

November 2, 2020

Honorable Board of Supervisors
Mendocino County
501 Low Gap Road, room 1010
Ukiah, CA 95482

RE: Board of Supervisors October 3, 2020 meeting agenda items: 5e and 5f.

Dear Honorable board members:

The purpose of this letter is to provide comment and questions regarding Agenda Items 5e and 5f. These agenda items are California Fire Code amendment ordinances presented to you by the Redwood Valley Calpella Fire District and the Hopland Fire District which require your approval. It is important for you to know that I fully support our local fire departments and the need to amend the state mandated codes because of local need and conditions.

After careful review of the proposed California Fire Code amendment ordinances, it is my professional opinion that some of the proposed code amendments need further discussion and clarification. It is important to note that the language of many of the proposed amendments appear to be intended for large municipalities and more urban counties. The proposed ordinance is very similar Sonoma County 2019 California Fire Code amendment ordinance no. 6814 and does not reflect the unique conditions of Mendocino County. Several of the proposed amendments will impose a financial hardship on existing property owners. Some of the proposed amendments appear to single out legal cannabis cultivation for differential application of the code as opposed to other legal endeavors. Additionally, some of the proposed amendments appear to require discretionary approval which cannot be used in a ministerial permit process.

These proposed amendments are going to require additional permit processes and plan review. How will the additional permit and review processes interphase with the Planning and Building permit process? Preferably the fire district review would be concurrent with the Planning and Building permit review. To do otherwise would unnecessarily increase an already lengthy permit review period.

Attached are my specific comments and questions, contained in the body of the text of the proposed ordinances. Each code section commented on is identified by the page number in the proposed ordinance. I recommend that the Board direct the fire districts to review the attached comments and questions and return with a revised ordinance and information on how the proposed amendments will be administered and an estimate on what the cost of compliance will be to the applicant.

If you have any questions feel free to contact me.

Sincerely,



Scott Ward, CBO

C: File
Devon Jones, Mendocino County Farm Bureau
MCA
Mike Oliphant, Building Official Mendocino County
Matt Kiedrowski, County Counsel

**SCOTT WARD COMPANY COMMENTS AND QUESTIONS
BOARD OF SUPERVISORS NOVEMBER 3, 2020 MEETING AGENDA ITEMS: 5e and 5 g.**

Pages 4 and 5 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 105.6.50 is amended to read as follows:

105.6.51 Additional operational permits. In addition to the operational permits required by Section 105 .6, the following permits shall be obtained from the division of fire prevention prior to engaging in the following activities, operations, practices or functions: **Scott Ward comment: Are there fees for an operational permit?**

How long is the permit good for? Is there an application?

- a. Production facilities. To change use or occupancy, to allow the attendance of a live audience, or for wrap parties.
- b. Pyrotechnics and special effects. To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gasses, welding, and the parking of motor vehicles for the purpose of motion picture, television and commercial production.
- c. Live audiences.
 - 1. To install seating arrangements for live audiences in approved production facilities, production studios, and sound stages. See Chapter 48.
 - 2. Apartment, hotel, motel. An operational permit is required to operate an apartment house, hotel, or motel.
 - 3. Bonfires or rubbish fires. An operational permit is required to kindle or authorize the kindling or maintenance of bonfires or rubbish fires.
 - 4. Day care. An operational permit is required to operate a day care occupancy with an occupant load greater than eight (8) persons. Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt.
 - 5. Emergency responder radio coverage system. An operational permit is required for buildings and/or facilities with emergency responder radio coverage systems and related equipment.
 - 6. High-rise building. An operational permit is required to operate a high-rise building as defined in the California Building Code.
 - 7. Institutional or licensed residential occupancy (six (6) or fewer persons). An operational permit is required to operate an institutional or residential occupancy for six (6) or fewer persons, except day care and residential care facilities for the elderly.
 - 8. Institutional or licensed residential occupancy (more than six (6) persons). An operational permit is required to operate an institutional or residential occupancy for more than six (6) persons. Exception: A permit is not required for large-family day care providing care for fewer than nine (9) children.
 - 9. Cannabis. An operational permit is required to operate a medical cannabis facility or Cannabis operation listed below when allowed by state law and Local Zoning Ordinance:

