemaking process, in the development phase of this proposed action, the Board staff circulated the proposed action in its entirety to solicit suggestions and recommendations. Because Section 1270.03 is not being amended by the Board in this rule plead, it will remain in effect and all currently certified local ordinances will no longer be considered to be certified as meeting or exceeding the Board's regulations. If a county would like their ordinances to be certified, they will need to be amended at the local level and resubmitted to the Board after this adopted regulation becomes effective. As certification is an optional process, the Board does not at this time require certification by a specific date nor will it be offering financial assistance to counties.

Rule Text Edit: No

**Comment L5-1: Robert W. Bronkall, Deputy Director, Humboldt County
Department of Public Works**

“§1273.02

A definition is needed for what an all-weather driving surface is.”

Board Response:

The Board has directed staff to update *Article 1 Administration, Section §1271.00 Definitions* to be consistent with the adopted regulation once it becomes effective, including a definition for “all-weather driving surface.” This term was included to be consistent with the California Fire Code, which does not offer a definition for the term.

Rule Text Edit: No

**Comment L5-2: Robert W. Bronkall, Deputy Director, Humboldt County
Department of Public Works**

“§1273.05 Roadway Turnarounds

Ideally, this section should be broken down into two parts: cul-de-sac turnarounds; and T/Hammerhead turnarounds. The proposed language for the cul-de-sacs is not clear and should be revised. The dimensions for the T/Hammerhead turnaround should be specified; as well as any radii that are needed. A diagram for both types of turnarounds is recommended; as this will ensure that they are built to specification.”

Board Response:

This section includes cul-de-sacs and T/Hammerhead turnarounds to give communities maximum flexibility in development design. A diagram is in development but the capability to produce an accurate diagram that retains clarity after reproduction was not available at the time this rule package was considered by the Board. The Board has plans to update §1273.09 Dead End Roads and §1270.00 Definitions and will endeavor to include a diagram for this section in one of those rulemaking packages.

Rule Text Edit: No

**Comment L5-3: Robert W. Bronkall, Deputy Director, Humboldt County
Department of Public Works**

“§1273.01 Road Width; §1723.10 Driveways; §1273.06 Roadway Turnouts

Increasing the minimum width of roads, driveways, and turnouts may be problematic in mountainous areas. In flat to moderate terrain, the wider width can be accommodated. However, in the mountainous areas of the county, constructing new roads (or widening existing roads) to the proposed minimum standard may not be feasible without constructing retaining walls. It may be worthwhile to consider Average Daily Traffic in conjunction with roadway widths

for mountainous areas. The inclusion of standards for mountainous areas would also require a definition of what mountainous terrain is.

In addition, constructing wider roads (or expanding existing roads) in environmentally sensitive areas may be problematic as well. It is not uncommon to have “pinch points” at stream crossings/culverts where the road necks down to one lane then widens after the culvert.”

Board Response:

The Board acknowledges the need for flexibility around the state as counties with drastically different terrain and development patterns implement these regulations. These standards are developed with the intent of providing emergency access to communities and to allow for the safe evacuation of civilians while emergency equipment is simultaneously entering an area. For that reason, Average Daily Traffic is not an applicable indicator for the type of scenario these regulations are meant to address.

The road width has been widened to accommodate current fire apparatus dimensions and to clarify the intent of the initial regulations promulgated in 1991, which did not specify that shoulders and striping were not to be included in the road width measurements.

Mitigations for fire safety already exist for the types of areas described. However, if Humboldt County presents to the Board, in their request for recertification (see Board Response to Comment L4-1), alternative measures that provide for the same practical effect of this regulation in areas with environmental sensitivities or in mountainous terrain, with the appropriate areas defined in the regulation, the Board would evaluate those ordinances and consider certifying them as meeting or exceeding the state standards.

Rule Text Edit: No

Comment L5-4: Robert W. Bronkall, Deputy Director, Humboldt County Department of Public Works

“§1273.11 Gates

Item (c): A definition is needed for security gates. It is unclear why this section would only apply to security gates and not all types of gates.”

Board Response:

The Board has directed staff to update *Article 1 Administration, Section §1271.00 Definitions* to be consistent with the adopted regulation once it becomes effective, including a definition for “security gate.” This term was included to be consistent with the California Fire Code, which does not offer a definition for the term.

Rule Text Edit: No

Comment L5-5: Robert W. Bronkall, Deputy Director, Humboldt County Department of Public Works

“The Department requests that clarification be provided to the County in how the State’s proposed regulations will affect the County’s Ordinance No. 1952. In particular, will the County’s ordinance continue to take precedence over the State’s proposed regulations -or- will the County need to modify Ordinance No. 1952 to reflect changes resulting from the proposed regulations?”

