



June 21, 2021

Chair J. Keith Gilles, Chair
Vice Chair Darcy Wheelles
Member Mike Jani
Member Rich Wade
Member Susan Husari
Member Marc Los Huertos
Member Katie Delbar
Member Christopher Chase
Board of Forestry and Fire Protection
Post Office Box 944246
Sacramento, CA 94244-2460

Transmittal Via E-Mail: PublicComments@BOF.ca.gov

RE: “State Minimum Fire Safe Regulations, 2021” Formal Comments

Dear Chair Gilles and Board Members:

The Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the Urban Counties of California (UCC) urge the Board **not** to adopt the proposed “State Minimum Fire Safe Regulations, 2021” in their current form, and instead engage with local jurisdictions interactively and cooperatively to develop a more balanced, effective, and equitable proposal. Our three organizations represent all fifty-eight California counties – i.e., the local jurisdictions with greatest experience applying the Fire Safe Regulations for over 30 years, and the greatest responsibilities under the current proposal.

Local jurisdictions have a unique role in implementing the Board’s regulations, and therefore a unique perspective in this rulemaking process. These regulations cannot succeed in achieving the Board’s wildfire safety goals without partnership and cooperation between the Board and counties. We hope and expect that the Board will give the concerns expressed by locally-elected officials and technical experts the respect and consideration they are due.

We have prepared the attached revisions recommending specific changes to the proposed draft regulations, with explanatory comments as appropriate. Given the magnitude of our concerns with the Board's current draft, these changes are substantial. We would welcome the opportunity to work with the Board and its staff to further refine the regulatory language and pursue our shared goal of improving fire safety in a fair and reasonable manner.

In addition to the red-line text, the county organizations offer the following comments on several items of substance in the most recent draft Fire Safe Regulations:

- The proposal to prohibit **any** building construction in areas where the existing roads do not meet the Board's newly-prescribed standards would create "no-build" zones throughout the large swaths of California served by dirt roads, roads less than 14-feet wide or having over 25% grade. This would have substantial impacts on housing production in affected jurisdictions, and would materially impair their ability to meet state mandates to plan for adequate housing affordable to all income levels. It would similarly have devastating effects on the establishment and expansion of small businesses, and on the regional economic development necessary for recovery from the COVID-19 pandemic. In addition to being unreasonable and inequitable public policy, such restrictions may result in regulatory takings in many instances, for which the Board, as well as local jurisdictions, will face costly litigation and financial liability.
- Compounding these flaws, the proposed regulations further provide that even modest residential lot splits or business expansion would trigger requirements to bring potentially miles of public roads and bridges fully up to current standards, at the landowner's expense. This will effectively stifle meaningful housing production and economic development even in those areas outside of the "no build" zones, and substantially exacerbate the negative impacts noted above.
- The ostensible exemptions of wildfire rebuilds and accessory dwelling units from these requirements are fatally unclear. While certain provisions of the regulations purport to exempt these buildings from the regulations (§ 1270.03), other provisions appear to override or limit those exemptions and impose substantial burdens on these homeowners. (See, e.g., § 1273.00(d), providing that "[n]otwithstanding any other provision in this Subchapter, Building construction is prohibited..." and § 1273.12(d), establishing special requirements for roads used to access buildings being reconstructed after a wildfire - which would be meaningless if such reconstruction was actually exempt from the regulations.) These exemptions are confusing at best, and at worst deceptive to the regulated public.

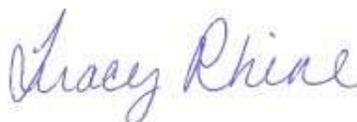
- Moreover, to the extent such exemptions work at all, they are overly narrow. The exemption for rebuilds covers *only* structures lost due to wildfire, and consequently owners whose homes or businesses were lost due to other causes (e.g., flood, mudslide, house fire, etc.) would be subject to the full panoply of requirements applicable to new construction. Also, even wildfire rebuilds are not exempt if they cannot meet the setback requirements - as is the case on many smaller lots. Rebuilding an existing home or business creates no new impact, no heightened fire risk, and no increased fire serve need. There is no nexus to require upgrades to existing public roads as a condition of rebuilding these structures.
- The proposed regulations will have significant impacts on the physical environment, by incentivizing and encouraging road improvements statewide, and substantial economic impacts on affected property owners and small businesses. The Board has a legal obligation to meaningfully evaluate and consider these impacts under the California Environmental Quality Act and the Administrative Procedures Act - but has made no serious effort to do so.

We invite Board members to carefully review these comments and concerns, and we look forward to addressing the Board directly at the forthcoming public hearing. If you have any questions, please feel free to contact Tracy Rhine (RCRC) at trhine@rcrcet.org, Catherine Freeman (CSAC) at cfreeman@counties.org, or Jean Hurst (UCC) at ikh@hbeadvocacy.com.

Sincerely,



CATHERINE FREEMAN
Legislative Representative
CSAC



TRACY RHINE
Senior Legislative Advocate
RCRC



JEAN KINNEY HURST
Legislative Representative
UCC

cc: Wade Crowfoot, Secretary, Natural Resources Agency
Hazel Miranda, Deputy Legislative Secretary, Office of the Governor
Matt Dias, Executive Officer, Board of Forestry and Fire Protection

Attachment: "State Minimum Fire Safe Regulations, 2021" Comments

Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7
Subchapter 2, Articles 1-5
“State Minimum Fire Safe Regulations, 2021”

Subchapter 2. State Minimum Fire Safe Regulations

Article 1. Administration

§ 1270.00. Title.

These regulations shall be known as the “State Minimum Fire Safe Regulations,” and shall constitute the minimum Wildfire protection standards of the California Board of Forestry and Fire Protection.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126, 4127 and 4290, Public Resources Code.

