



MEMORANDUM

DATE: OCTOBER 15, 2015

TO: PLANNING COMMISSION

FROM: ADELE PHILLIPS, PLANNER I
ANDY GUSTAVSON, CHIEF PLANNER

SUBJECT: CHANGES TO THE REQUIRED FINDINGS OF THE SUBDIVISION MAP ACT

Senate Bill 1241 requires cities and counties to make certain findings regarding available fire protection and suppression services before approval of a tentative map or parcel map for subdivisions in State Responsibility Areas or Very High Fire Hazard Severity Zones. State findings are reviewed below.

BACKGROUND:

In 2012, Senate Bill 1241 added section 66474.02 to Title 7 Division 2 of the California Government Code, commonly known as the "Subdivision Map Act". The statute prohibits subdivision of parcels designated "very high fire hazard" (VHFH), or, that are in a State Responsibility Area (SRA), unless certain findings could be made prior to approval of the tentative map. The new statute (§66474.02) requires that the Planning Commission make three new findings regarding fire hazard safety before approving a subdivision proposal. The 3 findings are, in brief: 1) the design and location of the subdivision and its lots are consistent with defensible space regulations found in PRC §4290-91, 2) structural fire protection services will be available for the subdivision through a publicly funded entity, and 3) ingress and egress road standards for fire equipment are met per any applicable local ordinance and PRC §4290.

KEY ISSUES:

- Changes to Chapter 4 Article 1 of the Subdivision Map Act (PRC §66474.02) require alterations to the current County subdivision review procedure described in Chapter 17 of the Mendocino County Code (MCC).
- Preliminary scoping has found that relatively few parcels may realistically be affected.
- **Site Fire Safety Standards.** Finding 1 requires that both the design and location of each subdivision lot are consistent with CalFire regulations regarding defensible space, and gives CalFire the right to levy fees in cases of non-compliance.
 - New CalFire Fire Safe Regulations will come into effect January 1, 2016. Changes include, inter alia: a minimum road width of two 10 foot traffic lanes, excluding shoulders and striping (previously: 9 feet); roadways capable of bearing 75,000 pounds load (previously: 40,000 pounds); and, that one-way driveways shall provide a minimum lane width of 12 foot—excluding shoulders—and a minimum width of 14 feet of unobstructed horizontal clearance.
 - Planning Commission and PBS staff need to be aware as to whether changes to Title 14 of the California Code of Regulations—which sets standards for the design and construction of subdivisions in SRA—have taken effect between the time of initial sign-off by CalFire and the Planning Commission hearing, and whether the changes affect the initial recommended conditions of approval.

- **Public Funding.** Finding 2(A) requires that structural fire protection and suppression be provided by a publicly funded entity organized solely to provide fire protection services.
 - All fire districts within Mendocino County are publicly funded, with the exception of Whale Gulch and Westport fire districts.
 - Not all fire districts are organized *solely* to provide fire protection services. County council recommends that the word “solely” in Finding 2 be either omitted or included on a case-by-case basis depending on the Fire District in question. At this time, more research is needed in order to assess whether Anderson Valley, Brooktrails, Comptche, Elk, and Potter Valley Community Service Districts provide services beyond fire protection.
- **Access Fire Safety Standards.** Finding 3 requires compliance with both CalFire regulations (PRC §4290) and “any applicable local ordinance.”
 - Whether or not “any applicable local ordinances” exist will require research of the subject parcel’s local fire district on a case-by-case basis.

SUMMARY:

- Parcels located in a publicly funded fire district and *not* zoned as Very High Fire Hazard, may be subdivided *without* 66474.02 findings.
- Parcels located in a publicly funded fire district and zoned as Very High Fire Hazard, may be subdivided *with* 66474.02 findings.
- Parcels located outside a publicly funded fire district may not be subdivided.
- MCC Title 17 *Division of Land Regulation* will be amended in the future to reflect new Subdivision Map Act requirements.

Attachment: Fire findings flow chart.

Is the parcel in a...

