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October 18, 2020

Honorable Chair J. Keith Gilles and Vice Chair Darcy Wheelles
 California Department of Forestry and Fire Protection
 1416 9th Street, Room 1506-14
 Sacramento, CA

Re: Sonoma County Fire Safe Ordinance – Board of Forestry Certification

Dear Honorable Chair Gilles and Vice Chair Wheelles,

Sonoma County has adopted one of the most advanced set of fire protections in the State. Our ordinance combines the force of the Board of Forestry's regulations, the California Fire Code and the County's police powers to create a unique set of minimum fire protection standards and alternatives that are tiered proportionately based on the particular development project.

Sonoma County's Request for Certification			
Development	State Fire Safe Regulations	Sonoma County's Fire Safe Ordinance	Meets or Exceeds Same Practical Effect
1 parcel with one residence	10 feet wide driveway	12 feet wide driveway with turnouts and turnarounds	
2 parcels with 4 dwelling units	10 feet wide driveway	22 feet wide vehicular access with turnouts and turnarounds	
3-4 parcels with 4 dwelling units	20 feet wide single road	22 feet wide vehicular access with turnouts and turnarounds	
5 parcel + subdivision	20 feet wide single road	20 feet wide two lane road, with turnouts and turnarounds	
30 single family dwelling units	20 feet wide single road	20 feet wide secondary access road required for evacuation & access	
50 multi family dwelling units	20 feet wide single road	20 feet wide secondary access road required for evacuation & access	
3 story commercial or industrial structure	20 feet wide single road	26 feet wide secondary access road for aerial fire	JOINT 3(a)(7)

The County has worked with our community and Board of Forestry staff to develop an ordinance that meets or exceeds State standards and achieves the same practical effect to ensure fire safety. It has been a collaborative effort. Further, the County's ordinance avoids unintended stumbling blocks that are in the State Regulations.

The State Regulations Allow One Neighbor to Control Development on the Entire Street and Results in Staggering Increases to Housing Costs

The Board of Forestry has an interpretation of its standards that would result in one opposing neighbor controlling development on the entire street and skyrocketing housing costs. The Board of Forestry interprets its standards to require even a single family building permit to widen the entire length of the road outside of parcel boundaries. This interpretation is not founded in the regulatory history. It would require one property owner to purchase easements from every neighbor on the street to widen the public road across those neighbors' properties. If fifty neighbors agreed to sell easements, but one did not, it would give the one opposing neighbor full control. It would grant power to one opposing neighbor to control what can be developed – and who can develop -- on the entire street simply by saying “No.” This is the dream tool of every NIMBY. It would allow one property owner to discriminate against anyone who seeks to develop on their street under the guise of “fire protection.” It would have dire consequences for social justice and civil rights. It would give neighbors unprecedented power over others' property rights. Moreover, it would add staggering costs to build a new home. One home owner would have to solely finance the widening and upgrade to the neighborhood public road.

The State Regulations Allow Local Inspection Authorities to Grant Exceptions to any of the Fire Safe Regulations Standards Behind Closed Doors

However, it is unlikely this interpretation would be enforced against a single family building permit applicant. There is a loophole in the State's procedures. Any developer who seeks to overcome burdensome fire safety protections can request that the local Inspection Authority grant an exception. This allows a waiver of any of the Fire Safe Regulation standards if there are “environmental conditions, physical site limitations or other limiting conditions” as long as the “exceptions provide the same practical effect as these regulations towards providing defensible space.” 14 CCR §1271.00; 14 CCR §1270.06(a)-(b).

The local Inspection Authority has the authority to grant these exceptions, behind closed doors, on a case-by-case basis. The Board of Forestry has no input over any of those exceptions or alternatives. The exceptions are not considered in an open and public process. None of the alternative criteria have been developed through an open and public regulatory process.

Sonoma County Has Worked with our Community and the Board of Forestry to Develop Transparent Standards and Alternatives to Protect our Residents and our Firefighters

The County has learned much from the Board of Forestry staff's insight. It has been a collaborative effort. In addition, Sonoma County has developed its standards and alternatives through open and public hearings with input from our community. All building, construction and development in the State Responsibility Area shall have roads and driveways with minimum fire protection standards that ensure safe access for emergency wildfire equipment and civilian evacuation concurrently.

Yet, the County's ordinance also avoids some of those stumbling blocks: (1) the County's ordinance does not allow one opposing neighbor to control all development on the street; (2) the County does not require one permit applicant to solely finance the neighborhood public road network regardless of proportionality; and (3) the County does not authorize a behind closed doors waiver of any fire protection standards. The County's ordinance contains clear standards and alternatives that have been developed with our community and Board of Forestry staff through open and public hearings.

On January 1, 2016, Sonoma-Lake-Napa Unit (LNU) of the CAL FIRE delegated authorities of the Inspection Authority to Sonoma County §1270.05. That delegated authority was confirmed on September 1, 2020 by CAL FIRE's Assistant Chief Counsel, Toby McCartt. As the Inspection Authority, Sonoma County has the ability to grant exceptions to any of the State Fire Safe Regulations and make its own determinations about same practical effect behind closed doors in a case-by-case review. The State Fire Safety Regulations grant the County this authority without seeking Board of Forestry input. 14 CCR §1270.05; 14 CCR §1270.06.

Instead, the County has chosen to work in a transparent and collaborative way with our community, CALFIRE and the Board of Forestry staff to establish these standards and alternatives through ordinance procedures in open and public hearings. Sonoma County has developed one of the most advanced set of fire protections in the State.

Sonoma County has established tiered minimum standards for various type of developments to meet the concurrent access and evacuation standard proportionately through strategically placed turnouts, turnarounds and for larger development projects, secondary access roads. This meets or exceeds the State Fire Safe Regulations and has the same practical effect, while simultaneously meeting other goals – protecting civil rights, social justice and affordable housing.

Sonoma County Respectfully Requests Re-Certification on November 3-4

In 2017, the Board of Forestry determined Sonoma County's ordinance and alternative standards met or exceeded State law and had the same practical effect. Your Board certified our ordinance. We respectfully request the Board of Forestry do so again on November 3-4.

Let's Work Together to Do More to Protect Our Community and Our Fire Fighters

Wildfire resiliency is a top priority of Sonoma County's Legislative Platform – we need to work together to become more resilient, more prepared, and more aggressive in ensuring our community's safety. The County of Sonoma looks forward to a continued partnership with the Board of Forestry, CALFIRE, other counties and stakeholders statewide and locally to find more ways to enhance fire safety to protect our community.

I. County Staff's Responses to the Board of Forestry's Questions¹

The County has been working collaboratively with Board of Forestry staff toward this certification for the past nine months. We have modified our ordinance as Board of Forestry staff has requested to ensure we meet or exceed all State standards and have the same practical effect. We appreciate all of the effort the Board of Forestry staff has devoted to work with Sonoma County. In addition, CAL FIRE has reviewed Sonoma County's fire safety evaluation practices. CAL FIRE has submitted a letter of support for Sonoma County. We have a valued long-term partnership with the Board of Forestry and CAL FIRE.

Question 1.1.2.1. What is the definition of an existing road?

County's Response:

Existing is defined in the 2019 California Fire Code, Section 201, which is adopted by reference into Sonoma County Code Chapter 13. Existing means, "buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to adoption of this code." Roads that have already been constructed outside of parcel boundaries that serve a legal parcel are existing.

The Board of Forestry's regulations include a very broad exception to any of the Fire Safe Regulations if the applicant requests an alternative method, including based on "environmental conditions, physical site limitations or other limiting conditions." 14 CCR §1270.06; 14 CCR §1271.00. There is no burden of proof to demonstrate same practical effect. There is no public process to consider the exceptions. There is no set list of criteria included in the regulations to clarify what alternatives may be acceptable. There is no open and public process to consider what exceptions have been granted, or who carries the burden of proof that the alternative will provide concurrent wildfire equipment access and civilian evacuation.

The County of Sonoma's ordinance does not include the State Fire Safe Regulations' broad waiver of fire protection standards. Instead, the County has developed its approved set of alternatives through community input, open and public hearings and a legislative process to adopt this ordinance over the course of several years. For roads that exist outside of parcel boundaries serving the legal parcel upon which there is a proposed development subject to the Fire Safe Regulations, the County has adopted minimum road standards that require county fire experts to evaluate all development projects for safe ingress, egress and ensure capacity for concurrent evacuation and fire response. These include requiring development approvals, in compliance with federal and state laws, to include strategically placed turnouts, turnarounds and secondary access routes where necessary to ensure safe concurrent ingress, egress and wildland fire equipment access. These are a clear set of specific standards to ensure the same practical effect. Sonoma County Code §13-62 and §13-63.

Further, the County's ordinance requires secondary access roads for large single family housing development projects, multifamily dwelling development projects and large commercial and industrial structure projects. Commercial and industrial structures over 30 feet must also include a 26 feet wide aerial fire apparatus road to ensure concurrent evacuation and wildland fire equipment access. This is a legislatively approved minimum road construction standard that is tiered proportionately based on the scope of the development. Concurrent evacuation and wildland fire

¹ Please note the County of Sonoma staff have done our best to accurately respond to the Board of Forestry's latest round of questions with very little turnaround time. We have been responding to the Board staff's repeated questions for the past 9 months. The Board of Forestry staff has recommended that from BOF staff's perspective, the County's ordinance meets or exceeds standards and has the same practical effect.

equipment access requirements depend on the particular proposed development. A large three-story commercial structure requires a greater road width and secondary access roads to ensure concurrent access and evacuation.

The County's standards ensure concurrent wildland fire equipment access and civilian evacuation. Yet, the County's standards also avoid the result of granting one opposing neighbor sole control over and power to stop most development on the entire street – simply by refusing to sell an easement to widen a road over their own property. That would be a policy allowing one property owner control over most development on the street without due process rights. It would have dire consequences for social justice, as well as skyrocketing housing costs.

Fortunately, to avoid that result, Sonoma County has worked collaboratively with the Board of Forestry staff for the past nine months. The County's standards are supported with strict criteria to confirm that developments will have the same practical effect to ensure safe ingress, egress and capacity for concurrent evacuation and fire response.

Question 1.1.2.2. How is this exemption consistent with the scope of the exemptions in the SRA Fire Safe Regulations, which, as they relate to roads, exempt only those roads that are “used solely for agricultural, mining, or the management and harvesting of wood products.”?

County's Response: Please see the response above.

The existing minimum roads standards in the Administrative Policy is a legislatively approved list developed through years of open and public hearings to set forth what will be required for roads that serve a legal parcel for various development projects. Instead of the open ended “Exception to Standards” 14 CCR §1270.06 authorizing broad waivers of all of the State Regulations, the Sonoma County ordinance and Administrative Policy sets forth strict set of requirements. This includes, but is not limited to, the following: Minimum road construction standards for development project approvals subject to the Fire Safe Standards include, but are not limited to, the following:

- a. **Minor subdivisions** conditions of approval shall comply with at least the minimum road standards set forth in Sonoma County Code section 13-34(a) and Chapter 25.
- b. **Subdivisions** conditions of approval shall comply with at least the minimum road standards set forth in Sonoma County Code Chapter 13, Article V Fire Safe Standards and Chapter 25.
- c. **One-or Two Family Residential Developments Exceeding 30 Units.** Sonoma County Code §13-17(b)(139) Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- d. **Multiple-family dwelling residential projects having more than 50 dwelling units** shall be equipped throughout with two separate and approved fire apparatus roads pursuant to Sonoma County Code Chapter 13-17(b)(136).
- e. **Commercial and Industrial Developments.** Commercial and industrial building permit approvals shall comply with the California Fire Code, Appendix D, Fire Apparatus Roads, with local amendments adopted by Sonoma County Code §13-17(b)(125)-(140): Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access for each structure. Buildings exceeding 62,000 square feet in area. Buildings of facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinklers.

i. **Aerial Fire Apparatus Access Roads**

Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Question 1.1.2.3. Does the existing road exemption in 13-25(f) supersede or otherwise expand the exemptions in the SRA Fire Safe Regulations? For example, is a road that is currently used solely for agricultural, mining, or wood products – and is therefore exempt under the Fire Safe Regulations – also an existing road under Section 13-25(f) such that only those requirements in 13-25(f) apply?