§ 1270.01. Definitions

The following definitions are applicable to this Subchapter.

- (a) Access: The Roads on a route from a Building to the nearest Collector Road.
- (b) Agriculture: Land used for agricultural purposes as defined in a Local Jurisdiction's zoning ordinances.
- (c) Board: California Board of Forestry and Fire Protection.
- (d) Building: Any Structure used or intended for supporting or sheltering any use or Occupancy, except those classified as Storage Group S or Utility and Miscellaneous Group U Occupancy.
- (e) CAL FIRE: California Department of Forestry and Fire Protection.

Commented [AJW1]: The draft regulations use "access" to define the scope of roads that must be improved as a condition of building construction. As such, it is both under and over-inclusive. As applied to individual homebuilders, small-scale residential construction, and small businesses, requiring improvement of "local" public roads from the nearest Collector imposes burdens grossly out-of-step with their impacts - as the costs to upgrade these roads (and road structures) is cost prohibitive for any but the most wealthy. Conversely, it may be undesirable to relieve truly large developments from any obligation to improve deficiencies on Collector roads that they will be heavily impacting. A "one-size-fits-all" approach here in reality fits none. All of that said, these concerns may be mitigated, and this definition made workable, through the revisions suggested later in this document.

(f) Clear Width: A horizontal area free of vegetation, debris, fences, or other materials that may impede traffic flow; this area may include flexible posts or barriers that bend upon vehicular impact and rebound to their original position, and other traffic control and safety devices in conformance with the California Manual on Uniform Traffic Control Devices.

(g) Collector Road: Roads identified by a Local Jurisdiction as a major or minor, or general, collector road pursuant to Title 23, Code of Federal Regulations, § 470.105 and in conformance with the procedures in the US Federal Highway Administration “Highway Functional Classification Concepts, Criteria, and Procedures,” 2013 Edition, hereby incorporated by reference.

(h) Dead-end Road: A Road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped Roads with no other through access.

(i) Defensible Space: As defined in California Code of Regulations, Title 14, § 1299.02(a).

(j) Development: As defined in section 66418.1 of the California Government Code.

“Development” does not include facilities owned or operated by state or local public agencies, except for Residential Units.

(k) Director: Director of the Department of Forestry and Fire Protection or their designee.

(l) Driveway: A vehicular pathway that serves up to two (2) parcels with no more than two (2) Residential Units each, not including accessory or junior accessory dwelling units exempt pursuant to § 1270.03(d) (Scope – Exemptions – ADUs), and any number of non-commercial or non-industrial Storage Group S or Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses consisting of more than 7,200 square feet of structural floor area, at any size or scale.

Commented [AJW2]: Added for clarity, and conformity with the definition of “Road” set forth below.

Commented [AJW3]: This change is suggested for conformity with the general exemption of ADUs/JADUs from these regulations - and the legislative policy underlying that exclusion.

Commented [AJW4]: “Commercial or industrial uses” may range from small-scale activities without full-time employees to major places of public assembly, and are not all created equal. (Many small businesses do not experience the “larger commercial vehicles” and heightened “number of employee and visitor vehicles” posited in the ISOR (p. 8).) To avoid unnecessary and unreasonable burdens for truly small businesses, commercial/industrial uses below a certain threshold should be allowed to meet the driveways standards, rather than the full road standard. The proposed 7,200 sq. ft. threshold is based on the conversion metric explained in Section 1270.03, below, based on review of fire impact studies.

(m) Exception: An alternative means or method to achieve Substantial Compliance with a specified standard requested by the applicant ~~subject to~~ in accordance with § 1270.06 (Exceptions to Standards).

Commented [AJW5]: Reference to Substantial Compliance added for conformity with Section 1270.06 – and with the ISOR’s description of “fire safety...achieved by an alternative method *rather than the specified standard*” (p. 8).

(n) Existing Road: A physical Road constructed and used by vehicles prior to a Development proposal.

() Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, and technological factors.

Commented [AJW6]: See the explanation in the comments submitted by Santa Clara County.

(o) Fire Apparatus: A vehicle designed to be used under emergency conditions to transport personnel and equipment or to support emergency response, including but not limited to the suppression of fires.

(p) Fire Authority: A fire department, agency, division, district, or other governmental body responsible for regulating and/or enforcing minimum fire safety standards.

(q) Fire Hydrant: A valved connection on a water supply or storage system for the purpose of providing water for fire protection and suppression operations.

(r) Fuel Break: A strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential, and/or ember production.

(s) Greenbelts: Agricultural lands, open space, parks, wildlands, or a combination thereof, as designated by Local Jurisdictions, which surround or are adjacent to a city or urbanized area, and ~~restrict or prohibit Development~~ may function as Fuel Breaks.

(t) Greenways: Linear open spaces or corridors that link parks and neighborhoods within a community through natural or manmade trails and paths.

(u) Hammerhead/T: A Road or Driveway that provides a “T” shaped, three-point Turnaround space for Fire Apparatus, being no narrower than the Road or Driveway that serves it.

(v) Hazardous Land Use: A land use that presents a significantly elevated potential for the ignition, prolonged duration, or increased intensity of a Wildfire due to the presence of flammable materials, liquids, or gasses, or other features that initiate or sustain combustion. Such uses are determined by the Local Jurisdiction and may include, but are not limited to, power-generation and distribution facilities; wood processing or storage sites; flammable gas or liquids processing or storage sites; or shooting ranges.

