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**Subject:** Board of Supervisor Adoption of Fire Code at November 15 Meeting Was Not Transparent

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Dear County Fire Dept. Advisory Commission,

At your November 16, 2022 meeting, Chief Jed Wilson reported that the Board of Supervisors had adopted the Countywide Fire Code on November 15. I questioned this, because I had specifically searched the Board agenda to look for the item, and did not see it.

Now, with more careful examination, I see that the Fire Code was approved as Item #12 on the agenda, but it is not at all clear that this major Code change was included because the bulk of the language refers to the Building Code changes of Chapter 12 that mandates all new structures are 100% electric.

[http://santacruzcountyca.igmp2.com/Citizens/Detail\\_LegiFile.aspx?Frame=None&MeetingID=1939&MediaPosition=5218.652&ID=13454&CssClass=&RequestTime=63804253074813.6](http://santacruzcountyca.igmp2.com/Citizens/Detail_LegiFile.aspx?Frame=None&MeetingID=1939&MediaPosition=5218.652&ID=13454&CssClass=&RequestTime=63804253074813.6)

There are substantial changes in the Fire Code that I think the public would have been interested in hearing discussion.

The link to the strike out and underline copy of Chapter 7.92 County Fire Code is

broken: <http://santacruzcountyca.igmp2.com/Citizens/FileOpen.aspx?Type=4&ID=49441>

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The list of changes in the Fire Code that Central Fire District of Santa Cruz County includes some different information than the County Board of Supervisor information. For example, page 1 of the changes listed by Central Fire states that the Definition of "Fire Chief" has been removed. While this is not specifically stated in the County Board of Supervisor document, it appears that there is no definition of "Fire Chief" included in 7.92.202.

<https://www.centrafire.org/DocumentCenter/View/3160/2022-Proposed-Changes-to-Fire-Code-PDF>

I am concerned about the following changes;

1) 7.92.111.1 Section 111.1 is amended - **Board of Appeals established.**

*Section 111.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows: 111.1 - Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals.*

*The Board of Appeals shall be: For the Santa Cruz County Fire Department, the Board of Supervisors of Santa Cruz County, or a sub-committee as appointed by the Board of Supervisors of Santa Cruz County.*

**What is the cost of taking an appeal to the Board in this instance?** Anyone appealing a planning dept. issue must pay \$1800 to file such an appeal with the Board of Supervisors.

2) 7.92.112.4.2 Section 112.4.2 is added – **Enforcement.**

*Section 112.4.2 of Chapter 1 of the Fire Code of Santa Cruz County is added to read as follows: 112.4.2 - Enforcement. The fire code official and their delegated subordinates, pursuant to the provisions of Section*

836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence. Upon making such an arrest, the fire code official or their delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this section.

This is very chilling language. Who IS the "fire code official"? Who CAN be the "delegated subordinates"? There are no definitions of either term in Section 202, and the definition of FIRE CHIEF has been removed from section 202.

3) 7.92.202 Section 202 is amended - Definitions. Section 202 is amended – Definition of All-Weather Surface.

Definition of All-Weather Surface in Section 202 of Chapter 2 of the Fire Code of Santa Cruz County is added after Alcohol-Blended Fuels to read as follows:

**ALL WEATHER SURFACE. An all-weather surface shall be a minimum of 6 inches (152 mm) of 95% compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 16% in State Responsibility Area (SRA) or 20% in Local Responsibility Area (LRA).**

This requires paving all driveways and roads over 15% grade in the SRA. This will be cost-prohibitive for some rural residents, and will cause increased stormwater runoff. Why are steeper gradients allowed in the LRA?

4) 7.92.307.4.1 Section 307.4.1 is added – Bonfires.

Section 307.4.1 of Chapter 3 of the Fire Code of Santa Cruz County is added to read as follows: 307.4.1 – Bonfires. **A bonfire shall not be conducted within 50 feet (15240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit.** Conditions which could cause a fire to spread within 50 feet (15240 mm) of a structure shall be eliminated prior to ignition.

7.92.307.4.2 Section 307.4.2 is added – Recreational fires. Section 307.4.2 of Chapter 3 of the Fire Code of Santa Cruz County is added to read as follows: 307.4.2 – Recreational fires. **Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material.** Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

What is the difference between a "bonfire" and a "recreational fire"? There is no definition provided in Section 202.

How are "warming fires" defined and regulated? The document is silent on warming fires, yet these fires have great potential to cause wildland fires, and in fact have in Santa Cruz County, eg, the Delaveaga Fire in August, 2022.

5) 7.92.308.1.7 Section 308.1.7 is added – Religious ceremonies.

Section 308.1.7 of Chapter 3 of the Fire Code of Santa Cruz County is added to read as follows:

308.1.7 – Religious ceremonies. When, in the opinion of the fire code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry handheld candles. **Hand-held candles shall not be passed from one person to another while lighted.**

This is government overreach, and should instead offer language about ground surface conditions required (eg, beach sand, raked bare mineral earth or road base free of organic material).

