

**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“SRA Fire Safe Regulations, 2020”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 7  
Subchapter 2, Articles 1, 2, 3, 4, and 5**

**Adopt  
1276.04**

**Amend  
1270; 1270.01; 1270.03; 1270.04; 1270.05; 1270.06; 1271.00; 1273.00; 1273.01;  
1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.07; 1273.08; 1273.09; 1274.00;  
1274.01; 1274.02; 1274.03; 1274.04; 1275.00; 1275.01; 1275.10; 1275.15; 1275.20;  
1276.00; 1276.01; 1276.02; 1276.03**

**Repeal  
1270.07; 1270.08; 1270.09; 1271.05; 1272.00; 1273.10; 1273.11; 1274.05; 1274.06;  
1274.07; 1274.08; 1274.09; 1274.10**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))**

An update is needed to the discussion of the possible significant adverse environmental effects and mitigations on page 31 of the ISOR. The ISOR contains some potential confusion related to the determination by the Board as to the status of the regulatory action with regards to CEQA. The Board has considered the application of CEQA to the proposed regulations and concluded that this action does not meet the definition of a project pursuant to PRC § 21065 and is exempt from CEQA. The proposed regulations are simply amendments to existing regulations intended to improve their clarity and consistency, as well as to update existing standards to reflect modern fire prevention policy and equipment requirements. These regulations will not cause a direct, or reasonably foreseeable indirect, physical change in the environment. Furthermore, the Board has concluded that were any possible direct or indirect physical change in the environment possible, this action is exempt from CEQA pursuant to the common-sense exemption (14 CCR § 15061 (b)(3)) because it can be seen with certainty that there is no possibility that the proposed modifications and clarifications to fire prevention policy and standards, which are already substantively extant and in practice, may have a significant effect on the environment.

All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

**SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))**

The rule text was adopted in its 45-Day noticed form.

**MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS (pursuant to GOV §11346.9(a)(2)):**

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

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH THE APPLICABLE GOVERNMENT CODE SECTIONS COMMENCING WITH GOV §17500 (pursuant to GOV §11346.9(a)(2)):**

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

**ALTERNATIVE 3, BOARD'S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4): Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process**

The Board selected Alternative #3 as proposed and modified through the formal public review and comment process. The Board adopted the rule text published with the 45-Day Notice (on August 10, 2018). Additionally, the proposed action is the most cost-efficient, equally or more effective, and less burdensome alternative.

Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome and impacting fewer small businesses than the proposed action.

**ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))**

No other alternatives have been proposed or otherwise brought to the Board's attention, except as set forth in the ISOR and provided herein in the summary and responses to comments. Based upon the findings below and a review of alternatives the Board has determined the following:

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. (reference ECONOMIC IMPACT ANALYSIS in ISOR)
- No alternative considered would lessen any adverse economic impact on small business. (reference ECONOMIC IMPACT ANALYSIS in ISOR)

**FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

- The Board finds that fifteen of the twenty largest California wildfires, and thirteen of the twenty most destructive, have occurred since 2000.
- The Board finds that drought and increasing global temperatures result in larger and more frequent wildfires.

- The Board finds that population growth in California, and particularly in the SRA, increases fire ignitions, therefore increasing the risk of fire impacting residents of the SRA. The imminent nature of the fire hazard problem has also been repeatedly recognized by many high-profile efforts including the Governor's Blue Ribbon Fire Commission of 2004, U.S. General Accounting Office report on western National Forest fire conditions, the Western Governors' Association promulgation of the National Fire Plan, and the USDA Forest Service (USFS) Sierra Nevada Forest Plan Amendment, 2004.
- The Board finds that wildfire-related financial losses are climbing. From 1947 to 1990, the dollar damages to structures and other resources in State Responsibility Areas (SRA) exceeded \$100 million (2001 dollars) only once. Between 1990 and 2001, losses exceeded \$100 million five times.
- The Board finds that regulations are necessary to prevent the spread of wildfire via home-to-home ignition, and are necessary to provide safe egress for civilian evacuation while providing for safe ingress for responding firefighters.
- The Board finds that defensible space improves the opportunities for firefighters to defend a structure, and for that structure to survive a wildfire.
- The Board finds that the adopted regulations will make new development in the SRA safer for civilians and first responders and help reduce the spread of fire from structure to structure.
- The Board finds that the adopted regulations reduce confusion and improve consistency within the regulations; accurately reflect the applicable construction and installation permits under these regulations; establish definitions for these regulations that are relevant, up to date, and consistent with their usage in the following articles; promote county compliance with the SRA Fire Safe Regulations and to clarify the process by which that occurs; and apply field-tested methods to ingress and egress requirements.
- The Board finds that while land use and planning decisions rest with local jurisdictions, establishing statewide minimum standards for defensible space relating to access in the SRA increases the safety of Californians.
- The Board finds that these regulations provide greater flexibility to local jurisdictions by increasing the number of performance based standards in the regulations and by clarifying the process that allows the local jurisdiction to approve exceptions to these rules.
- The Board finds that certain local processes require a building permit for projects associated with existing development, such as major renovations to an existing structure, which would trigger the application of these rules. The Board finds that local jurisdictions are best positioned to determine how to apply these regulations to existing development, and that these regulations outline a process by which a jurisdiction may issue exceptions to the SRA Fire Safe Regulations in instances such as these.