~~() Inspection Entity: The public official or agency responsible for determining whether a proposed Building construction or Development complies with the standards in the State Minimum Fire Safe Regulations.~~

~~(w) Local Jurisdiction: Any The county, city, city/county, agency, or department, or any locally authorized district that has authority to approve Building construction within a geographic area approves or has the authority to regulate Development.~~

(x) Local Responsibility Area (LRA): Those areas of land outside a State Responsibility Area and where prevention and fire suppression is not primarily the responsibility of a federal agency pursuant to Public Resources Code (PRC) section 4125~~not classified by the Board where the financial responsibility of preventing and suppressing Wildfires is that of the state or federal government, pursuant to Public Resources Code (PRC) section 4125.~~

(y) Local Road: Roads identified by a Local Jurisdiction as a local road pursuant to Title 23, Code of Federal Regulations, § 470.105 and in conformance with the procedures in the US Federal Highway Administration “Highway Functional Classification Concepts, Criteria, and Procedures,” 2013 Edition, hereby incorporated by reference.

Commented [AJW7]: The definition of "Local Jurisdiction," upon whom substantial responsibilities devolve, should (1) explicitly include cities, who have such responsibilities in many LRA VHFHZ areas, and (2) should be focused on the public entity with the greatest responsibility for supervising or approving the Building construction as a whole. (Cf. CEQA Guidelines section 15051(b).) We have suggested revisions to the proposed language to achieve this and avoid overbreadth – and potential confusion and conflict amongst local agencies.

() Looped Road: Roads that loop back upon themselves. A road that has two or more points of connection onto a through road is not a Looped Road.

(z) Municipal-Type Water System: A system having water pipes servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.

() New: Newly constructed or approved after the effective date of the regulatory action adopting this subdivision.

(aa) New Road: A theoretical Road proposed in a Development application.

(bb) Occupancy: The purpose for which a Building, or part thereof, is used or intended to be used.

(cc) One-way Road: A Road that provides a minimum of one Traffic Lane width designed for traffic flow in one direction only.

() Outdoor Recreation: Activities and non-residential uses compatible with the natural environment, including passive parks, campgrounds, picnic areas, ranger outposts, trails and trail heads and related parking, public restrooms, visitor centers, signage, kiosks, and information booths.

(dd) Perimeter: The boundary of an individual parcel of land and/or the boundary of a tentative and final or parcel map, pursuant to Government Code § 66411, within which lies any Building construction, or in the case of a subdivision approval, the boundary of the approved parcel map or tentative map, pursuant to Government Code § 66411.

(ee) Residential Unit: Any Building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered residential units, unless being

Commented [AJW8]: See the explanation in the comments submitted by Santa Clara County.

Commented [AJW9]: This definition has been re-ordered for clarity, and consistency with the intent expressed in the ISOR (p. 11).

sited or installed as an accessory or junior accessory dwelling unit in accordance with § 1270.03(d) (Scope – Exemptions – ADUs).

(ff) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land.

(gg) Road: A public or private vehicular pathway to more than two (2) parcels, each of which contains any Structure, more than four (4) Residential Units, - not including accessory or junior accessory dwelling units exempt pursuant to § 1270.03(d) (Scope – Exemptions – ADUs), or to any industrial or commercial Occupancy of more than 7,200 square feet of structural floor area.

Commented [AJW10]: See above comment regarding commercial/industrial driveways.

(hh) Road or Driveway Structures: Bridges, culverts, and other appurtenant structures which supplement the Traffic Lane or Shoulders.

(ii) Shoulder: A vehicular pathway adjacent to the Traffic Lane.

(jj) State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

(kk) Structure: That which is built or constructed, a Building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner for which the California Building Code requires a permit for construction.

() Storage Group S: A Structure used for non-hazardous storage, permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

(ll) Substantial Compliance or Substantially Comply: Satisfaction of the purpose of the minimum standards even though the formal requirements are not satisfied. Nearly complete satisfaction of all material requirements consistent with the purpose of the applicable State Minimum Fire Safe

~~Regulations even though the formal requirements are not satisfied.~~ Where a specific code standard from the California Fire Code or National Fire Protection Association (NFPA) is referenced in this Article, any sections of the California Fire Code or NFPA standards regarding alternative methods of compliance, equivalencies, or modifications to the specified standards shall constitute substantial compliance with the applicable State Minimum Fire Safe Regulations.

(mm) Substantial Evidence: Enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, in light of the whole record of evidence, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

(nn) Traffic Lane: The portion of a Road or Driveway that provides a single line of vehicle travel.

(oo) Turnaround: A portion of a Road or Driveway, unobstructed by parking, which allows for a safe opposite change of direction for Fire Apparatus. Design of such area may ~~be-include~~ a hammerhead/T or terminus bulb or as approved by the Inspection Entity or Local Jurisdiction.

(pp) Turnout: A widening in a Road or Driveway to allow vehicles to pass.

(qq) Undeveloped Ridgeline: A Ridgeline with no Buildings.

(rr) Utility and Miscellaneous Group U: A Structure of an accessory character or a miscellaneous Structure not classified in any specific Occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

(ss) Vertical Clearance: The minimum specified height of a bridge, overhead projection, or vegetation clearance above the Road or Driveway.

Commented [AJW11]: The proposed definition of “substantial compliance” appears to derive from provisions of the Education Code addressing school funding audits (EC § 41344.1), and has no judicial construction or precedent in the land use arena. It’s also unclear what “nearly complete satisfaction” means in this context, which may lead to confusion and disputes.

We recommend retaining the formulation of “substantial compliance” originally proposed in the December draft of the proposed regulations. This formulation is clearer and more familiar to practitioners and the regulated public, being commonly found in legal dictionaries - and quite similar to the verbiage used in dozens of California cases. (See, e.g., Citizens for Positive Growth & Preservation v. City of Sacramento (2019) 43 Cal.App.5th 609, 620.) This formulation is also more consistent with the intent expressed in the ISOR provisions discussion Exceptions (to which this definition principally applies).

(tt) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in Government Code section 51177(i).

(uu) Wildfire: As defined in Public Resources Code Section 4103 and 4104.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.02. Purpose.