County’s response: No. The County’s standards do not supersede or expand the SRA Fire Safe Regulations. Instead of the State’s open-ended case-by-case waiver of fire protection standards set forth in 14 CCR §1270.06 “Exceptions to Standards”, the County has adopted through open and public hearings and a legislative process a strict list of requirements for its minimum road standards and alternatives. The County’s ordinance makes it clear that roads used solely for agricultural, mining or wood products is exempt.

1.1.3. At the September 22, 2020 Joint Committee Meeting, Board Members also had questions about the distinctions and different standards in the Administrative Policy for private roads, public roads, ministerial approvals, and discretionary approvals. It was unclear what these standards were, and thus makes it difficult, or impossible, for the Board to determine whether they meet or exceed the minimum standards in the SRA Fire Safe Regulations.

County’s response: The State regulations allow local inspection authorities to waive of any Fire Safe Regulations through the “Exceptions to Standards” procedures without Board of Forestry input to determine same practical effect. 14 CCR §1270.06(b). These exceptions can be granted for any of the State Fire Safety Regulations based on “environmental conditions, physical site limitations or other limiting conditions.” 14 CCR §1270.06; 14 CCR §1271.00. There is no public process to consider the exceptions. There is no set list of criteria about what exceptions have been granted, or what other alternatives might be sufficient.

Instead, the County has developed its approved set of alternatives through community input, open and public hearings and a legislative process to adopt this ordinance over the course of several years. For roads that exist outside of parcel boundaries serving the legal parcel upon which there is a proposed development subject to the Fire Safe Regulations, the County has adopted minimum road standards that require county fire experts to evaluate all development projects for safe ingress, egress and ensure capacity for concurrent evacuation and fire response. These include requiring development approvals, in compliance with federal and state laws, to include strategically placed turnouts, turnarounds and secondary access routes where necessary to ensure safe concurrent ingress, egress and wildland fire equipment access. These are a clear set of specific standards to ensure the same practical effect. Sonoma County Code §13-62 and §13-63.

Further, the County’s ordinance requires secondary access roads for large single family housing development projects, multifamily dwelling development projects and large commercial and industrial structure projects.

Commercial and industrial structures over 30 feet must also include a 26 feet wide aerial fire apparatus road to ensure concurrent evacuation and wildland fire equipment access. This is a legislatively approved minimum road construction standard that is tiered proportionately based on the scope of the development. Concurrent evacuation and wildland fire equipment access requirements depend on the particular proposed development. A large three-story commercial structure requires a greater road width and secondary access roads to ensure concurrent access and evacuation.

Rather than granting these exceptions behind closed doors on a case-by-case basis, the County has chosen to work in a transparent way with the Board of Forestry, CALFIRE and our community to develop these alternatives and ensure they have the same practical effect.

1.1.3.1 As the SRA Fire Safe Regulations minimum standards apply to all roads and driveways, whether public or private, and do not have separate standards for discretionary and ministerial approvals, all roads must satisfy the minimum standards in the SRA Fire Safe Regulations, regardless of how the road is characterized in an ordinance.

County's Response: Please see the discussion in 1.1.3 above. The same discussion applies. The State's "exceptions to Standards" allows unlimited avoidance of any of these upgrades to existing roads, driveways, bridges, dead end roads, and gate entrances that have already been constructed to serve a legal parcel if expanding them would result in "environmental conditions, physical site limitations or other limiting conditions." §1271.00; §1270.06. These exceptions are granted by the Inspection Authority behind closed doors. There is no public process. Findings are given to CALFIRE, but the Board of Forestry does not have an opportunity to overrule them.

In exchange for those State standards that would provide concurrent safe access and evacuation, the State regulations allow burdensome requirements that impose physical site limitations or environmental conditions to be replaced by exceptions where the exceptions provide the same practical effect toward more defensible space. §1270.06(a). Those alternatives are not established in any regulatory process or open and public process. The Board of Forestry does not have oversight of those alternatives granted by the Inspection Authorities.

In contrast, the County's Administrative Policy sets clear standards in compliance with federal and state constitutional constraints to ensure compliance with fire safety standards for upgrades to existing roads serving legal parcels in proportion to various tiers of development projects to ensure safe concurrent access and evacuation. The County does not authorize the waiver of fire protection standard that would provide safe concurrent access and evacuation and allow it to be replaced with a vegetation management and defensible space requirement.

The County has instead taken an open and public approach. We have developed these alternative standards with our community, CALFIRE and the Board of Forestry to promote fire protection in a transparent manner.

What are the standards in the Administrative Policy for each of these categories and how do these standards meet or exceed the minimum standards in the SRA Fire Safe Regulations? For example, with respect to emergency access and egress, the specific standards in sections 1273.01 through 1273.09 address:

County's Response: The County's ordinance sets forth the construction standards in the sections indicated below. Please see the Board of Forestry planner Edith Hannigan's draft Matrix dated September 4, 2020 for further guidance. After 9 months of reviewing the County's ordinance, assisting with the revision of the Administrative Policy and reviewing many use permit conditions, Ms. Hannigan made these expert recommended findings:

1. Width: Applicable local ordinance satisfying this requirement:

Two-way Roads: Section 13-34, page 11.

One-way Roads: Section 13-35, page 12.

Driveways: Section 13-37, page 14.

Explain how this local ordinance meets or exceeds the state regulation or provides for the same practical effect:

Two way roads; Right of way of 25'; two 10' traffic lanes. Exception: minor subdivisions may have 12' wide road with 2' shoulders on each side, turnouts and turnarounds, plus 6' vegetation clearance.

One way roads: right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply.

Driveways: One 12' traffic lane, vertical clearance of 15', turnouts and turnarounds required.

Staff note for Width: Exception for two-way roads provides for same practical effect.

2. Roadway surface

Applicable local ordinance section satisfying this requirement: Section 13-30, page 7

Explain how this local ordinance meets or exceeds the state regulation or provides for the same practical effect: Requires all-weather surface and 75,000 pounds.

3. Grades

Applicable local ordinance section satisfying this requirement: Section 13-31, page 7

Explain how this local ordinance meets or exceeds the state regulation or provides for the same practical effect: Allows for grades up to 16%, 20% with mitigations

4. Radius

Applicable local ordinance satisfying this requirement: Section 13-32, page 8

Explain how this local ordinance meets or exceeds the state regulations or provides for the same practical effect: Applies same standards as in Fire Safe Regulations

5. Turnarounds

Applicable local ordinance satisfying this requirement: Two-way roads: Section 13-34, page 11, one-way roads: Section 13-35, page 12; driveways: Section 13-37, page 14. Explain how this ordinance meets or exceeds the state regulation or provides for the same practical effect: Applies same standards as Fire Safe Regulations.

6. Road and Driveway Structures

Applicable local ordinance satisfying this requirement: Section 13-33, page 10

Explain how this ordinance meets or exceeds the state regulation or provides for the same practical effect: Applies same standards as Fire Safe Regulations.

7. Dead-End Roads

Applicable local ordinance satisfying this requirement: Section 13-36, page 13

Explain how this ordinance meets or exceeds the state regulation or provides for the same practical effect: Applies same standards as Fire Safe Regulations.

8. Gate entrances

Applicable local ordinance satisfying this requirement: Section 13-38, page 15

Explain how this ordinance meets or exceeds the state regulation or provides for the same practical effect: Applies the same requirements as the Fire Safe Regulations.

1.1.3.2 Where in the Administrative Policy are the standards that govern each of these requirements for ministerial approvals, discretionary approvals, private roads and public roads?

County’s Response: Please see the response to 1.1.3 above. The same answer applies.

1.1.3.3. For convenience and reference, please complete the following table by filling in the specific ordinance section or Administrative Policy section that addresses the specified SRA Fire Safe Regulation.

County’s Response: Please see the completed table below, primarily from the Board of Forestry Planner Edith Hannigan’s analysis and table completed on September 4, 2020.

1.1.3.4. In addition to the table, where in the Administrative Policy are the standards for the ministerial approvals, discretionary approvals, private roads and public roads with respect to Article 5 of the Fire Safe Regulations, section 1276.01 (Setback for Structure Defensible Space) and 1276.02 (Maintenance of Defensible Space Measures)?

County’s Response: The Sonoma County Board of Supervisors updated the Sonoma County Code Chapter 13A, Duty to Maintain Defensible Space and Abate Hazardous Vegetation and Combustible Material, on June 23, 2020 to conform with all requirements of Public Resources Code section 4290, 4291, and 14 CCR §§1276.01-1276.02. Staff shared this ordinance with Board of Forestry counsel Jeff Slaton before adoption to ensure compliance. This ordinance places the responsibility of compliance with vegetation management and abatement on the property owner, occupant and any person in control of the land throughout the SRA and LRA.

Likewise, in compliance with 14 CCR §1276.01 and 14 CCR §1276.02, the County has adopted local amendments to the California Fire Code in Sonoma County Code Chapter 13-17(b)(92) and (93); see also §13-62 and §13-63 to require vegetation management plans.

<https://sonomacounty.ca.gov/PRMD/Fire-Prevention/Vegetation-Management-Services/>.

See also Civil Code section 845.

	County Ordinance or Administrative Policy Section for Existing Roads that Meets or Exceeds the SRA Fire Safe Regulation Minimum Standard					
	Existing Public Road	Existing Private Road	Discretionary Approval – Private Road	Discretionary Approval – Public Road	Ministerial Approval – Private Road	Ministerial Approval – Public Road
Fire Safe Reg. Minimum Standard	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	Sonoma County Code Chapter 13, Chapter 25	Sonoma County Code Chapter 13, Chapter 25	Sonoma County Code Chapter 13	Sonoma County Code Chapter 13
1273.01:Width Two 10' lanes	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	Two way roads: §13-34 One-way roads: §13-35 Driveways: §13-37 Right of way of 25'; two 10' traffic lanes Exception: Minor subdivisions may have 12' wide road with 2' shoulders on each side, turnouts and turnarounds, plus 6' vegetation clearance One way Roads: Right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply. Driveways: One 12' traffic lane, vertical clearance of 15'; turnouts and turnarounds required	Two way roads: §13-34 One-way roads: §13-35 Driveways: §13-37 Right of way of 25'; two 10' traffic lanes Exception: Minor subdivisions may have 12' wide road with 2' shoulders on each side, turnouts and turnarounds, plus 6' vegetation clearance One way Roads: Right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply. Driveways: One 12' traffic lane, vertical clearance of 15'; turnouts and turnarounds required	Two way roads: §13-34 One-way road: §13-35 Driveways: §13-37 Right of way of 25'; two 10' traffic lanes One way Roads: Right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply. Driveways: One 12' traffic lane, vertical clearance of 15'; turnouts and turnarounds required	Two way roads: §13-34 One-way roads: §13-35 Driveways: §13-37 Right of way of 25'; two 10' traffic lanes One way Roads: Right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply. Driveways: One 12' traffic lane, vertical clearance of 15'; turnouts and turnarounds required
1273.02:Surface 75,000/40,000 lbs	See responses to 1.1.2.1, 1.1.2.2,	See responses to 1.1.2.1, 1.1.2.2,	§13-30 Requires all weather surface and 75,000 lbs	§13-30 Requires all weather surface and 75,000 lbs	§13-30 Requires all weather surface and 75,000 lbs	§13-30 Requires all weather surface and 75,000 lbs

