



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 6, 2017

AGENDA ITEM NO: 5

PROJECT DESCRIPTION

APN:	Multiple
Applicant:	Land Use Services Department
Community:	Multiple Communities, Countywide
Location:	Countywide and all areas within the existing Fire Safety Overlay Areas
Project No:	P201700093
Staff:	Chris Warrick
Proposal:	A Development Code Amendment to modify provisions relating to the Fire Safety Overlay District in Chapter 82.13, with related amendments to hillside grading standards in section 83.08.040, residential development standards in sections 84.16.040 and 84.21.030, and planned development standards in Chapter 84.18.

Hearing Notice Published: March 26, 2017

Report Prepared By: Chris Warrick

PROJECT DESCRIPTION

Project: The proposal (Project) is a San Bernardino County Development Code (Development Code) Amendment to modify the Fire Safety Overlay regulations in Chapter 82.13. For purposes of maintaining consistency throughout the Development Code, additional Chapters will also be amended, which include the Hillside Grading Standards (Section 83.08.040), the Residential Development Standards (Section 84.16.040 and 84.21.030) and the Planned Development Standards (Chapter 84.18).

Location: The Ordinance amending the Fire Safety (FS) Overlay regulations will affect many areas throughout the Mountains, Foothills and Valley Areas that are currently within the Fire Safety (FS) Overlay.

BACKGROUND

The Land Use Services Department (LUSD), in conjunction with the County Fire Department (County Fire), evaluated Chapter 82.13, the Fire Safety (FS) Overlay, of the Development Code. The FS Overlay was found to be outdated and was not consistent with Title 24 of the California Code of Regulations. The FS Overlay is currently divided into three fire safety zones, FS-1, FS-2 and FS-3. These zones have different building requirements, which tend to cause confusion for builders and designers. In addition, certain portions of these FS Overlay map areas are outside the boundaries of the Fire Hazard Severity Zone maps, as approved by the state Department of Forestry and Fire Protection (CalFire), and as such, are not located in significant fire hazard areas.

ANALYSIS OF PROPOSAL

Role of the Planning Commission: The Planning Commission is appointed by the Board of Supervisors (Board) to consider matters of planning, zoning, land use and development. The Development Code contains County planning, zoning, land use and development regulations adopted by the Board, with recommendations from the Planning Commission. Fire Safety standards and regulations related to land use and development are regulated by the Development Code, and therefore require a recommendation from the Planning Commission.

Content of the Proposed Ordinance: The proposed ordinance amends Chapter 82.13 of the Development Code, entitled “Fire Safety (FS) Overlay”. The primary purposes for the amendment is that the FS Overlay was found to be outdated and was not consistent with Title 24 of the California Code of Regulations. Below are some of the principal changes to the ordinance:

- The current overlay districts (FS-1, FS-2 and FS-3) will be consolidated into one FS District.
- Certain portions of these FS Overlay map areas are outside the boundaries of the Fire Hazard Severity Zone maps, as approved by CalFire. These areas are not located in a significant fire hazard area and will be removed.
- The new ordinance amends or eliminates the requirements that conflict with the California Building Code, Chapter 7A and the California Residential Code, Chapter 337. These aforementioned California code requirements include fire and ember resistive exterior decking, fascia material, exterior glazing, insulation and roof vents, which will still apply within the FS Overlay area.

These revisions will maintain consistency with the State requirements, provide for more consistent application of these requirements by the County, and serve to further clarify the wildfire risk areas designated by County Fire.

ENVIRONMENTAL DETERMINATION

The Proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) because the proposed amendment maintains consistency with state Fire Hazard Severity Zone maps, eliminates the requirements that conflict with the California Building Code and continues to protect public health and safety. As such, there is no possibility that the activity in question may have a significant effect on the environment, pursuant to section 15061(b)(3) of the CEQA Guidelines.

FINDINGS

The following findings and the evidence to support such findings must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed ordinance amending the Development Code is consistent with the General Plan and any applicable community plan or specific plan because the ordinance will consolidate the three FS Overlay zones into a single FS Overlay zone, which will create more consistency with Cal-Fire’s Fire Hazard Severity Zone maps. It will eliminate the requirements that conflict with the California Building Code, Chapter 7A and the California Residential Code, Chapter 337. The proposed Fire Safety Overlay ordinance will continue to protect public health and safety, consistent with the following excerpts from the Countywide Vision and the General Plan:

We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment.

POLICY S 3.3: Minimize the fire hazard posed by expanding development in wildland/urban intermix areas.

Program: Apply the regulations of the Fire Safety Overlay Ordinance, as found in the Development Code; to all County areas subject to wildland/urban intermix fire hazards including all mountain and foothill areas.

POLICY S 3.4: Identify and map all such areas on a continuous basis, amending the Fire Hazard Overlay maps where needed.