(a) These regulations have been prepared and adopted for the purpose of establishing state minimum Wildfire protection standards in conjunction with Building construction and Development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones, as defined in Government Code § 51177(i) (VHFHSZ). These regulations shall not apply to any Building construction or Development that occurred or received a discretionary approval or building permit from a Local Jurisdiction prior to the effective date of the applicable regulation(s).

(b) Building construction in the SRA and, after July 1, 2021, the VHFHSZ shall provide for minimum Wildfire protection in accordance with the standards as specified in the following articles.

(c) These standards shall provide for emergency ingress and egress; signing and Building numbering; private water supply reserves for emergency fire use; vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve Undeveloped Ridgelines. The regulations which follow ~~shall~~ specify the minimums for such standards.

(d) By ~~conditioning~~limiting Building construction in existing neighborhoods and on existing roads and limiting new development approvals, in those areas where these minimum Wildfire

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protection standards are not satisfied, ~~this reduces the risk of Wildfires in these areas is reduced,~~
~~which among other things protects the health, safety and welfare of residents, and protects~~
~~natural resources and the environment.~~

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.03. Scope.

(a) ~~Except as otherwise provided in this Subchapter, F~~ these regulations shall apply to:

(1) the Perimeters and Access to all residential, commercial, and industrial Building construction ~~within the SRA~~ approved after January 1, 1991 within the SRA, and ~~those these~~ approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsections (b), ~~(e)~~, ~~(d)~~, and ~~(e)~~ through (g) below.

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below;

(3) all tentative and parcel maps or other Developments within the SRA approved after January 1, 1991, and within the VHFHSZ approved after July 1, 2021; and

(4) applications for Building permits on a parcel approved in a pre-1991 parcel map (including a parcel map waiver pursuant to Government Code section 66428) or tentative map to the extent that ~~conditions matters~~ relating to the Perimeters and Access to the Buildings were not ~~approved imposed~~ as part of the ~~approval of the~~ parcel or tentative map process.

Commented [AJW12]: The deleted language inappropriately attempts to incorporate CEQA findings (i.e., CEQA Guidelines sections 15307 and 15308) within the regulatory text, without public notice or factual support.

The remainder of the wording of this section has been revised to more accurately reflect the purpose and effect of the regulations.

Commented [AJW13]: PRC 4290 provides that these regulations apply with the LRA VHFHSZ "after July 1, 2021." As originally written, this section could have been interpreted to apply these regulations to subdivision maps within the LRA VHFHSZ approved prior to that date, which would be plainly contrary to statute.

Commented [AJW14]: "Parcel Map Waivers" under the specified statute are effectively the equivalent of parcel maps, and appear within the scope of PRC 4290's exclusion for "parcel or tentative maps or other developments approved prior to January 1, 1991..."

Commented [AJW15]: These revisions reflect the fact that perimeter and access requirements for subdivisions are not always expressed as formal conditions (i.e., they are sometimes depicted visually on the map document instead). See also See 76 Ops.Cal.Atty.Gen. 19 (1993):

"The Act vests cities and counties with the power to regulate and control the 'design and improvement of subdivisions' (§ 66411) independent of the power to impose the specified conditions enumerated above...Accordingly, we believe that when a person applies for a building permit after January 1, 1991, the Board's fire safety regulations would be inapplicable as to any MATTERS APPROVED prior to January 1, 1991, as part of the parcel or tentative map process."

(b) These regulations do not apply where an application for a ~~Building permit in the SRA~~ is filed after January 1, 1991 for Development or Building construction on a parcel that was formed from a parcel map (including a parcel map waiver pursuant to Government Code section 66428) or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that ~~conditions-matters~~ relating to the Perimeters and Access to the Buildings were ~~imposed~~ approved by as part of the parcel map or ~~final~~ tentative map approved prior to January 1, 1991 process.

(1) For this exemption to apply, the parcel map or tentative map that was approved prior to January 1, 1991, shall have imposed conditions or otherwise regulated the design and improvement of the subdivision relating to the Perimeters and Access to the Building construction that is the subject of the Building permit application filed after January 1, 1991.

(2) These regulations shall apply to the Building construction to the extent that ~~conditions-matters~~ relating to the Perimeters and Access to the Buildings were not ~~imposed~~ approved as part of the ~~approval of the~~ parcel map or tentative map process.

() These regulations do not apply to Development of one new Structure of 1,000 square feet or less or one addition to an existing Structure totaling 1,000 square feet or less that is developed on a parcel after July 1, 2021. This exemption is limited to either one new Structure or addition to an existing Structure per parcel regardless of whether the entire 1,000 square feet is used, and only applies to parcels upon which any Building was lawfully constructed before July 1, 2021.

(c) At the discretion of the Local Jurisdiction, and subject to any requirements imposed by the Local Jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a Wildfire, these regulations shall not apply to the reconstruction or

Commented [AJW16]: The exemption set forth in PRC 4290(a) "where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance" is not limited to the SRA, and would thus equally apply to building permits in the LRA VHFHSZ if the statutory conditions are met.

Commented [AJW17]: See the explanation in the comments submitted by Santa Clara County.

repair of a Building due to a disaster or other sudden and unintended casualty ~~Wildfire~~, subject to the following:

(1) this exemption shall not apply if the reconstruction or repair alters the footprint of the original Building, such that the Building encroaches on the minimum setback requirements in § 1276.01 Building and Parcel Siting and Setbacks, unless a reduction in the minimum setback is approved by the Inspection Entity pursuant to § 1276.01(b);

Commented [AJW18]: This language is added for clarity, to avoid any ambiguity regarding whether the exemption determination may incorporate the flexibility built into § 1276.01.