- The Board finds the adopted alternative fulfills the obligations of the Board specified in statute, and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of these amendments.
- The Board finds representatives from government agencies, the public, and private organizations and businesses reviewed and provided input into these amendments.

**BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))**

**Alternative 1: No Action**

The Board considered taking no action, but the “No Action” alternative was rejected because it would not address the problems. This alternative does not address existing confusion when implementing the regulations or the incongruities with other related codes.

**Alternative 2: Take Action to Revise but not Reorganize SRA Fire Safe Regulations**

This alternative would have focused this revision of the SRA Fire Safe Regulations on making substantive changes with regulatory effect to the regulations without reordering, renumbering, or otherwise reorganizing the regulations.

The Board rejected this alternative as it does not address the problem that the regulations as they were organized were confusing, leading to requirements that were “missed” in implementation by the regulated public. This alternative would have retained an organizational structure to the regulations that was incongruent with regulations such as the California Fire Code and California Building Code, which are much more familiar to the regulated public, resulting in confusion.

**SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

The Board received four comments on the proposed rulemaking: one from a state agency, two from members of the public, and one from local government. The Board also received a letter from a member of the public after the comment deadline. The Board declines to respond to it here, but includes a copy at the end of their responses for the record.

The comments below are identified in the following format: The letter S or W followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g. W1-8: John Doe, Healthy Forest Association).

S: Indicates the comment was received from a speaker during the Board hearing associated with the Notices of Proposed Action.

W: Indicates the comment was received in a written format.

1st number: Identifies the comments in the order in which it was received.

2nd number (following the hyphen): Represents the specific comment within a written comment or speaker comment. The specific comments are numbered in the order in which they were presented.



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
 SACRAMENTO, CA 94244-2460  
 (916) 653-7772  
 Website: www.fire.ca.gov



RECEIVED BY

SEP 18 2018

September 16, 2018

BOARD OF FORESTRY AND FIRE PROTECTION

J. Keith Gilles, Chairman  
 Board of Forestry and Fire Protection  
 1416 9<sup>th</sup> Street  
 Sacramento, CA 94244-2460

Dear Chairman Gilles:

The California Department of Forestry and Fire Protection (CAL FIRE) would like to comment on the proposed rulemaking entitled "SRA Fire Safe Regulations, 2020." CAL FIRE participated in the development of these regulations via representation on the Fire Safe Regulations Workgroup organized by the Board and supports the proposed regulatory changes.

The changes to the SRA Fire Safe Regulations will improve field interpretation and implementation of the requirements by CAL FIRE staff. As California faces mounting structure losses due to wildfires, these regulations will ensure homes and businesses in the State Responsibility Area (SRA) are safer to defend and more likely to survive. The proposed amendments provide greater clarity regarding the intent of the regulations and allow local jurisdictions more flexibility in implementing exceptions or deviations from these regulations that provide for the "same practical effect" of the regulations. These amendments strengthen defensible space requirements by requiring ongoing maintenance of defensible space on communal property, increasing the safety of subdivisions constructed in the SRA.

Sincerely,

KEN PIMLOTT  
 Director

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE  
OF PROPOSED RULEMAKING PUBLISHED AUGUST 10, 2018**

**Comment W1-1: Ken Pimlott, Director, CAL FIRE**

**Board Response:** The Board appreciates the support of CAL FIRE.

**Rule Text Change: No**

# Board of Forestry and Fire Protection: RE: SRA FIRE SAFE REGULATIONS 2020

Cyril Chappellet <cyril@chappellet.com>

Mon 9/24/2018 6:41 PM

To: Public Comments@BOF <PublicComments@bof.ca.gov>;

Cc: Cyril Chappellet <cyril@chappellet.com>;

Dear Board of Forestry and Fire Protection,

I would like to express my concern with your committee on the issue of attempting to put forward legislation, "SRA Fire Safe Regulations, 2020", that would make it more difficult in the counties of California to have an easement or road access that is over 20% slope.

