



HUMBOLDT ASSOCIATION OF REALTORS® INC.

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*REC'D
8/19*

August 19, 2010

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Jeff Smith, Chairman
Humboldt County Planning Commission
Community Development Services Department
3015 H Street
Eureka, California 95501

Re: General Plan/Infrastructure Element/Fire Related Policies

Dear Chairman Smith and Commissioners:

At the August 12th meeting the Commission received a document entitled "Supplemental 1" which included revisions to Infrastructure Element standards IS-S4 and IS-S5. These standards address conditions related to fire protection. They are important in that they effect how and where residences may or may not be built in rural areas. As originally written, they had the potential to stop rural home construction and/or residential subdivisions in areas outside existing fire district boundaries. As we have stated previously, the Humboldt Association of REALTORS® is not able to support General Plan language which prevents appropriately zoned and permitted rural home building. We believe rural landowners should retain the right to build.

The issue of no fire protection coverage can be solved by use of recordation of "acknowledgements" as proposed in the original Fire Chief's revisions (the above referenced "Supplemental 1", dated 8/12/10). Fire Chief John McFarland used the word "disclosure" during his testimony at the August 12th meeting. The concept is the same, allow rural residential building in areas without fire protection by clearly and unequivocally informing owners that there will be no fire protection coverage and documenting that they understand and accept this. This is done by use of "acknowledgements" as proposed by the Fire Chiefs and described in the attached document. We would appreciate your consideration of the proposed revisions to IS-S4 and IS-S5 as found in the attachment.

Additionally, we request a clarification regarding the language found in the second bullet in IS-S5, "For discretionary permits, findings shall be made...." by asking the following question: if an owner is principally permitted to build except that he/she is outside a fire district, does this automatically make it a discretionary permit?

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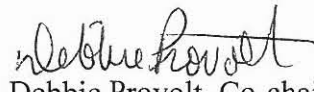
Please note that the Association supports IS-PX, Building Permit Referrals and IS-PX, Fire Service Impacts from New Development (referred to as "New policy #1" and "New policy #2" respectively in Supplemental1, dated 8/12/10).

Please note also that this letter revises the Association's Infrastructure Element "voting chart" comments on Standards IS-S4 and IS-S5 as submitted July 23, 2010.

The Association would appreciate your consideration and adoption of the revisions shown in the attachment.

Sincerely,


Victoria Copeland, Co-chair
General Plan Subcommittee


Debbie Provolt, Co-chair
General Plan Subcommittee

Attachments

cc: Kirk Girard, Director
Tom Hofweber, Supervising Planner
Martha Spencer, Supervising Planner
John Miller, Planner

Humboldt Association of REALTORS®

Infrastructure Element – Fire District Boundaries

The Association is recommending the following revisions to “Supplemental 1: Proposed Revisions to Fire Related Policies within the Community Infrastructure and Services Element” dated August 12, 2010. HAR revisions are shown in *italics* or lined out.

IS-S4. Subdivisions Outside of Fire District Boundaries. Subdivisions outside of fire district boundaries shall be conditioned to *complete one of the following*:

1. annex to or form a fire-related district or a county service area and provide funding to ensure that the district has adequate capacity to provide services, or
2. ~~If condition 1 is not feasible~~ *E* establish an adequate ongoing funding source and execute a fire protection agreement with an appropriate local fire service provider with LAFCO approval as appropriate, or
3. record acknowledgement of no available emergency response and fire suppression services and implement *fire related* required mitigations (*e.g. holding tanks*)

Regarding lined out #2: HAR comments that the words “if condition 1 is not feasible” implies that an applicant must first attempt to meet #1. We are suggesting that applicants have the option of meeting any of the three options listed (note use of word “or”) and that they are not prioritized.

IS-S5. Other Development Outside of Fire District Boundaries.

HAR only has concerns about the second bullet point and suggests the following revision:

- For discretionary permits findings *shall be made by the appropriate fire suppression agency* that no service is available and the project shall be conditioned to record acknowledgement of no available emergency response and fire suppression services.

Please note that we support new policies (IS-PX) #1 & #2 as proposed by the fire chiefs.

**HUMBOLDT COUNTY PLANNING COMMISSION
GENERAL PLAN UPDATE**

MEETING OF AUGUST 12, 2010

Recommended Commission Agenda

At the July 29nd meeting, the Commission completed their review and straw voting on Section 4.8-Land Use Classifications. For tonight's meeting staff recommends that the Commission:

1. Continue review of the remainder of Part 2, which includes Chapter 5, Community Infrastructure and Services Element, Chapter 6, Telecommunications, Chapter 7, Circulation Element and Chapter 9, Economic Development Element.
2. Allow time for public comments.
3. Continue the hearing to August 19th or other date chosen by the Commission.