	1.1.3, 1.1.3.1, 2.2, 2.7	1.1.3, 1.1.3.1, 2.2, 2.7				
1273.03:Grades 16%/20%	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	§13-31 Allows for grades up to 16%; 20% with mitigations	§13-31 Allows for grades up to 16%; 20% with mitigations	§13-31 Allows for grades up to 16%; 20% with mitigations	§13-31 Allows for grades up to 16%; 20% with mitigations
1273.04:Radius 50 feet	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	§13-32 Applies same standards as in Fire Safe Regulations	§13-32 Applies same standards as in Fire Safe Regulations	§13-32 Applies same standards as in Fire Safe Regulations	§13-32 Applies same standards as in Fire Safe Regulations
1273.05: Turnarounds	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	Two-way roads: §13-34 One-way road: §13-35 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Applies same standards as Fire Safe Regulations
1273.06:Turnouts	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	Two-way roads: §13-34 One-way road: §13-35 Driveways: §13-37 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Driveways: §13-37 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Driveways: §13-37 Applies same standards as Fire Safe Regulations	Two-way roads: §13-34 One-way road: §13-35 Driveways: §13-37 Applies same standards as Fire Safe Regulations
1273.07:Road & Driveway Structures	See responses to 1.1.2.1, 1.1.2.2,	See responses to 1.1.2.1, 1.1.2.2,	§13-33 Applies same standards as Fire Safe Regulations	§13-33 Applies same standards as Fire Safe Regulations	§13-33 Applies same standards	§13-33 Applies same standards as Fire Safe Regulations

	1.1.3, 1.1.3.1, 2.2, 2.7	1.1.3, 1.1.3.1, 2.2, 2.7			as Fire Safe Regulations	
1273.08: Dead- end roads	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	§13-36 Applies same standards as Fires Safe Regulations	§13-36 Applies same standards as Fires Safe Regulations	§13-36 Applies same standards as Fires Safe Regulations	§13-36 Applies same standards as Fires Safe Regulations
1273.09: Gate Entrances	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	See responses to 1.1.2.1, 1.1.2.2, 1.1.3, 1.1.3.1, 2.2, 2.7	§13-38 Applies same standards as Fires Safe Regulations	§13-38 Applies same standards as Fires Safe Regulations	§13-38 Applies same standards as Fires Safe Regulations	§13-38 Applies same standards as Fires Safe Regulations

2. Appendix D

2.2 Appendix D of the California Fire Code is adopted by the County, with amendments. However, compliance with the California Fire Code does not ensure compliance with the minimum standards of the SRA Fire Safe Regulations. For instance, Section D103.2 of Appendix D authorizes road grades in excess of 10% as approved by the fire code official. Yet that standard does not satisfy the SRA Fire Safe Regulation standard in 14 CCR section 1273.03 that caps road grades at 20%. Thus, county adoption of California Fire Code Appendix D is relevant to certification only to the extent that those standards meet or exceed the SRA Fire Safe Regulation standards.

County's Response: The Sonoma County Board of Supervisors has exercised its police powers to adopt Appendix D of the California Fire Code. This is not required by any State law. It requires secondary access roads for large single family dwelling development projects over 30 units. It requires secondary access roads for large multifamily dwelling development projects over 50 units. It requires secondary access roads and aerial fire apparatus access roads for large commercial and industrial structures. This is not required by the Board of Forestry regulations.

Yet, some of the Board of Forestry regulations require more stringent restrictions, such as the grades mentioned above. For that reason, the Board of Supervisors has exercised its local police powers to blend those two sets of State fire safety protection laws to require the most rigorous standards throughout the Local Responsibility Area and the State Responsibility Area.

Sonoma County Code section 13-17(b)(128):

Grade. California Fire Code Appendix D Section 103.2 is amended to read as follows: D103.2 Grade. Fire apparatus roads shall be in accordance with the Sonoma County Fire Safe Standards or as approved by the fire code official.

Sonoma County Code section 13-17(b)(129):

Turning radius. California Fire Code Appendix D Section D103.3 is amended to read as follows: D103.3 Turning radius. The minimum turning radius shall be determined by Sonoma County Fire Safe Standards or as approved by the fire code official.

Sonoma County Code section 13-17(b)(130)

Dead ends. California Fire Code Appendix D Section 103.4 is amended to read as follows: D103.4. Dead ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with the Sonoma County Fire Safe Standards or as approved by the fire code official.

2.3. Section D101.1 specifies that one or two family residential dwellings, certain detached utility buildings, and certain agriculturally exempt buildings “may comply with the fire apparatus access road requirements of the Sonoma County Fire Safe Standards.”

2.3.1 The use of the term “may” makes this standard optional, not required, and thus it does not constitute a minimum standard that the Board can compare to the standards in the SRA Fire Safe Regulations.

2.3.2 What does “may comply” mean? Can some one-family residential dwellings comply with the fire apparatus access road requirements in Appendix D, and others comply with the requirements in the Sonoma County standards?

County’s Response: Yes, “may comply” is optional. A single family building permit applicant is not required to solely pay for the neighborhood’s secondary access road.

Likewise, an agricultural exempt building (such as a barn) less than 8,000 square feet is allowed to have a secondary access road installed. However, the County of Sonoma does not mandate that all agricultural barn owners pay to install secondary access roads.

2.3.3 How does a residential dwelling comply with the Sonoma County Standards when “residential dwelling” is not defined in those Standards, and no standards exist in the County Standards for “fire apparatus access road” specifically?

County’s Response: The County has adopted the California Fire Code in Sonoma County Code Chapter 13. The California Fire Code defines Fire Apparatus Access Roads in the Definitions (section 202 of the 2019 California Fire Code). The Sonoma County Code Chapter 13 defines residential building as a one-or two family dwelling containing a Group R-3 occupancy, or Group U occupancy accessory to a Group R-3 occupancy as defined in the County’s Building Code.

2.3.4. How does a residential dwelling comply with the fire apparatus access road requirements in Appendix D when those requirements are deleted or amended to cross reference requirements in the Sonoma County Standards, and the Sonoma County Standards have the issues identified in Question 2.2?

County’s Response: One single family dwelling unit building permit is not required to solely finance the neighborhood’s secondary fire apparatus access road. None of Appendix D is mandatory.

Yet, the Board of Supervisors has exercised its police powers to adopt local amendments to Appendix D to impose more powerful fire protections to make the applicable developments even more fire safe.

Example 1: Appendix D, Section D106 states that projects having more than 100 multi family dwelling units shall be equipped with two separate and approved fire apparatus roads, but that requirement for separate and approved apparatus roads is eliminated if they have fire sprinklers.

The County's local amendment requires more. In 13-17(b)(135) the County's local amendment requires multi-family residential projects having more than 50 dwelling units to have two separate and approved fire apparatus roads, and there is no exception for fire sprinklers.

Example 2: Appendix D, Section D107.1 states that one-or-two family residential developments having 30 dwelling units or more shall be provided with two separate and approved fire apparatus access roads. There is an exception that eliminates the two access road requirement if the dwelling units include fire sprinklers.

The County's local amendment requires more. It eliminates the exception. It requires all one-or two family residential developments having 30 dwelling units or more to have two separate and approved fire apparatus access roads.

2.4 County amendment to Section D102.2 establishes alternative standards for access roads as either the California Fire Code standard or "as approved by the fire code official." Identify the minimum standards that a fire code official could approve. What standards constrain the fire code official's discretion to approve an access road that does not meet or exceed the SRA Fire Safe Regulations?

County's Response: There is no Section D102.2 in Appendix D or in the County's local amendments to Appendix D. The County's local amendments to Section D101.1 references the 2019 California Fire Code section 104.9 Alternative Materials and Methods for alternative methods to comply with the California Fire Code's requirements. None of this is required in the Board of Forestry's Fire Safe Regulations.

The Board of Forestry's Fire Safe Regulations apply the same access and concurrent evacuation standards to a 3-4 parcel minor subdivision as the State Fire Safe Regulations require for a three story, five hundred room hotel. The County Board of Supervisors has exercised its police powers to adopt these local amendments above and beyond any State law. The Board of Supervisors has exercised its police powers in this way to "provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency." That is the goal of the Board of Forestry's regulations; yet there are no mandatory secondary access roads required even for large commercial and industrial development projects. In contrast, the Board of Supervisors has exercised its local police powers to meet the goal of safe access for emergency wildfire equipment and civilian evacuation concurrently when there is a large commercial or industrial structure, large single family dwelling development project, or a larger multifamily dwelling development project.

The County of Sonoma's minimum fire protection laws require more than any State law requires. If there is a request for an alternate method from any of the County's fire protection requirements, Sonoma County Code does not only require defensible space. [See the State Exception to Standards process set forth in 14 CCR §1270.06(a) essentially allowing any State Fire Safe Regulation to be waived for being overly burdensome and replaced with defensible space measures.] In stark contrast, the County's ordinance requirements may be allowed only where the exception "provides the same overall practical effect as the specified standards." Sonoma County Code § 13-23(b). The County has established a specific set of criteria and alternative standards in Sonoma County Code §13-62 and §13-63. The burden of proof is on the applicant to demonstrate same practical effect as the specified standard, not just defensible space§13-23(c).

2.5 County amendment to Section D103.2 authorizes road grade “in accordance with the Sonoma County Fire Safe standards or as approved by the fire code official.” Identify the maximum grade that a fire code official could approve. What standards constrain the fire code official’s discretion to approve a road grade that does not meet or exceed the minimum standards of the SRA Fire Safe Regulations?

County’s Response: This has already been answered in Section 2.2-2.4 above.

2.6 County amendment to Section 103.4 regarding dead-end roads eliminates the standards established in Table D103.4 and replaces it with “in accordance with the Sonoma County Fire Safe Standards or as approved by the fire code official.” What standards constrain the fire code official’s discretion to approve a road grade road that does not meet or exceed the minimum standards of the SRA Fire Safe Regulations?

County’s Response: This has already been answered in Section 2.2-2.4 above.

2.7 As the above-reference queries demonstrate, the language “or as approved by the fire code official” makes these sections meaningless as far as required minimum standards. The fire code official can authorize a less standard, or approve it with no minimum standards at all. Thus, none of these standards can be used as a basis to show that the Sonoma County standards meet or exceed the SRA Fire Safe Regulations.

County’s Response: The County’s exercise of its police powers to adopt mandatory secondary access roads for large commercial structures, industrial structures, single family dwelling unit development projects and multiple family dwelling unit development projects is not “meaningless.”

It means a lot to our County. It means a lot to our Board of Supervisors to ensure that our residents have safe secondary access roads for these development projects throughout the Local Responsibility Area and the State Responsibility Area. Wildfire resiliency is a top priority of Sonoma County’s Legislative Platform – we need to work together to become more resilient, more prepared, and more aggressive in ensuring our community’s safety. The fact that the fire code official on a discretionary project can use his or her discretion to make an alteration does not render them meaningless. In fact, this complies with standard procedures in the California Buildings Code and California Fire Code as set forth in Section 104.9.

These California Fire Code alterations have clear guidance and standards and are far more restrictive than the blanket “Exceptions to Standards” (14 CCR §1270.06) that allow unlimited waivers to any of the Board of Forestry’s regulations without a burden of proof of same practical effect. The Board of Forestry’s “Exception to standards” applies to the entire subchapter – SRA Fire Safe Regulations – and allows any of those Board of Forestry regulations in 14 CCR §1270-§1276.04 to be waived. The Board of Forestry’s regulations include a broad exception to any of the Fire Safe Regulations if the applicant requests an alternative method, including based on “environmental conditions, physical site limitations or other limiting conditions.” 14 CCR §1270.06; 14 CCR §1271.00. There is no burden of proof to demonstrate same practical effect. There is no public process to consider the exceptions. There is no set list of criteria included in the regulations about what exceptions have been granted, or what other alternatives might be sufficient.

3. Definitions.

3.1 Ordinance 6296, Section 14-6, page 2.

3.2 The definitions provided in Ordinance 6296, Section 13-6, page 2, governs the definitions used in Chapter 13 of the Sonoma County Code, including Article V, the Fire Safe Standards.

3.3 The introductory language of this section states, “Definitions are also found in the California Code of Regulations, Title 24, adopted and amended by the County of Sonoma and California Code of Regulations, Title 14 Natural Resources Code, Division 1.5, Chapter 7, Subchapter 2, Article 1-5, SRA Fire Safe Regulations. Unless the provision of context requires otherwise, the definitions contained in this section shall govern the construction of this chapter.”

3.3.1. If definitions are also found in Title 24 and Title 14, but the definitions contained in this section shall govern the construction of this chapter, what role do the definitions in Title 24 and Title 14 play in understanding how these Standards are applied, and what the Standards are?

