

BOARD OF FORESTRY AND FIRE PROTECTION

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Scott Morgan
State Clearinghouse Director
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Governor's Office of Planning and Research
Sacramento, CA

August 14, 2014

Dear Mr. Morgan:

Below please find comments from the California Department of Forestry and Fire Protection (CAL FIRE) and the Board of Forestry and Fire Protection (Board) regarding the draft update of the 2003 Fire Hazard Planning Technical Advisory document. The comments are below, referenced by the page number at the bottom of each page of the below PDF:

http://www.opr.ca.gov/docs/Fire_Hazard_Planning_Public_Review_Draft_June_24_2014.pdf

General – Through the document, CAL FIRE should be referred to as “California Department of Forestry and Fire Protection” or “CAL FIRE.” The CAL FIRE abbreviation is all capital letters with a space between the two words.

Page 4 – Last sentence before “This advisory...” – should it read “We encourage local *governments* to review the document...” ?

Page 5 – “Fire Safe Councils: A Planning Partner” explanation box

Reword second paragraph to the following:

“The typical Council consists of officials from state, federal and local fire agencies, local government, business owners and concerned citizens formed to assist in enhancing the effectiveness of fire prevention and protection. Some councils have collaborated with neighboring councils to develop countywide wildfire hazard mitigation plans.”

Page 6 – “2010 California Strategic Fire Plan”

Second sentence reads “and the California Department of Forestry and Fire Protection” Add (CAL FIRE) after sentence to clarify that they are one in the same.

Page 8-9 – Rephrase introduction to SB 1241 bill text as new GC text – “Government Code section 65302(g)(3)(A) now reads:”

[code section text]

Same thing on **page 10 – 11**; Suggest these pages are re-framed to talk about the new government code sections rather than emphasize the bill, since the bill number will likely become obsolete and it's the government code sections that will be referenced as the source for these new safety element requirements.

Page 11 – top paragraph “According to SB 1241, the State Board shall, and a local fire service provider agency may,” – Should read “According to SB 1241, the State Board shall, and local agency may,”

Page 14 – text box cuts off when printing.

Page 17 – NFPA Standard 1141 – should be 1142

Page 18 – NFPA Standard 1142 has an incorrect name – should be STANDARD ON WATER SUPPLIES FOR SUBURBAN AND RURAL FIRE FIGHTING

Page 19 – “Communities and open space areas shall provide a one quarter mile fuel modification zone for areas suitable for emergency protective services.”

-Where is the quarter mile standard coming from? Is this a quarter mile lengthwise? Unsure what this is suggesting communities do; could be rephrased depending on intent. A footnote denoting the source for quarter mile standard would be helpful as well.

Page 19 – “All new fire district/department staff responsible for fire suppression activities could receive an adequate...”

-why not “should” “shall” or “will” ?

Page 21 – What is a “low risk fire safety area” ?

Suggest rephrase this bullet point as “identify locations of low risk fire safety areas” rather than having “location” in parenthesis

Page 22 – “wildfire protection zone” – what does this term mean? This specific term is unfamiliar to CAL FIRE/Board staff; recommend a footnote with a source for this term and “low risk fire safety area” above.

Page 25 – First bullet point – Same as above comment regarding page 22

Third bullet point – Add in costs of “fire suppression *and recovery*” ?

Fourth bullet point – Unsure what this is suggesting. Low risk category standards for what? Is this suggesting communities establish what their standards are for low fire risk? On what scale is that applied – parcel, neighborhood, project area? Why are they establishing these categories/standards?

Page 27 – “Short Term Recovery: Directly Related to the Impacts of Fire” – why isn’t the safety element included as a possibly affected element?

Page 29 – “Flood Hazard Related to Wildfire” – same comment as above regarding page 27

Page 34 – include Board of Forestry and Fire Protection/BOF on list – appears on page 41

Page 36 – California’s defensible space law has been updated since 2005

Other resources to add:

New *Fire Adapted Communities Reference Guide* (July 2014) and the FAC website in general:

www.fireadapted.org

<http://www.fireadapted.org/~media/Fire%20Adapted/Files/FAC%20Reference%20Guide%202014%20FINAL%20reduced%202.pdf>

Preparing a Community Wildfire Prevention Plan: A Handbook for Wildland-Urban Interface Communities. Guidebook. National Association of State Foresters, Mar. 2004.