Board Response:

The County’s ordinance would no longer continue to take precedence over the State’s regulations. Refer to Response to Comment L4-1.

Rule Text Edit: No

Comment L6-1: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“It is my recommendation that there is more direct dialogue with affected stakeholders. The SRA regulations are focused in that they are applicable in unincorporated areas within the state and therefore the stakeholder group from a regulatory perspective is somewhat defined. There should be an effort to reach out to each county and include all impacted agencies (planning, building, public works, fire, etc.) to provide input as well as affected state organizations.”

Board Response:

These regulations were informally scoped and formally noticed to the following organizations:

- California County Planning Directors Association
- California State Association of Counties
- Rural County Representatives of California
- Public Policy Advocates, LLC
- California Building Industry Association
- Building Officials and Code Administrators
- Contract County Chiefs/Cal Chiefs
- League of California Cities
- Carpi and Clay
- CAL FIRE Units
- Miscellaneous individual interested parties

Various changes have been made to these regulations based on the recommendations and feedback provided by the above organizations.

Rule Text Edit: No

Comment L6-2: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“There has been no analysis of the increase in cost that I am aware of. The rulemaking package indicates that there is no significant increase to housing costs however; nearly every modification is increasing the minimum standard and inclusive of high housing costs.”

Board Response:

The Board has found that any costs of this adopted regulation are balanced by the reduction in potential loss to the life, property and environment as a result of it. Given wider roads, more vegetation clearance, better signage, and overall improved access to development in the SRA, firefighters will have better opportunities to save life, property and the environment. Since this regulation only applies to new development, the cost of the infrastructure required by the updates to the Fire Safe Regulations will be absorbed in the cost of new development.

This regulation would benefit the health and welfare of homeowners and residents in the "State Responsibility Area" (SRA) by providing standards that allow residents to evacuate communities under the threat of wildfire as emergency apparatus simultaneously enter the area. This adopted regulation applies when landowners in the SRA voluntarily decide to develop their property and would not apply to existing infrastructure.

Rule Text Edit: No

Comment L6-3: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“Additionally, I believe the process for certifying local ordinances that provide the same practical effect should be revisited to provide a more comprehensive approach to land-use development and public safety.”

Board Response:

This comment is not within the scope of the 45-Day Notice. The regulation relating to the certification of local ordinances is located in 14 CCR §1270.03 Local Ordinances:

“...The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect. The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be re-certified as described in 14 CCR §§ 1270.01 and 1270.03.”

The Board welcomes Chief Kiefer to communicate any issues she has experienced certifying local ordinances with the Board and any suggestions for improving the process as it exists outside of this regular rulemaking process.

Rule Text Edit: No

Comment L6-4: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“Article 2. Emergency Access

Adding the language – and Egress, goes beyond the scope of PRC 4290. There is no definition or language for determining what is emergency access. Particularly on driveways I believe this is an issue. As written, based on my interpretation, all driveways would have to be required to be engineered to support 75,000 pounds regardless of their length.”

Board Response:

The language describing what is considered emergency access is provided in §1273.00 Intent, which has not been amended in this adopted regulation:

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with sections 1273.00 through 1273.11.

The requirements for driveway construction can be found under §1273.07 Roadway Structures:

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250, 35550, and 35750 ~~and 35250~~.

The 75,000 pound requirement in §1273.02 Roadway Surface does not apply to driveways.

Rule Text Edit: No

Comment L6-5: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.01 Road Width

The modification from 18ft to 20ft would increase cost and would create a more restrictive minimum standard.”

Board Response:

The Board adopted this modified standard to clarify the original intent of the regulation and to meet the needs of modern firefighting equipment. The original regulation was intended to exclude shoulders and striping from the lane dimensions, which is fixed by this amended regulations. The minimum road width was increased in order to allow firefighting equipment and civilian vehicles to pass each other safely during an emergency.

The consideration of new minimum standards is not taken lightly by the Board. In addition to being informed by field experiences, the 20 foot road standard is also recommended by the Federal Emergency Management Agency in their Technical Fact Sheet P-737, Home Builder's Guide to Construction in Wildfire Zones. The Board has found that the cost of this adopted regulation is balanced by the reduction in potential loss of life, property and environment as a result of it.

Rule Text Edit: No

Comment L6-6: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.02 Roadway Surface

The increase in imposed load from 40,000 to 75,000 will increase cost and would create a more restrictive minimum standard.

All-weather surface is not defined.”

Board Response:

During the development phase of this regulation, it was suggested by many with field experience that the 40,000 pound requirement was antiquated and a new minimum standard was required to support modern vehicles, both civilian and firefighting. During this phase, language was considered that was vaguer and allowed for “legally permitted load” requirements per the California Vehicle Code, but stakeholders preferred a specific, prescriptive requirement.