POLICY S 3.5: Evaluate the Fire Hazard Overlay Ordinance regularly and revise when necessary to reflect the most current fire-safe building and development techniques and standards (e.g., provision of life safety fire sprinklers in new construction of dwelling units).

2. The proposed ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The ordinance is proposed with the express purpose of preserving public health and safety, by consolidating the three FS Overlay zones into a single FS Overlay zone and providing consistency with Cal-Fire’s Fire Hazard Severity Zone maps. It will eliminate the requirements that conflict with the California Building Code, Chapter 7A and the California Residential Code, Chapter 337, which include fire and ember resistive exterior decking, fascia material, exterior glazing, insulation and roof vents that will still apply within the FS Overlay area.
3. The proposed ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. For purposes of maintaining consistency throughout the Development Code, additional Chapters will also be amended, which include the Hillside Grading Standards (Section 83.08.404), the Residential Development Standards (Section 84.16.040 and 84.21.030) and the Planned Development Standards (Chapter 84.18).
4. The proposed amendment is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3) because it can be determined that implementation of the proposed ordinance would not have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. **ADOPT** the proposed Ordinance amending Title 8 of the County Code (Development Code) modifying certain provisions relating to the Fire Safety Overlay District in Chapter 82.13, with related amendments to hillside grading standards in section 83.08.040, residential development standards in sections 84.16.040 and 84.21.030, and planned development standards in Chapter 84.18.
- B. **ADOPT** the findings as contained in the staff report.
- C. **FILE** the Notice of Exemption.

ATTACHMENTS

Exhibit A: Proposed County Code Section Changes (Red-lined Version)

EXHIBIT A

Proposed County Code Section Changes (Red-lined Version)

CHAPTER 82.13 FIRE SAFETY (FS) OVERLAY

Sections:

- 82.13.010 Purpose
- 82.13.020 Location Requirements
- 82.13.030 Fire Safety [Overlay](#) Areas
- 82.13.040 Application Requirements
- 82.13.050 General Development Standards
- 82.13.060 [FS1, FS2, and FS3 Development Standards Reserved](#)
- 82.13.070 [FS1 Additional Development Standards Reserved](#)
- 82.13.080 [Soil Erosion and Sediment Control Plans/Permits Reserved](#)
- 82.13.090 Alternate Hazard Protection Measures

82.13.010 Purpose

The Fire Safety (FS) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

82.13.020 Location Requirements

The FS Overlay shall be [mapped on the General Plan Hazards Maps with the boundaries derived from the California Department of Fire and Rescue \(Cal Fire\), U.S. Forest Service, and the County Fire Protection District \(County Fire\), designated in high fire hazard areas as mapped on the General Plan Hazards Maps with the locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department.](#)

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009) ; [Amended Ordinance XXXX \(2017\)](#)

82.13.030 Fire Safety [Overlay](#) Areas

The FS Overlay ~~is divided into three fire safety areas to~~ corresponds to distinct geographic areas and the associated wildland fire hazard. The requirements applicable to ~~each the~~ fire safety area are found in Section 82.13.050 (General Development Standards), ~~Section 82.13.060 (FS1, FS2, and FS3 Development Standards), and 82.13.070 (FS1 Additional Development Standards).~~

[The Fire Safety Overlay includes areas within the mountains, valley foothills, and desert region designated by the Fire Authority as a wildfire risk area. It includes all the land generally characterized by areas varying from relatively flat to steep sloping terrain and with moderate to heavy fuel loading contributing to high fire hazard conditions. Present and future development within the Fire Safety Overlay is exposed to the impacts of wildland fires and other natural hazards](#)

primarily due to native fuel types, topography, and prevailing weather conditions such as Santa Ana winds. These factors contribute to the potential of extreme wild land fire behavior conditions.

- ~~(a) **Fire Safety Area 1 (FS1).** Fire Safety Area 1 (FS1) includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions.~~

- ~~(b) **Fire Safety Area 2 (FS2).** Fire Safety Area 2 (FS2) includes those lands just to the north and east of the mountain FS1 area in the mountain desert interface. These areas have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas~~

~~— are periodically subject to high wind conditions that have the potential of dramatically spreading wildland fires.~~

~~(e) **Fire Safety Area 3 (FS3).** Fire Safety Area 3 (FS3) includes lands just to the south of the mountain FS1 area. These lands are primarily within the wildland-urban interface of the Valley Region and consist of varying terrain from relatively flat to steeply sloping hillside areas. Present and future development within FS3 is exposed to the impacts of wildland fires and other natural hazards primarily due to its proximity to FS1. These areas are subject to Santa Ana wind conditions that have the potential of dramatically spreading wildland fires during extreme fire behavior conditions.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); [Amended Ordinance XXXX \(2017\)](#)

82.13.040 Application Requirements

(a) **Notice of [Planning application](#) or [Building permit](#).** A notice of each [Planning application and/or Building and Safety building permit, land use application and/or development permit and/or building permit](#) that would lead to the construction of one or more structures or the subdivision of land within the FS Overlay shall be sent to the responsible Fire Authority for comment.

