

TITLE III - LAND USE AND DEVELOPMENT

DIVISION 11

FIRE SAFE REGULATIONS

CHAPTER 1

ADMINISTRATION

3111-1. TITLE.

These regulations shall be known as the "SRA Fire Safe Regulations" and shall constitute the basic wildland fire protection standards of the County for lands within State Responsibility Areas (SRA). (Ord. 1952, § 1, 12/17/1991)

3111-2. PURPOSE.

These regulations have been prepared and adopted for the purpose of establishing minimum wildlife protection standards in conjunction with building, construction and development in SRA. These regulations constitute local alternative standards as authorized by Section 4290 of the Public Resources Code. The future design and construction of structures, subdivisions and developments in SRA shall provide for basic emergency access and perimeter wildlife protection measures as specified in the following sections. These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures. (Ord. 1952, § 1, 12/17/1991)

3111-3. SCOPE.

(a) These regulations shall apply as appropriate to all of the following activities which are approved in the SRA after January 1, 1992: (Ord. 1952, § 1, 12/17/1991)

- (1) the creation of new parcels, excluding lot line adjustments as specified in Government Code (GC) Section 66412(d); (Ord. 1952, § 1, 12/17/1991)
- (2) new construction, not relating to an existing structure, which requires a building permit; (Ord. 1952, § 1, 12/17/1991)
- (3) land use or development which requires a use permit; (Ord. 1952, § 1, 12/17/1991)
- (4) the siting of manufactured homes; and (Ord. 1952, § 1, 12/17/1991)
- (5) new road construction, including construction of a road that does not currently exist, or an extension of an existing road. (Ord. 1952, § 1, 12/17/1991)

(b) Notwithstanding paragraph (a) of this section, these regulations shall not apply to: (Ord. 1952, § 1, 12/17/1991)

- (1) enlargement, alteration, repair or improvement of any building or structure existing on the effective date of these regulations; (Ord. 1952, § 1, 12/17/1991)

- (2) new construction of accessory structures where the main building exists on the effective date of these regulations; (Ord. 1952, § 1, 12/17/1991)
- (3) land use or development which requires a use permit where the Planning Director and CDF determines that no increase in fire risk would result from the use or activity; (Ord. 1952, § 1, 12/17/1991)
- (4) roads required as a condition of tentative parcel or final maps prior to the effective date of these regulations; roads for agricultural or mining use solely on one ownership; and roads use solely for the management and harvesting of wood products; and (Ord. 1952, § 1, 12/17/1991)
- (5) repair or maintenance of any road, street or private lane existing on the effective date of these regulations. (Ord. 1952, § 1, 12/17/1991)

3111-4. PROVISIONS FOR APPLICATION OF THESE REGULATIONS.

These regulations shall be applied as follows:

- (a) The County shall provide the local California Department of Forestry and Fire Protection (CDF) Ranger Unit with notice of applications for building permits (where exceptions are requested), tentative parcel maps, tentative maps, and use permits for construction or development within SRA. (Ord. 1952, § 1, 12/17/1991)

The County need not provide CDF with notice of applications for building permits if the County determines that the permit complies with County ordinance and no exceptions from these regulations are required. (Ord. 1952, § 1, 12/17/1991)

- (b) The County shall request CDF to review and make fire protection recommendations on applicable construction or development permits or maps provided by the County. CDF shall respond within thirty (30) days of the referral. (Ord. 1952, § 1, 12/17/1991)
- (c) The County shall ensure that the applicable sections of this ordinance become a condition of approval of any applicable construction or development permit or map. (Ord. 1952, § 1, 12/17/1991)
- (d) The application of these regulations shall be confined to the real property that is the subject of the building permit or other grant of land use or development approval by the County, unless otherwise stated. (Ord. 1952, § 1, 12/17/1991)

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of the state or county, including the provisions of the California Environmental Quality Act (CEQA), which may require the evaluation and mitigation of potential impacts of the project beyond the limits of the real property that is the subject of the building permit or other grant of land use or development approval before the County. (Ord. 1952, § 1, 12/17/1991)

3111-5. INSPECTION AUTHORITY.