County’s Response: It is customary to adopt the definitions contained in the California Fire Code and the Board of Forestry standards to supplement the County’s own definitions without having to repeat all of them in the local ordinance. (For example, the California Fire Code has 1,400 pages of fire protection laws so it is standard to adopt them by reference without repeating all of the provisions in the County’s ordinance.)

3.4 The defined term “agricultural operations” is quite broad.

County’s Response: Agricultural operations is defined in Chapter 13-6 as follows: “Agricultural operation means, but is not limited to include, the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity, including timber, viticulture, apiculture or horticulture, and the raising of livestock, fur-bearing animals, fish or poultry.” Agriculture is regulated in Sonoma County Code Chapter 30.

3.4.1 How is it determine what kinds of crops or livestock qualify as “agricultural operations?” Namely, does the County consider cannabis or hemp an agriculture operation? Does that consideration include indoor cultivation?

County’s Response: In Sonoma County, all commercial cannabis cultivation operators and indoor commercial cannabis cultivation operators require a permit, and therefore must comply with the County’s fire safe standards. Sonoma County Code Section 26-02-140 requires a permit to engage in commercial cannabis cultivation. That includes planting, growing, harvesting, drying, curing, grading or trimming of cannabis. That includes cannabis cultivation within any type of structure using artificial lighting. Commercial cannabis activities shall be permitted only in compliance with the requirements of Section 26-88-250 through 26-88-256 and all other applicable requirements for the specific type of use and those of the underlying base zone.

Sonoma County Code Chapter 37 regulates hemp cultivation. Hemp cultivation is an agricultural operation. However, like any other agricultural operation, if an agricultural exempt structure is built that is greater than 8,000 square feet, then it will trigger fire safe road standards evaluation.

3.5 Road definitions are conflicting and inconsistent. There are many outdated definitions of the State Fire Safe Standards (such as “roadway” and the definition for “driveway”), definitions that conflict with each other (the definition for “driveway” versus “private road”), defined terms that are not used in any other section of the County Standards (“fire apparatus access road”) and terms for which County Standards are applied, but the term is undefined (Fire access road”).

County’s Response: Some of the County’s definitions are different than State law, but that does not mean the County’s definitions are inconsistent or internally conflicting. The County’s definitions are carefully drafted to ensure the County’s standards meet or exceed State laws. For example, the State’s definition of driveway includes two parcels with no more than two residences on each parcel. A new “driveway” serving two parcels and no more than two residential units on each parcel. 14 CCR §1273.01(c). So, according to State Fire Safe Regulations, the vehicular access does not become a “road” until it serves at least three parcels and more than 4 residential units. 14 CCR §1271.00.

State Fire Safe Regulations: Applies only in the SRA

2 parcels, up to 4 residential units: new 10 foot road (“driveway”)

3 parcels, more than 4 residential units: one 20 foot wide two lane road

500 room 3 story hotel: one 20 foot wide two lane road

3 story commercial structure: one 20 foot wide two lane road

County ordinance – minimum road standards – Applies in the LRA and SRA:

1 residential parcel with no more than 3 dwelling units: 12 foot wide driveway, plus turnouts and turnarounds

2-4 parcel minor subdivision: 16 foot wide new road + 6 feet vehicle clearance lane = 22 feet, plus turnouts and turnarounds

Subdivisions: at least one 20 foot wide two lane road

500 room 3 story hotel: secondary 26 foot wide aerial fire apparatus access road required

3 story commercial structure: secondary 26 foot wide aerial fire apparatus access road required

Driveway is defined in Sonoma County Code § 13-6.

It means “any way or place in private ownership that provides vehicular access to

- no more than two residential buildings, containing no more than three dwelling units, and any number of accessory buildings – **on a single parcel.**
- Driveways must have a minimum of one twelve foot traffic lane and an unobstructed vertical clearance of fifteen feet along the entire length of the driveway. §13-37(a).
- Driveways exceeding one hundred fifty feet in length shall have a turnout constructed at approximately the midpoint of the driveway.
- Any driveway exceeding eight hundred feet in length shall have turnouts that is a minimum of twenty-two feet wide, including the road and turnout, and thirty feet long with a minimum taper of twenty-five feet on each end. §13-37(b).

Private road is defined in Sonoma County Code §13-6.

It means any place or way in private ownership that provides vehicular access to:

more than 1 parcel; to a commercial building or agricultural operation on a single parcel; or to more than 2 residential buildings; or to more than 2 residential buildings containing more than three dwelling units on a single parcel.

Fire apparatus road is defined in the 2019 California Fire Code Section 202 (page 43). Appendix D of the California Fire Code uses the both of the terms “access roads” and “fire apparatus access roads” to describe the secondary fire apparatus access roads suggested in that model language.

“**Road**” is defined in Chapter 13-6 as “any public or private road.”

“**Roadway**” is defined in Chapter 13-6 as “that portion of any road improved, designed or ordinarily used for vehicle travel.

The County’s vehicular access standards have more width to ensure there is concurrent wildfire equipment access and civilian evacuation -- throughout the LRA and SRA.

3.5.1 Regarding the definition of “public roads” – Are there roads in the county that are part of the “county road system” (See SHC section 941) that are not county highways?

County’s Response:

“Public road” is defined in Chapter 13-6 and means any county highway or state highway.

“Highways” is defined in Sonoma County Code Chapter 1 to “include the whole of all public ways, roads, alleys, courts and streets and sidewalks between the property lines forming the exterior lateral boundaries thereof, and those parts of public squares and places which form traveled parts of highways or roads.”

Under Section 942, “county highways” as it relates to county maintenance obligations and liability concerns are only those public roads that have been formally accepted into the county road system. However, this is not the only definition of a county highway. For example, a more expansive definition of county highway is used under the California Vehicle Code for the purpose of applying traffic regulations (See Veh. Code section 360).

3.5.2 If so, how are those defined and what road standards are applied to them?

County’s Response: The County of Sonoma’s Fire Safe Standards are applied to roads serving legal parcels upon which structures, subdivisions and development projects are constructed as defined in the Board of Forestry’s regulations 14 CCR §1271.00. For discretionary approvals, the County complies with the Guidelines for Traffic Studies to consider the upgrades to roads required to serve the development project in compliance with all federal and state laws.

<https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147517260>

3.5.3 If not so, then are all “public roads” as defined in these Standards, subject to the 40-foot wide requirements for “county highways” in SHC section 906?

County’s Response: A “public road,” if not formally accepted into the County road system, is not subject to the general 40-foot “highway” width rule under Streets and Highways Code section 906 for all roads accepted after 1945. The County of Sonoma’s Fire Safe Standards are applied to roads serving legal parcels upon which structures, subdivisions and development projects are constructed as defined in the Board of Forestry’s regulations 14 CCR §1271.00. For discretionary project approvals, the County complies with the Guidelines for Traffic Studies to consider the upgrades to roads required to serve the development project in compliance with all federal and state laws.

<https://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147517260>

3.6 The term “development approval” is defined, and is not in conflict with the SRA Fire Safe Regulations. However, the term “development” is used frequently, and “development” is not defined.

3.6.1 Is development defined? Where?

County’s Response: Development is defined in the State’s Fire Safe Regulations. 14 CCR §1271.00. “Development approval” is defined in Sonoma County Chapter 13-6. Sonoma County Code Chapter 13, Article V, Purpose, section 13-22.01, applies the Board of Forestry’s Fire Safe Regulations definitions of “development” verbatim where it is not defined in the County’s ordinance. The purpose of the State Fire Safe Regulations is “to establish minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area.” 14 CCR §1270.01; 14 CCR §1271.00. However, Sonoma County’s ordinance expands throughout the SRA and the LRA.

3.7. There are several terms for buildings and roads that lack clarity.

3.7.1 Local ordinance does not specify where manufactured homes, etc. are considered “residential buildings.” Where are fire safe standards for manufactured homes, mobile homes, etc (see section 1270.02(a)(2) for a complete list) addressed?

County’s Response: Sonoma County Code Chapter 7 adopts the California Building Code requirements for newly installed commercial modular, manufactured homes, mobile homes, and factory built housing as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971. Sonoma County Code §7-13. Sonoma County Code also requires mobile homes and manufactured homes to have automatic sprinklers. Sonoma County Code §7-13(C)(21). Sonoma County Code Chapter 7 requires those mobile homes, manufactured homes, installed commercial modular, and factory built housing to comply with the Sonoma County Code Fire Safe Standards unless they qualify as a new accessory dwelling unit that complies with Government Code section 65852.2 or 65852.22, as applicable. Section 7-11.5; Section 13-24.

3.8 The definition for “private road” in combination with the definition for “residential building” does not meet the SRA Fire Safe Regulations for the application of road requirements versus driveway requirements.

County definition “private road” means any way or place in private ownership that provides vehicular access to more than one parcel, to a commercial building or agricultural operation on a single parcel, or to two residential buildings or two residential buildings, containing more than three dwelling units on a single parcel.

County definition “residential building” means any one-or-two family dwelling containing a Group R-3 occupancy, or Group U occupancy accessory to a Group R 3 occupancy as defined in the county building code.

Per the definitions in the State Fire Safe Standards (see “residential unit” and “road” in section 1271.00), a vehicular access serving three two-family homes is serving six residential units, which requires the vehicular access to meet the road standards.

County's Response: Dwelling unit is a term from the California Fire Code. It means “a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” Section 202 of the 2019 California Fire Code.

The County's driveway standard applies to only one parcel. The 12 foot wide driveway with turnouts standard applies to the following: “any way or place in private ownership that provides vehicular access to no more than 2 residential buildings containing no more than 3 dwelling units.” However, if a single parcel has more than 3 dwelling units, then the County's private road standards apply. County's private road standards applies even to a single parcel if there are more than 3 dwelling units.

That is not an error. That is a more restrictive standard than the State regulations. The State road standards don't apply unless there are three parcels and four residential units.

However, under the County definitions for “residential building” and “private road” these three two-family homes are only three residential buildings, which would allow for the less restrictive County driveway standard to be used instead of the County road standard. The definition of “residential building” in the County Standard uses the term “dwelling unites” but does not define it. As written, the definition of a “private road” in conjunction with “residential building” does not meet or exceed the State Fire Safe Regulations.

County's Response: Please see the above explanation. Dwelling unit is a statewide standard defined in the California Fire Code Section 202 which is incorporated by reference in Sonoma County Code Chapter 13. If there are over 3 dwelling units on a single parcel, the County's private road standards apply. In contrast, the State “road” standards don't apply until there are three parcels or four residential units.

3.8.1 The County definition of “private road” contains a possible editorial or typographical error-should the definition read “private road” means any way or place in private ownership that provides vehicular access to more than one parcel, to a commercial building or agricultural operation on a single parcel, or to more than two residential buildings or two residential buildings containing NO more than three dwelling units on a single parcel. ?

County's Response: The definition of a driveway in Sonoma County Code 13-6 correctly states that there may be no more than 3 dwelling units on a single parcel or else it becomes a private road.

3.8.2 Please provide clarity regarding the definition of a “private road.” What is the number of residential buildings where access to those buildings no longer be provided by a driveway, not a road?

County's Response: The County's definitions are clear. They do not contain an error. This has already been explained in Response 3.5 above.

Some of the County's definitions are different than State law that is true. For example, the State's definition of driveway includes two parcels with no more than two residences on each parcel. A new “driveway” serving two parcels and four new residential units is only required to be 10 feet in width. 14 CCR §1273.01(c). If there are more than two parcels and more than four residential units, then the

Board of Forestry’s Fire Safe Regulations deems the vehicular access to be required to meet “road” standards. 14 CCR §1271.00.

Board of Forestry Fire Safe Regulations Definition of a Road: “Vehicular access to more than two parcels; more than four residential units; or access to any industrial or commercial occupancy.” 14 CCR §1271.00.

Driveway is defined in Sonoma County Code § 13-6. It means “any way or place in private ownership that provides vehicular access to no more than two residential buildings, containing no more than three dwelling units, and any number of accessory buildings – on a single parcel.”

Private road is defined in Sonoma County Code §13-6. It means any place or way in private ownership that provides vehicular access to: more than 1 parcel; to a commercial building or agricultural operation on a single parcel; or to more than 2 residential buildings; or to more than 2 residential buildings containing more than three dwelling units on a single parcel.

