

APTOS/LA SELVA FIRE PROTECTION DISTRICT

RESOLUTION NO. 7-04

**RESOLUTION FINDING MODIFICATION OF STATE
HOUSING LAW BY ORDINANCE 1-04, REASONABLY
NECESSARY BECAUSE OF LOCAL CONDITIONS**

WHEREAS, Health and Safety Code Section 13869.7 provides that a fire protection district organized under the Bergeson Fire District Law may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code, and;

WHEREAS, Health and Safety Code Section 13869.7 provides that any such changes or modifications that are more stringent and relate to fire and panic safety are subject to subdivision (b) of Health and Safety Code Section 18941.5, and;

WHEREAS, subdivision (b) of Health and Safety Code Section 18941.5 allows a city or county to establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions after making the findings required by Health and Safety Code Section 17958.7.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that insofar as Ordinance 1-04 of the Aptos/La Selva Fire Protection District may change or modify the State Housing Standards adopted pursuant to Health and Safety Code Section 17922, as to the requirement for fire resistive construction within the urban wildland interace (UWI), the Board of Directors of the Aptos/La Selva Fire Protection District, after duly noticed and held public hearing, expressly finds that such change or modification is reasonably necessary due to local conditions as more specifically set forth below:

1. Areas within the UWI are nearly inaccessible for firefighting purposes due to mountainous topography, or are in areas with inadequate access due to mountainous or environmental influences;
2. The area within the UWI does pose an extreme fire hazard due to the high percentage of forested land (approximately 50%), much of which fuel modifications are not feasible on a large scale because of a state park and protected forest; A large scale fire will be detrimental to the the environment and topography;
3. As development continues to spread into the rural areas of the district, fire and life safety will increase to a dangerous level. Fire resistive construction can be used to modify the fuels available in the UWI setting preventing the spread of fire from the wildland to a structure, and from a structure to the wildland;
4. The fire district has been subject to major disasters such as major wildland fires, earthquakes, and flooding, which greatly limit traditional fire suppression capabilities for individual property protection.
5. A recent review of wildfire history in Santa Cruz County revealed a number of large scale, damaging fires and showed that these fires were responsible for not only the destruction of thousands of acres or land, but also for the destruction or damage to scores of homes found in the UWI.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Secretary of the Board is directed to mail a copy of these findings together with the modification or change expressly marked and identified to the California Building Standards Commission and obtain a file stamped endorsed copy from the commission for retention in the District's office.

PASSED AND ADOPTED BY THE Board of Directors of the Aptos/La Selva Fire Protection District, County Santa Cruz, State of California, at a regular meeting held on the 8th day of April, 2004, by the following roll call vote:

AYES:	_____
NOES:	<u> 0 </u>
ABSENT:	<u> 0 </u>
ABSTAIN:	<u> 0 </u>

Chairperson of the Board

Attest:

Secretary of the Board

APPROVED AS TO FORM:

Alan J. Smith
District Counsel