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*CAL FIRE* now has professionally trained staff and equipment stationed in the South Lake Tahoe Basin. Does Plumas County have to wait for our own Angora Fire to get *CAL FIRE* protection?

A recent memorandum from the Chief of the US Forest Service to Regional Foresters entitled “Wild Land Fire Suppression Policy for Structure Protection,” states that US Forest Service units are to “apply strategy and tactics to keep wildland fires from reaching structures, as prudent to do so.”

However it also states:

“The Forest Service shall not:

- Take direct suppression actions on structures other than those that tactically reduce the threat of fire spread to them.
- Enter structures or work on roofs of structures for the purpose of direct suppression actions.”

Two recent house fires in SRA’s in Plumas County, outside of local fire protection districts, indicate some of the consequences of these policies. In one case, the only fire fighting unit to arrive was the USFS unit near Quincy. This fire fighting unit watched the house **burn to the ground** while being prepared to fight the fire should it threaten to spread into the adjacent national forest land. In the other case, the first fire fighting unit to arrive was from the nearest local fire protection district in Graeagle. The unit had trouble finding and reaching the house and actually getting around the structure to fight the fire, because the new home had been approved for occupancy without inspection or enforcement of state fire codes concerning roads, signage, turnarounds, clearance, etc. The house **burned to the ground**, but, because the destroyed residence was not in the fire protection district, the fire protection district billed the homeowners for the costs of sending the engines and crews to their home. In this case this cost was more than \$20,000.

## Development

### **Findings and Recommendations:**

***Finding 1:*** Plumas County government leaders have been approving land development without adequate fire fighting services. This practice amplifies the number of homes and parcels with inadequate or no fire protection services.

***Recommendation 1.*** The Board of Supervisors is urged to adopt ordinances requiring stringent minimum standards that developers must meet prior to Subdivision Master Plan approval that include:

- A signed contract for fire protection services
- Installed fire protection infrastructure and equipment
- Sufficient emergency water supplies

### **Background:**

A major concern examined by the 2009-2010 Plumas County Grand Jury is the provision of fire protection and fire prevention services in this county. Specifically investigated were the County Building and Planning Departments. The Grand Jury found that the use and enforcement of fire codes and standards varies depending on whether they are being applied to a structure (homes, outbuildings, and commercial buildings), to the area immediately surrounding a structure (defensible space, access roads, turnarounds, fuel tanks and emergency water for fighting fires) or to the nearby wildlands (national and private forests as well as grasslands). The Grand Jury found that a large number of parcels (4,631) have been approved for building construction and occupancy located outside of fire protection districts. Homeowners and business owners are likely unaware that in the event their structures catch fire, there are no fire fighters mandated to respond and fight that fire.

The Grand Jury asked how new subdivisions and residences get approved in areas where there is no entity responsible for fighting a fire, should a home catch fire. We studied the processes employed by developers, working with county officials and the Board of Supervisors, to gain approvals for fire protection services. This included provision of emergency water supplies. After a developer acquires land outside of a fire protection district (FPD), one of the requirements of a plan for further subdivision and construction is that there be fire protection. The Board of Supervisor requests the Local Area Formation Commission (LAFCo) to either (a) create a new Community Services District (CSD), or (b) approve annexation to an existing fire protection district (FPD). Either alternative meets the requirement for approval.

If a new CSD is formed, the Board of Supervisors by statute becomes the Board of Directors of the new district. They have authorized the new CSD to operate a fire department, but without the specific responsibility to provide fire protection or the requirement for knowledgeable employees and minimal equipment to fight a structural fire. Unfortunately, this is sufficient for the approval process of the development.

At this point, it is the Board of Supervisors and their key employees (Planning, Building, and Environmental Health Departments) that must decide whether this CSD is capable of providing fire service and sufficient emergency water to fight a fire. If annexation is

the approved option, then the plan can go through the entire approval process without any formal agreements or contracts for fire protection or the provision of water service.

In the case of annexation as authorized by LAFCo, it is noted that the LAFCo Board is chaired by a member of the County Board of Supervisors; seated on that Board is a second member of the Board of Supervisors and each of these individuals has a designated alternate that is also a Board of Supervisors member.