a. Cultivation Scott Ward comment: **What type of cultivation is this amendment referring to? Outdoor? Mixed light in hoop houses or greenhouses, indoor cultivation? Please provide clarification.**

b. Distribution

c. Manufacturing

d. Testing/Lab

10. Oil or natural gas well. An operational permit is required to own, operate or maintain an oil or natural gas well.

11. Organized camps. An operational permit is required to operate an organized camp (Group C occupancy).

12. Special Permit. An operational permit is required for any organized procession or assemblage of 50 or more people, which could significantly impact vehicular traffic or create a safety problem. Examples include, but are not limited to: music festivals, outdoor markets, circus, walkathons, runs, marathons, trail rides, bicycle races, celebrations, parades and other similar activities. Scott Ward comment: **Does this amendment apply to weddings and funerals? Who makes the decision that a particular activity could impact vehicular traffic or cause a safety problem? Is there an appeal process?**

13. Winery caves - publicly accessible. An operational permit is required to operate a Type- 2 or Type-3 winery cave that is accessible to the public.

Page 6 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 105. 7.26 is added to read as follows:

105.7.26 Additional construction permits. In addition to the permits required by Section 105. 7, the following construction permits shall be obtained from the Redwood Valley-Calpella Fire District prior to starting construction:

1. Fire apparatus access roads. A construction permit is required for installation or modification of roadways and roadway structures used for fire apparatus access roads. Scott Ward comment: **Will this amendment apply to new development off of existing private roads or driveways?**

2. Excavation near flammable or combustible liquid pipeline. A construction permit is required to excavate or to any work below grade within ten (10) feet of any pipeline for the transportation of flammable or combustible liquid. Scott Ward comment: **Does this amendment apply to underground piping for home heating oil?**

3. Gates. A construction permit is required for the installation of security gates across a fire apparatus access road.

4. Vegetation management plan. A construction permit is required to implement a vegetation management plan. Scott Ward comment: **Do the fire districts have a vegetative management plan available to the public?**

5. Fire protection plan. A construction permit is required to implement a fire protection plan. Scott Ward comment: **Do the fire districts have a fire protection plan template available to the public?**

Page 7 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 202 is amended to add the following:

OCCUPANCY CLASSIFICATION is modified to include: [BG] Factory Industrial F-1 Moderate-hazard occupancy is amended to add to the list of Moderate-hazard factory industrial groups the following: Agricultural crop production including cultivation, drying, processing and/or storage. **Scott Ward comment:**

- **What type of agricultural crop cultivation will be considered an F1?**
- **Does the F1 Occupancy classification include cannabis or vegetable cultivation in hoop houses or green houses?**
- **Will hay barns used for storing alfalfa, nuts and other agricultural products be considered an F1 Occupancy for the purposes of this amendment?**

Page 8 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 311.3.1 is added to read as follows:

311.3.1 Removal of debris after fire. All rubble, waste, rubbish, and other materials lying upon any premises within the jurisdictional area; having been accumulated thereon by reason of a fire, and having been rendered useless thereby shall be removed within ten (10) days after notice has been given to do so in writing by the Fire Chief to the owner, lessee, or other person in charge or control of the premises. **Scott Ward comment: You cannot remove wild fire debris without approval from Cal Fire and the State of California Department of Toxic Substance Control (DTSC). Will there be an exception with regards to wildfire debris?**

Page 9 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 503.2.6.1 is added to read as follows:

503.2.6.1 Evaluation and maintenance. All existing private bridges and elevated surfaces that are a part of the fire department access roadway, shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition or other approved standard. These evaluations shall be performed at the direction of the fire code official. All bridges and elevated structures providing fire department access shall be routinely maintained in accordance with Section 503 .2.6 or when directed by the fire code official or authorized designee. **Scott Ward comment:**