(2) this exemption shall not apply if the reconstruction or repair changes the use of the Building or Buildings that had existed previously; and

~~(3) nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a Building for reasons unrelated to a Wildfire; and~~

~~(4)~~ nothing in this subsection shall be construed to alter the legal character of a Building reconstructed or repaired pursuant to this exemption.

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(e) These regulations shall not apply to Greenbelts, Greenways, Roads or parcels used solely for Agriculture, mining, or the management of timberland and harvesting of forest products, or Outdoor Recreation on lands owned or leased by state or local public agencies.

~~() These regulations shall not apply where application of the regulations would result in a taking or damaging of private property for public use under the Constitution of the State of California or the United States.~~

Commented [AJW19]: This provision is modeled after Pub. Resources Code section 30010 (part of the Coastal Act), and is intended to ensure that these regulations do not result in regulatory takings – and consequently liability for local governments and the Board.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.04. Local Regulations.

(a) These regulations shall serve as the minimum Wildfire protection standards applied in SRA and VHFHSZ. ~~However, t~~These regulations do not supersede local regulations which equal or exceed the standards of this Subchapter.

(b) ~~A local regulation~~ equals or exceeds a minimum standard of this Subchapter only if, at a minimum, the local regulation ~~s, as a whole, also fully complies~~ Substantially Comply with the corresponding minimum standards in this Subchapter.

(c) A Local Jurisdiction shall not apply exemptions that are not enumerated in this Subchapter. Exceptions requested and approved in conformance with § 1270.06 (Exceptions to Standards) may be granted on a case-by-case basis.

(d) A Local Jurisdiction or Fire Authority may notify the Board upon its commencement of any revisions to relevant local regulations. The Board may provide technical assistance to the requesting agency during the revision drafting process.

(e) The Local Jurisdiction or Fire Authority may submit their draft regulation to the Board at least 90 days before ~~the first meeting of adoption of the regulation by~~ the Local Jurisdiction or Fire Authority ~~at which the proposed draft will be presented to the public.~~

(f) The Board may provide recommendations on the draft within 60 days.

(g) ~~Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, The Local Jurisdiction or Fire Authority shall require~~ Building construction ~~shall to~~

Commented [AJW20]: The provisions of this section have been revised to allow for a holistic evaluation of whether local ordinances "equal or exceed" Fire Safe Regulations. Local ordinances may be structured differently than these regulations, but nonetheless, as a whole, establish requirements that are equally or more stringent in every particular. Requiring a siloed "one-for-one" comparison of each individual regulation and ordinance provision is unnecessarily constraining, and does not serve the purposes of this section.

Commented [AJW21]: This is intended to clarify that this technical assistance process may only be invoked by the agency responsible for promulgating and adopting the local regulations.

Commented [AJW22]: The statement "notwithstanding a local regulation..." is unclear, as by definition, compliance with a local regulation that equals or exceeds the State Regulations will satisfy the underlying Regulations themselves. (In other words, there is nothing to be "notwithstanding.")

comply with the State Minimum Fire Safe Regulations in accordance with the provisions of this Subchapter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

(a) Inspections in the SRA shall be made by:

(1) the Director, or

(2) Local Jurisdictions that have assumed state fire protection responsibility on SRA lands, or

(3) Local Jurisdictions where the inspection duties have been formally delegated by the Director to the Local Jurisdiction, pursuant to subsection (b).

(b) The Director may delegate inspection authority to a Local Jurisdiction subject to all of the following criteria:

(1) The Local Jurisdiction represents that they have appropriate resources to perform the delegated inspection authority.

(2) The Local Jurisdiction acknowledges that CAL FIRE's authority under subsection (d) shall not be waived or restricted.

(3) The Local Jurisdiction consents to the delegation of inspection authority.

(4) The Director may revoke the delegation at any time after consultation with the Local Jurisdiction.

(5) The delegation of inspection authority, and any subsequent revocation of the delegation, shall be documented in writing, and retained on file at the CAL FIRE Unit headquarters that administers SRA fire protection in the Local Jurisdiction.

(c) Inspections in the VHFHSZ shall be made by the Local Jurisdiction or Fire Authority.

(d) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws in the SRA even when the inspection duties have been delegated pursuant to this section.

(e) Reports of violations within the SRA shall be provided by the Inspection Entity to the CAL FIRE Unit headquarters that administers SRA fire protection in the Local Jurisdiction.

(f) Inspections conducted by the Director shall be limited to confirming compliance with the State Minimum Fire Safe Regulations. Inspections conducted by the Local Jurisdiction or Fire Authority shall confirm compliance with the State Minimum Fire Safe Regulations in addition to any other matters prescribed by the Local Jurisdiction or Fire Authority. ~~A Local Jurisdiction may, in its discretion, conduct additional inspections with respect to a local regulation that equals or exceeds the State Minimum Fire Safe Regulations.~~

(g) The Local Jurisdiction shall ensure require that any applicable Building construction complies with the applicable sections of this Subchapter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4119, 4125, 4290 and 4291, Public Resources Code.

§ 1270.06. Exceptions to Standards.

(a) The requirements in this section apply to requests for Exceptions from the standards in the State Minimum Fire Safe Regulations. Requests for exceptions, variances, or other

Commented [AJW23]: The deleted text is superfluous, in light of Local Jurisdictions' existing authority to adopt and enforce additional local regulations.

Commented [AJW24]: Absolutely "ensuring" compliance may be beyond the power of even the most diligent local government. "Requiring" compliance is more appropriate, and consistent with the prior language of this section.

administrative relief from a local regulation that equals or exceeds the State Minimum Fire Safe Regulations shall be processed in accordance with procedures established by the Local Jurisdiction.

(b) Upon request by the applicant, an Exception to a-one or more standards within this Subchapter may be granted by the ~~i~~Inspection ~~e~~Entity in accordance with § 1270.05 (Inspections).