As a resident tax payer and landowner here in Napa County I have lived on Pritchard Hill for over 50 years and we have several spots on our road that has over 20% grade. We have our winery and our vineyards on these same roads with over 20% grade for the past 50 years, it is where we make a living and support our 70 employees and provide for their families.

We are all very safety conscious and have worked hard to make sure that our roads are as safe as possible. We have successfully battled two major forest fires where we worked hand in hand with terrific teams of fire fighters from all over the state to protect our neighbors and ranches.

We have been complimented by your chief's on how good the access and egress is and what a great job we have done to maintain our roads. Our roads are battle tested and even though they don't meet your absolute standards they have proven to be safe and that they work.

As a land owner I'm opposed to any restrictions that are done at the state level and don't have logical flexibility for properties that would be essentially land locked if your restrictions were to make it a law. These would cause many issues for us who just want to make a living and do the right thing, as it would not allow for new permits to be granted for roads that are over 20% slope.

The only reason that I even know or am aware of the current and pending legislation that would restrict the use of lands that have access of 20% is because I'm in the process of getting a modification to a permit that triggers the roads and streets standards. Otherwise I would have never known until it was too late for me to share my concerns.

As a Constitutional Right, private ownership of property is an American Right. If the state Fire Marshal is trying to make laws saying that no property that has to be accessed with a road over 20% can be given a permit to build a home or business then the state should be required to compensate the land owner for the value of the land prior to your law's- otherwise this would be considered a taking without just compensation. No different than a condemnation without compensation.

I sincerely hope you take a moment and realize that this measure will negatively impact many people, not only landowners like myself who want to make a living, but all the families that work for ranches who might have a road that has over a 20% grade.

Best,

FULL 9 (a) (1)

Cyril

--

CHAPPELLET VINEYARD

Cyril Chappellet

President & CEO

(707) 286-4269

*1967-2017 Fifty Years on Pritchard Hill*



**Comment W2-1: Cyril Chappellet, Chappellet Winery**

**Board Response:** ~~The changes to these regulations do not require changes to existing construction except where required by a local jurisdiction in their building or land use permit process. These regulations do not apply to existing construction. Existing roads with grades over 20% need not be mitigated to conform to the proposed standards in 1273.03.~~

**Rule Text Change: No**

**Comment W2-2: Cyril Chappellet, Chappellet Winery**

**Board Response:** Regarding land in private ownership that cannot be accessed without a road or driveway going over a 20% grade, section 1270.06 of these regulations allow for local jurisdictions to allow exceptions to these requirements as long as the exception provides for the "same practical effect" as the requirements in the SRA Fire Safe Regulations. The landowner or their designee may work with the local authority having jurisdiction to determine which road design features would allow a grade of over 20% to perform similarly to a grade of 20% or below.

There may be instances where a desired spot for a road or driveway cannot meet the standard for a 20% or lower grade. In these instances, the local jurisdiction may work with the property owner to develop alternative designs that allow the owner full use of the property as zoned while providing for fire safety.

The change to this regulation is intended to amend an existing requirement that was a state-level restriction without logical flexibility for local jurisdictions. The previous requirement for road and driveway grades was a strict 16% limit, with no ability for same practical effect options. This regulatory change is intended to be a less burdensome and more performance-based standard than previously existed.

**Rule Text Change: No**

**Comment W2-3: Cyril Chappellet, Chappellet Winery**

**Board Response:** The Board provided noticing as required under the Administrative Procedures Act. The Board consulted stakeholders through informal scoping throughout the year prior to this formal rulemaking process, including representatives of Napa County. The Board has added Mr. Chappellet to their email group as an interested party in the SRA Fire Safe Regulations and will ensure he is contacted with any opportunities to provide feedback on the regulations.

**Rule Text Change: No**

**Comment W2-4: Cyril Chappellet, Chappellet Winery**

**Board Response:** These regulations are an action undertaken by the Board of Forestry and Fire Protection, not the Office of the State Fire Marshal. The Board has written regulations for the safety of California citizens and first responders based on tests with fire equipment, as well as public feedback, that do not allow a road or driveway to exceed a 16% grade at any point, or a 20% grade at any point if the road or driveway has design features so that the road performs as a 16% grade. Pursuant to [§ 1270.06](#), the authority having jurisdiction over building permits and code compliance may allow exceptions to these rules where the exceptions provide for a

same practical effect.

