From: Bordona, Brian
To: Parker, Michael; Anderson, Laura; Ringel, Matthew
Subject: Fwd: Vida Valiente Winery Use Permit P20-00079 Hearing May 1, 2024
Date: Tuesday, April 30, 2024 6:08:54 PM
Attachments: 407 Crystal Springs Rd Project P20-00079.pdf

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From: Mike Larson <mikelarsonphoto@mac.com>
Sent: Tuesday, April 30, 2024 5:06:17 PM
To: Brunzell, Kara <kara.brunzell@countyofnapa.org>; Dameron, Megan <megan.dameron@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: Vida Valiente Winery Use Permit P20-00079 Hearing May 1, 2024

[External Email - Use Caution]

Hello there Kara, Megan and Brian,

I want to submit this for the record for the hearing on Wednesday.

Thank you. Have a great day.

Mike Larson
101 Rosé Ln St. Helena CA 94574

Firsthand Account from a local regarding Vida Valiente Winery Use Permit
P20-00079
407 Crystal Springs Road, St. Helena, CA 94574
APN 021-410-013-000 and 021-372-001-000

Submitted by Mike Larson
101 Rose ln, St. Helena, CA 94574

This is a first hand account of the evacuation on August 27, 2020.

On the morning of the fire, the vehicle warning everyone driving by with a siren continue to pass by over and over. One by one families with multiple cars started packing in evacuating frantically.

People are going both north, and south bound on the narrow Crystal Springs. The stressful part was in the race to escape. People drove faster than normal understandably, but the road could not accommodate cars passing at the same time in many sections. On top of that trailers hauling animals or belongings or travel trailers delayed crossing traffic is it causing additional stress.

I sent my family out early and they continue to pack our house. Around about 5:30 AM a late model grey pickup truck high-sided on the corner of Crystal Springs and Rose Lane blocking Crystal Springs **and** Rose Lane from any exit or entry.

Due to the nature of any fire, there's adrenaline and stress that added not counted for under normal driving conditions additional adrenaline and panic cause people to not position their cars most efficiently.

The sense of chaos and stress on any ordinary road could be offset by standard Road sizes, however, due to the decreased roadside size, the margin for error became much more critical. Many of the driveways that were on the hillside allowed for an exit only in ene direction, making it very challenging to make a 3 point turn, and escape causing additional delays, stress and confusion.

Having rose lane completely blocked on Crystal springs was stressful for our neighbors and those who were lined up waiting to exit. It took about 15-20 minutes to push the car off and wedge the tires so that the truck could backup.

As I was departing, there was another vehicle which was heading northbound to escape on Crystal springs, only to also get a tire stuck in the drainage ditch because there was not enough room to turn around. It took a few minutes to turn the car around, but this also was another example of the narrow road being blocked.

In many sections of the road, the road is 1-3 feet more narrow due to erosion, new curb intrusion creating further into the road.

Being a local who has lived on the corner of Rose Lane and Crystal Springs for 4.5 years, I have witnessed this road have heavy traffic at times, as well as at least six(6) serious accidents, one fatal on the corner of Crystal Springs and Sanitarium.

I am all for wineries and development, however this road is not currently suitable for increased traffic without specific and significant care to the road improvement and neighbors concerns, as well as taking into account the construction traffic, accumulating damage and increasing narrowing of the roads in several points where we are loosing 2-5" of asphalt per year as well as cracks showing hillside stability issues which could lead to a serious failure of the underlying road pathway due to the springs eroding away the hillside.

Respectfully submitted,

Mike Larson
April 29th, 2024.

From:	Bordona, Brian
To:	MeetingClerk; Parker, Michael; Anderson, Laura; Lederer, Steven; Ringel, Matthew; Hawkes, Trevor
Subject:	Fwd: Public Comment - Vida Valiente Use Permit #P20-00079-UP - The traffic projections appear to be flawed
Date:	Wednesday, May 1, 2024 7:32:46 AM
Attachments:	The traffic projections appear to be flawed.docx

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From: Larry Vermeulen <vermeulenlw@gmail.com>
Sent: Tuesday, April 30, 2024 10:10:50 PM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: Public Comment - Vida Valiente Use Permit #P20-00079-UP - The traffic projections appear to be flawed

[External Email - Use Caution]

Mr.Bordona,

Attached please find my comment “The traffic projections appear to be flawed” for inclusion with the Planning Commission’s packet.