(1) Exceptions shall only be granted under one the following circumstances:

(i) ~~w~~Where the Exception provides for Substantial Compliance with the minimum standards provided in this Subchapter;

(ii) To the limited extent that application of a particular standard or standards in this Subchapter are not Feasible; or

(iii) To the extent necessary to avoid a taking or damaging of private property for public use under the Constitution of the United States or the State of California.

(2) Exceptions granted by the ~~i~~Inspection ~~e~~Entity shall be made on a case-by-case basis only, shall be in writing, and shall be supported by Substantial Evidence. Exceptions granted by the ~~i~~Inspection ~~e~~Entity shall be forwarded to the Board and the appropriate CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located. Exceptions shall be retained on file at both offices for a period of no less than five (5) years.

(c) Requests for an Exception shall be made in writing to the ~~i~~Inspection ~~e~~Entity by the applicant or the applicant's authorized representative.

(1) Exception requests shall state:

(i) the specific section(s) for which an Exception is requested;

(ii) material facts supporting the necessity for an Exception;

Commented [AJW25]: Earlier draft regulations included requests for relief from local ordinances that “meet or exceed” the State Regulations within the Exception process. Those provisions have now been removed, and it is consequently necessary to specify how such requests will be processed. This clarity will benefit both the regulated public and Local Jurisdictions.

(iii) material facts demonstrating the proposed alternative mean(s) Substantially Complies with the State Minimum Fire Safe Regulation for which the Exception is requested, or that compliance with the particular regulation(s) for which the Exception is requested is not Feasible or will result in taking or damaging of private property for public use; and

(iv) a map showing the proposed location and siting of the Exception, including address or parcel number, as applicable; and-

(v) Any additional measures that will be incorporated into the development or Building construction to enhance fire safety or reduce fire risk.

(2) Local Jurisdictions acting as ~~h~~Inspection ~~e~~Entities pursuant to § 1270.05 (Inspections) may establish additional procedures or requirements for Exception requests.

(d) Exception decisions may be appealed. The Local Jurisdiction may establish a special appeal process for Exception requests or may utilize ~~or utilize an appeal process consistent with~~ existing local Building or planning department appeal processes.

(1) In addition to local requirements, the Local Jurisdiction shall consult with the ~~h~~Inspection ~~e~~Entity prior to making a determination on an appeal.

~~(2) The hInspection eEntity shall timely provide documentation demonstrating how the explaining its conclusion that the requested Exception does or does not substantially meet the criteria for an Exception set forth in paragraph (b)(1) comply with the standards in this Subchapter.~~

(e) If an appeal is granted, the Local Jurisdiction shall make written findings ~~of the Exception's Substantial Compliance, as defined § 1270.01 (Definitions), with the minimum standards in this Subchapter, that one or more of the criteria for an Exception set forth in paragraph (b)(1) are~~

Commented [AJW26]: The regulation should require that these materials be timely provided - and avoid any implication that the appeals body cannot proceed if such materials are not provided within a reasonable period of time.

The remaining changes in this subdivision are recommended for clarity.

met. supported by Substantial Evidence. Such findings shall include a written statement of reasons for overriding the decision of the inspection entity, if necessary. A written copy of these findings shall be provided to the Board and the CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or in the county in which the Local Jurisdiction is located.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.07. Distance Measurements.

All specified or referenced distances are measured along the ground, unless otherwise stated.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 2. Ingress and Egress

§ 1273.00. Purpose and Application.

(a) New Roads, new Driveways, and new Road or Driveway Structures, whether public or private, unless exempted under § 1270.03(b)-(eg) (Scope - Exemptions), shall provide for concurrent Fire Apparatus ingress and civilian evacuation, and shall provide unobstructed traffic circulation during a Wildfire emergency as set forth in this Article.

(b) The provisions of this Article and Article 3 (Signing and Building Numbering) shall apply to all New Roads, new Driveways, or new Road or Driveway Structures. The provisions of this Article and Article 3 (Signing and Building Numbering) shall further apply to all Existing Roads, Driveways, or Road or Driveway Structures within a-the Perimeter.

(c) The provisions of this Article and Article 3 (Signing and Building Numbering) shall further apply to any Existing Road, Driveway, or Road or Driveway Structure that provides Access to Building construction which includes

(1) the permitting or approval of ~~three-fifteen (315)~~ or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or

~~(2) construction that increases the size of commercial or industrial uses by 27,000 square feet or more; or~~

~~(23) an application for a change of zoning which proposes to increase the zoning intensity or density permitted on the parcel or parcels within the Perimeter by 20% or more above the allowable zoning intensity or density applicable on July 1, 2021; or~~

~~(34) an application for a issuance or amendment of a change in use permit which proposes to increase the use intensity or density permitted on the parcel or parcels subject to the use permit by 20% or more above the intensity or density permitted on July 1, 2021.~~

~~(d) Notwithstanding any other provision in this Subchapter, Building construction described in subdivision (c) is prohibited where Access is provided by a Road that does not meet the minimum requirements in § 1273.12 (Standards for Existing Roads).~~

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.01. Horizontal and Vertical Curves / Curb Radii.

(a) No New Road or Road Structure shall have a horizontal inside radius of curvature (measured from the centerline of the inside lane) of less than fifty (50) feet, except as provided for in subsections (b), (c), and (d).

Commented [AJW27]: The draft proposes to require that local public roads be upgraded to the full current standard for very small subdivisions (including some parcel maps). This lacks nexus and proportionality to the impacts of such small lot splits.

We suggest 15 residential units as a more appropriate trigger for this level of required improvements. This is a well-established "medium-size project" threshold - specifically for fire protection and water system requirements. See, e.g., Cal. Code Regs., tit. 25, §§ 1300, 2300 (fire protection equipment requirements for mobilehome and special occupancy parks); HSC 116275 (public water system regulations).