<http://www.stateforesters.org/sites/default/files/publication-documents/cwpphandbook.pdf>

Community Guide to Preparing and Implementing a Community Wildfire Protection Plan National Association of State Foresters, August 2008

http://www.forestsandrangelands.gov/communities/documents/CWPP_Report_Aug2008.pdf

Page 41 – “CDF” is twice on the page, needs to be changed to CAL FIRE

Page 41-42 – Is there a better way to organize the links in the “authority” column? If the text is already hyper-linked, why have the bulky link text below it? Why are the last three elements on page 42 not linked?

Page 43 – This excerpt has been updated (a new version is an attachment to this document). A more descriptive title may also be helpful, such as “Incorporating Fire Safety Planning into Other General Plan Elements”

Page 50 – Wildfire Planning Tools – should this be on a new page?

Page 51 – Last paragraph – the BOF safety element assessment forms are currently available on the Board website.

Thank you for the opportunity to provide comment on this document. We look forward to your response and continued engagement in developing fire hazard planning guidelines.

Sincerely,

Edith Hannigan
Board Staff

Attachment: Updated *Except from “Fire Hazard Planning and the General Plan,”* per comment regarding page 43

cc: Dave Shew, Staff Chief, Fire Plan
Pete Muñoa, Deputy Chief, Land Use Planning Program
Jana Luis, Division Chief, Predictive Services
Mike Bradley, Deputy Chief, Resource Management
Mike Wilson, Sonoma-Lake-Napa VMP Division Chief
George Gentry, Executive Officer

Section 65000 et. seq. of the Government Code is referred to as the Planning and Zoning Law. Section 65302 of the code defines the seven mandatory elements that must be included in a General Plan. Each of the elements must contain text that incorporates descriptions, policies, objectives, and standards. The text must be accompanied by, and consistent with, descriptive “diagrams.” Planning law does not require detailed maps, only these “diagrams” approximating the planning intent. The diagrams were authorized by the Legislature so that planning and zoning descriptions do not require costly surveys and cartographic treatment.

Six of the mandated seven elements are directly pertinent to CAL FIRE’s mission. The seventh, “Noise,” is relevant in places where CAL FIRE locates heliports or other large scale facilities. The elements are described below, along with comment on their importance to fire and resource protection and some sample evaluation criteria. A brief introduction to the opportunities for including fire and resource protection in General Plan elements follows in Figure 2 on page 13.

Land Use

The land use element is a guide to planners, the general public, and decision-makers for the ultimate build-out patterns of development. The land use element has the broadest scope of the mandatory elements: it tells how the jurisdiction will designate and separate various uses such as commercial, industrial, and residential. Natural resource, agriculture, timber production, and flood plain areas (if any) must be included. The land use element’s objectives and policies provide a long-range context for the short-term actions of zoning, subdivision, and public works decisions. Its major intent is to design areas for development that are compatible with one another. For example, “heavy industrial” areas should be separated from, and not adjacent to, residential areas. On the other hand, “light commercial” or “shopping center” designations may be compatible with residential uses. Sometimes commercial areas are designated as buffers or gradual-change uses between residential and industrial areas.

Importance:

Examination of the land use element in comparison with State Responsibility Area (SRA) and Local Responsibility Areas (LRA) with Very High Fire Hazard Severity Zones (VHFHSZ) lands, as designated by department recommendation or local ordinance, may show conflicts with fire and resource protection. All too frequently, the “compatibility” of uses is violated where development encroaches into wildlands. All types of uses may be designated in, or adjacent to, hazardous fire areas without buffer zones or other mitigating measures. Land use policies should consider and reduce these conflicts. Since zoning districts are derived from land use designations, it is important to assure that those designations, policies, and ordinances address the threats and impacts of wildfire. For example, Residential, Open Space, Agriculture, and Timber Production land uses could be designated to include fuel break and fuel reduction zones.

Sample Evaluation Criteria:

Does the land use element broadly identify wildfire risk areas and hazards in the data and analysis section? Do policies include requirements to reduce hazard levels by various means? Are recreation areas (parks, golf courses) and agricultural uses (pastures, irrigated tree farms) located to provide “buffers” between development and wildlands?

Housing

Housing element law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of the regional affordable housing need. This element examines how the government will regulate density and intensity of residential development. It includes provisions for low income groups and for those of limited mobility. In order for the private sector to address housing needs and demands, local governments must adopt housing elements that provide opportunities for, and do not constrain, housing development for *all* income groups. It must be updated every five years.