Thank you,

Larry Vermeulen

Vida Valiente Winery Use Permit Application #P20-00079-UP

The traffic projections appear to flawed

The estimate of increased traffic, or vehicle trips, on Crystal Springs Road, if the project is approved is 14,648 per year. While that looks like a big number, the Applicants' consultant was emphatic in pointing out that it is an average of "only" 40 new vehicle trips per day, well below the Office of Planning and Research's maximum 110 trips per day that would trigger a more comprehensive study of the traffic impact.

OPR does require that peak traffic periods be estimated, and Planning Staff calculated estimates of 63 new vehicle trips per day on a harvest Friday and 60 new vehicle trips per day on a typical Friday.[(1)] Still below the threshold of 110.

However, when one looks at the underlying assumptions that comprise the traffic estimates, it appears that many typical traffic generators associated with wineries are omitted. In fact, the estimates consider only employee and guest traffic typically, with some additional allowances made for grape deliveries.

The Proposed Project Winery Traffic Information / Trip Generation Sheet is included below:

Maximum Daily Weekday Traffic (non-harvest season)

Total number of FT employees: 5 x 3.05 one-way trips per employee	=	15.25 daily trips.
Total number of PT employees: 2 x 1.90 one-way trips per employee	=	3.8 daily trips.
Anticipated weekday visitors: 28 / 2.6 visitors per vehicle X 2 one-way trips	=	21.54 daily trips.
Gallons of production: 30,000 1,000 x .009 truck trips daily[3] x 2 one-way trips	=	0.54 daily trips.
Total	=	41.13 **daily trips.**
(No of FT Employees) + (No of PT employees/2) + (sum of visitor and truck trips X .38)	=	15.7 **PM peak trips.**

Maximum Daily Weekend Traffic (non-harvest Saturday)

Number of FT employees (on Saturdays): 3 x 3.05 one-way trips per employee	=	9.15 daily trips.
Number of PT employees (on Saturdays): 2 x 1.90 one-way trips per employee	=	3.8 daily trips.
Anticipated Saturday visitors: 28 / 2.8 visitors per vehicle x 2 one-way trips	=	20.0 daily trips.
Total	=	32.95 **daily trips.**
(No of FT employees) + (No of PT employees/2) + (visitor trips X .57)	=	18.78 **PM peak trips.**

Maximum Daily Weekend Traffic – Saturday Harvest Season

Number of FT employees (during crush): 5 x 3.05 one-way trips per employee	=	15.25 daily trips.
Number of PT employees (during crush): 4 x 1.90 one-way trips per employee	=	7.6 daily trips.
Anticipated Saturday visitors: 28 / 2.8 visitors per vehicle x 2 one-say trips	=	20.0 daily trips.
Gallons of production: 30,000 / 1,000 x .009 truck trips daily x 2 one-way trips	=	0.54 daily trips.
Avg. annual tons of grape on-haul: 27,360 / 144 truck trips daily [4] x 2 one-way trips	=	< 1 daily trips
Total	=	44.39 **daily trips.**

Largest Marketing Event – Additional Traffic

Number of event staff (largest event): 5 x 2 one-way trips per staff person	=	10.0 trips.
Number of visitors (largest event): 125 / 2.8 visitors per vehicle x 2 one-way trips	=	9.0 trips.
Number of special event truck trips (largest event): 10 x 2 one-way trips	=	20.0 trips.