The Board, in these regulations, has determined minimum fire safety standards for development in the SRA that provide a baseline level of safety for civilians and firefighters. However, the Board recognizes that unique topographical, sociological, geographical, or other environmental factors and issues exist in each county, and the local authority having jurisdiction must be allowed the latitude to implement exceptions to these standards that still provide for the same safety as the state requirements. In the hypothetical proposed by Mr. Chappallet, where an undeveloped parcel has no way to reach structures on that parcel with a grade under 20% (with mitigations) or 16% (without mitigations), the local authority having jurisdiction ~~would~~may establish alternative road design standards that would result in the >20% graded road performing as a 16% graded road, or alternative plans for the placement of roads and structures on the property resulting in roads with a less than 20% grade. This process allows for flexibility in the application of the regulations by local jurisdictions and in no way constitutes an appropriation or take of property.

**Rule Text Change: No**

# RE: SRA Fire Safe Regulations, 2020

Mike Muelrath <mike@appliedcivil.com>

Tue 9/25/2018 9:54 AM

To: Public Comments@BOF <PublicComments@bof.ca.gov>;

Cc: Mike Muelrath <mike@appliedcivil.com>;

Board of Forestry and Fire Protection  
ATTN: Edith Hannigan  
Land Use Policy Manager  
P.O. Box 94426  
Sacramento, CA 94244-2460

Dear Ms. Hannigan,

This letter is in regard to the Notice of Proposed Action "SRA Fire Safe Regulations, 2020" (hereinafter referred to as "Regulations").

As a resident of Napa County and active member of the civil engineering design community I would like to commend the Board for adopting a triennial code cycle revision to stay on course with the California Building & Fire Code cycle. This should lead to greater consistency between the documents which will benefit all in the long run.

While I generally support the content of the proposed Regulations I do wish to express a few concerns and make recommendations regarding specific sections of the proposed Regulations as outlined below:

**1270.02 Scope** – This section indicates that all new building permits not related to an existing structure are subject to the Regulations. This would mean that a property owner simply replacing an existing residence with a new residence or adding a detached bedroom would be subject to the standards. In cases of existing driveways I suggest connecting applicability to the intensification of use of an existing driveway (i.e. adding more traffic.) Therefore simply replacing an existing house would not trigger the driveway requirements. Likewise, adding a new storage building (say at a winery facility) where there is an existing use permit would not trigger the driveway requirements since the new building would not change intensity of use (assuming no change in production or visitors or any other form of traffic).

**1273.03 Grades** – This section could be interpreted to mean that grades over 20% are expressly prohibited. I suggest adding language to this section to reference 1270.6 Exception to Standards where grades in excess of 20% are required. There are many existing parcels in Napa County served by existing driveways with portions of the driveway having slopes over 20%. Reconstructing these roads to a grade of 20% is not always possible for a variety of reasons (legal constraints, easements, environmental constraints, streams and setbacks, zoning code restrictions, etc.). In these select cases an exception to the grade standard should be allowable. Many of these driveways have served the parcels for many years and are not a hinderance to fire equipment access or civil evacuation even in the recent 2017 wildfires. In fact some of these very roads provided critical access to first responders throughout the duration of the fires. Not allowing these existing driveways with some slopes over 20% would in effect "freeze" the operation of existing winery facilities as they would not be able to modify their use permits. Additionally, it would prevent the development of single family residences, which is allowed by zoning code, on privately owned, undeveloped properties served by these existing driveways. Allowing continued use of these existing roads also creates an opportunity for improving width or other non-conforming features that would otherwise not be undertaken if new development on these existing driveways with slopes over 20% were expressly forbidden.

1273.04 Radius – Suggest rather than giving a strict minimum radius of curvature and vertical curve lengths for a driveway that flexibility be allowed for designers to actually model the movement of fire apparatus through turns and vertical curves. Suggest modifying language to allow other radius and vertical curve configurations if designer can show the design is adequate with computer simulated modeling based on turning specifications for a specific design vehicle (to be chose by the Board and provided as a figure in the Regulations).

1273.05 Turnarounds – This section currently requires turnarounds within 50' of the building. Many times buildings are built in a cluster (i.e. a house and guest house). Suggest modifying language to allow one turnaround per "building site" to achieve the same intent as the Regulations while allowing some flexibility in the location of the turnaround. Also suggest adding language to clarify the slope of the turnaround area to make sure turnarounds are safe to navigate. Suggest a slope of 10% max cross slope at any give point or as determined safe based on design vehicle requirements.

1273.08 Dead End Roads – Here, again suggest that there be a provision to reference 1270.6 Exception to Standards to allow exceptions, particular in the case of existing driveways as many parcels in Napa County are served by dead end roads longer than a mile in length.

