



# PERMIT SONOMA FIRE PREVENTION DIVISION

FIRE SERVICES \* HAZARDOUS MATERIALS

JOINT 3/



Dear Honorable Board of Forestry Members,

We appreciate our agencies' collaborative effort to protect our community from wildland fire hazard. Fire protection is a top priority in Sonoma County. The County of Sonoma team has worked hand in hand with Board of Forestry staff, CalFire, our local fire protection districts, and our community stakeholders. As we continue to work together to develop new methods to enhance fire safety protections, the County's current minimum fire safety standards far exceed any current State law. The County of Sonoma respectfully requests certification. For many years, we have developed the fire safe standards protections working together with our community, the Board of Forestry staff and CalFire staff in a collaborative effort. Sonoma County's fire safety standards meet or exceed State law or has the same practical effect.

The County's ordinance sets forth minimum road construction standards. This does not set the ceiling of fire safety requirements; it sets the floor. The minimum standard requires fire inspectors to perform evaluations of proposed developments subject to the County's Chapter 13, Article V fire safe standards to confirm that the proposed development meets or exceeds standards, and all 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. This is the minimum standard. Sonoma County meets or exceeds current State standards or has the same practical effect.

## I. Single family building permits

Sonoma County's minimum road standards for a single new family building permit are more restrictive than State law or have the same practical effect.

- a. **County standards.** An existing private road serving a legal parcel must be **at least 12 feet in width** with one foot of vegetation clearance on each side of the road -- **a total of 14 feet of horizontal clearance.** Sonoma County Code §13-25(f). Moreover, an existing driveway serving a single rebuilt home must include turnouts and turnarounds for enhanced fire equipment access and evacuation. Sonoma County Code §13-25(h). Further, a new driveway serving a single family home on a single parcel must be at least **12 foot wide traffic lane**, and include specified turnouts and turnarounds for long driveways. Sonoma County Code §13-37(a).
- b. **State standards.** Current State regulations do not require a single family home building permit applicant to pay to expand a public road outside of parcel boundaries to 20 foot widths and pay neighbors for easement rights to pave over their properties. To the contrary, current State regulations allow a developer constructing *two new homes* and *creating two new parcels* to construct **only a 10 foot wide traffic lane** with a total of **14 feet of horizontal clearance.** 14 California Code of Regulations §1273.01(c). It is possible this may change with updated Board of Forestry regulations. However, when considering whether the County's ordinance meets or exceed or has the same practical effect, the comparison must be with existing State law. The comparison is not with a possible future State regulation that has not been through meetings with statewide stakeholders and the appropriate APA rulemaking procedures.



Moreover, Sonoma County has adopted additional fire protection standards for all new residential and commercial construction on legal parcels in Very High Fire Severity Zones. In Very High Fire Severity Zones, all new residential and commercial construction applicants must retain a qualified professional to prepare a fire protection plan unique to the site-specific wildfire risk of that parcel. Sonoma County Code §13-17(b)(92). The Sonoma County Board of Supervisors adopted this unique local amendment to the California Fire Code after noticed public hearings several years ago, going above and beyond State law requirements to protect our community. The fire protection plan must address water supply, building ignition and fire-resistance factors, wildland fire history, defensible space protections -- and access.

Conclusion: The County of Sonoma's minimum standards meet or exceed State law or have the same practical effect.

## II. Discretionary approvals – including minor subdivisions and use permits

To ensure adequate ingress, egress and the capacity for concurrent evacuation and emergency response for all discretionary approvals such as minor subdivisions, subdivisions and use permits, the County Fire Marshal reviews the specific topography and ingress, egress and the capacity for concurrent evacuation and emergency response of a proposed development project, and requires additional turnouts and turnarounds or other mitigation measure on existing roads to ensure concurrent fire engine access and civilian evacuation pursuant to federal and state laws, as well as Sonoma County Code §13-63.

Moreover, public roads serving discretionary approval projects such as minor subdivisions, subdivisions and use permits are evaluated to ensure adequate ingress, egress and the capacity for concurrent evacuation and emergency response. The County's Department of Transportation and Public Works professionals review all discretionary development project approvals – including minor subdivisions, subdivisions and use permits -- and ensure public road improvements are included in the conditions of approval pursuant to the Board of Supervisor's adopted Traffic Impact Guidelines. For development projects that require traffic studies, the permit applicant must retain a licensed civil engineer to propose off site road upgrades, including upgrades to ensure adequate emergency access.

- a. County standards for minor subdivisions . The minimum road width standards for a new road serving minor subdivisions (two to four parcels) must be no less than 16 feet in width of road and shoulders, plus 6 feet of additional cleared space which is specifically defined to allow access. In addition, the minor subdivision must include turnouts and turnarounds. 16+6= 22 feet of horizontal clearance width, plus turnouts and turnarounds. New roads serving even a two parcel minor subdivision must have **no less than 22 feet of access width, plus turnouts and turnarounds**, to ensure reasonable ingress, egress and concurrent evacuation. Sonoma County Code §13-34(a)(1).
- b. State standards for minor subdivisions. The State standards differ for minimum subdivisions. For a minor subdivision creating two new parcels, the State regulations require only a **10 foot traffic lane and a total of 14 feet of horizontal clearance**. For a minor subdivision creating three or four new parcels, the State regulations require a **20 foot two lane road**.