Commented [AJW28]: We suggest that the regulations should explicitly address large-scale commercial and industrial construction, even if consistent with the existing zoning and site permitting.

The conversion rate of 1 residential unit equals 1,800 square feet of commercial or industrial space was developed based on a review of local fire impact fee studies (which evaluate the respective fire service needs and impacts of various types and sizes of development).

Commented [AJW29]: Not all zoning and use permit changes are created equal, and the regulations should recognize the distinction between minor changes in the operation of existing land uses and significant expansions - particularly in light of the magnitude of the required improvements. The proposed 20% threshold provides appropriate flexibility for existing small businesses, while capturing significant expansions for which substantial road improvements may be appropriate and proportional.

Commented [AJW30]: As detailed in our cover letter, the proposed prohibition of any "building construction" on many of the roads in rural California is extraordinarily detrimental to housing production and economic development, among other things, and will cause regulatory takings for which the Board is financially responsible in many cases. This provision should be limited to large-scale development - which Board staff has sometimes represented to be their intention.

(1) An additional four (4) feet of surface width shall be added to the required widths in § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width) to curves of 50-100 feet radius.

(2) One (1) foot of additional Road-surface width shall be added to curves of 100-200 feet, as illustrated on Figure 1 and Figure 2.

(3) Flexible posts may be placed within the required radius.

(b) Where the operating speed of a New Road is 15 miles per hour (mph) or less, an alternative standard to subsection (a) based on modeling performed by a Professional Engineer, as described within the Professional Engineers Act (Chapter 7 of Division 3 of the Business and Professions Code), that demonstrates Fire Apparatus can negotiate the proposed horizontal inside radius satisfies the requirement of this section.

(c) At intersections where on-street parking and bike lanes may be present or where width allows, smaller curb radii or curb extensions to minimize pedestrian exposure and collision severity are present, the effective turning radius shall not be less than fifty (50) feet as illustrated in Figure 3 below.

(d) At intersections in areas without on-street parking and/or bike lanes where speeds approaching the intersection are less than 15 mph; and traffic volumes on the receiving road are less than 120 vehicles per hour during either an evacuation event or during the peak commute hour, whichever is a higher volume, curb radii of twenty (20) feet based on modeling performed by a Professional Engineer, as described within the Professional Engineers Act (Chapter 7 of Division 3 of the Business and Professions Code), that demonstrates Fire Apparatus can negotiate the proposed horizontal inside radius as illustrated in Figure 4, satisfies the requirement of this section.

(e) The length of vertical curves of New Roads, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