Thank you for considering these comments. I would be happy to discuss these items with you in more detail at any time. You can reach me via return email or via phone at (707) 320-4968.

Sincerely,

Mike Muelrath, P.E.  
RCE 67435



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Napa, CA 94558

(707) 320-4968 (Telephone)  
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### **Comment W3-1: Mike Muelrath**

**Board Response:** Mr. Muelrath is correct that [§ 1270.02](#) Scope requires these regulations be applied to an "application for a building permit for new construction, not relating to an existing structure." However, the hypotheticals described by Mr. Muelrath in which a residence is completely destroyed and replaced or in which a detached bedroom is added to an existing structure will not result in requirements to change the existing driveway. The proposed change to the definition of a driveway allows a driveway to serve up to two parcels, with no more than two residential units and any number of non-commercial or industrial buildings on each parcel. If a residence is destroyed and replaced, it is not increasing the number of residences on a parcel to three, and therefore does not require any changes to the driveway. If the parcel only has one residential unit on it, and the owner adds an additional residential unit, that would also result in no required driveway changes.

A new storage building at a winery facility, as Mr. Muelrath proposes, is also likely to not require driveway changes. Under the proposed change to the definition of a driveway, a driveway may serve "any number of non-commercial or industrial buildings on each parcel." As a storage facility for a winery is a non-commercial or industrial building, changes to the driveway are not required if one is added to a parcel.

**Rule Text Change: No**

### **Comment W3-2: Mike Muelrath**

**Board Response:** -It is the Board's intention that grades over 20% are expressly prohibited for the safety of civilians and firefighters in the SRA. Grades between 16 and 20% must be designed with features that mitigate the performance of the >16% grade to that of a 16% grade.

These regulations do not apply to existing construction. Existing roads or driveways with grades of 16% or more are not required to conform to the standard in [§ 1273.03](#). In cases where a building permit has been filed for a parcel with such constraints that a grade of under 20% is unachievable, the local authority having jurisdiction may make exceptions pursuant to [§ 1270.06](#) where such exceptions provide for the same practical effect. This process allows for the hypothetical development described in this letter to take place while continuing to provide for fire safety. [Please also see the responses to W2.](#)

As [§ 1270.06](#) applies to all of the requirements in Division 1.5, Chapter 7 Fire Protection, Subchapter 2 of Title 14, including language referencing the process and requirements for allowable exceptions to each particular code section would be overly duplicative. Through the regulatory language and the information contained in the rulemaking package, such as this Final Statement of Reasons, the intent of the Board regarding exceptions to these standards is clear.

**Rule Text Change: No**

### **Comment W3-3: Mike Muelrath**

**Board Response:** This process, where a designer shows other curve configurations and their adequacy in meeting the requirements of [§ 1273.04](#), is allowed under [§](#)

1270.06 Exceptions to Standards. Establishing alternative curve configurations in local code is also allowable under § 1270.04, where local ordinances are submitted to the Board and certified as meeting or exceeding the intent of the Fire Safe Regulations. Although not taking issue with § 1273.04 specifically, Tuolumne County successfully brought alternative standards for performance requirements for roads, in regards to the weighted load they must carry, under this regulation.

Though recent improvements in computer modelling and other processes may allow for the adoption of performance based standards in future revision of these regulations, the efficacy and safety of those processes has not been fully evaluated to the satisfaction of the Board. The adopted regulations introduce additional prescriptive **requirements**, but only as necessary to implement the intent of this rulemaking and to provide for public safety. These adopted regulations **s** also provides for alternative means of compliance ("same practical effect") for these prescriptive standards. The Board has added Mr. Muelrath to their email group as an interested party in the SRA Fire Safe Regulations and will ensure he is contacted with any opportunities to assist in the development of **anythese** performance based standards.

**Rule Text Change: No**

**Comment W3-4: Mike Muelrath**

**Board Response:** The intention of the requirement to site a turnaround within 50 feet of a structure is to allow fire apparatus to safely turn around for optimal positioning during structure defense. Under § 1270.06, the local authority having jurisdiction may approve alternative methods to achieve the intent of this requirement ~~in 1273.05 thatthat~~ does not **result in** strictly requiring a turnaround at least 50 feet from each and every structure on the property. If the local authority ~~feels-finds that~~ the turnaround's location on the site adequately allows safe apparatus positioning and sufficient structure defense, they may approve such siting, even if it does not precisely conform to the 50 foot requirement.