Pursuant to the County’s definition, a driveway is limited to a single parcel that contains no more than two residential buildings, containing no more than three dwelling units.

The County uses a road standard for any commercial building on a single parcel. The County uses a road standard when a single parcel has more than 2 residential buildings containing more than three dwelling units. Dwelling unit is defined in the 2019 California Fire Code Section 202 as “a building that contains one or two dwelling units used, intended or designed for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

The State’s road standard does not apply for residential units unless there are three parcels. A new 10 foot lane “driveway” serves two parcels pursuant to the State regulations. A new 10 foot lane “driveway” can serve 4 residential dwelling units. 14 CCR §1271.00.

4. Scope and Applicability.

4.1 Ordinance 6318, Sections 13-22.01 through 25, pages 2-5.

4.2 Sections 13-22.01 (page 2) states that the purpose of this set of County Standards are established for fire protection in the SRA, and LRA when authorized by Sonoma County Fire Code as amended when not subject to other regulated building standards.

4.2.1. Although the Board is concerned mostly with the standards applicable to the SRA, this language might be confusing or present inconsistencies when compared to other sections relating to the scope and applicability of these County Standards.

County’s Response: Our Fire Safe Standards have been in place for many years. We have worked with all of our community stakeholders to draft them. Tragically, Sonoma County has experienced that fire danger is not limited to the State Responsibility Area. Our Board has exercised its police power to protect all of our residents in the unincorporated area and require stringent fire protections. Similarly, our Legislature has mandated that the Board of Forestry adopt new regulations to apply to the Very High Fire Severity Zones (even in the LRA) by July 2021. The County of Sonoma is fortunate that we have already worked with our community for over a decade to apply these fire protections throughout the Local Responsibility Area as well as the State Responsibility Area. We continue to search for ways to do more. We welcome the opportunity to partner with the Board of

Forestry, CalFire, other counties, statewide stakeholders as well as our local community to continue to develop methods to protect our community.

4.3 Sections 13-23 discussed appeals and appeals processes.

4.3.1 Do the cross-referenced appeals processes (chapter 25 and 26) require the consultations and findings required in section 1270.06(d)(2) and (3)? Please provide specific section and page numbers if so.

County's Response: This is one of the biggest differences between the County's ordinance and the State's Fire Safe Regulations. The Sonoma-Lake-Napa Unit (LNU) of the California Department of Forestry and Fire Protection (CAL FIRE) has delegated authorities of the Inspection Authority to Sonoma County pursuant to Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 1, §1270.05 effective January 1, 2016. That delegated authority was confirmed on September 1, 2020, CAL FIRE's Assistant Chief Counsel, Toby McCartt.

As the local inspection authority, the County could make these determinations on its own behind closed doors. Instead, the County has worked in an open and public process and coordinated with the Board of Forestry to legislatively draft its standards and alternatives to provide the same practical effect.

If a developer ever requested an exception through Sonoma County Code §13-23, the County's ordinance tightly legislates this "exception" procedure and appeals for denials of requested exceptions. It places the burden of proof on the applicant requesting the exception to prove same practical effect. The applicant must prove the requested exception has the same practical effect as the specified standard." §13-6. A request for an exception to a width requirement must have an alternative that has the same practical effect as that specified standard. It allows the County to withhold approvals and permits until adequate compliance has been proven. It requires a specific set of options for what might be considered the "same practical effect" in Section 13-62. It allows the Fire Marshal to require additional requirements (including secondary access roads) to actually meet the "same practical effect" if needed. Section 13-63.

The burden is on the applicant to prove that the proposed exception is warranted. The County Fire Marshal considers whether to grant, deny or modify the application filed in connection with a building permit. The planning commission, board of zoning adjustments, project review and advisory committee or design review committee shall determine whether to grant deny or modify any application for an exception filed in connection with any development approval under their respective jurisdictions. The list of criteria are adopted by ordinance in Sonoma County Code §13-62 and §13-63. Appeals procedures are set forth in Sonoma County Code Chapter 13, Article III; Sonoma County Code §§ 25-13-5 and 25-13.6; and Sonoma County Code §§26-92-040-26-92-050 (there are no pages numbers in the online version of the Sonoma County Code; if it were in hard copy paper form it would likely be over 1,000 pages; the specific code sections have been shared as requested). The permit applicant has the burden of proof to present evidence to demonstrate on appeal that the proposed exception has the same practical effect. Findings are customary through all administrative hearings and appeal procedures.

A written copy of any decision granting an appeal within the State Responsibility Area shall be provided to the Director of the Board of Forestry and Fire Protection within 10 days after the decision is final. §13-23(f).

In contrast, the State’s “Exception to Standards” provides that any of the standards in the entire article of the Fire Safe Regulations can be waived if “provide the same practical effect as these regulations towards defensible space.” 14 CCR §1270.06(a). It is unclear how defensible space ensure safe concurrent access and evacuation when replacing other road, driveway, bridge and gate width standards. This exceptions regulation has no established criteria that have been included that have proceeded through an open and public rulemaking process to qualify as “same practical effect for defensible space.” It has no established standards. This regulation grants unlimited ability to waive any Board of Forestry Fire Safe regulation for “environmental conditions, physical site limitations or other limiting conditions” and replace those standards with more requirements for defensible space. 14 CCR §1271.00.

4.3.2. Keeping in mind that the Fire Safe Regulations do not have any exemptions except for roads used exclusively for agriculture, mining and timber harvesting, please identify how 13-25(h), (i) and (j) meet or exceed the Fire Safe Regulations.

County’s Response:

Exemption 13-25(h): This exempts an existing driveway serving a legally constructed residential building. However, the County requires a rebuilt structure or a change of use in the structure must add turnouts and turnarounds to the driveway. So, even if a home is destroyed or razed and rebuilt, the building permit applicant must add turnouts and turnarounds to the driveway to facilitate concurrent wildfire emergency equipment access and civilian evacuation.

The County defines driveway as serving only one parcel. The driveway would have to be upgraded to have new turnouts and turnarounds to promote concurrent wildfire emergency equipment access and civilian evacuation. Even with this exemption, the State’s definition of driveway serves two parcels and four residential units and even when built brand new, the State’s “driveway” is only required to be 10 feet.

Exemption 13-25(i): This exempts any legal or legal non conforming building constructed prior to January 1, 1991 or any building permit was issued or an application for a building permit for which a building permit was accepted as complete prior to January 1, 1991, except the provisions of this article shall apply to any such building if there is a change in occupancy.

County’s Response: A building constructed before 1991 and a building permit that was issued before 1991 is outside the scope of Public Resource Code section 4290.

Exemption 13-25(j): Any addition to an existing building adding a floor area less than 640 square feet. The State Fire Safe Regulations specifically exempt junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22. This is a similar exemption.

4.4 The County should note that it appears that their local Standards do not include an exemption for rebuilding structures damaged in a wildfire. If their Standards are certified, there would be no such exemption available for County residents to utilize if their structures are destroyed or damaged.

County's Response: The fire survivors across the State of California have suffered tragic loss. So have flood survivors. So have house fire survivors. So have earthquake survivors.

The County does not need to exempt its rebuilds from the County's Fire Safety Ordinance. The County's Administrative Policy makes it clear that a single family building permit applicant does not have to solely finance the upgrade of the public road network outside of parcel boundaries. That would add the cost of hundreds of thousands of dollars (perhaps millions) to the price of a single family home building permit.

The County seeks to enhance our fire survivors' fire protections in an economically feasible, safe and efficient way. We ensure concurrent wildfire emergency equipment access and civilian evacuation if for all of our residents, including our fire survivors. Fortunately for our fire survivors, they can rebuild their homes with modern fire protection upgrades and turnouts and turnarounds on their driveways to ensure future concurrent wildfire emergency equipment access and concurrent civilian evacuation. This is a relatively small price to pay for ensuring our fire survivors' future safety.

4.5 Section 1270.03(a) and (b) of the Fire Safe Regulations requires local jurisdictions to provide notice of project applications within the SRA to the Director of Cal Fire or their designee, and grants the Director or their designee the authority to review and make recommendations on those permits.

4.5.1 Is there a process for these submissions outline in the Sonoma County ordinance? If so, where?

County's Response: Yes. In Sonoma County Code Section 13-26, the administration and enforcement of the provisions of the County's Fire Safe Standards shall be the shared responsibility of the County Fire Marshall and the Director of the Permit and Resources Management Department. CALFIRE has designated the County the authority to review and make recommendations.

The Sonoma-Lake-Napa Unit (LNU) of the California Department of Forestry and Fire Protection (CAL FIRE) has delegated authorities of the Inspection Authority to Sonoma County pursuant to Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 1, §1270.05 effective January 1, 2016. That delegated authority was confirmed on September 1, 2020, CAL FIRE's Assistant Chief Counsel, Toby McCartt. We have valuable partners with CAL FIRE – and the staff at the Board of Forestry from whom we have learned much over the past nine months.

The County continues to work with our local stakeholders, our own County of Sonoma Registered Professional Forester, our planners, our fire prevention experts, our fire protection districts, CAL FIRE and the Board of Forestry to consider how to implement evidence-based conditions of approval through the County's police powers and in compliance with federal and state laws, including CEQA, for use permit and subdivision approvals. The County welcomes the opportunity to continue to work with our state and local experts to improve our current procedures.

5. Additional Questions Regarding the Administrative Policy:

5.1. Ordinance 6318, Section 13-25(f), page 5, specifies that existing roads must meet the standards in the Administrative Policy for Fire Safety Evaluations of Existing Roads.

5.2 The Administrative Policy makes an unsupported, conclusory statement that the requirements in the County standards and the Administrative Policy meet or exceed the Board's minimum standards. This is a determination for the Board to make. This statement must be deleted.

County's Response: The Board of Supervisors has delegated authority to the County Fire Marshal, in conjunction with the Director of Permit and Resources Management Department, the Director of Transportation and Public Works, and County Counsel, to modify the Administrative Policy to comply with federal, state and local laws. The County Fire Marshal has agreed to delete this conclusion and allow the Board to make this determination. This revised version has been submitted with this response to comments to address the Board of Forestry's questions and concerns.

5.3 A Fire Inspector shall perform a fire road access road evaluation. 5.3.1 "Fire access road" is an undefined term. Please define it or provide a specific ordinance, section number and page number for this term.

County's response: The Administrative Policy was drafted at the request of the Board of Forestry staff to set forth the evaluation for the existing roads serving legal parcels upon which there are proposed developments that are subject to Sonoma County Code Chapter 13, Article V in accordance with the State Fire Safe Regulations to confirm that the proposed development shall be safely accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response.

5.3.2 The evaluation does not appear to encompass driveways. How are existing driveways addressed in the County under the Administrative Policy? Is the Fire Inspector's evaluation written and available to the public?

County's Response: Sonoma County fire inspectors inspect the entire proposed development that are subject to Sonoma County Code Chapter 13, Article V in accordance with the State Fire Safe Regulations. Sonoma County Code section 13-25(h) requires existing driveways serving a rebuilt structure, or a change of use structure, to be provided with, but not limited to, additional turnouts and turnarounds. If the driveways is extended, reconstructed pursuant to a new development approval, the portion of the driveway that is extended, reconstructed or improved must comply with modern driveway standards. All public documents are subject to the California Public Records Act.

5.4 The evaluation shall confirm that the proposed development meets or exceeds the below requirements, and the proposed development shall be reasonably accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response. 5.4.1 The term "reasonably" must be deleted; the State Fire Safe Standards do not provide for such qualifying statements.

County's Response: The Board of Supervisors has delegated authority to the County Fire Marshal, in conjunction with the Director of Permit and Resources Management Department, the Director of Transportation and Public Works, and County Counsel, to modify the Administrative Policy to comply with federal, state and local laws. The County Fire Marshal has agreed to delete this conclusion and allow the Board to make this determination. This revised version has been submitted with this response to comments to address the Board of Forestry's questions and concerns. Please note, however, that the County still must comply with all federal and state laws, not only the Board of Forestry's Fire Safe Regulations.

5.4.2 Assuming the term “reasonably” is deleted, is this “accessed” determination independent of the determination that the minimum county road standards are satisfied, or, if the minimum county road standards are satisfied is this sufficient to support the accessed requirement?