Missing from these calculations are a wide variety of additional traffic generators typically associated with wineries such as:

- Daily inbound and outbound shipping services such as FedEx, UPS, etc. The winery will need supplies on a regular basis, and they will be shipping wine to customers frequently.
- Transportation of finished goods to offsite distribution centers. This is typical in the winery business.
- Delivery of raw materials such as bottles, boxes, packaging materials.
- Delivery of inert gases used in wine production.
- Delivery of propane for forklifts.
- Consultants including winemaking consultants, marketing and advertising consultants, etc.
- Outside salespeople
- Refrigeration and electrical maintenance technicians
- Weekly refuse pickup
- Seasonal pumice removal
- Contract services such as landscaping, pest control, etc.
- Chef and kitchen staff to man the 2 commercial kitchens. Were these included in the employee count, or are they outsourced services?

Perhaps the most glaring under calculation of new vehicle trips has to do with the Large Marketing Events (often referred to as Auction Events). The Applicants request two of these large events per year, with a guest count of 125 each. The screenshot below from their Use Permit Application shows the calculations of additional traffic for each of these events.

An event staff count of 5 to serve 125 guests seems low. Assuming at least a chef and an assistant are required in the kitchen, that leaves only 3 servers for 125 people. That does not take into consideration bussers, dishwashers, cleanup staff, etc.

However, the biggest problem with the calculations below is the arithmetic error in the calculation of vehicle trips for the visitors. 125 visitors, divided by 2.8 visitor per vehicle, times 2 one-way trips is not 9. It is 89.

Largest Marketing Event – Additional Traffic

Number of event staff (largest event): 5 x 2 one-way trips per staff person	=	10.0 trips.
Number of visitors (largest event): 125 / 2.8 visitors per vehicle x 2 one-way trips	=	9.0 trips.
Number of special event truck trips (largest event): 10 x 2 one-way trips	=	20.0 trips.

Unlike the other traffic calculations on this page of the application, totals were not provided for this section, but using the data above, the total for a Large Marketing Event would be 39. However, using the correct calculation would result in a total of 119 new vehicle trips per day.

Assuming the winery conducts normal operations on the day of the Large Event, a minimum of 41 additional daily trips would be generated per the Applicants' estimates. Thus, as many as 160 vehicle trips could be generated on the day of a Large Marketing Event and that ignores the suspected undercounting of other traffic generation noted above. Should the Large Event occur on a typical Friday, the combined total rises to 179 and on a Harvest Friday, the total would be 182.

Given the apparent undercounting of vehicle trips and obvious arithmetic error, the traffic estimates should be revisited. One of the major issues with this project is the impact of additional traffic on the substandard Crystal Springs Road. Applicants have attempted to downplay that impact and have offered a Traffic Mitigation Measure(TRANS-1) that is insufficient, unenforceable, and applies only to guests. Discovering that the traffic calculations are based upon poor estimates and faulty math only undermines the effectiveness of the Traffic Mitigation Measure further.

Respectfully submitted,

Larry Vermeulen

670 Crystal Springs Road

April 30, 2024

(1) Board Agenda Letter from Planning Staff, December 6, 2023

BOARD OF FORESTRY AND FIRE PROTECTION
THE NATURAL RESOURCES AGENCY
STATE OF CALIFORNIA

KEITH GILLESS, CHAIR
Wade Crowfoot, *Secretary*
Gavin Newsom, *Governor*

P.O. Box 944246
SACRAMENTO, CA 94244-2460
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(916) 653-0989 FAX
BOF Website (www.bof.fire.ca.gov)

BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA
November 4, 2020

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS:
Present*:*

- Keith Gilless, Chair
- Katie Delbar
- Rich Wade
- Marc Los Huertos
- Darcy Wheeles
- Chris Chase
- Susan Husari
- Mike Jani

BOARD STAFF PRESENT:

- Matt Dias, Executive Officer
- Eric Hedge, Regulations Program Manager
- Dan Stapleton, Licensing Officer
- Jeff Slaton, Board Counsel
- Deniele Cade, Staff Analyst, Licensing
- Andrew Lawhorn, Forestry Assistant II
- Edith Hannigan, Land Use Planning Program Manager
- Laura Alarcon Stalians, Administrative Manager
- Robert Roth, Attorney IV
- Clarie McCoy, Environmental Planner
- Sara Walter, AGPA
- Katie Harrell, Joint Institute for Wood Products Innovation
- Linda Cano, Executive Assistant