(b) **Review authorities.** Each proposed land use application that would lead to the construction or expansion of a structure or the subdivision of land shall be submitted to the responsible fire authority and the appropriate Natural Resource Conservation Service Office for review and recommendation. Any recommendations received shall be indicated in any staff report and/or presentation for the proposed development and shall be incorporated into project conditions of approval where possible.

~~(e) **Pre-application conference.** Every development project application submitted to the Department shall be reviewed by Department staff through a pre-application conference with the project proponent before the acceptance of the application for filing.~~

~~(d) **Density bonus.** A residential density bonus, if any, shall only be allowed through the approval of a Planned Development Permit in compliance with Chapter 85.10 (Planned Development Permits).~~

(c) **Fuel modification plan.** Each project application shall include a [fuel modification plan describing the fuel modification area required in Subsection 82.13.050\(1\)82.15.060\(b\) 6, below. The plan may be submitted as a preliminary and final plan. A preliminary and/or final plan shall be submitted concurrently with the development application to the Department for review in conjunction with the project design review. Final plans shall be reviewed and approved by the responsible Fire Authority. The fuel modification plan shall address the standards in Subsection 82.13.050\(1\)82.15.060\(b\) 6 below, and the following factors:](#)

- (1) The natural ungraded slope of the land within the project and in the areas adjacent to the project;
- (2) Fuel loading;
- (3) Access to the project and access directly to the fuel modified area;
- (4) The on-site availability of water that can be used for fire fighting purposes;
- (5) The continual maintenance of the fuel modified areas;
- (6) The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and
- (7) A list of recommended landscape plant materials that are fire resistant.

(ed) Subdivisions. When 25 percent or more of a subdivision project site involving five or more lots is located on natural slopes greater than 30 percent, the subdivision application shall be submitted concurrently with a Planned Development application to evaluate appropriate project design in consideration of topographic limitations of the site. This provision shall not apply if all of the areas on the site with natural ungraded slopes over 30 percent are permanently restricted from structural development. Each subdivision application shall include the following slope analysis information:

- (1) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
- (2) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, 30 percent to less than 40 percent, and 40 percent and greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.
- (3) The area, in acres, shall be tabulated for each category.

~~(f) Application requirements.~~ Each land use and other project application shall include the following information and materials, in addition to what is required by Section 82.13.060(b)(6) (Application Forms and Information Packets):

- ~~(1) **Slope analysis.** Each project application shall include a slope analysis. The slope analysis shall include the following information:~~
- ~~(A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.~~
 - ~~(B) The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, 30 percent to less than 40 percent, and 40 percent and greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.~~
 - ~~(C) The area, in acres, shall be tabulated for each category.~~
- ~~(2) **Preliminary grading plan.** Each project application shall include a preliminary grading plan, except that preliminary grading plan requirements may be waived by the Director if it is determined through the required preapplication conference that this requirement is unnecessary due to site specific soils, topographic or other physical conditions, or due to the specific design of the project. The preliminary grading plan shall include the following information:~~
- ~~(A) A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.~~
 - ~~(B) Contours of the finished graded slope shown at intervals similar to that on the topographic base map.~~
 - ~~(C) Street grades, slope ratios, flow lines, pad elevations, maximum elevation of top and minimum elevation of toe of finished slopes over five feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shown on the preliminary grading plan.~~
 - ~~(D) Compliance with the current edition of the California Building Code, as adopted by the County, is required.~~
 - ~~(E) In the event no grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection (f)1.a, above, and the map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each proposed parcel.~~

- ~~(3) **Fuel modification plan.** Each project application shall include a fuel modification plan describing the fuel modification area required in Subsection 82.15.060(b) 6, below. The plan may be submitted as a preliminary and final plan. A preliminary and/or final plan shall be submitted concurrently with the development application to the Department for review in conjunction with the project design review. Final plans shall be reviewed and approved by the responsible Fire Authority in conjunction with the County Fire Marshall. The fuel modification plan shall address the standards in Subsection 82.13.060(b)(6), below, and the following factors:~~
- ~~(A) The natural ungraded slope of the land within the project and in the areas adjacent to the project;~~
 - ~~(B) Fuel loading;~~
 - ~~(C) Access to the project and access directly to the fuel modified area;~~
 - ~~(D) The on-site availability of water that can be used for fire fighting purposes;~~
 - ~~(E) The continual maintenance of the fuel modified areas;~~
 - ~~(F) The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and~~
 - ~~(G) A list of recommended landscape plant materials that are fire resistant.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010); Amended Ordinance XXXX (2017)

82.13.050 General Development Standards

Each proposed development shall comply with all applicable requirements of this Chapter, as follows.