County’s Response: The Administrative Policy requires the proposed development subject to Sonoma County Code Chapter 13, Article V Fire Safe standards to meet or exceed the requirements set forth in the minimum road standards, “and” the proposed development shall be accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response. The two may overlap, but both are required.

5.4.3 If the requirement that the development shall be accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response is a separate determination, where in the Administrative Policy are the standards the Fire Inspector uses to make this determination? Do the standards explain what the term accessed means?

County’s Response: Working with our community over the past several years, through open and public hearings and community outreach, the County has exercised its police powers to transform the voluntary secondary fire apparatus access roads of the California Fire Code into mandatory minimum fire protection requirements. The County has exercised its police powers to blend the more rigid grade, turnout, turnaround and surface requirements of the County’s Fire Safe Ordinance and meld those into the California Fire Code’s secondary fire apparatus road requirements. Our Board has done this on its own initiative over the past several years working with our community, CalFire, our local fire protection districts, and our partners at the Board of Forestry who certified those standards in 2017. Our Board continues to search for more methods to improve fire safety and protect our community. More can be done.

Sonoma County looks forward to continued discussions with our state and local partners about how to further improve concurrent wildland fire equipment access and civilian evacuation. We look forward to working together with other counties and statewide stakeholders to further develop minimum standards statewide to define “access” and further protect our community. We look forward to building those future regulations together.

5.5. The below requirements as referenced must apply for, at a minimum, concurrent evacuation and emergency response at all times, in order to meet the County’s own standards set forth in this Policy. Please identify how requirements 1-7 provide for concurrent access and evacuation for the entire length of the road in question.

County’s Response: The State regulations do not require “at all times” and that “the entire length of road” be upgraded. That is not in the standards. That is a new interpretation that has dire unintended consequences impacting civil rights, social justice and affordable housing costs. This new interpretation is the ultimate NIMBY tool that would allow one property owner to control the development –and who can develop – on the entire street. It gives one property owner the power to stop development on the street simply by saying “no.” Without attending land use hearings or voicing their opinions in a public forum where elected officials can weigh concerns and make decisions in public view, this new interpretation allows one opposing neighbor complete power to stop a development on the block in the privacy of their own home simply by refusing to sell an easement over their own property. It defies due process rights. It allows a property owner to exercise bias and discrimination while shielded in the guise of promoting “fire safety.”

This interpretation is not based in the law or regulatory history. In fact, this interpretation directly contradicts the State’s definition of “Exceptions” granted for any of the State Fire Safe Regulations if there are “environmental conditions, physical site limitations or other limiting conditions.” 14 CCR 1271.00 and 14 CCR 1270.06.

The State Fire Safe Regulations provide the following: The future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles. 14 CCR §1270.01(b). Roads and driveways shall provide “safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency.”14 CCR §1273.00. And yet, if any of those standards cause “environmental conditions, physical site limitations or other limiting conditions” they can be replaced by an” exception that has the same practical effect toward defensible space.” 14 CCR §1270.06(a) and 14 CCR §1271.00.

Rather than waiving fire protection standards and replacing them behind closed doors determinations about alternatives “toward providing defensible space”, the County has adopted clear criteria in its ordinance and Administrative Policy to ensure the proposed development subject to Sonoma County Code Chapter 13, Article V shall be safety accessed and served in the case of a wildfire, with adequate ingress, egress and the capacity for concurrent evacuation and emergency response. Through open and public hearings, and in coordination with the Board of Forestry as certified in 2017, the County has developed tiered standards for access and evacuation in proportion to the size of the development served.

5.6 Standard 1: Any existing private roads shall provide at least a twelve foot road and at least an additional one foot of vegetation clearance on each side of the road.

5.6.1 The definition for road is “any public or private road.” Without a more specific term, it is unclear if the required 12 feet includes, for example, any required shoulders or striping, additional roadbed infrastructure that is part of the “road” but not a part of the road where someone might typically travel on (perhaps a bike lane or transit system cut out?) etc. The Board cannot make a determine if this meets or exceeds the Fire Safe Regulations minimums or it provides concurrent access without this information. The County Standards define the term traffic lane, and it might be of use to the County to use that term here in place of “road.” If the County would not like to use this term, instead please identify how that this standard meets or exceeds the requirements for roads in the SRA Fire Safe Regulations.

County’s Response: Sonoma County Code Chapter 13-6 defines private road. Private road means any way or place in private ownership that provides vehicular access to more than one parcel, to a commercial building or agricultural operation on a single parcel, or to more than 2 residential buildings containing more than three dwelling units on a single parcel. The definition states it is for vehicular access so that would not include a transit system cut out or a bike lane.

The State’s definition for a similar vehicular access that is brand new would only require 10 feet for up to four residential dwelling units on two parcels. 14 CCR 1271.00; 14 CCR 1273.01 (Driveway definition and driveway width). The State has made a determination that 10 feet width is the threshold to provide safe access for emergency wildfire equipment and civilian evacuation concurrently for two parcels and up to 4 dwelling units. The County’s existing private road standard exceeds the State’s new driveway requirements. Going even further above and beyond, for large

commercial and industrial buildings, for large single family dwelling development projects and for large multifamily dwelling development projects, the County requires secondary fire apparatus access roads.

5.6.2 Additionally, there is no requirement that the additional two feet of vegetation clearance be a space where vehicles can be accommodated. A road on the edge of a cliff has a foot of vegetation clearance, but certainly does not provide a safe surface for vehicles to pull aside to pass each other. A road may have a ditch or culvert directly adjacent to it – again, that provides a foot of vegetation clearance, but not a safe surface for passage. The County Standards define the term “shoulder” and it might be of use to the County to use that term here, in place of vegetation clearance. If the County would not like to use this term, please identify how this standard meets or exceeds the requirements for roads in the SRA Fire Safe Regulations.

County Response: The County has answered this question in 5.6.1. above. The County’s existing private road standard for a single family home building permit is a greater width requirement (12 feet) than the State’s driveway standard of 10 feet traffic lane shared by 4 residential dwelling units and two parcels sharing a “driveway.”

The State Regulations clarify the Board of Forestry has determined that safe concurrent access and evacuation for two parcels and four homes is only 10 feet of vehicular access. The Sonoma County Board of Supervisors requires more width (22 feet of vehicular access) for that size of a development to make sure our residents and our fire fighters have safe concurrent access and evacuation.

5.7 Standard 2: Fire Protection Plan for all residential and commercial developments in the Very High Fire Severity Zones. Sonoma County Code section 13-17(b)(92).

5.7.1 The SRA Fire Safe Regulations do not apply to Very High Fire Severity Zones so this is not relevant to the Board’s review.

County’s Response. The Legislature has requested the Board of Forestry update its regulations to include additional fire safety measures protect developments in the Very High Fire Severity Zone by July 1, 2021. The County is already looking ahead to find out how we can do more to protect these areas. We look forward to a continued partnership with the Board of Forestry and CalFire, as well as our local and statewide stakeholders and other counties, to develop ways to further protect our community from fire risk.

5.8 Standard 3. Discretionary Approvals.

5.8.1 For discretionary approvals, additional turnouts and turnarounds or other mitigation measures may be required on existing roads to ensure concurrent fire engine access and civilian evacuation. Didn’t Standard 1 just set the requirements that should already be providing for concurrent access? Additional turnouts or turnarounds may be appropriate, but not in place of meeting the requirements in Standard 1. In any event, the determination is discretionary and lacks any discernible standards that will ensure it is exercised to secure compliance with the minimum standards of the SRA Fire Safe Regulations.

County’s Response: There are clear standards referenced in the Administrative Policy about how our Fire Marshal can require more conditions to ensure concurrent access and evacuation for our discretionary approvals. Those additional fire protection standards include turnouts, turnarounds and secondary access routes. Those additional standards are listed in Sonoma County Code section 13-63 (“Additional Fire Protection measures”).

Specifically, that section of the County's Fire Safe Standards Ordinance allows the following:

Sec 13-63. Additional Fire Protection Measures

When the County Fire Warden/Fire Marshal determines that access constraints, hazard severity or topography and terrain adversely affect the ability of emergency fire equipment and personnel to respond to an emergency on a parcel, the County Fire Warden/Fire Marshal may require additional fire protection measures as follows:

- (a) Where conditions delay, limit or prohibit access by emergency fire equipment and personnel to a parcel, the County Fire Warden/Fire Marshal may require any of the following fire protection measures in addition to the other standards specified in this article:
 - 1. Increased emergency water supply;
 - 2. Installation of an automatic sprinkler system that meets the requirements of the national fire codes;
 - 3. Increased flammable vegetation clearance areas for buildings;
 - 4. Use of fire-resistive vegetation;
 - 5. Use of fire-resistive deck and eave construction;
 - 6. Installation of fire-resistive exterior siding;
 - 7. Installation of a centrally monitored fire alarm system;
 - 8. Creation of areas of safe refuge;
 - 9. Vegetation management plan.

- (b) Where a parcel is located within a very high fire hazard severity zone as defined by the California Department of Forestry and Fire Protection, the County Fire Warden/Fire Marshal may require any of the following fire protection measures in addition to the other standards specified in this article:
 - 1. Any of the fire protection measures specified in subsection (a);
 - 2. Construction of additional turnouts and turnarounds;
 - 3. Provision of a secondary means of ingress and egress to the parcel;
 - 4. Vegetation management plan.
 - 5. Non-combustible construction.

- (c) Where features of topography or terrain create conditions on a parcel which the County Fire Warden/Fire Marshal determines warrant additional fire protection measures, the County Fire Warden/Fire Marshal may consider the parcel to be an area of high or very high fire severity and require any of the fire protections specified in subsection (b) in addition to the other standards specified in this article.

5.8.2 If all public roads are also county highways which are required to have a 40 foot road (See SHC section 906), why are additional standards in the TPW and PRMD Guidelines needed and how are they relevant to the issues addressed in this Policy?

County's Response: This has been answered in Response to 3.5.1 -3.5.3. The Traffic Impact Study Guidelines allow for the consideration of traffic impacts resulting from discretionary projects and allows the County to require further public road improvements in compliance with federal and state law to accommodate traffic and emergency access that will be required as a result of the impacts caused by the proposed development project.

5.9 Standard 3.a. Minor Subdivisions As the Board defines a driveway (serving 2 or fewer parcels or four or fewer residential units), this standard might be appropriate. However, the definition of "residential building" in the County Standard considers a two family home to be a single residential building, whereas a residential unit in the SRA Fire Safe Regulations is a single dwelling unit – so a two family residential building (per the County Standard) are actually two residential units in the SRA Fire Safe Regulations and so this standard for minor subdivisions, as well as the cross-referenced Ordinance section, do not meet the qualification for a lesser road standard.

5.9.1 If the County disagrees, please identify how that this exception provides for the same practical effect of the State's road and driveway standards.

County Response: Please see Board of Forestry Planner Ms. Edith Hannigan's analysis why the County's standards for width – including the minor subdivision width requirements – meet or exceed State standards and have the same practical effect. This draft recommendation was sent to the County on September 4, 2020. Her recommendations are repeated in this document in the Responses to Questions 1.1.3.1-1.1.3.4.

In addition, the County's Response to 3.8.2 provides additional information to clarify this question. Some of the County's definitions are different than State law that is true. For example, the State's definition of driveway includes two parcels with no more than two residences on each parcel. A new "driveway" serving two parcels and up to four new residential units is only required to be 10 feet in width. 14 CCR §1273.01(c). If there are more than two parcels and more than four residential units, then the Board of Forestry's Fire Safe Regulations deems the vehicular access to be required to meet "road" standards. 14 CCR §1271.00.

The State's road standard does not apply for residential units unless there are three parcels. A new 10 foot lane "driveway" serves two parcels pursuant to the State regulations. A new 10 foot lane "driveway" can serve 4 residential dwelling units. 14 CCR §1271.00.