Conclusion: The County's 22 feet of ingress, egress and concurrent access and evacuation width, plus turnouts and turnarounds, significantly exceeds State road width requirements for minor subdivisions. The County of Sonoma's minimum standards meets or exceeds State law or has the same practical effect.

### III. Large Single Family Dwelling Projects and Large Multifamily Dwelling Projects

The County of Sonoma's minimum road width standards for larger development projects go even farther. For over a decade, the Sonoma County Board of Supervisors has adopted secondary fire apparatus access road standards for larger developments. This is not required by State law. These are model fire apparatus access road standards recommended – *but not required* – by the California State Fire Marshal in Appendix D to the California Fire Code. The County's Board of Supervisors has adopted this local amendment to the California Fire Code. The County requires two separate and approved fire apparatus access roads for developments of one-or-two family dwellings where the number of dwelling units exceeds thirty. Sonoma County Code §13-17(b)(139). The County also requires multi-family dwelling residential projects having more than 50 units to have two separate and approved fire apparatus roads pursuant to Sonoma County Code Section 13-17(b)(136). This minimum road construction standard is more restrictive than any current State law.

#### a. County standards:

- a. Developments of 30 + one-or-two family single family dwellings.  
Minimum road construction standards require two separate and approved fire apparatus access roads.
- b. Developments of multi-family dwelling residential projects having more than 50 units.  
Minimum road construction standards require two separate and approved fire apparatus access roads.

- b. State standards: No current State law requires this. The State regulations do not include secondary fire apparatus access road requirements for larger development projects. Again, it is possible this may change with the updated Board of Forestry regulations. However, when considering whether the County's ordinance meets or exceed or has the same practical effect, the comparison must be with existing State law. The comparison is not with a possible future State regulation that has not been through meetings with statewide stakeholders and the appropriate APA rulemaking procedures.

Conclusion: The County of Sonoma's minimum ingress, egress and concurrent access and evacuation standards far exceed State standards for large single family dwelling projects and large multifamily dwelling projects.

### IV. Large Commercial and Industrial Projects

Further, for over a decade, the County has worked with our local stakeholders, the State Fire Marshal and CalFire to require secondary access road requirements for large commercial and industrial construction projects. Again, this is not required by the California Fire Code. The County Board of Supervisors, after noticed public hearings



and significant community outreach, has for over a decade adopted local amendments to the California Fire Code to require large commercial and industrial building permit approvals to have no fewer than two means of fire apparatus access roads for each structure. Sonoma County Code §13-17(b)(125)-(140). The County also requires aerial fire apparatus access roads. The aerial fire apparatus access roads must be at least 26 feet in width.

**County standards** 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) which requires all of the following:

- i. 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.
- ii. Buildings exceeding 62,000 square feet in area. Buildings or 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.
- iii. Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses unless otherwise approved by the fire code official.

### **Commercial and Industrial - 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.

Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned paralleled to one entire side of the building. The side of the building on which the aerial fire apparatus is positioned shall be approved by the fire code official.

Sonoma County Code §13-17(b) (125)-(140)



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- c. **State standards.** No current State law requires this. The State regulations do not include secondary fire apparatus access road requirements for large commercial and industrial development projects. Again, it is possible this may change with the updated Board of Forestry regulations. However, when considering whether the County's ordinance meets or exceed or has the same practical effect, the comparison must be with existing State law. The comparison is not with a possible future State regulation that has not been through meetings with statewide stakeholders and the appropriate APA rulemaking procedures.

Conclusion: The County of Sonoma's minimum ingress, egress and concurrent access and evacuation standards far exceed State standards for large commercial and industrial construction.

### Next Steps: Let's Work Together to Do More

Sonoma County is a leader in developing laws to enhance fire protection opportunities. While fire protection is a top priority, there are many other critical issues facing our community. These include homelessness and a lack of affordable housing. Sonoma County has been creative problem solving with our own team of land use planning experts, traffic and road experts, our own Registered Professional Forester, our fire prevention experts, CalFire, the State Fire Marshal and the Board of Forestry staff to meet the goals of fire safety protections in a manner that protects private property rights, and also helps resolve these other critical priorities. CalFire has recently reviewed Sonoma County's fire protection evaluation practices. CalFire continues to support Sonoma County's practices. Our agencies have developed a strong partnership.

Yet, we can do more together. The County of Sonoma looks forward to continuing our valuable partnership with the Board of Forestry, CalFire, other counties, other statewide stakeholders and our community to consider how to increase our fire protection opportunities in a manner that also allows us to address other critical priorities. We share many of the same goals. Our experts can continue to work together – with many other statewide stakeholders - - to develop more tools to protect our community.

Our staff are available to respond to any additional questions. We are also available to meet virtually at your convenience.

Best regards,

Sonoma County Fire Marshal James Williams

CC: Tennis Wick, Director of Permit Sonoma

Linda Schiltgen, Deputy County Counsel