Importance:

In fire hazard areas, this element should balance housing needs, such as affordable housing, with reducing vulnerability to fire. Vehicle access, construction standards, and design requirements might be lowered by the local jurisdiction in an effort to comply with the needs for affordable housing. If so, those developments should be located in an area with limited fire hazards.

Sample Evaluation Criteria:

Does the data and analysis section for this element describe fire-vulnerable areas for housing? Do the policies recognize whether it is appropriate to place housing in these areas? Are required construction standards in conflict with defined fire protection needs (access, ignition resistant building materials, residential sprinklers, fire flow)? If so, what compensating mitigation measures are required to provide safety?

Circulation

This element consists of the general location of existing and planned transportation routes and public utilities. Designations, policies, and implementation measures in this element (and all others) must correlate – or be consistent – with the land use element. The information is usually displayed on maps or diagrams to show how the transportation system serves the various land use designations.

Importance:

This is the primary designator of access routes and road design requirements – not engineering standards. Government Code Section 14000 requires that the circulation element provide transportation facilities that reduce hazards to human life and minimize damage to natural resources. This provides the opportunity to make strong recommendations about transportation routes and design requirements such as turn-outs, roadway materials, and street signs. The Circulation element also provides information about the location of public utilities, including their proximity to VHFHSZs and accessibility to emergency responders.

Sample Evaluation Criteria:

Does the element plan for satisfactory ingress and egress, as well as evacuation routes and access for emergency equipment? Do the standards for circulation in SRA meet the requirements in California Code of Regulations, Title 14? Are policies defined to limit the number and length of one-way roads? Are heliports and helispots designated in areas that will facilitate suppression and other

emergency needs? Are public utilities located where they are accessible to emergency responders? Are the utilities and road networks arranged such that damage to utilities – such as wind-driven breakages – does not impact major evacuation routes?

Conservation

The Conservation Element describes how a jurisdiction intends to protect, conserve and utilize its natural and working resources and landscapes. The element should cover water, soils, forests, wildlife, and fisheries. This element should reconcile conflicting demands on both renewable and nonrenewable resources such as timber lands and aggregate resources. Potential fire and flood impacts on all resources should be included. The conservation element overlaps the land use, open space, safety, and circulation elements.

Importance:

This element ties directly to the CAL FIRE mission of protecting SRA lands, as well as adjacent LRA lands into which and from which wildfire can burn. Ideally, local government goals and policies should facilitate that mission. As with all other elements, this one must be consistent with the overall General Plan. It has to “make sense” in the way it relates the natural resource management policies to everything else. The element should protect the specific resources in the planning area, but also be inclusive of the natural systems that produce these valuable resources.

Sample evaluation criteria:

Does the element discuss resource values? Are potential resource losses from wildfire (soil loss, sedimentation, local flooding, timber production, wildlife habitat, etc) included in the data and analysis section? Do policies include management options of prescribed fire, vegetation treatment, and fuel breaks to enhance protection? Are policies included for working landscapes such as timber production which may support fire suppression?

Open Space

This element designates areas for preservation and managed production of natural resources, outdoor recreation, and public health and safety. Open space land is defined in Section 65560 of the Government Code as any parcel or area of land or water that is essentially unimproved and devoted to open-space use. The important difference between Conservation and Open Space elements is the very specific inclusion of public health and safety requirements, among others, in Open Space. Section 65560.4 of the Government Code dictates that the element should include designation of “areas that require special management because of fire risks.” When open space is adjacent to development, prescription land management projects can be implemented in order to minimize fire risk. The Open Space element can establish fuel breaks, vegetation management programs, and programs to maintain the landscape. The Code authorizes the connecting or linking of these areas into complete networks in the interest of public safety.

Importance:

The Open Space element offers the opportunity to analyze conflagration potential and to design fuel break and fuel reduction zones and access and water systems into strategic fire defense

improvement systems. Developers can be required to construct and maintain the improvements. This element has the detailed intent of the Housing element and the breadth of the Land Use element, and inclusion of strategic defense improvements in the Open Space and Safety Elements will lead to zoning for such improvements. Communities with Timber Production Zones can use the Open Space element to determine appropriate structure locations within or near TPZs, to limit the impacts of development on timber production and reduce fire risk to the forest.