In contrast, these are the County's standards:

Driveway is defined in Sonoma County Code § 13-6. It means "any way or place in private ownership that provides vehicular access to no more than two residential buildings, containing no more than three dwelling units, and any number of accessory buildings – **on a single parcel.**

Private road is defined in Sonoma County Code §13-6. It means any place or way in private ownership that provides vehicular access to: more than 1 parcel; to a commercial building or agricultural operation on a single parcel; to more than 2 residential buildings; **to more than 2 residential buildings containing more than three dwelling units on a single parcel.**

Pursuant to the County's definition, a driveway is limited to a single parcel that contains no more than two residential buildings, containing no more than three dwelling units.

The County uses a road standard for any commercial building on a single parcel. The County uses a road standard when a single parcel has more than 2 residential buildings containing more than three dwelling units. Dwelling unit is defined in the 2019 California Fire Code Section 202 as “a building that contains one or two dwelling units used, intended or designed for one or more person, including permanent provisions for living, sleeping, eating, cooking and sanitation.

5.10 Standards 3.b, 3.c, 3.d – Notwithstanding any issues identified below, these Standards cross-references the relevant sections of County Code and do not immediately present any conflicts with the SRA Fire Safe Regulations.

County’s Response: Thank you. The County has worked hand in hand with Board of Forestry staff over the past 9 months to present this to your Board. The Board of Forestry staff have put in countless hours with our team to work together for months on this project. We have worked with all of the stakeholders in our community for over a decade to develop these standards. We can do more. Our Board of Supervisors wants to work together to find ways to further protect our community and our fire fighters from risk. We very much look forward to working together with other counties, statewide stakeholders, our Legislative delegate team partners, CalFire, Board of Forestry and our local community to develop more protections to help Sonoma County protect our residents and fire fighters from fire danger.

5.11 Standard 4- Provides that Sonoma County Code applies to roads, but only those parts of roads extended, reconstructed or improved.

5.11.1 No such qualifiers are contemplated in the Board’s regulations. This Standard presents opportunities for development that utilizes existing, substandard roads to reach their parcels, where then any newly constructed road would be up to these Standards. This also provides for opportunities where part of a road is “reconstructed or improved” and so, for example, a 500 foot long road might have sections that are substandard and sections that are not. Please provide definitions for the terms “reconstructed” and “improved” and any further context for this Standard that may help the Board determine if this meets or exceeds the SRA Fire Safe Regulations.

County’s Response:

The County requires new roads and improved roads to meet current road upgrade standards. In addition, the County’s Responses in 1.1.2.1 through 1.1.3 discuss this issue further.

Unlike the State Fire Safe Regulations which allow broad waiver of any of the fire safety standards due to an “environmental condition, physical site limitation, or any other limiting condition” and allow replacement of those standards with additional defensible space, the County takes measures to ensure the standards and alternatives comply with the purpose of this law – ensure the developments subject to the Sonoma County Code, Chapter 13, Article V, provide safe concurrent access and civilian evacuation to protect the people and firefighters who serve in our community.

5.12 Standards 5, 6 and 7 – Notwithstanding any issues identified below, this Standard cross-references the relevant sections of County Code and does not immediately present any conflicts with the SRA Fire Safe Regulations.

County’s Response: Thanks to the Board of Forestry staff and CALFIRE staff for helping County staff navigate this certification process. Thanks to the brave fire fighters at CALFIRE who have valiantly protected our community.

6 Road and Driveway Standards

6.1 One way roads, Ordinance 6318, Sec 13-35, page 12.

6.1.1 The term dwelling unit is not defined in the Sonoma County ordinance but is used in this County Standard.

County's Response: The 2019 California Fire Code defines dwelling unit in Section 202. Sonoma County Code Chapter 13 incorporates the California Fire Code into the Chapter 13 fire protection ordinance.

6.1.1.1 Identify how that this requirement in section 13-35 meets or exceeds the standard in section 1273.01(b)(1).

County's Response: Please see Board of Forestry Planner Ms. Edith Hannigan's analysis why the County's standards for width – including the turnout and one way road requirements– meet or exceed State standards or have the same practical effect. This draft recommendation was sent to the County on September 4, 2020. Her recommendations are repeated in this document in the Responses to Questions 1.1.3.1-1.1.3.4.

6.1.2. Fire Safe Regulations require a turnout in the middle of each one-way road. Sonoma County ordinance only requires a turnout on one-way roads of 500+ feet.

County's Response: The County's requirements require more turnouts than the State regulations. 13-35(c) requires all one-way roads exceeding 500 feet to have a turnout constructed at the midpoint. Subsection (d) requires a one-way road exceeding 1,000 feet to have a turnout constructed every 500 feet along the entire length of the road.

Sonoma County Section 13-35 One-Way Roads provides the following:

- (a) All one way roads shall have a right of way of not less than twenty five feet and shall be constructed to provide a road with a minimum of one twelve foot traffic lane and 1 foot shoulders on each side providing one-way traffic flow. The Fire Code Official is authorized to request the installation of turnouts as part of a development approval at locations necessary to provide two-way traffic flow.
- (b) All one-way roads shall connect to a two-way road at both ends, and shall provide access to an area zoned for no more than 10 dwelling units.
- (c) All one-way roads exceeding five hundred feet in length shall have a turnout constructed at approximately the midpoint of the road.
- (d) Any one-way road exceeding one thousand feet in length shall also have turnouts and constructed approximately every five hundred feet along the entire length of the road, etc.

6.1.2.1 Identify how that this requirement meets or exceeds the standards in section 1273.01(b)(2).

County's Response: Please see Board of Forestry Planner Ms. Edith Hannigan's analysis why the County's standards for width – including the turnout and one way road requirements– meet or exceed State standards or have the same practical effect. This draft recommendation was sent to the County on September 4, 2020. Her recommendations are repeated in this document in the Responses to Questions 1.1.3.1-1.1.3.4.

6.2 Driveways, Ordinance 6318, sec 13-37, page 14

6.2.1 The County Standards requires a 12 foot traffic lane for driveways.

6.2.2 Identify how that this requirements meets or exceeds the standard in section 1273.01(c), including the unobstructed 14 foot horizontal, and 13.5 foot vertical clearance requirements.

County's Response:

Please see Board of Forestry Planner Ms. Edith Hannigan's analysis why the County's standards for width – including the driveway requirements– meet or exceed State standards or have the same practical effect. This draft recommendation was sent to the County on September 4, 2020. Her recommendations are repeated in this document in the Responses to Questions 1.1.3.1-1.1.3.4.

Ms. Hannigan's draft Matrix made the following recommendation:

Explain how this local ordinance meets or exceeds the state regulation or provides for the same practical effect:

Two way roads; Right of way of 25'; two 10' traffic lanes. Exception: minor subdivisions may have 12' wide road with 2' shoulders on each side, turnouts and turnarounds, plus 6' vegetation clearance. One way roads: right of way of 25'; connect to 2 way road at both ends; no more than 10 dwelling units; turnouts and length limits apply.

Driveways: One 12' traffic lane, vertical clearance of 15', turnouts and turnarounds required.

Staff note for Width: Exception for two-way roads provides for same practical effect.

The Board of Forestry has determined that 10 feet of vehicular access (14 feet of horizontal clearance) provides safe concurrent access and evacuation for 2 parcels and up to 4 dwelling units. The County does not. The County requires 22 feet of vehicular access for that size of a development.

To view the requirements for driveway turnarounds and turnouts which far exceed 14 feet horizontal clearance, please see the attached engineering forms to demonstrate the County's requirements to ensure safe access and concurrent evacuation.

6.2.2 The County Standards for turnouts on driveways only results in a 22 foot wide road + turnout, as opposed to a 24 foot wide road + turnout in the SRA Fire Safe Regulations.

6.2.2.1 Identify how that this County requirement meets or exceeds the turnout standard in section 1273.06.

County's Response: The State regulations require a 10 feet wide driveway, not a 22 foot driveway. This may be one of the cleanup efforts in the new State regulation update to expand the State driveway width to 12 feet to match Sonoma County's current standards.

Some of the County's definitions are different than State law. For example, the State's definition of driveway includes two parcels with no more than two residences on each parcel. A new "driveway" serving two parcels and four new dwelling units is only required to be 10 feet in width. 14 CCR §1273.01(c). The State does not require a driveway to be 24 feet. It requires a driveway to be 10 feet. Plus, a driveway has a very broad definition in the State regulations. 10 feet vehicular access

can serve two parcels and 4 dwelling units. If there are more than two parcels and more than four residential units, then the Board of Forestry's Fire Safe Regulations deems the vehicular access to be required to meet "road" standards. 14 CCR §1271.00.

The County has more significantly more strict standards than the State's definitions. Driveway is defined in Sonoma County Code § 13-6. It means "any way or place in private ownership that provides vehicular access to no more than two residential buildings, containing no more than three dwelling units, and any number of accessory buildings – on a single parcel.

Private road is defined in Sonoma County Code §13-6. It means any place or way in private ownership that provides vehicular access to: more than 1 parcel; to a commercial building or agricultural operation on a single parcel; or to more than 2 residential buildings; or to more than 2 residential buildings containing more than three dwelling units on a single parcel.

So, the County's driveway standards and turnout for driveway standards apply to only a single parcel that has no more than 2 residential buildings on it. If there is a development project that has more than 1 parcel, or a commercial building on a single parcel, or more than 2 residential buildings, or to more than 2 residential buildings containing more than three dwelling units on a single parcel, than the County's road standards apply.

6.2.3 The County Standards regarding the frequency with which turnouts are required on driveways is located in section 13-37(c).

6.2.3.1 Identify how that this County requirement, particularly the requirement for turnout frequency on driveways longer than 1,320 feet, meets or exceeds section (c) and (d).

County's Response: The question is unclear because it references subsections without any other citation. It appears the question is how do the County's driveway standards comply with Turnarounds in 14 CCR §1273.05(c) and (d). Subsection (c) is a turnout requirement that is oddly placed in the Turnaround section. It matches our County's own requirements. Subsection (d) is a requirement for dead-end road requirement, not a driveway standard. The County's definition of driveway is more restrictive than the State's definition as discussed in Response to 6.2.2.1.

The County's driveway standards include requirements for turnouts in 13-37(b) that require all driveways exceeding 150 feet in length to have a turnout constructed at the midpoint of the driveway. All driveways exceeding 800 feet shall have turnouts constructed every 400 feet along the entire length of the driveway. Driveways required to have a turnout shall have a turnout that is a minimum of 22 feet wide with a minimum taper of 25 feet on each end.

In addition, the County's driveway standards require driveways exceeding 150 feet in length to have a turnaround. All driveways exceeding 300 feet shall have the turnaround constructed within 50 feet of the residential building served and shall provide additional space for parking. Any driveways longer than 1,320 feet shall have additional turnarounds located at no less than 1,320 feet. Please see the attached turnaround and turnout engineering forms submitted with these responses.

The County's driveway standards and turnout for driveway standards apply to only a single parcel that has no more than 2 residential buildings on it. If there is a development project that has more than 1 parcel, or a commercial building on a single parcel, or more than 2 residential buildings, or to more than 2 residential buildings containing more than three dwelling units on a single parcel, than the County's road standards apply.

Plus, there are additional driveway horizontal curves and intersection requirements in Section 13-32(a). In addition, 32(d) includes specific throat width measuring and minimum radius requirements for driveways.

6.3 Grades. Ordinance 6318, Section 13-31, page 7.

6.3.1 Section 13-37(a) lacks enough clarity to determine if the standard in that section meets or exceeds the SRA Fire Safe Regulations (see section 1273.03), in general but also specifically in regard to grades in excess of 16% but less than 20%, and grades over 20%.

County's Response: Driveway grades are set forth in Section 13-31. No road or driveway shall have a maximum grade in excess of 16% without the approval of the Fire Marshal.

A road or driveway may include grades up to 20% with mitigations. 13-31(a).

Fire apparatus cool down areas shall have a minimum width of 22 feet wide and 30 feet long with a minimum taper of 25 feet on each end. Cool down areas shall be located on a maximum grade not exceeding 5%. Cool down turnout shall not be allowed on the inside of the horizontal curves without the approval of the fire code official. §13031(e).

6.3.2 Identify how that this County Standard meets or exceeds the requirements in section 1273.03.

County's response: Please see response immediately above. The driveway surface requirements are set forth in Section 13-30 and the driveway grading requirements are set forth in Section 13-31.

