

Mono County Board of Supervisors 2021 State Min Fire Safe Regs

June 6, 2021

BACKGROUND

❖ **Established: January 1, 1991**

"...perimeters and access to all residential, commercial and industrial building construction" in SRA, addressing:

- Road standards for fire equipment access
- Standards for road and building signs
- Minimum private water supplies for emergency fire use
- Fuel breaks and greenbelts

BACKGROUND

❖ 2020 SMFSR Updates:

- **2019 Amendment** (Regular Rulemaking) - Jan 1, 2020
- **2020 Amendment** (Emergency Rulemaking) - July 27
 - Exempted ADUs/JADUs and wildfire rebuilds
 - Emergency regs in place until 2021 SMFR approval
- **Current Regular Rulemaking:** Began in Nov. 2020, public hearing in March 2021, applies to VHFHSZ's on July 1

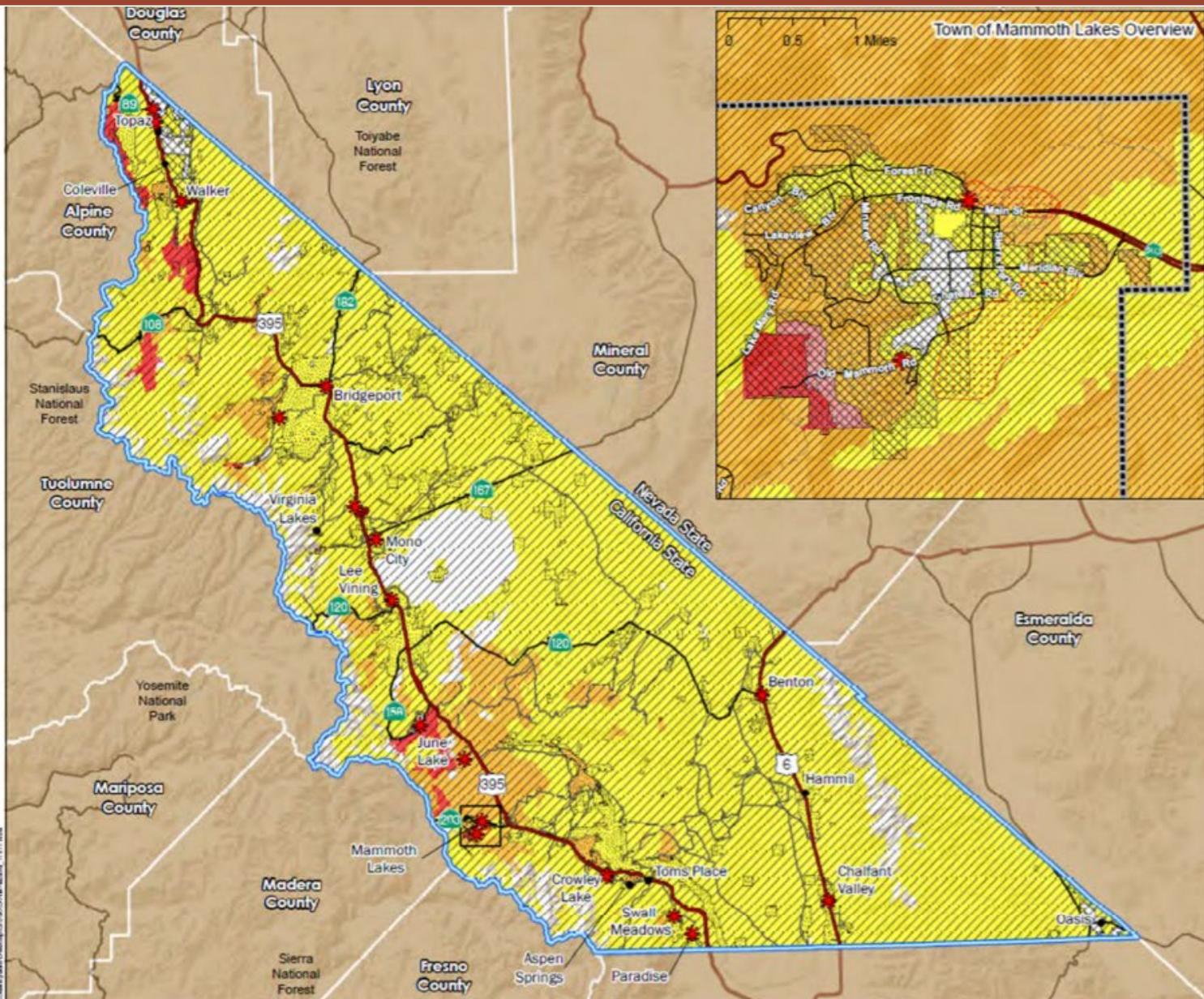
BACKGROUND

❖ Senate Bill 901 – September 2018

- **July 1, 2021:** SMFSR apply to Local Responsibility Areas (LRA) in Very High Fire Hazard Severity Zones (VHFHSZ)
- Require more frequent updates related to fuel breaks/greenbelts near communities
- Preserve undeveloped ridgelines to reduce fire risk and improve fire protection

BACKGROUND

- ❖ **State Responsibility Area (SRA):** CAL FIRE has a legal responsibility to provide fire protection.
 - Mono County = San Bernardino/Inyo/Mono Cal Fire Unit
 - CAL FIRE does not have responsibility for:
 1. Densely populated areas
 2. Incorporated cities
 3. Agricultural lands
 4. Lands administered by the Federal Government.
- ❖ **Federal Responsibility Area (FRA):** Federal Government has legal responsibility for fire protection.
- ❖ **Local Responsibility Area (LRA):** Lands where neither the state nor the federal government has any legal responsibility for providing fire protection.