- (a) **All phases.** The requirements of this Chapter shall apply to all phases of a development project.
- (b) **Fire Authority standards.** All proposed development shall comply with ~~all other~~ applicable standards required by the responsible Fire Authority. This shall include the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and California Residential Code (CRC) Chapter 327 which ~~are~~ is included in this code by reference.
- (c) **Applicability of land use zoning district standards and overlay standards.** The development standards established by a land use zoning district and any applicable overlay shall apply, except as modified by this Chapter.

(d) **Additions, alterations, enlargements, or reconstructions.** Any addition, alteration, enlargement or reconstruction of a structure shall comply with the provisions of this Chapter. When an addition, alteration, enlargement or reconstruction of a structure equals or exceeds 50 percent of the existing structure, or 25 percent of the roof for roofing requirements only, the provisions of Section 82.13.060050(eh) (~~FS1, FS2, and FS3 Development Standards—~~Building separation standards), and Section 82.13.060050(ep) (~~FS1, FS2, and FS3 Development Standards—~~(Building construction requirements), and Section 82.13.070 (~~FS1 Additional Development Standards~~) regarding construction requirements shall apply to the entire structure and/or the whole roof as applicable. The structures and/or roofs shall be entirely retrofitted to comply with the requirements of this Chapter.

(e) Residential slope density. In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map (with the exception of one lot subdivisions) in sloping hillside areas shall be in compliance with the following criteria:

- (1) One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0-<15%);
- (2) Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15-<30%);
- (3) One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;
- (4) One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;
- (5) In the Rancho Cucamonga Sphere of Influence, zero density is allowed for any portion of a proposed Tentative Parcel Map or Tentative Tract Map on slopes of greater than 30 percent gradient.

(f) Site development requirements:

(f) Site and emergency access. Each development project and each development project phase, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress, designed to County road standards, with a minimum width of 26 feet of all-weather surface as defined in the California Fire Code, from existing and surrounding streets. The Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:

- (1) Two points of nonemergency access are physically infeasible;
- (2) Provisions have been made to reasonably ensure that the emergency access will be maintained; and

- (3) Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.
- (g) Private driveways or access roadways. Private driveways or access roadways for residential units shall not exceed 150 feet in length, unless approved by the Fire Authority in compliance with the California Fire Code Section 10.207 of the Uniform Fire Code.
- (h) Perimeter access to fuel modified and fire hazard areas. Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).
- (1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.

(2) Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.

(i) **Length of cul-de-sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.

(1) **Exception for parcels of less than five acres.** A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:

(A) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures); or

(B) Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.

(2) **Exception for parcels larger than five acres.** A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:

(A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.

(B) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

(3) **Alternate measures.** In compliance with Section 82.13.090 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:

(A) Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.

- (B) A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
- (C) The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
- (D) Other alternate measures approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

(j) Fences.

- (1) Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.
- (2) Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.
- (3) Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.

(k) Access to water supplies. There shall be vehicular access, at least 12 feet in width, to within at least 10 feet of each static water source, including ponds, lakes, swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two-and-one-half-inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the Fire Authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.

(l) Fuel modification areas.

(1) A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 82.13.040(c)060(b)(6) (Application Requirements – Fuel modification plans), above.

(2) When a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Paragraph A Subparagraph a, above, for permanent fuel modification areas and the factors addressed in the required fuel modification plan.

(m) Separation/Setback requirements. Each proposed structure shall comply with the following separation/setback requirements as applicable, in addition to the setbacks required by the applicable primary land use zoning district, and the building separation requirements in Subsection o€. (Building separation standards), below.

~~**(A) Firewood or flammable materials storage.** Each area used for the storage of firewood, or other flammable materials, shall either be located at least 30 feet away from all structures, or wholly enclosed within a structure.~~

(1B) Fuel tanks. Fuel tanks (e.g., liquefied petroleum gas tanks) shall be located at least 10 feet away from any structure and shall be in compliance with the standards in the California Fire Code, Section 83.02.080 (Allowed Projections into Setbacks), and Section 83.01.060 (Fire Hazards). The tanks shall be secured to the ground.

~~**(2C) National Forest boundary.** Each structure on a lot one acre or greater in size, that abuts a boundary of the San Bernardino National Forest, shall be set back at least 30 feet from the property line or boundary of the National Forest per the requirements of CCR 14 1276.01 and the Public Resources Code 4290. Each structure on a lot which is less than one acre in size, that abuts a boundary of the San Bernardino National Forest, shall adhere to the setback requirements established by the land use zoning district.~~

~~**(3D) Sloping site setbacks or fuel modification.** Each structure proposed in an area upslope, in an area with slopes exceeding 30 percent and 30 feet in height before grading and greater than 30 feet in height shall comply with the following requirements:~~

(A) For existing parcels Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or 100 feet from the structure, or to the property line, whichever distance is less. For newly created parcels, the vegetation shall be maintained as outlined above, or prescribed by a fuel modification plan.

(B) Where grading is utilized or proposed, that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure proposed upslope from the toe of the slope, shall be set back at least 30 feet from the edge of the slope.