- (a) Inspection shall be made pursuant to Section 6 by:
- (1) the Planning Director or his/her designee, or (Ord. 1952, § 1, 12/17/1991)
 - (2) the Director of the California Department of Forestry and Fire Protection (CDF) of his/her designee. (Ord. 1952, § 1, 12/17/1991)
- (b) The County shall report violations of these regulations to the CDF Ranger Unit headquarters with responsibility for SRA fire protection for the County. (Ord. 1952, § 1, 12/17/1991)

3111-6. INSPECTIONS.

- (a) The inspection authority may inspect for compliance with these regulations. When conducted, inspections should occur prior to the following events: (Ord. 1952, § 1, 12/17/1991)
- (1) issuance of a use permit; (Ord. 1952, § 1, 12/17/1991)
 - (2) issuance of a Certificate of Occupancy under a building permit; (Ord. 1952, § 1, 12/17/1991)
 - (3) recordation of a parcel or final map for a subdivision; (Ord. 1952, § 1, 12/17/1991)
 - (4) filing of a notice of completion (other than for a building permit); (Ord. 1952, § 1, 12/17/1991) or
 - (5) final inspection of any project or building permit. (Ord. 1952, § 1, 12/17/1991)
- (b) It shall be the duty of the holder of the building permit or other permit or map approval issued by the County to notify the County, or CDF, as appropriate, that the construction and/or improvement required under these regulations is ready for inspection and to assure that the premises will be accessible at the time scheduled for inspection. Inspections shall be requested by the applicant at least forty-eight (48) hours in advance of the intended inspection. (Ord. 1952, § 1, 12/17/1991)
- (c) The inspection authority shall notify or inform the permit holder of the day during which the inspection is to be conducted and shall attempt to notify the permit holder if the inspection cannot be made as scheduled. (Ord. 1952, § 1, 12/17/1991)
- (d) Annual inspection conducted by CDF pursuant to Public Resource Code Section 4290 and 4291 shall to the extent practical include notification as provided in paragraph (c) of this section for inspections which focus on individual parcels and by public notice for area-wide inspections. (Ord. 1952, § 1, 12/17/1991)

3111-7 EXCEPTIONS - INTENT.

The County seeks to protect the intent of the State Fire Safe Regulations while ensuring that no undue hardship occurs at the county level due to conditions peculiar to the County. The exceptions procedure is provided with the intent of ensuring that every individual who is negatively impacted will get a fair hearing before local authorities who are competent to judge the legitimacy of that individual's concerns. The local inspection authority together with the local representative of CDF is therefor directed to deal with requests for exceptions to the provisions of these regulations on a case by case basis, making a comprehensive review of the circumstances in each case, taking special note of such factors as: (Ord. 1952, § 1, 12/17/1991)

- (a) community standards as expressed in the County' Alternative Owner Building Ordinance; and (Ord. 1952, § 1, 12/17/1991)
- (b) economic factors which may affect the affordability of housing as described in the Housing Element of the County's General Plan. (Ord. 1952, § 1, 12/17/1991)

3111-8. EXCEPTIONS TO STANDARDS.

Upon request by the applicant, exceptions to standards within this ordinance and mitigated practices shall be allowed by the inspection authority, where the exception provides the same overall practical effect as these regulations towards providing defensible space. In evaluating requests for exceptions to standards, the inspection authority shall be guided by Section 3111-7 of these regulations (Intent). (Ord. 1952, § 1, 12/17/1991)

3111-9. REQUESTS FOR EXCEPTIONS.

- (a) An applicant may apply to the Planning Director for an exception to the standards within this ordinance. The application for an exception shall be accompanied by such information as the Planning Department requires and by a fee established by the Board of Supervisors. At minimum, the application shall contain the following information: (Ord. 1952, § 1, 12/17/1991)
 - (1) a description of the specific section(s) for which an exception is requested, (Ord. 1952, § 1, 12/17/1991)
 - (2) material facts supporting the contention of the applicant, (Ord. 1952, § 1, 12/17/1991)
 - (3) details of the exception or mitigation measures proposed, and (Ord. 1952, § 1, 12/17/1991)
 - (4) a map showing the proposed location and siting of the exception or mitigation measure(s). (Ord. 1952, § 1, 12/17/1991)
- (b) The Planning Director shall request the California Department of Forestry and Fire Protection (CDF) to review the exception request. CDF shall respond within thirty (30) days of the referral with documentation outlining the effects of the requested exception on wildland fire protection. If CDF does not respond within the time provided, the Planning Director shall assume that CDF supports the exception. The Planning Director shall not approve an exception request of the recommendation from CDF is for denial. (Ord. 1952, § 1, 12/17/1991)