- **What is the criteria for the fire code official to direct an engineer's evaluation?**
- **Do the fire code officials have credentials or licenses to evaluate bridges?**
- **Will the fire district hire an engineer to survey existing bridges?**
- **Does this code amendment pertain to all existing public and private bridges?**
- **Who verifies that the engineer's evaluation is correct?**
- **Does the property owner submit the engineer's evaluation to the fire district?**
- **Is there a fee?**
- **Is there a certificate of approval issued?**
- **Where are the bridge evaluation records kept?**

Page 10 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 503.6.1 is added to read as follows:

506.6.1 Width. All gate entrances and similar structures shall be at least two feet (2') wider than the width of the traffic lane(s) serving the gate or structure. **Scott Ward comment: Does this apply to existing gates behind which there is new development?**

California Fire Code Section 503.6.2 is added to read as follows:

506.6.2 Setbacks. All gates providing access from a public road to a private road or private driveway shall be located at least thirty feet (30') from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the roadway. **Scott Ward comment: There needs to be exceptions to this code amendment based on, Department of Transportation requirements, topography and existence of mature trees.**

- **What about new development off of an existing private road/public road interface?**
- **Will the applicant have to upgrade an existing driveway or private road entrance?**

Page 11 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 507.2.2 is amended to read as follows:

507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22. **Scott Ward comment: The National Fire Protection Association (NFPA) Standard 22 requires steel tanks. Steel tanks are expensive, require engineering and a concrete foundation. Cal Fire 4290 regulations do not require steel tanks for emergency fire water. There are many areas within the local fire districts area of responsibility (LRA) that overlap with Cal Fires Responsibility area (SRA). If poly tanks for emergency fire water are approved by Cal Fire, why are the local districts adding this costly requirement?**

California Fire Code Section 507. 5.1.1 is amended to read as follows:

507.5.1.1 Hydrant for fire department connections. Buildings equipped with a water based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 300 feet of the fire department connections, or as approved by the fire code official. (Also see Section 912. 2).

Scott Ward comment: This requirement will be difficult if not impossible to comply with for rural homes and other buildings that use springs or wells. Is there an exception or alternative for these circumstances?

Page 12 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions: 1. Agricultural buildings as approved by the fire code official. **Scott Ward comment: The code defines an Agricultural Building. Why does the fire code official get to cherry pick which agricultural building will meet his/her approval? This amendment is overly subjective and requires a discretionary decision which is not allowed with a ministerial permit.**

2. Detached accessory structures to Group R-3 not classified as a dwelling unit and not exceeding 3,000 square feet (928m²) in gross floor area.
3. Detached non-combustible motor vehicle fuel dispensing canopies.
4. Detached group U occupancies not greater than 3,000 square feet (279m²). **Scott Ward comment: Current code does not require fire sprinklers for detached U Occupancies. This requirement would require fire sprinklers in livestock barns, hay barns, covered horse riding arenas etc. Many of these types of structures are not located near a water supply or a water supply adequate to provide water to the fire sprinkler system. Why such a large change? Have the fire districts provided a statistical analysis to justify this specific requirement?**

Page 13 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy where gross floor area exceeds 2,500 square feet. **Scott Ward comment: The current state code requires fire sprinklers in an F Occupancy that exceeds 12,000 sq. ft. Why such a large change? Have the fire districts provided a statistical analysis to justify this specific requirement?**

Page 14 of Redwood Valley Calpella Fire District and Hopland Fire District Proposed Ordinance

California Fire Code Section 903.2.9 is amended to read as follows:

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where the gross floor area exceeds 2,500 square feet.

Exceptions: 1. Agricultural buildings as approved by the fire code official. **Scott Ward comment: The code defines agricultural buildings as: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. Why does the fire code official need to approve the fire sprinkler exception for an agricultural building if it meets the definition the code? This type of discretion cannot be part of a ministerial permit.**