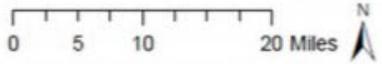
Mono County and Town of Mammoth Lakes: Hazard Mitigation Plan



Fire Hazard Severity

- Fire Department
- Very High
- Very High (Town of Mammoth)
- High
- Moderate
- Urban Unzoned
- Federal Area of Responsibility
- State Area of Responsibility
- Local Area of Responsibility
- High Risk Vegetation (Town of Mammoth)

Sources:
 Communities - County of Mono
 County Boundaries - County of Mono
 Town of Mammoth Lakes Boundary - County of Mono
 Roads - County of Mono
 Fire Hazard Severity - CalFIRE



1 Title 14 of the California Code of Regulations (14 CCR),
2 Division 1.5, Chapter 7
3 Subchapter 2, Articles 1-5
4 "DRAFT State Minimum Fire Safe Regulations, 2021"

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7 Subchapter 2. ~~SPA/VHFHSZ~~ State Minimum Fire Safe Regulations
8 Article 1. Administration
9 § 1270.00. Title.
10 These regulations shall be known as the "~~SPA/VHFHSZ~~ State
11 Minimum Fire Safe Regulations," and shall constitute the ~~basic~~
12 minimum ~~w~~Wildfire protection standards of the California Board
13 of Forestry and Fire Protection.
14 Note: Authority cited: Section 4290, Public Resources Code.
15 Reference: Sections 4102, 4126, 4127 and 4290, Public Resources
16 Code.

❖ Organization:

- Article 1: Administration
- Article 2: Ingress and Egress
- Article 3: Signing and Building Numbering
- Article 4: Water Supply
- Article 5: Building Siting, Setbacks, and Fuel Modification

SMFSR OVERVIEW

ARTICLE 1: CONCERNS

**Mono County and the Board of Forestry have similar interests:
to reduce the loss of life and property due to wildfire.**

ARTICLE 1: Administration

❖ §1270.02 – Purpose

- **Specific Concern:** BOF should not be intending to limit construction and development, but make it safer within reasonable bounds of existing constraints.
- **Solution:** Modify language to emphasize “conditioning” rather than “limiting” development

ARTICLE 1: CONCERNS

ARTICLE 1: Administration

❖ Definitions

- **Specific Concern:** Define driveway and road in a manner that allows for the density that may be outright permitted on multi-family or higher density parcels.
- **Solution:** Suggested modifications to definitions

ARTICLE 2: CONCERNS

ARTICLE 2: Ingress and Egress

❖ §1273.00 – Application of new road standards and existing road standards

- **Specific Concerns:** Thresholds for application of new road/driveway standards
 - Clarify standards only apply to new construction of those triggered by use permit thresholds
 - Very minor increases in development intensity could trigger upgrade requirement to new road standards
 - Unreasonable: cost; existing land ownership patterns, topography, etc., may constrain existing road
 - Requirement may be disproportionate to impact
 - Undermines state directives for housing stock increase
 - Undermines economic development
 - Environmental Justice issue: only the wealthiest developers can afford

ARTICLE 2: CONCERNS

ARTICLE 2: Ingress and Egress

❖ §1273.00(d) – Building Construction Prohibition

- **Specific Concerns:** Creates a prohibition on Building Construction where Access does not meet “Standards for Existing Roads.” May create significant undevelopable lots/areas in Mono County.
 - May be unreasonable due to cost and existing constraints
 - Requirement disproportionate to impact
 - Environmental Justice: only wealthiest landowners can develop
 - In conflict with state housing directives
- **Solution:** Eliminate this section and rely on the thresholds in §1273.00(c).

ARTICLE 2: CONCERNS

ARTICLE 2: Ingress and Egress

❖ If BOF rejects eliminating §1273.00(d):

- Provide exemptions for takings and sensitive environmental areas.
- Clarify surfacing requirements, and only require upgrades if native surfaces are proven to be structurally unsound to bear required weights

ARTICLE 2: CONCERNS

❖ §1276.01 – Minimum 30' setbacks on all parcels

- **Specific Concern:** Smaller parcels or parcels with one or more constraining dimensions may not be able to meet the required setbacks.
 - May push development to large rural parcels rather than within or adjacent to existing communities, as required by Mono County General Plan.
- **Solutions:**
 - Revert to setback standards based on parcel size (parcels less than one acre subject to local setbacks)
 - Provide administrative variance procedure for local approval under certain criteria
 - Clarify WUI standards that must be met to qualify for an exemption

ARTICLE 2: CONCERNS

❖ If BOF rejects suggestion for §1276.01:

- Add a specified timeframe within which the inspection authority must respond to an exemption request otherwise it is deemed granted.
- Provide for a transition period to allow applications already in progress to be processed under standards at the time of submittal.
- Exempt wildfire rebuilds provided nonconformity with setback is not increased.

ARTICLE 2: CONCERNS

❖ §1273.13 – Secondary Routes for Existing Roads

- **Specific Concern:** Requires these routes to meet standards for New Roads. Providing a secondary access to older subdivisions should be a priority and not hindered by New Road standards.
- **Solution:** Add language prioritizing an egress only route to support passenger vehicles for older subdivisions. Require new subdivisions to meet New Road standards.

ADDITIONAL COMMENTS

- ❖ **Water Supply:** Only apply to new subdivisions and construction
- ❖ **Ridgelines:** Language added to exempt takings
- ❖ **Fuel Breaks:** Language added to define substantial compliance on an existing road and apply a development threshold.

SUGGESTED EDITS

- ❖ Staff recommends footnoting Mono County recommendations that are consistent with other agencies such as RCRC and Santa Clara County
- ❖ Add RCRC and CSAC to the cc list