DEPARTMENTAL STAFF PRESENT:

- Thom Porter, Deputy Director, CAL FIRE
- Dennis Hall, Assistant Deputy Director, Forest Practice
- Eric Huff, Staff Chief, Forest Practice Program
- Bill Solinsky, Forester III, THP Administration
- Rick Carr, Southern Region Staff Chief of Resource Management CAL FIRE
- Kim Corella, Forest Pest Specialist, CAL FIRE

Announcement of Action(s) Taken in Executive Session:
Jeff Slaton, Board Counsel, reported that the Board discussed the items on the agenda during Executive session. No reportable actions were taken.

Consent Calendar Items

a) Review of Rulemaking Matrix

b) Reappointment of Mikhail Gershfeld, Suzanne Kim, Heather Strong, and Larry Swan to the Joint Institute for Wood Products Innovation Advisory Council to terms of two years

11-20-01 Chair Gilless moved to approve the items on the Consent Calendar. Member Los Huertos seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**aye**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting connectivity**
Los Huertos	**aye**
Chase	**aye**
Gilless	**aye**

The motion passed unanimously with one member unable to vote due to limited meeting connectivity.

MONTHLY BOARD REPORTS

Report of the Chairman, Dr. Keith Gilless: Chair Gilless commented on the timing of the Board meeting being a day after the Presidential election. It will be taken into consideration in the future.

Report of the Executive Officer, Matt Dias:

- Staffing Update: The Environmental Scientist position has been advertised and the Board has received 45 applications. Board staff will review the applications and schedule interviews for the most qualified candidates.
- Director Porter and Executive Officer Dias have been approached by the Assembly of Natural Resources Committee for a hearing scheduled for November 9. Executive Officer Dias will be speaking on how the CalVTP can assist the state in achieving increased pace and scale of prescribed fire.
- An outline of the Research Plan as well as categories and sub-categories by ranking were presented for consideration at the October Board meeting. The BOF/CALFIRE team is working on putting out a new system on how to achieve broader ranking from various stakeholders across the state in

response to Board comments. An online survey will be published on the Board's website in the near future. The results of the survey will be presented to the Board at the beginning of 2021.

- The Annual Call for Regulatory Review was published, with the closing date for written comments is November 17, 2020. Comments received will be presented to the Board at the December Board meeting.
- Introduction and Board consideration of DRAFT Resolution 2020-2 suspending certification of Fire Safe Ordinances pursuant to 14 CCR § 1270 *et seq*.

Public Comment

Arthur Wylene, Rural Counties Representatives of California, commented that he supports the resolution. It should be the beginning of a broader conversation on the rules of certification going forward.

Lisa Lai, member of the public, shared her concerns on the effects it will have on the cannabis industry.

Craig Harrison, member of the public, stated that he supports the moratorium.

11-20-02 Chair Gilless moved to adopt Resolution 2020-2 Suspending Certification of Fire Safe Ordinances. Member Jani seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**aye**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting connectivity**
Los Huertos	**aye**
Chase	**aye**
Gilless	**aye**

The motion passed with one member unable to vote due to limited meeting connectivity.

- Review of Chaptered Legislation and Veto Message that pertain to the Board's programs
  a. AB 3074
  b. SB 182

- Update on the development of the draft Research Plan pursuant to PRC § 4789.6

Report of the Director, Thom Porter

Fire Activity:

- CAL FIRE is monitoring eleven major wildfires**,** with two remaining on State Responsibility Area, the remaining nine fires were on federally managed land.

- As of the date of today's Board meeting, there are 4,400 firefighting personnel, 78 fire crews, 363 fire engines, 63 bulldozers, 99 water tenders and 35 helicopters assigned to wildfires across the state.