Sample Evaluation Criteria:

Does the element relate to fire safety and suppression effectiveness? Is it linked with the Housing, Land Use, Safety, and Conservation elements to provide integrated resource and public protection improvements? Does the element contain policies and implementation measures requiring dedication, construction, and/or maintenance of these improvements on all projects?

Note: Many times jurisdictions will combine the open space and conservation element into one element because of the similarities in subject matter.

Safety

The Safety element defines community protection measures in relation to fire, flood, seismic, and geological hazards. It must include provisions for evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances. Government Code Section 65302 requires the following information be included in the safety element related to fire hazards and risks:

- Fire hazard severity zone maps from the Department of Forestry and Fire Protection; historical data on wildfires available from local agencies or reference to where this information may be found; information about wildfire hazard areas from the United States Geological Survey
- General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas; these locations and distributions of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
- The local, state, and federal agencies with responsibility for fire protection

The goals, policies, and objectives of the safety element must be formulated to protect a community from the unreasonable risk of wildfire, based on the information identified in the above requirements. These goals, policies, and objectives should:

- Avoid or minimize the wildfire hazards associated with new uses of land.
- Locate, when feasible, new essential public facilities outside of high fire risk areas
- Design adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- Work cooperatively with public agencies with responsibility for fire protection.
- Attach or incorporate by reference a city or county’s adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to these paragraphs.

Importance:

The safety element is an excellent place to include project design requirements to reduce hazard levels and provide for mitigation measures not included elsewhere in the General Plan. It may also include policies for strategic fire defense systems zoning or fire safe ordinances. The element can be used to strengthen or further justify other elements, providing more detail about a community’s fire risk to support particular land use decisions or circulation patterns, for example.

Sample Evaluation Criteria:

Does the element include the statutory requirements for fire as described in Government Code Section 65302? Does the element correlate with other elements to facilitate suppression actions? Does it recognize evacuation needs? Does it address the traditional suppression problems and include policies and implementation measures to eliminate those problems? Does the element include or reference local fire safe building codes and ordinances? Did the local jurisdiction adopt a Local Multi-Hazard Mitigation Plan? Is the Local Multi-Hazard Mitigation Plan referenced in the Safety Element? Almost all of the suggestions and evaluation criteria for the other elements can be applied to the safety element as well.

Noise

The Noise element is intended to limit the exposure of the community to excessive noise. A community or jurisdiction must analyze and quantify noise levels and noise exposure, using guidelines from the Health and Safety Code Section 46050.1 and the Chapter 1009, Statutes of 1984 updates. The community must map noise contours and actually measure the noise levels and extent of exposure throughout the jurisdiction and implement possible solutions to existing and foreseeable noise problems. That information is then used to guide decisions concerning land use and the location of transportation corridors and facilities. The noise element directly correlates with the land use, circulation, and housing elements as communities use the findings from the noise analysis to locate sensitive uses away from excessive noise.

Importance:

The noise element is important in communities where CAL FIRE or other fire protection agencies have staged aircraft, helispots, or other large equipment facilities. It offers the opportunity for communities to discuss the location of these facilities with fire personnel, and evaluate the nearby land uses for compatible uses.

Sample Evaluation Criteria:

Is housing located near existing facilities that may expose residents to excessive noise? Is the noise from the facilities constant or intermittent? Are fire services planning on developing or expanding high-noise producing facilities? Where would they be located? What mitigation measures can be taken to minimize the effects of noise on the community?

Figure 2: Opportunities for Fire and Resource Protection in General Plan Elements

<u>Element</u>	<u>Opportunities</u>
Land Use	Use greenbelts as fuelbreaks or buffer zones, reduce fuel loads, establish water supply requirements,
Housing	Definition of Hazard Areas, fire safe building codes and ordinances, evaluate adequate locations for housing
Circulation	At least two access roads, road design using fire safe regulations, helibases, helispots, evacuation routes (ground and air), location of public utilities
Conservation	Fuelbreaks, fuel reduction zones, additional design requirements for development near commercial timber zones, air tanker base locations, helibases and helispots
Open Space	Fuelbreaks, fuel reduction zones, strategic access and water supplies, off-site linking of strategic improvements
Safety	Evacuation routes, water supplies, road standards, fuel reduction buffer zones, air access, definition of hazard areas and mitigation requirements