Evaluation of the plans for compliance of nonstructural state fire codes is the responsibility of the CSD that probably has no qualified employees, or a volunteer Fire Chief with little time to review plans before the approval deadline.

The key players in the process of new development approval are (1) the developer, (2) the Board of Supervisors, (3) the Local Area Formation Commission, and (4) key county staff persons who report to and are evaluated by the Board of Supervisors.

The Planning Department is charged with responsibility for approving the subdivision of a parcel into lots for single-family residences, multiple housing units, and/or commercial units from what formerly was a single land parcel. The problem involves a developer acquiring land outside of any established fire protection districts authorized to provide fire protection services. To obtain subdivision approval the developer follows one of two scenarios to obtain fire protection and water services.

**Scenario #1:** LAFCo approves annexation of a parcel adjacent to a FPD and/or CSD which has the authorization to operate a fire department. All county fire protection entities are volunteer organizations at the time annexation is approved, which may or may not have facilities, professional employees or resources. This annexation option is a relatively new choice for developers.

**Scenario #2:** LAFCo, following a resolution by the Plumas County Board of Supervisors, requested by the developer, establishes a new CSD with responsibility for providing potable and emergency water supplies, sewage disposal, and authority to operate a fire department. This CSD has no resources, employees, or facilities, but will manage the facilities produced by the developer once the development is completed. Because there are no full time residents within the new development or the new district, the Board of Directors of this entity is composed of the members of the County Board of Supervisors, a role that is mandated by law. The County Director of Public Works serves as the General Manager of the District; within the recent past the developer was selected to serve in this role.

In both scenarios the Development Plan and Environmental Impact Report (EIR) cite the FPD and water service provider proposed for annexation or the new CSD as the source of fire protection and water and sewer services. The Plumas County Planning Director is responsible for overall assessment and approval of the EIR and Development Plan and for overseeing evaluations made by state agencies in the case of larger subdivisions. The Planning Director refers the Plan to the Building Department for compliance with Building Codes as might be

applicable. The EIR and Development Plan are referred to the Environmental Health Director for assessment of water and sewage plans. To establish whether the Plan complies with non-structural fire codes (roads, turnarounds, emergency water supply, etc.), it is sent to the FPD or CSD with a short turnaround deadline and **default approval** if no response is provided.

Ultimately, the Planning Director, who also serves as the County's Zoning Administrator, is charged with approving the Development Plan and EIR and then submitting his recommendation to the Board of Supervisors for final evaluation and approval. In most cases, the Board of Supervisors also sits as the Board of Directors of the new CSD as well as having responsibility for reviewing the performance of the Planning, Environmental Health, and Public Works Directors, setting their respective compensation, and approving each of the Department's operating budgets. The Grand Jury believes the department directors' close subordinate relationship to the Board of Supervisors creates an unreasonable position for senior staff. It also has potential to interfere with the Board providing objective oversight.

Today there is a critical need for local county-elected and appointed officials to begin restructuring this County's former dependence upon on-going, essentially "rubber stamped" master plan subdivision approvals that historically generated an increasing property tax revenue stream that supported the County's menu of services perceived to benefit the local resident population. Concurrent with the bursting of the national housing and real estate "bubble" beginning in 2004-2005, the County Chief Administrative Officer has observed and reported a new and distressing five-year or possibly longer trend in declining revenues associated with declining property values and associated assessed valuations.

Early in its investigation of **structural fire protection** this Grand Jury learned that subdivision master plans approved by the Planning Department prior to 1991 had no requirement to be included in a local district providing fire protection services. The rationale offered focused on the potential expense to that category of parcel owners in gaining access to such services. Apparently omitted from any consideration was the number of years that lapsed prior to subdivision build out; in Plumas County subdivision build out timelines stretch 20 or more years for most developments. During those extended periods of years many things are subject to change except the absence of structural fire protection services. Now that Plumas County property owners have entered the 21<sup>st</sup> Century, it is clearly time for this past practice to be corrected for the good of all.

There is a related concern as subdivision master plans continue to be approved within Plumas County. Almost without exception with each approval action the Board of Supervisors authorizes yet another small community water service utility with primary responsibility for emergency water supplies. Most often these developer recommended districts are proposed to serve very limited numbers of parcels in the range of 100 to 600. In fact, such subdivision approvals have created a needless proliferation of local utility districts that cannot economically provide minimal essential services.