- (c) The Planning Director shall give written notice of his/her decision to the applicant. Notice shall also be given to any parties requesting such notice and to CDF. (Ord. 1952, § 1, 12/17/1991)

3111-10. APPEALS.

- (a) Any person aggrieved by the decision of the Planning Director may appeal to the Board of Supervisors. The appeal shall be filed with the Planning Department within ten (10) days of the date of the notice and shall be accompanied by a written statement of the reasons why the decision was in error and by a fee established by the Board of Supervisors. (Ord. 1952, § 1, 12/17/1991)
- (b) The Board of Supervisors shall consider the appeal at the earliest possible date. The decision of the Board of Supervisors is final and binding. (Ord. 1952, § 1, 12/17/1991)
- (c) If an appeal is granted, the Board of Supervisors shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include reasons for the decision. (Ord. 1952, § 1, 12/17/1991)
- (d) A written copy of the findings adopted under paragraph (c) above shall be provided to the CDF Ranger Unit headquarters that administers SRA fire protection in the County. (Ord. 1952, § 1, 12/17/1991)

3111-11. DEFINITIONS.

Unless the context otherwise requires, the definitions set out in this ordinance shall be used in the interpretation and construction of these regulations. Words used in the present tense shall include the future tense, and in the future tense shall include the present tense; the singular number shall include the plural number, and the plural shall include the singular. (Ord. 1952, § 1, 12/17/1991)

Abatement: For the purpose of this ordinance means the restoration of the specific measure(s) or mitigation required as a condition of the permit, parcel or map approval pursuant to these regulations. (Ord. 1952, § 1, 12/17/1991)

Accessory building: Any building used as an accessory to residential, Commercial, recreational, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1, Occupancy that requires a building permit. (Ord. 1952, § 1, 12/17/1991)

Agriculture: Land used for agricultural uses as defined in Humboldt County Code Section 312-6. (Ord. 1952, § 1, 12/17/1991)

Board: The Humboldt County Board of Supervisors. (Ord. 1952, § 1, 12/17/1991)

Building: Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1, Occupancy. For the purpose of the ordinance, building includes mobile homes and manufactured homes, churches, and day care facilities. (Ord. 1952, § 1, 12/17/1991)

California Environmental Quality Act (CEQA): Means the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. (Ord. 1952, § 1, 12/17/1991)

CDF: California Department of Forestry and Fire Protection. (Ord. 1952, § 1, 12/17/1991)

County: The County of Humboldt. (Ord. 1952, § 1, 12/17/1991)

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads. (Ord. 1952, § 1, 12/17/1991)

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures. (Ord. 1952, § 1, 12/17/1991)

Development: As defined in Section 66418.1 of the California Government Code. (Ord. 1952, § 1, 12/17/1991)

Director of Public Works: The Director of the Department of Public Works or his/her designee. (Ord. 1952, § 1, 12/17/1991)

Driveway: A vehicular access that serves no more than two buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings. (Ord. 1952, § 1, 12/17/1991)

Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family. (Ord. 1952, § 1, 12/17/1991)

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provides mitigation of the problem. (Ord. 1952, § 1, 12/17/1991)

Fire valve: See hydrant. (Ord. 1952, § 1, 12/17/1991)

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration. (Ord. 1952, § 1, 12/17/1991)

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field. (Ord. 1952, § 1, 12/17/1991)

Hammerhead/T: A roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it. (Ord. 1952, § 1, 12/17/1991)

Hydrant: A valved connection on a water supply/storage system, having at least one 2-1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hose with water. (Ord. 1952, § 1, 12/17/1991)

Local fire agency: A local fire organization recognized by the County Local Agency Formation Commission (LAFCO) which has shared responsibility on SRA lands. (Ord. 1952, § 1, 12/17/1991)

