



CITY OF MURRIETA

August 12, 2020

Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

RE: City of Murrieta General Plan Safety Element Assessment

Dear Members of the Board,

Thank you for the recent review and assessment of the City of Murrieta Safety Element, a part of the City's recently approved General Plan Update. The City was pleased to work with CALFIRE staff, including Captain Marcus Hernandez in our local Riverside County office on the updated Safety Element. We appreciated the presentation made by Captain Hernandez at the Tuesday, June 9, 2020, Board of Forestry and Fire Protection - Joint Committee Workshop via teleconference and the recommendation of the Board on our Safety Element.

The City's Safety Element Assessment indicates that the City has met all of the recommendations made by CALFIRE staff to the Board, except one regarding a potential policy to avoid or minimize development in the Very High Fire Hazard Severity Zone (VHFHSZ). The recommendation for this potential policy was discussed at length with CALFIRE staff during the General Plan Update over the past two years and the City decided not to include such a policy as recommended for several reasons.

As noted in the assessment, the City has the following policies that do address this issue area in the Safety Element:

SAF-1.1 Encourage that areas be dedicated as open space when necessary and appropriate to protect property, minimize impacts to public health, and to provide safety from hazards such as wildland fires, earthquake fault zones or flood plains.

SAF-7.1 Continue to require development in very high fire hazard areas to use fire-resistant building materials and landscaping, and to meet the required codes, standards and specifications for fuel modification, access, and water facilities.

SAF-7.6 MFR will consider different forms of mitigation for new residential development in Very High Fire Zones to minimize potential fire hazards through feasible project design, including but not limited to designing development to meet or exceed compliance with current Public Resources Code 4290 & Government Code 51175-51189.

The City reviews new development as part of its development review process in the VHFHSZ areas and applies the required codes, standards and specifications for potential development in these areas as an initial step in wildfire preparedness. This includes significant fire setbacks being required for development in the VHFHSZ areas and conditioning projects with the need for ongoing clearing and maintenance of properties in the future. This does not explicitly avoid or minimize development in a policy, but it does allow for limited development that is consistent with State law and applicable codes. The City has been diligent in applying engineering controls to meet the requirements of the Public Resources Code & Government Code (as noted in SAF-7.6 above) for construction projects in our development review process. Thus the development review process does address what CALFIRE and the Board of Fire and Forestry Protection have described as trying to limit and be smart and safe with new development in the VHFHSZ in our area.

The City of Murrieta has its own locally supported fire department, Murrieta Fire & Rescue (MFR), that is internally part of the City's management and governmental structure. MFR is the lead regarding development reviews for fire safety and wildfire preparedness from inception to final inspection on projects. The City's own police department and MFR work closely in the City to ensure residents are safe in the event of an emergency, such as a wildland fire. MFR is also an accredited fire agency by the Center for Public Safety Excellence, and is able to respond in adequate time during an emergency. The City's locally experienced staff and City review of projects allow for the ability for some potential development in VHFHSZs when MFR deems it adequately planned and maintained considering wildfire preparedness.

The City of Murrieta is located at the intersection of the I-15 and I-215 freeways in the southwestern portion of Riverside County. Should an emergency occur in the City, such as a significant wildland fire, the City's existing street network provides a number of evacuation routes leading to the freeways and state highways with various potential routes for evacuation to the north and south along the freeway corridors (primarily) and also the east and west if necessary. Having adequate evacuation routes in the City allow for the ability for some development in VHFHSZs when residents can still evacuate adequately when needed.

The City would also like to bring to the Board's attention that the City recently had two significant wildland fires, the Liberty Fire in 2017 and the Tenaja Fire in 2019. In both situations the City worked closely with CALFIRE and the County of Riverside to handle these incidents. There were no significant structural losses in the City in these fires and the City has determined in part this is because of the City's

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exemplary MFR staff, response, and preparedness, in part by planning in advance for potential fires and maintaining property in the City by clearing as noted above. Additionally, VHFHSZ maps for the City and our local area are outdated having not considered the extensive development that has occurred in areas in more recent years. Some of these areas have been defined as the VHFHSZ but due to the recent development there is no vegetation and perhaps part of why fires have not started or spread into these areas.

The recommended policy to avoid or severely limit development in VHFHSZ areas could be considered a taking under the Nollan/Dolan case law in California. The City has many existing properties, primarily rural residential, that are located within the VHFHSZs that are as of yet undeveloped, but do allow for some development in the future, such as a residence. Such a policy to avoid development, if implemented, could result in potential lawsuits against the City for loss of development rights for these types of properties. The City is not willing to take on this legal risk at this time.

The City would also turn the Board's attention to recent State laws passed by the legislature, such as SB 330 – The Housing Crisis Act of 2019. In these recent laws, the State has indicated that all forms of residential development are needed at this time, particularly in areas already designated for residential development. The City is not able to “downzone” or remove the ability for potential development of housing density under state law without providing the equivalent development potential elsewhere in the City. Additionally, development that is already approved, but not yet built is “pipelined” under SB 330 and can't be avoided or minimized if it has already been approved for future development. Therefore, requiring that residential development be avoided in areas that are residentially zoned could be in conflict with recent State law. This could also create additional legal risks for the City, being inconsistent with State law.

The City appreciates this opportunity to provide the rationale behind the City's thinking in this area. Should you need to reach out to City staff, please contact City Planner, Jarrett Ramaiya by email jramaiya@murrietaca.gov or by phone at 951-461-6069.

Sincerely,



Ivan Holler
Assistant City Manager
City of Murrieta