As subdivision master plans continue to be approved within Plumas County the result is a continued proliferation of small FPDs or CFDs that are supposed to provide emergency fire protection services; in most cases the fact that these new districts are scaled to the subdivision proposed size renders them too small to be operated on a cost effective basis not dissimilar to the community water districts referenced above.

## **Board of Supervisors**

### **Findings and Recommendations:**

**Finding1:** The Board of Supervisors is doing next to nothing about the fact that so many residents and property owners have no fire protection.

- In 1991, an agreement between State and Federal agencies removed fire fighting services from the majority of homes and parcels in Plumas County. County government officials have known this for 19 years.
- Until five years ago, Plumas County had a Fire Marshall. When that position became vacant, the Board of Supervisors chose not to fill it.
- *CAL FIRE* does not provide fire fighting services in Plumas County.

**Recommendation 1:** This Grand Jury believes that the Board of Supervisors has no other choice than to sue the State of California to obtain the same *CAL FIRE* firefighting resources that all other neighboring counties enjoy.

**Finding2:** The Board of Supervisors has not been sufficiently involved with the land exchange agreements between the U S Forest Service and *CAL FIRE*. This continues to leave Plumas County without State fire services. Clearly the best interests of the County have not been served for years.

**Recommendation2:** The Board of Supervisors needs to take the initiative to be actively involved with all aspects of Fire Safety, and not allow the County to be under represented or unprotected now or in the future.

**Finding3:** The Board of Supervisors has not acted on recommendations by its own Emergency & Fire Services Advisory Committee.

**Recommendation3:** The Board of Supervisors must act on the committee's recommendations.

**Finding 4:** No organization in Plumas County discloses with certainty if a parcel is located in a fire protection district.

**Recommendation 4:** The Board of Supervisors will mandate that:

- The Planning Department will disclose fire protection status for every parcel in the County (including fire protection district name or "no district").
- The Building Department will require written acknowledgement of that status from a property owner who applies for a building permit.
- All sellers of real estate disclose fire protection status for any real estate sale in the county.

### **Background:**

Reference Fire Services, Development and Appendix G

## Procedure

The 2009-2010 Grand Jury instantly recognized the topic of **Fire** as a “hot button” issue on behalf of the county’s residents and property owners. Investigated initially was the hazard of wildland fire and its impact on the *urban-wildland interface* of which almost all privately held parcels in the county are classified. The investigation first focused on the work of the Plumas County Fire Safe Council. The panel’s recognition of the tremendous work this group is accomplishing allowed it to focus its investigation more precisely on **Structural Fire Management** within the County.

The Grand Jury extended and focused its investigation on four principal areas:

- Approved parcels and structures outside of fire protection districts
- State Responsibility and Local Responsibility Areas within Plumas County
- Subdivision Development Approval Processes within Plumas County

The committee’s investigation obtained essential factual information from the following:

1. County Administrator’s Office
2. Board of Supervisors
3. County Council
4. County Planning Office
5. County Building Department
6. Local Agency Formation Commission
7. Local Fire Protection and Community Service Districts
8. Plumas County Emergency Services Advisory Committee
9. All websites associated with the above agencies
10. May 1 *Power-Point* Presentation made to Plumas County firefighters by Ray Zachau, Division Chief, Fire Marshal, South Lake Tahoe Fire Department: *The 2007 Angora Fire & What Went Wrong*

Documents reviewed by the committee:

- *California Master Cooperative Wildland Fire Management and Stafford Act Response Agreement*, March 28, 2008
- *Cooperative Fire Protection Agreement / Operating Plan* (Between US Forest Service and ... *CAL FIRE*) May 15, 2009
- Plumas County Final Budget for 2009-2010 and previous years
- Members of the Board of Supervisors concurrently serving as Directors of local CSD Boards, LAFCo Board of Directors, and as employers of critical County Department Administrative Officials
- Multiple Large Scale GIS County Maps prepared by Planning Department Staff
- Plumas County Board of Supervisors and Planning Commission November 10, 2009, Workshop focused on the new County General Plan
- California Association of Realtors®: *STATEWIDE BUYER AND SELLER ADVISORY*, SBSA Revised 4/07, page 4 (front and back) of 10 (e.g., standard form “disclosures”)