**Rule Text Change: No**

**Comment W3-5: Mike Muelrath**

**Board Response:** Existing roads over a mile in length are considered "existing nonconforming" and do not necessarily preclude development along the parcels that they serve. Driveways have no length limit and therefor do not need exceptions if one is over one mile long and a structure has not yet been constructed on the parcel. Local jurisdictions, however, may apply stricter standards than the Board has required in the SRA Fire Safe Regulations, as is allowed under § 1270.04(a). **Please also see the response to W3-2.**

**Rule Text Change: No**



A Tradition of Stewardship  
A Commitment to Service

**Board of Supervisors**

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**Brad Wagenknecht**  
Chair

September 25, 2018

VIA EMAIL TO: [PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov)

Board of Forestry and Fire Protection  
Attn: Edith Hannigan  
Land Use Planning Policy Manager  
P. O. Box 944246  
Sacramento, CA 94244-2460

SRA Fire Safe Regulations, 2020

Dear Ms. Hannigan:

This letter serves to provide Napa County's comments on the proposed regulatory action amending Fire Safe Regulations (Regulations) in the State Responsible Area (SRA). Generally speaking, Napa County has three primary goals that should be incorporated into the final adopted Regulations:

1. Preserve local control by maintaining the ability of jurisdictions to address a variety of site-specific conditions by designing flexibility into the Regulations. Continue to accommodate a variety of methods, so long as they meet or exceed State requirements, rather than forcing local jurisdictions to adhere to a particular permit process or standard.
2. Ensure that the Exceptions to Standards continue to provide local jurisdictions with the flexible options they need to develop solutions that are appropriate or necessary for their communities. In particular, it is important to maintain provisions that allow for alternative means of compliance ("same practical effect") for prescriptive standards, so that local jurisdictions can achieve the intent of the Regulations with different tools or standards than those specified.
3. Provide a mechanism by which the 12 counties that have had their ordinances certified by the Board of Forestry and Fire Protection will not be considered null and void. As

**Brad Wagenknecht**  
District 1

**Ryan Gregory**  
District 2

**Diane Dillon**  
District 3

**Alfredo Pedroza**  
District 4

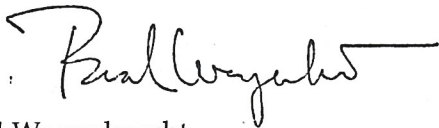
**Belia Ramos**  
District 5

September 25, 2018  
**SRA Fire Safe Regulations, 2020**

the proposed changes to the Regulations are minor and clarifying in nature, the existing certified ordinances should retain their existing certification.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Wagenknecht", with a long horizontal flourish extending to the right.

Brad Wagenknecht  
Chair

Cc: Members of the Board of Supervisors  
Minh C. Tran, County Executive Officer  
Jeffrey M. Brax, County Counsel  
David Morrison, Director of Planning Building and Environmental Services  
Barry Biermann, County Fire Chief



**Comment W4-1: Brad Wagenknecht, Chair, Napa County Board of Supervisors**

**Board Response:** There are several sections of regulations that allow for local jurisdictions to address site-specific conditions. [§ 1270.04](#) Local Ordinances, section (a), allows local jurisdictions to enact stricter rules than the Board. [§ 1270.04\(b\)](#) allows local jurisdictions to submit their codes to the Board, where the Board may certify them for use in lieu of the SRA Fire Safe Regulations in the SRA if they meet or exceed the intent of the state regulations. These sections, as well as [§ 1270.06](#) Exceptions to Standards, allow local jurisdictions to implement individual processes that meet their community's needs.

**Rule Text Change: No**

**Comment W4-2: Brad Wagenknecht, Chair, Napa County Board of Supervisors**

**Board Response:** Alternative means of compliance, or "same practical effect," are allowable under [§ 1270.04](#) and [§ 1270.06](#). Please see the responses to [W3-2 and W4-1](#).

**Rule Text Change: No**

**Comment W4-3: Brad Wagenknecht, Chair, Napa County Board of Supervisors**

**Board Response:** The intention of the Board is to make these regulations effective January 1, 2020, when the new Fire Code is adopted on its regular triennial cycle. A local government should not have to update their codes for re-certification under [§ 1270.04](#) until they are updating their codes to comply with the California Fire Code in late 2019/early 2020.

**Rule Text Change: No**



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Attn: Edith Hannigan

Date: 9/25/2018

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Dear Ms. Hannigan,

This letter is in response to the proposed "SRA Fire Safe Regulations, 2020".