- CAL FIRE continues to work through damage assessment, there were 9,358 structures destroyed during the fire siege.

- California has experienced 5 of the top 20 wildfires with the most structure loss in the last five years.

- The next list was a mess. The Cedar fire is lumped in with 5 fires that burned this year and it burned in 1993. These are a subset of the largest fires in California. I finally figured out that this was the Creek Fire, not the Cedar fire.

- Six of the largest fires in California's history burned in 2020.
  - No. 1, August Complex
  - No. 3, SCU Lightning Complex
  - No. 4, Creek Fire
  - No. 5, LNU, Lightning Complex
  - No. 6 North Complex
  - No. 18 SQF Complex

- The SQF complex, burned through most of Mountain Home Demonstration Forest. CAL FIRE is working to determine the effects of that fire on Giant Sequoia trees. The Mountain Home Forester has seen a massive cone opening with seed covering the ground. Significant regeneration of Giant Sequoia on Mountain Home is expected.

- Since January 1, 2020, 9,279 fires, 100,006 incidents, for 4,197,628 acres have burned. This is the largest number of acres since CAL FIRE has kept records. These figures represent a combined total of state and federal acres.

- CAL FIRE Law Enforcement has arrested 88 arsonists in California, 62 were Wildland fire incidents, and 26 were structure or vehicle fires.

- A very active legislative season that will potentially affect the Board as well as the Department is anticipated. It appears that the impacts from wildfire remains a priority for the Legislature as well as the Administration.

Weather Outlook

- Rain and snow is expected in the southern Sierras, coastal mountains and portions of the Northern Region. The Department is planning to transition out of peak season staffing as soon as sufficient precipitation is received.

Fuels Management

- CAL FIRE exceeded its target of 25,000 acres of prescribed fire in Fiscal Year 19/20 with 27,589 acres burned. Other vegetation treatment targets were also surpassed with 31,063 acres completed, 155% of the target goals.

Defensible Space Inspections

- The Department completed 220,240 of the targeted 250,000 inspections in Fiscal Year 19/20. One of the issues the department is facing is a shortage of inspection staffing. The Department is working with the Governor's office and legislature to increase the capability.

Inmate Crews

- The Department was only able to staff 75 crews of 192 allocated inmate crews. Thankfully, the Governor allocated 858 firefighters to act as hand crews this season. This additional workforce will be utilized for fuels reduction projects as the fire season wanes.

COVID-19

- There are 10 known active cases within the Department, with 48 additional personnel that are self-isolated or in ordered quarantine. CAL FIRE has been able to complete its own contact tracing to minimize the impacts across Department employees.

Presentation of the Francis H. Raymond Award- Recipient: Tom Jopson. Mr. Jopson was recognized for his significant contribution to conifer regeneration practices on both the domestic and international fronts.

The following individuals provided support in appreciation on Tom's outstanding contributions to California forestry.

- Bob Rynearson
- Hisham Salmon
- Mark Gray
- Safak Kemalagli
- Charlie Brown
- Larry Kemp
- Richard Geinger

Report of Board's Advisory Committees

- Range Management Advisory Committee- Edith Hannigan, Land Use Planning Program Manager

- Ms. Hannigan provided an update on the upcoming public workshop series addressing range management and fire risk reduction strategies

- Effectiveness Monitoring Committee (EMC) – Sue Husari, Co-Chair
  - Member Husari provided an update on discussions of the EMC including a recommendation to the Board for the EMC to investigate the opportunity to develop a grant program that may assist in distribution of funds made available through the EMC.

11-20-03 Member Husari moved to direct Board Staff to investigate developing a Grant Program for annual allocations and report back to the Board. Member Delbar seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**aye**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting c connectivity.**
Los Huertos	**aye**
Chase	**aye**
Gilless	**aye**

The motion passed with one member unable to vote due to limited meeting connectivity.

- Joint Institute for Wood Products Innovation- Katie Harrell, Joint Institute Program Analyst
  - Katie Harrell provided an introduction of the Joint Institute Recommendations to Expand Wood and Biomass Utilization in California for consideration of the Board.