Refer to Board Response to L5-1 regarding all-weather surface and L6-2 regarding cost.

Rule Text Edit: No

Comment L6-7: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.05 Roadway Turnarounds

The proposed language is unclear in prescribing prescriptive requirements. Although unclear to the extent, it appears that it would increase the cost.”

Board Response:

Refer to Response to Comment L5-2 regarding clarity describing turnarounds and L6-2 regarding cost.

Rule Text Edit: No

Comment L6-8: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.08 One-way Roads

The modification from 10 ft to 12 ft would increase the cost.”

Board Response:

Refer to Response to Comment L6-2 and L6-5.

Rule Text Edit: No

Comment L6-9: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.10 Driveways

The requirement for 14 ft unobstructed horizontal clearance essentially imposes 2ft setbacks along the road imposing more restrictive requirements for land-use. Language is unclear. Can you have clearance of 1ft on one side and 3 ft on the other? There is no reasoning or justification for the modification.”

Board Response:

The Board has adopted horizontal clearance standards to allow fire equipment to safety access and position themselves to protect a home and/or property during a wildfire. This is expressed in §1274.04 Driveways, which expands on the minimum horizontal clearance for driveways and indicates the need for such clearance for the safe evacuation of civilians and emergency equipment access.

The Board conceived that those implementing these regulations would provide for even amounts of clearance on each side of the road, although it recognizes there may be situations in which uneven clearances may be the best way to implement this regulation. For that reason, the Board decided not to regulate the specific distance of horizontal clearance from each side of the driveway.

Rule Text Edit: No

Comment L6-10: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1273.11 Gate Entrances

Increasing the minimum width to 14ft would increase the cost of gate installation.”

Board Response:

The Board has not changed the required width of gates located on driveways. The existing regulation text sets the width of the gate as two feet wider than “the width of the traffic lane(s) serving that gate.” §1273.01 and §1273.08 alter roadway and one way road widths, respectively. The driveway width established in §1273.10 has not been altered in this adopted regulation.

The Board has found that the cost of this adopted regulation is balanced by the reduction in potential loss of life, property and environment as a result of it.

Rule Text Edit: No

Comment L6-11: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1274.01 and 1274.09 Size of Letters

The Office of the State Fire Marshal adopts Section 505 of California Building Standards Code, Title 24, Part 9 – Premises Identification.

By this action, premises identification has been deemed a building standard, PRC 4290 states that the Board will not adopt building standards, as defined in Section 18909.”

Board Response:

PRC 4290 specifically requires the Board of Forestry and Fire Protection to adopt standards for building addressing and signing (see added italics):

4290. (a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department...The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section...The regulations shall include all of the following:

- (1) Road standards for fire equipment access.
 - (2) *Standards for signs identifying streets, roads, and buildings.*
 - (3) Minimum private water supply reserves for emergency fire use.
 - (4) Fuel breaks and greenbelts.
- (b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

According to the above italicized section, PRC 4290(a)(2), the Board has the authority to regulate standards for the size of letters, numbers, and symbols for street and road signs as well as for buildings. The Board has adopted §1274.01 and §1274.09 to fulfill its duty to the people of California to develop fire safety standards for identifying streets, roads, and buildings. In order to reduce conflicts

between the Titles 14, 19, and 24, the language adopted by the Board in these sections is identical to the language in the California Fire Code.

Rule Text Edit: No

Comment L6-12: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1275.00 Intent

By striking the allowance for a fire agency mobile water tender to satisfy the intent, the modification to existing language will increase the cost.”

Board Response:

Board staff struck this language from §1275.00 and intended to insert it into §1275.10 but it was overlooked. The language in strikethrough has been added to §1275.10. The Board has found that the cost of this adopted regulation is balanced is balanced by the life, property and environment that would be saved by it.

Rule Text Edit: Yes

Comment L6-13: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1275.01 Application

The modification to include the requirement in the tentative and parcel map process should be reviewed by the each County Board of Supervisors for impacts of enforcing conditions of approval through the land-use permit.”

Board Response:

The Board has adopted the new language in this section to clarify at what point in the development and construction process a water system must be in place and be serviceable. Field reports indicated that the prior language was confusing and unclear. The initial intent of this regulation was that water systems would be in place prior to construction and the adopted regulation reflects the initial intent.

Rule Text Edit: No

Comment L6-14: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“1275.10

The reference of the NFPA standard 1142 has been determined to be a building standard by the adoption of the standard in the California Building Standards Code, Title 24, Part 9.