6.4 Turnouts and Turnarounds

6.4.1 There does not appear to be a single, specific local code section that addresses the standards for turnarounds. Instead, the turnaround standard for "road and driveway structures" is inserted into the various relevant road sections (i.e. under one way roads, two way roads, etc.) The requirements in those subsections do meet the minimum requirements in the Fire Safety Regulations, but it appears or typographical error has resulted in this standard with the erroneous referenced to "road and driveway structures" being repeated, rather than referencing the specific road infrastructure for which any given County Standard for turnouts and turnarounds may be addressing.

6.4.1.1 Please address this. If this is not an error, how do these sections meet or exceed the requirements for turnouts and turnarounds on vehicular infrastructure that are not "road and driveway structures?"

County's Response: This is not an error. This is creative problem solving. This is designed to ensure concurrent wildfire equipment access and civilian evacuation – while simultaneously addressing other critical priorities such as social justice, civil rights, affordable housing and the homeless crisis.

The County Fire Experts have used turnouts and turnarounds through the County's Fire Safe Standards to significantly improve the concurrent wildfire equipment access and civilian evacuation. There are numerous turnout and turnaround requirements throughout the County's ordinance to improve concurrent access and evacuation. For example, there are turnout and turnaround requirements for dead end roads located in §13-36. There are turnout requirements for one-way roads in §13-35. There are turnout and turnaround requirements for two-way roads in §13-35. There are turnaround and cool down areas required for certain grades. §13-31.

6.4.2 The County Standard for turnouts and turnarounds reference the use of a “stub out” design. The State Fire Safe Regulations and the County Fire Safe Regulations define and utilize the design terms “Hammerhead/T” and “terminous bulb,” but do not reference a “stub out.”

6.4.2.1 What is a “stub out?” How does a “stub out” meet or exceed the requirements in sections 1273.05 and 1273.06?

County’s Response: For the Board of Forestry’s convenience, the County has submitted these Drawings to accompany these responses. These engineering plans are also available on the Sonoma County’s Fire Safe Standards Website at <https://sonomacounty.ca.gov/PRMD/Fire-Prevention/County-Fire-Code/> On that webpage, please click on Drawings. Please scroll down to Figure F10 for a Stub Out Turnaround diagram. A Stub Out Turnaround is a hammer head turned on the side so you can use a portion of the driveway.

6.5 Dead end roads, Ordinance 6318, Section 13-36, page 13.

6.5.1 The length requirements in the County Standards meet the requirements in the State Fire Safe Regulations, but the State Regulations require the length of the road crossing parcels zoned for different sizes to be determined by the smallest allowable length, not the average, as Sonoma County allows.

6.5.1.1. How does Section 13-36 meet or exceed the standard in Section 1273.08 regarding situations where a dead end road crossing areas of differing zoned parcel sizes requiring different length limits?

County’s Response: The County’s standards are more restrictive. The State’s regulations are based on zoning standards for newly created parcels (14 CCR §1273.08(a); the County’s ordinance standards for dead end roads length is based on actual parcel size [§13-36(a)]. The Fire Safe Standards regulations measure the “shortest allowable length” by the zoning allowed. Zoning is different than actual parcel size. Parcel sizes are often smaller than modern zoning standards if the parcels were created before the zoning code was adopted. The County’s standard is based on the average size of the actual parcels served by the dead end road. That is a more restrictive standard than measuring this to the zoning authorized by modern zoning laws.

Additionally, the County’s ordinance requires all dead-end roads serving five parcel acres or larger to have turnarounds constructed every one thousand three hundred twenty feet along the entire length of the road. §13-36(b). Moreover, all dead-end roads shall have a turnaround constructed at the terminus of the road. Any road or driveway structure required to have a turnaround may have either a hammerhead/T, a stub out, or terminus bulb. All turnarounds shall have a minimum turning radius of forty feet. §13-36(c).

6.6 Security Gates, Ordinance 6318, Sec 13-38(c), page 15

6.6.1 Section 13-38(c) is silent on whether approval or authorization for security gates is required.

6.6.1 How does Section 13-38 meet or exceed the requirements in section 1273.09(d)?

County’s Response: The County’s fire safe standards for gate entrances are in Section 13-38. Those requirements include the following:

Where a gate entrance is locked, a lock box or other emergency release device approved by the County Fire Marshal shall be provided for emergency access. Sonoma County Code §13-38(c)

Moreover, all new gates installed on private roads where the distance from the gate to the intersection of a public or private road is greater than 300 feet shall be provided a turnaround in a location approved by the Fire Code Official. All turnarounds shall have a minimum turning radius of forty feet. Sonoma County Code §13-38(d)

All new and rebuilt gate entrances and similar structures shall be at least two feet wider than the width of the traffic lane serving the gate or structure. Sonoma County Code §13-38(a).

All gates providing access from a public road to a private driveway shall be located at least thirty feet from the road and shall open to allow a vehicle to stop without obstructing traffic on the road. Sonoma County Code §13-38(b)

7 Signing and Building Numbering

7.1 Road Signs

7.1.1 Ordinance 6318, Section 13-40(a), page 16, only requires road names on roads serving more than 2 parcels; the Fire Safe Regulations require all roads to have names.

7.1.1.1. How does Section 13-40(a) meet or exceed the requirement in Section 1274.00 for all roads to be names?

County's Response: The State's Regulations define driveways more broadly than the County. The County defines a driveway as serving only one residential parcel. The State regulations define a driveway as serving two parcels with up to four residential units. So, the County's requirement for road names is established to more closely match the State's definition of what constitutes a road.

In addition, the County has added local amendments to the 2019 California Fire Code that help address this issue. Section 13-17(b)(33) Multiple addresses. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

7.2 Ordinance 6318, Sec 13-41, Page 17, relies on "County road standards" to set the minimum requirements for the size of letters, numbers and symbols on road signs.

7.2.1.1. Where is this standard? What are its requirements? How does it meet or exceed the requirements in Section 1274.01(b)?

County's Response:

The State Fire Safe Regulations require the letters, numbers and symbols for addresses to conform to the standards in the California Fire Code. 14 CCR §1274.03(b). This question is addressed by the County's local amendments to the 2019 California Fire Code:

Address identification: New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in apposition that is visible from the street or road fronting the property. §13-17(b)(27).

Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall not be spelled out. Character size and stroke shall be in accordance with California Fire Code Section 505.1 through 505.2. §13-17(b)(27).

California Fire Code Section 505.1-505.2 Address identification:

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out.

Each character shall be not less than 4 inches high with a minimum stroke width of ½ inch. Where required by the fire code official, address identifications shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Street or road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

Sonoma County's Local Amendments to those Provisions of the 2019 California Fire Code:

Section 13-17(b)(28):

Numbers for one-and two-family dwellings. Each address identification character shall be not less than 4 inches high with a minimum stroke width of one half inch.

Section 13-17(b)(29)

Numbers for other than one and two-family dwellings. Each address identification character shall be not less than 12 inches high with a minimum stroke of one inch. Suite and unit directional numbers shall be not less than 6 inches high with a minimum stroke of ¾ inch. Numbers shall be not less than four inches high with a minimum stroke on ½ inch.

Section 13-17(b)(30)

Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole or other approved sign or means shall be used to identify the structures at the main entrances to the property.

Section 13-17(b)(31) Installation, location and visibility of addresses. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of the construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Section 13-17(b)(32) Signs posted one way roads. Address signs along one way roads shall be visible from both the intended direction of travel and the opposite direction.

Section 13-17(b)(33) Multiple addresses. Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

Section 13-17(b)(34) Size of letters, numbers and symbols for street and road signs. Size of letters, numbers and symbols for street and road signs shall be a minimum of three inches for letter height and a three-eighths inch stroke, reflectorized, and contrasting with the background color of the sign.

Section 13-17(b)(35). Visibility and legibility of street and road signs. Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred feet.

Section 13-17(b)(36). Height of street and road signs. Height of street and road signs shall be uniform countywide, and meet the visibility and legibility standards of this section.

Section 13-17(b)(37) Names and numbers on street and road signs. Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent countywide system that provides for sequenced or patterned numbering and/or non-duplicating naming within the county. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

Section 13-17(b)(38) Intersecting roads, streets and private lanes. Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes.

Section 13-17(b)(39) Signs identifying traffic access limitations. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one way roads shall be placed (a) at the intersection preceding the traffic access limitation; and (b) no more than one hundred feet before such traffic access limitation.

7.3 Addressing for Buildings, Ordinance 6318, Section 13-47, "Exceptions," number 1, page 19, there is a statement the requirements in Section 13-47 may be modified with the approval of the fire code official.

7.3.1.1. The State Fire Safe Regulations allow no such modifications. How does this meet or exceed the requirements in section 1274.03 and 1274.04?

County's Response: The State Regulations allow broad modification for any of the Fire Safe Standards through the Exceptions to Standards. 14 CCR §1270.06; 14 CCR §1271.00

The California Fire Code is updated every 3 years. This provision allows the County to comply with both the California Fire Code standards and the Board of Forestry's Fire Safe Regulations to ensure consistency with the County's complete set of fire safety protections. County may require additional standards as set forth and adopted in the California Fire Code and local amendments as set forth above.

7.3.2 Regarding Ordinance 6318, Section 13-47, number 2, page 19, there is no specified standard for addresses on buildings to be reflective. However, Exception #2 states "illuminated address numbers are not required for existing buildings where approved; reflective numbers are to be installed." Section 13-48(b) also provides for an exception regarding the use of illuminated address numbers.

County Response: Section 13-47 applies to the size, letters, numbers and symbols for addresses. This applies to one-and two family dwellings as well as other dwellings. Illuminated address numbers are not required for existing buildings where approved. However, reflective numbers are to be installed.

Section 13-17(b)(34) Size of letters, numbers and symbols for street and road signs. Size of letters, numbers and symbols for street and road signs shall be a minimum of three inches for letter height and a three-eighths inch stroke, **reflectorized**, and contrasting with the background color of the sign.

Section 13-17(b)(30)

Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, **an approved illuminated complex directory**, monument, pole or other approved sign or means shall be used to identify the structures at the main entrances to the property.

New and existing buildings shall be provided with approved illuminated or other approved means of address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. §13-17(b)(27).

Please also note County's Chapter 13A-4 which requires street address numbers to be clearly visible from the roadside, have a minimum height of 4 inches, and address numbers should be **reflective** in a contrasting color for visibility pursuant to Sonoma County Code Chapter 13.

7.3.2.1. The State Fire Safe Regulations require all residential buildings to have a reflective address. How does this exception meet or exceed the requirements in Section 1274.03(c)?

County's Response: Please see response above in 7.3.2.

II. The County Respectfully Requests Certification on November 3-4

The County has been working collaboratively with Board of Forestry staff toward this certification for the past nine months. We have learned much from the Board of Forestry staff. The County has modified our ordinance as the Board of Forestry staff has requested to ensure we meet or exceed all State standards and have the same practical effect. The County appreciates all of the effort the Board of Forestry staff has devoted to work with Sonoma County. In addition, CALFIRE has reviewed Sonoma County's fire safety evaluation practices. CALFIRE's Counsel has submitted a letter of support for Sonoma County to continue to delegate fire safe standard inspection authority to our team of fire experts.

The longer the Board of Forestry waits to act on our certification, the longer our community must wait for even more enhanced safety standards throughout our community.

Wildfire resiliency is a top priority of Sonoma County's Legislative Platform – we need to work together to become more resilient, more prepared, and more aggressive in ensuring our community's safety. We look forward to a continued partnership with the Board of Forestry, CALFIRE, other counties and stakeholders statewide and locally to find more ways to enhance fire safety to protect our community. We have a valued long-term partnership with the Board of Forestry and CALFIRE.

In conclusion, the County respectfully requests the Board of Forestry to certify the County's fire safe ordinance because it meets or exceeds that of the Board of Forestry's standards and has the same practical effect. The Board of Forestry certified Sonoma County's ordinance in 2017. The County respectfully requests the same on November 3-4.

We look forward to meeting to answer any additional questions you may have.

Best regards,

Linda Schiltgen

Linda D. Schiltgen
Deputy County Counsel