11-20-04 Chair Gilless moved to approve the Recommendations of the Joint Institute for Wood Products Innovation to Expand Wood and Biomass Utilization in California as set forth in the materials provided. Member Wade seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**aye**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting connectivity**
Los Huertos	**aye**

Chase	**aye**
Gilless	**aye**

The motion passed with one member unable to vote due to limited meeting connectivity.

- Professional Foresters Examining Committee- Dan Stapleton, Licensing Officer
    - Licensing Officer Stapleton introduced a list of potential License Revocation due to non-payment of bi-annual license renewal for Board consideration.

11-20-05 Chair Gilless moved to approve revocation of the applicable license for the licensees identified in the list provided for non-payment of license fees in accordance with the Professional Foresters Law. Member Wade seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**aye**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting c connectivity.**
Los Huertos	**aye**
Chase	**aye**
Gilless	**aye**

The motion passed with one member unable to vote due to limited meeting connectivity.

- An update on Professional Foresters Licensing Program and Fund condition, as well as the recent RPF and Certified Specialist Professional Examination was also provided by Mr. Stapleton.

Report on the Joint Committee Workshop.

Joint Committee Workshop – Committee Chairs provided updates on the discussions that were held on the following subjects during the Joint Committee meeting held on November 3, 2020.

- Update on Permanent Rulemaking for Fire Safe Regulations - 14 CCR 1270 *et seq*. – Molly Mowery, Wildfire Planning International
- Staff update on potential amendments to Conversions Exemptions - 14 CCR § 1104.1 *et al*.
- Discussion of development of a problem statement(s) regarding botanical resources and timber harvest processes

Special Board Hearing and Reports

- **Presentation: Evaluation of Forest Road Scenarios Using Field Measurements and the Distributive Hydrology Soil Vegetation Model:** Dr. Chris Surfleet, Professor of Hydrology, Cal Poly State University, San Luis Obispo
- **Presentation: DRAFT Resolution 2020-3 for designation of a Zone of Infestation for Invasive Shot Hole Borers and Board consideration of expansion of designated Zone of Infestation for Goldspotted Oak Borer:** Rick Carr, Southern Region Staff Chief of Resource Management CAL FIRE and Kim Corella, Forest Pest Specialist, CAL FIRE.

11-20-06 Member Gilless moved to adopt Resolution 2020-3 Declaring a Zone of Infestation for Invasive Shot Hole Borers.11-20-06 Member Gilless moved to adopt Resolution 2020-3 Declaring a Zone of Infestation for Invasive Shot Hole Borers. Member Wade seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**absent**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting connectivity.**
Los Huertos	**aye**
Chase	**aye**
Gilless	**aye**

The motion passed with one member absent and one member unable to vote due to limited meeting connectivity.

11-20-07 Chair Gilless moved to approve the Director's Determination to Expand the Designated Zone of Infestation for the Goldspotted Oak Borer in accordance with the boundaries as set forth in Table 1 of the materials provided. Member Wade seconded.

Roll Call:

Wade	**aye**
Husari	**aye**
Jani	**absent**
Delbar	**aye**
Wheeles	**unable to vote due to limited meeting connectivity.**
Los Huertos	**aye**
Chase	**aye**

Gilless aye

The motion passed with one member absent and one member unable to vote due to limited meeting connectivity.

CONCLUSION

Public Forum

Richard Gienger, Forests Forever, provided information on various venues over recent years covering catastrophic conditions and climate crisis. Forests Forever is trying to focus on specific education for foresters being trained and practicing foresters to focus on how to grow larger trees and climate adaptive forests.