(n) Decks. Cantilevered or standard type decks shall be:

Composed of noncombustible or ignition resistant materials, as defined and in accordance with the California Building Cod Chapter 7A or the California Residential Code Section 327, as approved by the responsible Fire Authority.

(o) Building separation standards. The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

(1) Building separation standards in the Fire Safety Overlay

(A) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed less than five feet to side or rear property lines.

(B) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in the Fire Safety Overlay area:

(I) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the County Code.

(II) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.

(III) Clustering of structures away from the development perimeter and away from fire hazard areas.

(IV) Other alternate measures if approved by the Fire Authority in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

(p) Building construction requirements.

(1) Fascia. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.

(2) Exterior glazing. Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

(A) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:

(I) Frame and sash are comprised of vinyl material with welded corners;

(II) Metal reinforcement in the interlock area;

(III) Glazed with insulated glass or tempered;

(IV) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and

(V) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.

(3) Insulation. Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.

(4) Roof coverings. Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

(q) Additional requirements. Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, soffitted eaves, etc.) as additional mitigation to the fire threat.

(r) Unoccupied Structures. At the discretion of the responsible Fire Authority, the fire safety development standards for projects located within a Fire Safety Overlay that only propose to construct unoccupied structures may be altered at the discretion of the responsible Fire Authority on a case-by-case basis without an approved variance.



Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (201X)

82.13.060 ~~FS1, FS2, and FS3 Development Standards~~(Reserved)

~~Development proposed in the FS1, FS2, or FS3 Overlays shall comply with all applicable requirements of this Section. Development proposed in the FS1 Overlay shall also comply with the requirements of Section 82.13.070 (FS1 Additional Development Standards).~~

~~(a) — **Residential density.** In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map (with the exception of one lot subdivisions) in sloping hillside areas shall be in compliance with the following criteria:~~

- ~~(1) — One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0- <15%);~~
- ~~(2) — Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15- <30%);~~
- ~~(3) — One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;~~
- ~~(4) — One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;~~
- ~~(5) — In the Rancho Cucamonga Sphere of Influence, zero density is allowed for any portion of a proposed Tentative Parcel Map or Tentative Tract Map on slopes of greater than 30 percent gradient.~~

~~(b) — **Site development requirements.**~~

~~(1) — **Site and emergency access.** Each development project and each development project phase, except for a development project located exclusively on a cul de sac, shall have a minimum of two points of vehicular ingress and egress, designed to County road standards, with a minimum width of 26 feet of all-weather surface as defined in the Uniform Fire Code, from existing and surrounding streets. The Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:~~

- ~~(A) — Two points of nonemergency access are physically infeasible;~~
- ~~(B) — Provisions have been made to reasonably ensure that the emergency access will be maintained; and~~

- ~~(C) — Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.~~
- ~~(2) — **Private driveways or access roadways.** Private driveways or access roadways for residential units shall not exceed 150 feet in length, unless approved by the Fire Authority in compliance with Section 10.207 of the Uniform Fire Code.~~
- ~~(3) — **Fences.**~~
- ~~(A) — Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.~~
- ~~(B) — Fences or walls required adjacent to fuel-modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.~~
- ~~(C) — Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.~~
- ~~(4) — **Water supply.** Each development project shall provide six-inch or larger circulating (loop) water mains as required by the Uniform Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the Fire Authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements shall be as specified by the Uniform Fire Code.~~
- ~~(5) — **Access to water supplies.** There shall be vehicular access, at least 12 feet in width, to within at least 10 feet of each static water source, including ponds, lakes, swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two-and-one-half-inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the Fire Authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.~~
- ~~(6) — **Fuel modification areas.**~~

- ~~(A) — A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. — In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 82.13.040(f)(3) (Application Requirements — Fuel modification plans), above.~~
- ~~(B) — When a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Subparagraph a, above, for permanent fuel modification areas and the factors addressed in the required fuel modification plan.~~
- ~~(7) — **Setback requirements.** Each proposed structure shall comply with the following setback requirements as applicable, in addition to the setbacks required by the applicable primary land use zoning district, and the building separation requirements in Subsection C. (Building separation), below.~~
- ~~(A) — **Firewood or flammable materials storage.** Each area used for the storage of firewood, or other flammable materials, shall either be located at least 30 feet away from all structures, or wholly enclosed within a structure.~~
- ~~(B) — **Fuel tanks.** Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least 10 feet away from any structure and shall be in compliance with the standards in the Uniform Fire Code, Section 83.02.080 (Allowed Projections into Setbacks), and Section 83.01.060 (Fire Hazards). The tanks shall be secured to the ground.~~
- ~~(C) — **National Forest boundary.** Each structure on a lot that was created on or after April 12, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 100 feet from the boundary. Each structure on a lot that was created between March 9, 1988 and April 11, 2007 and abuts a boundary of the San Bernardino National Forest shall be set back at least 30 feet from the boundary.~~
- ~~(D) — **Sloping site setbacks or fuel modification.** Each structure proposed in an area with slopes exceeding 30 percent and 30 feet in height shall comply with the following requirements:~~
- ~~(1) — Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or 100 feet, or to the~~