Supplemental 1:

**Chapter 5, Community Infrastructure and Services Element and
Chapter 6, Telecommunications Element**

The Commission requested that staff consult with both the Fire Chiefs regarding the draft policies regarding fire service in Chapter 5 and experts in the telecommunications fields regarding possible revisions to Chapter 6, Telecommunications Element. Staff has scheduled a public workshop with representatives of the telecommunications industry for Monday August 9th and will report the meeting outcomes (and possible policy recommendations) during the Planning Commission meeting.

On Tuesday August 3rd, Planning staff representatives were invited to a meeting at the Arcata Fire Department Headquarters to discuss concerns regarding fire related policies and standards. Meeting attendees included Fire Chiefs and officers from the Arcata Fire Protection District, Humboldt No. 1 Fire Protection District, Miranda Community Services District, Redway Fire Protection District, CAL FIRE, and the LAFCo Executive Officer. This meeting resulted in proposed changes to Standard IS-S4 and wording for a new policy regarding building permit referrals to fire chiefs as well as other suggestions. Planning staff made revisions Standards IS-S4 and IS-S5 and developed two new policies based on input and comments received at the meeting: new policy #1 IS-PX, Building Permit Referrals; and, new policy #2 IS-PX, Fire Service Impacts from New Development.

Planning staff reviewed the proposed changes with the Arcata, Humboldt No. 1, and Miranda fire chiefs. Following this review, additional comments were received and integrated. Their proposed revisions are attached to this staff report. The fire chiefs have submitted correspondence supporting the revisions.

Supplementals:

Supplemental 1: Proposed Revisions to Fire Related Policies within the Community Infrastructure and Services Element

Supplemental 2: Correspondence.

Supplemental 1: Proposed Revisions to Fire Related Policies within the Community Infrastructure and Services Element

Proposed Edits:

IS-S4. Subdivisions Outside of Fire District Boundaries. Subdivisions outside of fire district boundaries shall be conditioned to:

A1. annex to or form a fire-related district or a county service area and provide funding to ensure that the district has adequate capacity to provide services, or

B2. if condition A-1 is not feasible, establish an adequate ongoing funding source and execute a fire protection agreement with an appropriate local fire service provider with LAFCO approval, as appropriate, or

~~C3. record acknowledgment of no available emergency response and fire suppression services and implement required mitigations.~~

Proposed Final Version:

IS-S4. Subdivisions Outside of Fire District Boundaries. Subdivisions outside of fire district boundaries shall be conditioned to:

1. annex to or form a fire-related district or a county service area and provide funding to ensure that the district has adequate capacity to provide services, or

2. if condition 1 is not feasible, establish an adequate ongoing funding source and execute a fire protection agreement with an appropriate local fire service provider with LAFCO approval, as appropriate, or

3. record acknowledgment of no available emergency response and fire suppression services and implement required mitigations.

Proposed Edits:

IS-S5. Other Development Outside of Fire District Boundaries. New industrial, commercial, and residential development, outside of fire related district boundaries, excluding subdivisions pursuant to the Subdivision Map Act, shall be responsible, prior to permit approval, to obtain, from an appropriate local fire service provider, written acknowledgment of the available emergency response and fire suppression services and recommended mitigations, from a fire service provider. ~~If written acknowledgment indicates that no service is available or no acknowledgment is received the following shall apply:~~

- For building permits a note shall be placed on the permit indicating that no emergency response and fire suppression services are available.
- For discretionary permits findings shall be made that no service is available and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.

Proposed Final Version:

IS-S5. Other Development Outside of Fire District Boundaries. New industrial, commercial, and residential development, outside of fire related district boundaries, excluding subdivisions pursuant to the Subdivision Map Act, shall be responsible, prior to permit approval, to obtain, from an appropriate local fire service provider, written acknowledgment of the available emergency response and fire suppression services and recommended mitigations.

If written acknowledgment indicates that no service is available or no acknowledgment is received the following shall apply:

- For building permits a note shall be placed on the permit indicating that no emergency response and fire suppression services are available.
- For discretionary permits findings shall be made that no service is available and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.

New policy #1

IS-PX. Building Permit Referrals. Provide building permit referrals to the appropriate local fire chief for new buildings within the fire related district boundary and/or the identified response area.

New policy #2

IS-PX. Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.