To give you a bit of background on myself, I am a resident of Napa County, I am a licensed Civil Engineer and Licensed Land Surveyor and I specialize in designing rural roads and driveways to accommodate residential, commercial and emergency vehicles. In my past I have been a volunteer firefighter, a contract dozer operator on multiple fires, and most recently successfully fought fire side by side with family, neighbors and Cal Fire personnel to help save our communities homes from last year's October fire that ravaged much of Napa and Sonoma County. I grew up around wildfires, as a younger child I used help deliver food and supplies to fire personnel and I would often ride along with either my Grandfather who was a Ranger 2 in CDF at the time, or my father who was a Captain in CDF. Along with my Grandfather and father, my mother and sister were both firefighters with Cal Fire. Currently I have many other relatives that had or still hold positions in Cal Fire ranging from firefighter to battalion chief. I also have a cousin who was badly burned in the Valley Fire back in 2015. I guess what I'm getting at is I have a unique perspective. I design rural roads and driveways for a living, I have had to fight fire from said roads and driveways and I have a healthy appreciation for implementing regulations that will help keep both firefighters and residents safe. Drawing on my somewhat unique background, I have read over the proposed Regulations and have a few concerns.

**1270.02 (d)**

I recommend adding an additional exception to these regulations. The wording for this exception could read as follows. "(2) The vertical and horizontal alignment of all existing roads and driveways providing access to commercial, industrial or residential buildings that existed prior to (insert the adoption date of these most recent SRA standards here once they are approved)". I have listed the different types of reasoning for this below.

(TECHNICAL REASONING) There are many existing roads and driveways throughout the state that do not meet these standards and the majority of them are legally constrained to remain in their respective existing easements or public right of ways. Applying these SRA standards to all existing roads and driveways whenever a new building permit, subdivision, etc. is applied for is not feasible. The vertical and horizontal alignment of said legally constrained roads and driveways are effectively frozen as they are. Generally the only improvements that can be made to these roads and driveways is improving the surfacing material for better traction, increasing the width of the traveled way and of fire fuels without extending beyond the limits of the legally constraining easement or right of way.

(LEGAL REASONING) Forcing legally constrained existing roads and driveways to meet this code will effectively prevent any future residential development beyond the point where the road or driveway no longer meets the standards, unless the easements or right of ways can be realigned. To realign the roads or driveways will require state, county and private entities to try and acquire additional or in many cases, completely new easements or right of ways to replace the existing roads and driveways that do not meet the code. When this can't happen (which it won't) then legal action will be taken by the permit applicants that will either lead to a "Take" situation or the repeal of these standards.

(DEMOGRAPHIC REASONING) Requiring the rebuilding of existing roads or driveways to meet these SRA Standards places a huge financial burden on a single building permit applicant, especially residential building applicants. This financial burden effectively prevents lower to middle income families from being able to replace their existing homes or build new homes for younger generations on their property. Many of these properties are on rural agricultural land that produce valuable agricultural products. Faced with the said financial burden, said families generally sell off their property to wealthier entities. This trend is likely to lead to many negative consequences some of which include: a decrease in agricultural production, especially in small specialized markets, decreased lower to middle income housing, increased traffic issues, since the people previously working the land will now have to commute to work the land that they once owned.

(ENVIRONMENTAL REASONING) Realigning existing substandard roads and driveways will require the abandonment of portions of, or all of the existing substandard roads and driveways, and then the replacement of these abandonments. The grading activities to accomplish this would have an immense impact on the environment, especially in riparian areas or other areas where there are sensitive flora and fauna.

#### **1270.06 (a)**

I recommend adding additional verbiage to this section starting after the words "defensible space" on line 1 of page 9. Said wording could read " , or in situations where the applicant is legally or environmentally constrained, the applicant has implemented these standards to the most practical extent possible given the said constraints."

(REASONING) See previous reasoning with reference to 1270.02 (d)

#### **1271.00**

I recommend revising the definition of a "Driveway" on line 23 of page 13 to read as follows: "A vehicular access that serves up to four (4) parcels with no more than 2 residential units and any number of non-commercial or industrial buildings on each parcel.

(REASONING) This verbiage would align itself more with the Subdivision Map Act which has less stringent regulations for subdivisions of 4 parcels or less, which are generally approved under the Parcel Map Instrument, versus the Final Map instrument which is for 5 or more parcels.

#### **1273.02 (a)**

Recommend changing this to read ".....the imposed load of a fire apparatus with a total weight of at least 75,000 pounds and with minimum single axle and tire loads equivalent to H-20 and

HS-20 load ratings as described in the American Association of State Highway and Transportations Officials (AASHTO) Design Manual....."

(REASONING) This verbiage would align itself better with standard engineering practice for road and driveway design, and with Caltrans' current highway design practices.