Although I believe the intent is to describe the requirement for the purpose of structure defense the NFPA 1142 document scope is described below and clearly states that the scope of the standard is for structural fire-fighting;

1.1 Scope. 1.1.1 This standard identifies a method of determining the minimum requirements for alternative water supplies for structural fire-fighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for fire-fighting purposes do not otherwise exist. 1.1.2 An adequate and reliable municipal-type water supply is one that is sufficient every day of the year to control and extinguish anticipated fires in the municipality, particular building, or building group served by the water supply.

Furthermore, the requirement states that the article does not prohibit the combined storage of emergency wildfire and structural firefighting water supplies indicating that the provisions in Title 14 and the fire flow requirements for fire fighting are both required.

This would increase the cost, and in my opinion, it is not necessary to have both water supplies. Furthermore, local jurisdictions maintain responsibility for determining fire-flow for buildings and facilities. In addition, I am not sure that it takes into consideration provisions for accessory type structures.

Board Response:

The Board has adopted the new language in this section to clarify at what point in the development and construction process a water system must be in place and be serviceable. Field reports indicated that the prior language was confusing and unclear. The initial intent of this regulation was that water systems would be in place prior to construction and the adopted regulation reflects the initial intent.

Local jurisdictions may maintain responsibility for determining fire-flow for buildings and facilities, but the Board is obligated under PRC 4290(a)(3) to establish standards for minimum private water supply reserves for emergency fire use. Utilizing standards such as NFPA 1142 and the California Fire Code reduce confusion and increase compliance by the public.

If development complies with NFPA 1142 or the California Fire Code for water systems for structure fire protection, additional water is not required for wildfire firefighting. Reports from firefighters in the field indicated that requiring residential development in the State Responsibility Area to have two separate fire protection water systems for structure and wildland fire was excessive. However, the Board is obligated under PRC 4290 with regulating “minimum private water supply reserves for emergency fire use.” In order to reduce costs, confusion, and improve compliance, the Board has chosen to align their fire protection water system requirements with previously existing standards. The local jurisdiction may require more water to be available for emergency fire protection if they so choose.

Rule Text Edit: No

Comment L6-15: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“Related to the application of PRC 4290 I believe there needs to be a very clear understanding among community development stakeholders and Cal Fire personnel of where and when Title 14 provisions are applicable based on the legal authority of PRC 4290.”

Board Response:

This comment is not substantially related to the text in the 45-Day Notice. For clarification, PRC 4290 establishes the authority of these regulations as

“The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance.”

This authority is further clarified in California Code of Regulations, Title 14, §1270.02 Scope

(a) These regulations shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);

(2) all tentative and parcel maps or other developments approved after January 1, 1991; and

(3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

If Chief Kiefer has continued concerns regarding this issue, the Board encourages her to communicate specific areas of confusion and suggestions for improved language for clarity outside of this regular rulemaking process.

Rule Text Edit: No

Comment L6-16: Christina Kiefer, Division Chief, San Ramon Valley Fire Protection District

“There should be exceptions for development projects that will increase the density to be out of compliance with SRA and reclassified as LRA.

There should also be exceptions for development that has municipal agreements for incorporation.”

Board Response:

Given the long term nature of the land use and development process, the Board finds it impractical to make such exemptions possible. The Board is obligated to promulgate regulations that protect the life and property of citizens in the State Responsibility Area. It is unrealistic to expect that the Board could exempt areas in the SRA that may be designated differently in the future; it must protect citizens in the existing SRA even as potential long term plans for development in an area go through municipal review and approval processes.

Rule Text Edit: No

<p align="center">SPEAKER COMMENTS AND RESPONSES RESULTING FROM PUBLIC HEARING CONDUCTED AUGUST 27, 2014</p>

Comment S1-1: Michael Garabedian, Friends of the North Fork

Mr. Garabedian provided generally supportive comments. He is interested in fire prevention, fire safety, timber production zones, conversion, the design of structures in state responsibility areas and changes to development standards in the wildland urban interface. He referenced and provided truncated copies of *Managing Fire in the Urban Wildland Interface* by Kenneth Blonski et al to Board members.

Board Response:

The Board appreciates Mr. Garabedian’s positive comments towards this proposed action and thanks him for his continued engagement in wildland fire protection.

Rule Text Edit: No

<p align="center">WRITTEN COMMENTS AND RESPONSES RESULTING FROM 15-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED SEPTEMBER 4, 2014</p>

No written public comment was received.

<p align="center">SPEAKER COMMENTS AND RESPONSES RESULTING FROM PUBLIC HEARING CONDUCTED OCTOBER 1, 2014</p>

No oral comment was received and the public hearing was closed.