~~property line, whichever distance is less for existing parcels or the distance prescribed by a fuel modification plan for new development.~~

~~(H) — Where grading is utilized that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure shall be set back at least 30 feet from the edges of the graded area adjacent to the natural ungraded slopes.~~

~~(8) — **Street name signs.** All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to County standards and visible at all street intersections.~~

~~(9) — **Fire hydrant identification.** Each fire hydrant shall be identified by a method specified by the Fire Authority.~~

~~(10) **Erosion and sediment control.** Each development project, building permit, grading and any other significant land disturbing activity shall include the installation of erosion control measures in compliance with this Development Code.~~

~~(11) **Concealed spaces.** Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one hour construction.~~

~~(12) **Decks.** Cantilevered or standard type decks shall be:~~

~~———— (A) — Constructed with a minimum of at least one and one half inch wood decking; and/or~~

~~———— (B) — Protected on the underside with materials approved for one hour fire resistive construction; and/or~~

~~———— (C) — Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.~~

~~(13) **Exposed piping.** Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.~~

~~(c) **Building separation standards.** The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.~~

~~(1) — Building separation standards in FS1 and FS2 areas. In FS1 and FS2 areas, the following shall apply:~~

~~(A) — Each building on a parcel shall have exterior wall separations of at least 30 feet except as modified by Subsection (C) below.~~

- ~~(B) Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed less than five feet to side or rear property lines.~~
- ~~(C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;~~
- ~~(D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:~~
- ~~(I) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the County Code.~~
- ~~(II) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on site, to less steep areas within the development project.~~
- ~~(III) Clustering of structures away from the development perimeter and away from fire hazard areas.~~
- ~~(IV) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).~~
- ~~(2) **Building separation standards in FS3 areas.** In FS3 areas, exterior wall coverings shall be constructed of noncombustible materials or shall provide the equivalent one-hour fire-resistance-rated construction on the exterior side. Interior side yards shall not be less than five feet in width. Within the Mountain Region, building separation and side yard setbacks shall be as described in Paragraph 1, above.~~

~~(d) **Building construction requirements.**~~

- ~~(1) **Eaves.** Eaves shall be enclosed with a minimum seven eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.~~
- ~~(2) **Exterior doors.** All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3.(A), below.~~
- ~~(3) **Exterior glazing.** Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:
 - ~~(A) Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual or triple paned), tempered glass, or other assemblies approved by the Building Official.~~
 - ~~(B) Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:
 - ~~(i) Frame and sash are comprised of vinyl material with welded corners;~~
 - ~~(ii) Metal reinforcement in the interlock area;~~
 - ~~(iii) Glazed with insulated glass or tempered;~~
 - ~~(iv) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and~~
 - ~~(v) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.~~~~~~
- ~~(4) **Insulation.** Paper faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.~~
- ~~(5) **Roof coverings.** Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight fitting and the open ends of high profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.~~

- ~~(6) **Spark arresters.** Each chimney used in conjunction with a fireplace, or other heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, 12 gauge minimum of three eighths inch minimum to one half inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.~~
- ~~(7) **Street address numbers.** Each non-accessory building shall have internally illuminated non-combustible building address numbers legible from the street in compliance with the Uniform Fire Code.~~
- ~~(8) **Vents and openings.** Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.~~
- ~~(9) **Water faucets.** A minimum of two, three-quarter inch faucets with hose connections each served by a three-quarter inch waterline and installed before any pressure-reducing device shall be available per habitable structure separated by at least one-third of the perimeter of the structure. The faucets shall be on the sides of a structure facing fire hazardous areas whenever possible.~~
- ~~(e) **Perimeter access to fuel modified and fire hazard areas.** Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 82.13.090 (Alternate Hazard Protection Measures):~~
- ~~(1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.~~

- ~~(2) Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.~~
- ~~(f) **Length of cul-de-sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.~~
- ~~(1) **Exception for parcels of less than five acres.** A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:~~
- ~~(A) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures); or~~
- ~~(B) Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel-modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.~~
- ~~(2) **Exception for parcels larger than five acres.** A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:~~
- ~~(A) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.~~
- ~~(B) Alternate measures are utilized in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).~~
- ~~(3) **Alternate measures.** In compliance with Section 82.13.090 (Alternate Hazard Protection Measures) and dependent upon site-specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:~~
- ~~(A) Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.~~

- ~~(B) A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.~~
- ~~(C) The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.~~
- ~~(D) Other alternate measures approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).~~
- ~~(g) **Additional requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.~~
- ~~(h) **Unoccupied Structures.** At the discretion of the responsible Fire Authority, the fire safety development standards for projects located within a Fire Safety Overlay that only propose to construct unoccupied structures may be altered at the discretion of the responsible Fire Authority on a case-by-case basis without an approved variance.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4245 (2014); Amended Ordinance XXXX (2017)