**1273.02 (b)**

Recommend changing this to read ".....the imposed load of a fire apparatus with a total weight of at least 40,000 pounds and with minimum single axle and tire loads equivalent to H-20 and HS-20 load ratings as described in the American Association of State Highway and Transportations Officials (AASHTO) Design Manual....."

(REASONING) This verbiage would align itself better with standard engineering practice for road and driveway design, and with Caltrans' current highway design practices.

**1273.03 (a)**

Recommend changing this to read "No portion of a road or driveway shall exceed the grade of 16 percent as measured over a continuous distance not to exceed 50 feet".

REASONING: The instantaneous grade at the beginning of a speed bump is over 16% in slope. Providing a distance of 50' to average the slope over will provide needed flexibility in road and driveway construction to go over small bumps while providing clarity to permitting agencies on how micro they need to be when analyzing recently constructed roads and driveways. If there are concerns

**1273.04 (a)**

Recommend revising this to read: "All driveways horizontal and vertical geometry shall be designed to accommodate a Type 3 Cal Fire Engine's turning radius and Vertical Clearance, see attached exhibit for specifications."

(REASONING) The 50' minimum radius and 100' vertical curve is overkill for all types of fire engines including, water tenders, ladder trucks, etc. Most fire engines have an inside turn radius under 20'. I think the goal of this section is to make sure the fire trucks can actually navigate the road or driveway being designed, thus it would make since to design the road to the level of fire engine that will be using it. Driveways should not be burdened with having to provide access to every type of emergency vehicle that could conceivably be responding to any type of call, thus a minimum should be set and the Type 3 engine seems like a good place to start. Writing the standards in this way will also provide a standard for Cal Fire on the minimum clearance and turning radius their engines need to have when new ones are ordered.

**1273.04 (b)**

Recommend revising this to read: "All road's horizontal and vertical geometry shall be designed to accommodate a (Recommend inserting the worst case Ladder Truck, Water Tender, or Fire Engine here)'s turning radius and vertical clearance, see attached exhibit for specifications.

(REASONING) Again the 50' minimum radius and 100' vertical curve is overkill for all types of fire engines including, water tenders, ladder trucks, etc. Most fire trucks have an inside turn

radius under 20' and most ladder trucks and water tenders have inside turning radius of under 30'. The only vehicle that comes close to a 50' turning radius is the larger of the tractor trailer dozer transports. Again I think the goal of this section is to make sure the emergency vehicles can actually navigate the road or driveway being designed, thus it would make since to design the road to the apparatus that will be using it. This will also provide a standard for Cal Fire on the minimum clearance and turning radius their vehicles need to have when new ones are ordered.

**1273.08**

Recommend completely removing this section or greatly increasing the distance limits, especially for larger parcels. If this section remains, recommend including an exception process for roads crossing through larger parcels, or areas where legal or environmental constraints exist.

(REASONING) Dead end roads are often times impossible to avoid and are a normal part of all road networks throughout this state and all other states in the union. All areas have them, be it city, county or state roads. For larger parcels of land it is quite common that roads are longer than a mile before they even cross into a second parcel. One single section of land (640 acres) will require a road to be a minimum of 5280 feet long just to cross it, and this is if it goes in a perfectly straight line. Often times these roads dead end at a geographical or legal boundary that can't be crossed. Examples of these boundaries are mountain ranges, rivers, oceans, national forests, parks, etc. All of which we have in this state. We have always had dead end roads, I don't think outlawing dead end roads is a viable solution to the evacuation issues dead end roads pose. I think the better solution will be to have additional mitigations for dead end roads. Examples of this could be cleared safe zones or clear areas for helicopter rescues.

Thank you for taking the time to read over and consider these comments and recommendations. If you have any questions or would like further input on any other items please feel free to contact me directly.

Sincerely,



Cameron Pridmore PE, PLS

[Cameron@CMPengineering.com](mailto:Cameron@CMPengineering.com)

(707) 266-2559



To who it may concern, I Daniel Byrne, have reviewed the proposed regulations titled "SRA FIRE SAFE REGULATIONS, 2020, 14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5. SRA Fire Safe Regulations". Along with the above proposed regulations I have carefully reviewed the recommended changes prepared by Cameron Pridmore at CMP Civil Engineering and Land Surveying and dated 9/25/2018. After reviewing both, it is my opinion that the said recommended changes should be made to the proposed SRA FIRE SAFE REGULATIONS, 2020.

Sincerely,



**Daniel Byrne, PE 80078**  
**Principal**  
**Hogan Land Services Inc.**