Manufactured home: As defined in California Health and Safety Code Sections 18007, 18008, and 199791. (Ord. 1952, § 1, 12/17/1991)

Occupancy: The purpose for which a building, or part thereof, is used of intended to be used. (Ord. 1952, § 1, 12/17/1991)

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only. (Ord. 1952, § 1, 12/17/1991)

Planning Director: Director of the Planning and Building Department or his/her designee. (Ord. 1952, § 1, 12/17/1991)

Roads, streets, private lanes: Vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwellings units. (Ord. 1952, § 1, 12/17/1991)

Roadway: Any surface designed, improved, or ordinarily used for vehicle travel. (Ord. 1952, § 1, 12/17/1991)

Roadway structures: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders. (Ord. 1952, § 1, 12/17/1991)

Same practical effect: As used in this ordinance, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for firefighter safety, including: (Ord. 1952, § 1, 12/17/1991)

- (a) access for emergency wildland fire equipment, (Ord. 1952, § 1, 12/17/1991)
- (b) safe civilian evacuation, (Ord. 1952, § 1, 12/17/1991)
- (c) signing that avoids delays in emergency equipment response, (Ord. 1952, § 1, 12/17/1991)
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and (Ord. 1952, § 1, 12/17/1991)
- (e) fuel modification sufficient for civilian and firefighter safety. (Ord. 1952, § 1, 12/17/1991)

Shoulder: Roadbed or surface adjacent to the traffic lane. (Ord. 1952, § 1, 12/17/1991)

State Board of Forestry (SBOF): A nine member board, appointed by the Governor, which is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the state's interest in federal land in California. (Ord. 1952, § 1, 12/17/1991)

State Responsibility Area (SRA): As defined in Public Resources Code Sections 4126-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5. (Ord. 1952, § 1, 12/17/1991)

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner. (Ord. 1952, § 1, 12/17/1991)

Subdivision: As defined in Section 66424 of the California Government Code. (Ord. 1952, § 1, 12/17/1991)

Traffic lane: The portion of the roadway that provides a single line of vehicle travel. (Ord. 1952, § 1, 12/17/1991)

Turnaround: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb. (Ord. 1952, § 1, 12/17/1991)

Turnouts: A widening in a roadway to allow vehicles to pass. (Ord. 1952, § 1, 12/17/1991)

Vertical clearance: The minimum specified height of a bridge or overhead projection above the roadway. (Ord. 1952, § 1, 12/17/1991)

Wildfire: As defined in California Public Resources Code Sections 4103 and 4104. (Ord. 1952, § 1, 12/17/1991)

3111-12. DISTANCE MEASUREMENTS.

All specified or referenced distances are measured along the ground surface, unless otherwise stated. (Ord. 1952, § 1, 12/17/1991)

3111-13. MAINTENANCE OF DEFENSIBLE SPACE MEASURES.

(a) To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of approving any activity subject to these regulations. Provisions deemed to satisfy this requirement include but are not limited to: (Ord. 1952, § 1, 12/17/1991)

- (1) establishment of a County Service Area (CSA) for the subdivision prior to map recordation; (Ord. 1952, § 1, 12/17/1991)
- (2) development of a binding maintenance association or similar agreement between affected property owners formed for the subdivision prior to map recordation; (Ord. 1952, § 1, 12/17/1991)
- (3) recordation of binding Covenants, Conditions, and Restrictions (CC&R) for maintenance of individual measures which are enforceable against the property; or (Ord. 1952, § 1, 12/17/1991)
- (4) recordation of a Notice of Requirement for Maintenance against the real property by the County prior to issuance of a building permit or as a condition of a initiating a use authorized under a use permit. (Ord. 1952, § 1, 12/17/1991)

(b) The inspection authority may conduct inspections to ensure compliance with the standards as set forth in the development plans and/or conditions of permit, parcel or map approval. Inspections should be conducted in accordance with Section 3111-6, paragraph (d) of these regulations. Violation of these regulations shall be subject to the penalties as set forth in Section 3116-1 of this ordinance. (Ord. 1952, § 1, 12/17/1991)