82.13.070 (Reserved)

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

82.13.080 Soil Erosion and Sediment Control Plans/Permits (Reserved)

~~This Section provides regulations and procedures for project planning, preparation of Soil Erosion and Sediment Control Plans, runoff control, land clearing, and winter operations in order to control existing and potential conditions of human induced accelerated erosion.~~

~~(a) Applicability. The regulations in this Section apply to all areas within Fire Safety (FS) Overlays, except ministerial projects within the FS2 Areas, and ministerial projects in FS3 Areas that are located on parcels that are less than one acre and have a slope of less than 10 percent. All unincorporated areas of the County subject to Chapter 85.11 Pre-Construction Inspections shall comply with Subsection (c), (e) and (f) of this Section.~~

~~(b) Soil Erosion and Sediment Control Plans/Permits.~~

~~(1) Requirement of land clearing, grading or construction activities with approved Permit and Plan. Land clearing, grading or construction activities in the Fire Safety (FS) Overlay require a soil erosion and sediment control permit and shall comply with the provisions of an approved Soil Erosion and Sediment Control Plan, unless exempt as follows:~~

~~(A) Exempt in compliance with Section 88.02.030 (Exempt Activities); or~~

~~(B) Exempt as determined by the Building Official.~~

~~(2) Approval of Plan before issuance of permits. A Soil Erosion and Sediment Control Plan shall be submitted and approved before the issuance of the following:~~

~~(A) Building Permits.~~

~~(B) Grading Permits.~~

~~(C) Soil Erosion and Sediment Control Permits.~~

~~(D) Other permits where, in the opinion of the Building Official, erosion can reasonably be expected to occur.~~

~~(3) Plan contents. A Soil Erosion and Sediment Control Plan shall:~~

~~(A) Include the applicable measures required by this Chapter and other measures or modifications of proposed measures required by the Building Official.~~

~~(B) Identify building and access construction envelopes and identify areas that will not be disturbed by construction activity in order to minimize disturbance of erodible areas of a proposed development site.~~

~~(C) Preserve existing streams and drainage courses in their natural condition in order to retain their ability to accommodate runoff and water drainage with a minimum of erosion.~~

~~(4) Permit application requirements. The Building Official shall specify the following application requirements for Soil Erosion and Sediment Control Permits:~~

~~(A) Requirements for the submittal of plans and supporting data to accompany applications for Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.~~

~~(B) Licensing or certification requirements for those preparing Soil Erosion and Sediment Control Plan and Permit submittals.~~

~~(C) The incorporation and coordination of Soil Erosion Control Plans and Permits with other plan requirements.~~

~~(D) Other data/materials identified by the Building Official.~~

~~(5) Additional permit requirements. For additional permit requirements, see Subsection 82.13.080(f) (Winter operation measures).~~

~~(e) General erosion control requirements:~~

~~(1) Conditions causing accelerated erosion prohibited. No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Building Official.~~

~~(2) Notification to control erosion. Upon notification by the Building Official, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Building Official.~~

~~(3) Plan/Permit approval. Notwithstanding Subsection 83.13.080(a) (Applicability), the Building Official may require that a property owner, whose property has been cited in compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and Soil Erosion and Sediment Control Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans/Permits), above.~~

~~(4) Cessation of activities due to inclement weather. The Building Official may direct that a particular operation, process, or construction be stopped during periods of inclement weather if the Building Official determines that erosion problems are not adequately being controlled.~~

~~(5) Applicable laws and regulations. Land clearing and grading activities that comply with this Section shall also comply with all other applicable local, state, and Federal laws and regulations. Where there is a conflict with other County regulations, the conflict shall be resolved by using the most specific standard and shall be accomplished before the project is allowed to proceed.~~

~~(6) Appeals. A property owner, an aggrieved person, or a person whose interests are adversely affected by an action or determination of the Building Official may appeal the action or determination in compliance with Chapter 86.08 (Appeals).~~

~~(7) Variances. The Director may approve, conditionally approve, or deny a variance from the provisions of this Section, the permit conditions, or the plan specifications in compliance with Chapter 85.17 (Minor Variances). The Director may refer a variance request to the Commission in compliance with Section 85.17 (Variances).~~

~~(d) Runoff control measures. Activities subject to a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 10-year storm.~~

~~(1) Prevention of sediment discharge. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.~~

~~(2) Permeability rate.~~

~~(A) More than two inches per hour. Where soils have a permeability rate of more than two inches per hour, runoff in excess of 5 percent of the predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Building Official determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode.~~

~~(B) Two inches per hour or less. Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed 5 percent of the predevelopment level. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. The Building Official shall require onsite detention unless the applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.~~

~~(3) Onsite percolation devices. Concentrated runoff that cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.~~

~~(4) Energy dissipaters at point of discharge. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.~~

~~(5) Detention or filtration mechanisms. Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.~~