Adjournment

Respectfully submitted,
ATTEST:

Matthew Dias
Executive Officer

Keith Gilless
Chair

CALIFORNIA BOARD OF FORESTRY AND FIRE PROTECTION

RESOLUTION NO. 2020-2

RESOLUTION APROVING A SUSPENSION ON LOCAL ORDINANCE CERTIFICATION PENDING ADOPTION OF STATUTORILY REQUIRED AMENDMENTS TO THE SRA FIRE SAFE REGULATIONS

WHEREAS, Since 1991, Public Resources Code section 4290 has required the State Board of Forestry and Fire Protection (Board) to adopt regulations, known as the Fire Safe Regulations, to implement minimum fire safety standards applicable to state responsibility area (SRA) lands; the Fire Safe Regulations (14 CCR § 1270 *et seq.*) apply to the perimeter and access to all residential, commercial, and industrial building construction in the SRA; and

WHEREAS, Pursuant Public Resources Code section 4290, subdivision (c), the Fire Safe Regulations do not supersede local ordinances that equal or exceed the minimum standards of those regulations; and

WHEREAS, Pursuant to the Fire Safe Regulations, a local jurisdiction may submit its local ordinance to the Board, and the Board may, in its discretion, certify a local ordinance as equaling or exceeding the Fire Safe Regulations when the local ordinance provides the same practical effect, in which case the local jurisdiction's ordinance shall be applied in lieu of the Fire Safe Regulations; and

WHEREAS, Pursuant to the Fire Safe Regulations, a certification is rendered invalid if subsequent amendments are made to the Fire Safe Regulations or local ordinance; and

WHEREAS, The Board must adopt amendments to the Fire Safe Regulations expeditiously to address new requirements imposed by Senate Bill 901 (Ch. 626, Stats. 2018), which will invalidate all local ordinance certifications within a matter of months; and

WHEREAS, The Board believes a temporary suspension on local ordinance certification is appropriate to avoid the unnecessary invalidation of local ordinance certifications issued between now and adoption of the statutorily-mandated Fire Safe Regulation amendments; and

WHEREAS, The Board acknowledges the unfortunate burdens to local jurisdictions that will result from being unable to seek and secure certification of its local ordinance for the duration of a temporary suspension; and

WHEREAS, Local ordinance certification is a distinct issue from the delegation of inspection authority to a local jurisdiction; certification merely provides clarity as to which standard – the local ordinance or the Fire Safe Regulation – serves as the basis for inspections; thus, a suspension on certifications does not impact a local jurisdiction's ability to seek or retain inspection authority of the applicable fire safe standards, as properly delegated pursuant to 14 CCR § 1270.05; and

WHEREAS, A temporary suspension on certifications does not affect or conflict with Public Resources Code section 4290, subdivision (c), and does not affect the applicability of a local ordinance, rule or regulation, to the extent such local ordinance, rule or regulation equals or exceeds the minimum standards in the Fire Safe Regulations pursuant to Public Resources Code section 4290, subdivision (c); and

WHEREAS, The Fire Safe Regulations would serve as the default standard for all local jurisdictions, and the Board's certification is not statutorily required to preserve a local ordinance to the extent that it is at least "equal" to the Fire Safe Regulations, which would be satisfied where compliance with the local ordinance standard also simultaneously satisfies the Fire Safe Regulation as an identical or lesser-included standard.

NOW, THEREFORE, BE IT RESOLVED, That for the reasons set forth in the above Recitals, the Board will not consider any local ordinance for certification as equaling or exceeding the minimum standards as providing the same practical effect of the Fire Safe Regulation until the amendments to the Fire Safe Regulations in accordance with Public Resources Code section 4290 are adopted and take effect; and

BE IT FURTHER RESOLVED, That the Executive Officer shall notify relevant local jurisdictions of the temporary moratorium by posting this Resolution on the Board's website and distributing copies of this Resolution, as appropriate.

Passed and adopted by the State Board of Forestry and Fire Protection at a regularly scheduled, noticed meeting on November 4, 2020, by the following vote:

Ayes: Gilless, Chase, Delbar, Husari, Jani, Los Huertos, Wade

Noes:

Absent: Wheeles

As certified on November 5, 2020, by:

_____
Keith Gilless, Board Chair

_____
Matt Dias, Executive Officer