6) 7.92.503 Section 503 is added – FIRE APPARATUS ACCESS ROADS.

Section 503 of Chapter 5 of the Fire Code of Santa Cruz County is added and amended below.

7.92.503.2.1 Section 503.2.1 is amended – Dimensions. Section 503.2.1 of Chapter 5 of the Fire Code of Santa Cruz County is amended to read as follows:

503.2.1 – Dimensions. **Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders**, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet (4572 mm).

Exceptions:

1. Within the State Responsibility Area (SRA) of Santa Cruz County, all driveways serving two or fewer habitable structures shall have an unobstructed width of not less than 12 feet (3658 mm) and an unobstructed vertical clearance of not less than 15 feet (4572 mm).

2. Within the Local Responsibility Area (LRA) of Santa Cruz County, access roads shall be a minimum of 18 feet (5486 mm) wide for all access roads or driveways serving more than two habitable structures, and 12 feet (3658 mm) for an access road or driveway serving two or fewer habitable structures.

**Where it is environmentally inadvisable to meet these criteria (due to excessive grading, tree removal or other environmental impacts), a 12-foot (3658 mm) wide all-weather surface access road with 12-foot (3658 mm) wide by 35-foot (10,668 mm) long turnouts located approximately every 500 feet (152,400 mm) may be provided with the approval of the fire code official.**

3. Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved by the fire code official.

How will property owners and private road associations comply with this new requirement when, combined with the new 16% grade limit, it would not be technically or financially feasible?

7) 7.92.503.2.1.1 Section 503.2.1.1 is added – Vegetation clearance along access roads.

Section 503.2.1.1 of Chapter 5 of the Fire Code of Santa Cruz County is added to read as follows: 503.2.1.1 – Vegetation clearance along access roads. Areas within 10 feet (3048 mm) horizontal and 15 feet (4572 mm) vertical on each side of portions of highways, public and private streets, roads and driveways which are ordinarily used for vehicular traffic shall be cleared of flammable vegetation and other combustible growth. **Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.**

Where is the "Santa Cruz County Fire Prevention Officers Standards"? Does this mean that the Santa Cruz County Dept. of Public Works will be required to resume roadside mowing on an annual basis?

8) 7.92.503.2.4 Section 503.2.4 is amended – Turning radius. Section 503.2.4 of Chapter 5 of the Fire Code of Santa Cruz County is amended to read as follows: 503.2.4 – Turning radius. In the State Responsibility Area (SRA) no roadway shall have a horizontal inside radius of curvature of less than 50 feet (15,240 mm) and additional surface width of 4 feet (1219 mm) shall be added to curves of 50-100 feet (15,240-30,480 mm) radius; 2 feet (609 mm) to those from 100-200 feet (30,480-60,960 mm). In the Local Responsibility Area (LRA) the minimum centerline radius shall be 35 feet (10,668 mm).

How will the County address existing roads in the mountains, such as Eureka Canyon Road and Highland Road, where there are curves that do not comply? Is this an example changing the road requirements to accommodate purchases of Type I engines, rather than Type 3 engines?

9) 7.92.503.2.5.1 Section 503.2.5.1 is added – New dead-end access roads.

Section 503.2.5.1 of Chapter 5 of the Fire Code of Santa Cruz County is added to read as follows: 503.2.5.1 – New dead-end access roads. New dead-end roads are prohibited, without secondary access, serving more than one parcel in new minor land divisions or subdivisions which exceed the following distances from an adequate through road unless approved by the applicable fire protection agency, the Department of Public Works, and by the Planning Commission; in no case shall a new dead-end road exceed ½ mile in length.

If property owners are unable to obtain easement agreements with neighboring properties to allow for a secondary access, this would prevent the property owner from building. This is a taking by government regulation.

10) 7.92.503.2.7 Section 503.2.7 is amended – Grade.

Section 503.2.7 of Chapter 5 of the Fire Code of Santa Cruz County is amended to read as follows:  
503.2.7 – Grade. The grade for all roads, streets, private lanes and driveways shall not exceed 16% in State Responsibility Area (SRA) and 20% in Local Responsibility Area (LRA).

This is inconsistent without explanation. The grade limitation for LRA should be 16%, consistent with the SRA limit.

This all should have been made available to the FDAC for review but was not.

I respectfully request that the FDAC members contact the Board of Supervisors to discuss the process and implications of the new Santa Cruz County Fire Codes and ask that there be better public vetting. Your Commission did not see these changes, nor did the Central Fire District Board. On the November 15 Board agenda, the matter was combined with a major Building Code change and NO FIRE REPRESENTATIVES SPOKE TO THE BOARD.

Please respond. Thank you.

Sincerely,  
Becky Steinbruner