~~(6) Deposition of earth or materials prohibited. No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.~~

~~(7) Buffer zone along land/water margin. Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.~~

~~(e) Land clearing measures. Activities subject to a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) shall provide the following land clearing measures:~~

~~(1) Approval of Plan required before commencement of activities. No land clearing activities, except as otherwise allowed by this Section, shall take place before approval of the Soil Erosion and Sediment Control Plan or Soil Erosion Pollution Prevention Plan, as applicable.~~

~~(2) Limitations on land clearing and vegetation removal. The plan shall show the area of land disturbance. No land clearing shall occur outside the limits of the disturbed area shown on the approved plan. Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, fire protection and construction as shown on the approved Soil Erosion and Sediment Control Plan or as allowed by the Building Official through a Soil Erosion and Sediment Control Permit.~~

~~(3) Establishment of vegetation. Disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:~~

~~(A) Effective temporary planting (e.g., rye grass, fast germinating native seed, etc.) and/or mulching with straw, pine needles, chippings, or other slope stabilization material.~~

~~(B) Permanent planting of compatible drought resistant species of ground cover, shrubs, trees, or other vegetation.~~

~~(C) Mulching, fertilizing, watering, or other methods necessary to establish new vegetation.~~

~~(4) Installation and maintenance of protection. The protection required by this Section shall be installed before calling for final approval of the project. The protection shall be maintained for at least one year or until permanent protection is established. Temporary measures to control erosion shall be removed when permanent stabilization has been established.~~

~~(5) Vegetation removal between October 15 and April 15. Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than 15 days. Erosion and sediment control measures shall be in place at all times during the land disturbing activity until post construction measures are in place and established.~~

~~(6) Authorization of land disturbing activity. The Building Official shall authorize land disturbing activities only if the Building Official determines that the activities comply with the provisions of, and are consistent with the purposes of, this Section:~~

~~(A) Contiguous land clearing operations involving a disturbance greater than one acre shall be reviewed by the Public Works Department Land Development Division and the Land Use Services Department Current/Advance Planning Division when necessary for compliance with all applicable water quality regulations.~~

~~(B) Disturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.~~

~~(C) Roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to, slag, crushed rock or natural soil when compacted to 90 percent of maximum density.~~

~~(D) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.~~

~~(E) Erosion control measures shall be in place at all times and of sufficient effectiveness to control erosion.~~

~~(f) Winter Operation measures. Land clearing and grading activities during winter may require additional measures when determined to be necessary by the Building Official.~~

~~(g) Inspections.~~

~~(1) Types of inspections. The Building Official may perform the following inspections to ensure compliance with this Section:~~

~~(A) Pre-construction inspection. A pre-construction inspection to determine the potential for erosion resulting from the proposed project.~~

~~(B). Progress inspections. Periodic progress inspections to determine ongoing compliance with the Soil Erosion and Sediment Control Plan.~~

~~(C) Final inspection. A final inspection to determine compliance with the Soil Erosion and Sediment Control Plan and with other approved plans and specifications.~~

~~(2) Notification. The permittee shall provide the Building Official at least:~~

~~(A) Commencement of work. Twenty-four hours' advance notice before the commencement of authorized work.~~

~~(B) Inspection request. Nine business hours' advance notice of an inspection request.~~

~~(3) Right of entry. Filing an application for a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan Permit, Temporary Use Permit, etc.) constitutes a grant of permission for the County to enter the permit area for the purpose of administering this Section from the date of the application filing to the termination of the erosion control maintenance period.~~

~~(h) Continued responsibility. The property owner and the permittee shall be responsible for ensuring that accelerated erosion does not occur from an activity during and after project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Building Official as deemed necessary to control erosion after project completion.~~

~~(i) Post approval procedures. The procedures and requirements in Division 6 (Development Code Administration), related to permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Soil Erosion and Sediment Control Plans and Soil Erosion and Sediment Control Permits.~~

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); [Amended Ordinance XXXX \(2017\)](#)

82.13.090 Alternate Hazard Protection Measures

- (a) **Purpose.** This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.
- (b) **Applicability.**
- (1) The provisions of this Section following shall apply only to the standards and requirements of:
 - (A) Subsection 82.13.0560(~~he~~) ([Perimeter access to fuel modified and fire hazard areas](#)); and [Building separation standards in FS1 and 2 areas](#));
 - (B) Subsection 82.13.0560(~~ie~~)-(~~Perimeter access to fuel modified and fire hazard areas~~[Length of cul-de-sacs](#)); and
 - (C) Subsection 82.13.0560(~~of~~) (~~Length of cul-de-sacs~~[Building separation standards in the Fire Safety Overlay](#)).
 - (2) Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual parcel conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.
- (c) Substitution of alternative measures for standards and requirements.
- (1) If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.
 - (2) If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:
 - (A) The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.

- (B) The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
- (C) There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the FS Overlay.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); [Amended Ordinance XXXX \(2017\)](#)