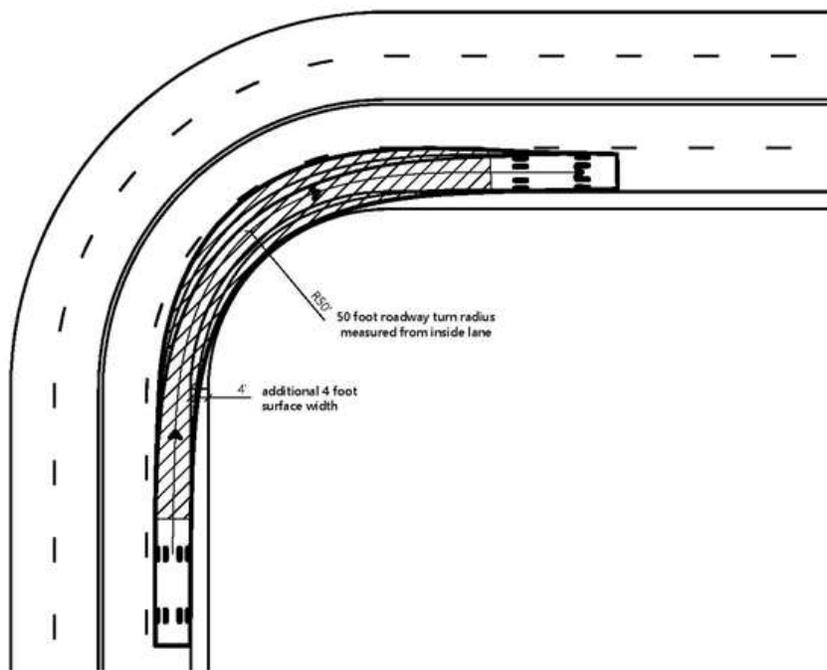


Figure 1

Effective Turning Radius for Horizontal Curvature with 50 Foot Radius

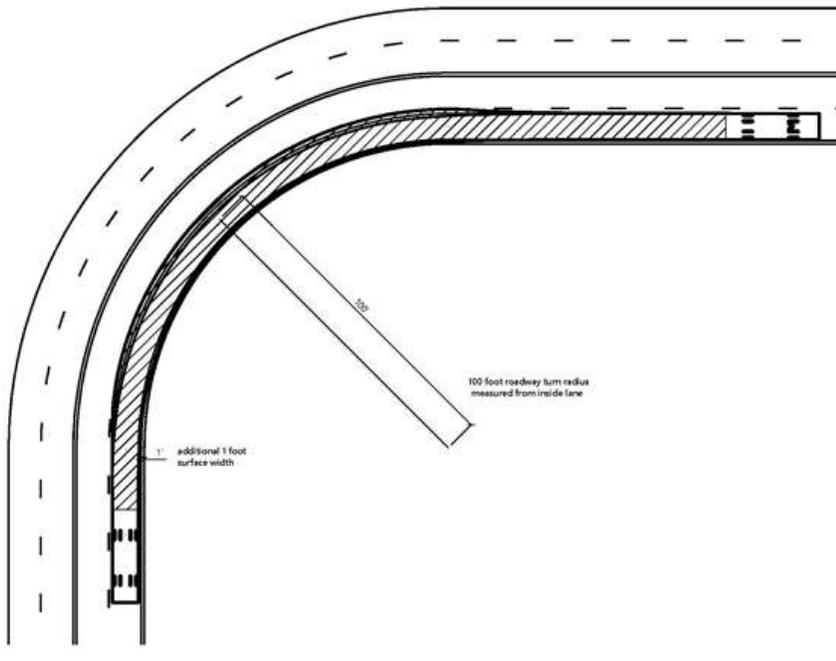


Figure 2

Effective Turning Radius for Horizontal Curvature with 100 Foot Radius

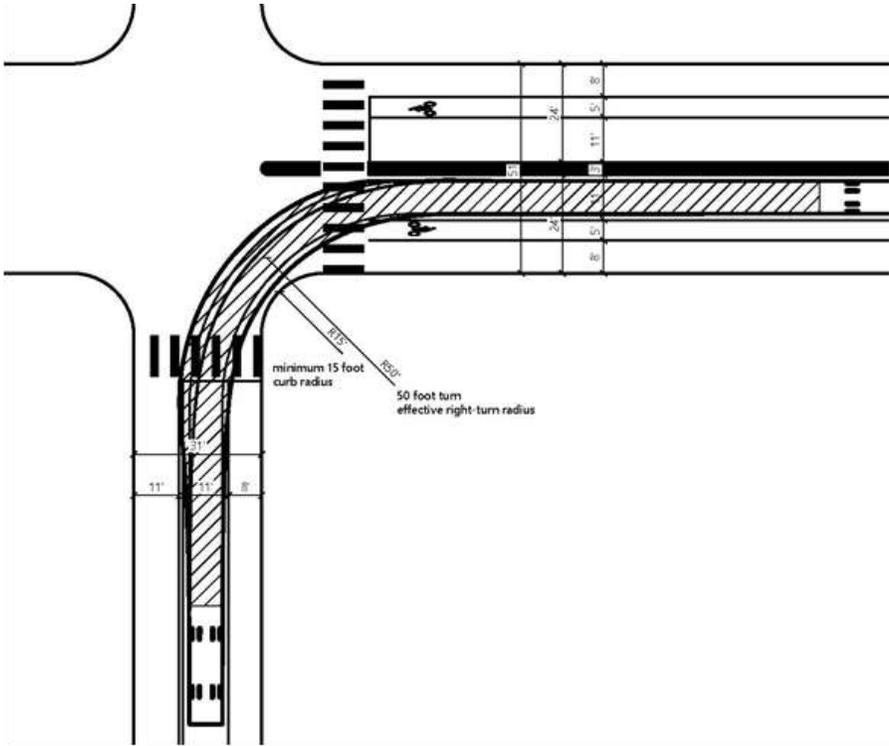


Figure 3
 Effective Turning Radius for Intersections with Bike Lanes or Parking

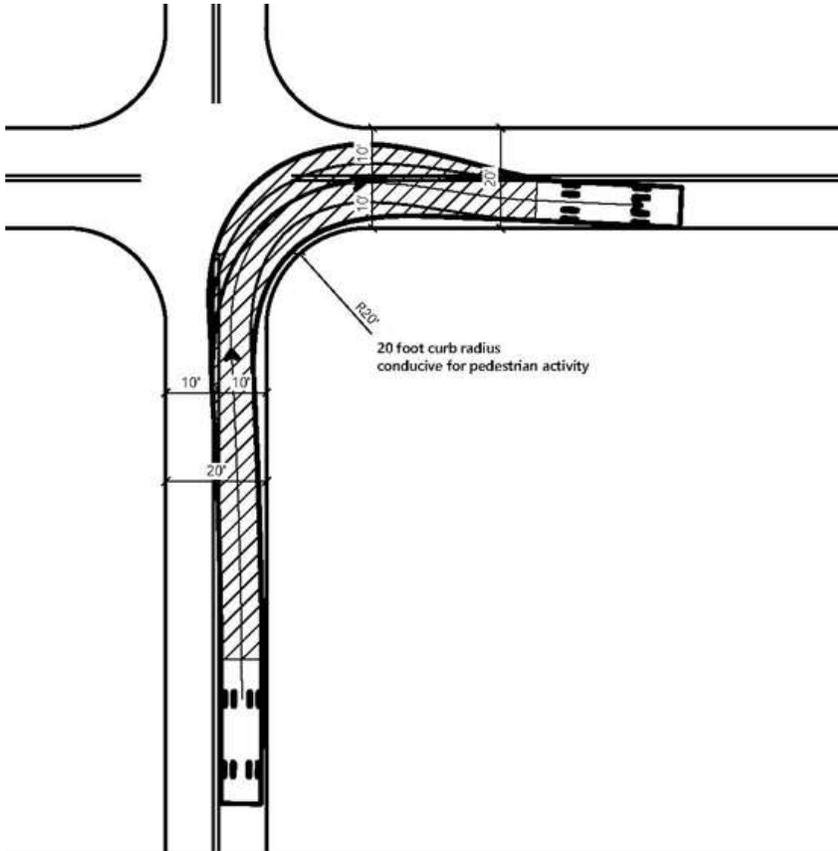


Figure 4

Effective Turning Radius for 20 Foot Wide Road Intersection

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.02. New Road and Driveway Surfaces.

(a) New Roads shall support the imposed load of Fire Apparatus weighing at least 75,000 pounds. The surface material of the Road shall be non-erodible (including, but not limited to, a binding agent, gravel, lime slurry, or pavement) and designed to support the required weight at all times, including during saturated soil conditions.

(b) Driveways and road and driveway structures shall support at least 36,000 pounds.

(c) The project proponent shall provide certified engineered specifications to support the Road design, if requested by the Local Jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.03. New Bridge or Elevated Structures on Roads and Driveways.

(a) Signing in conformance with the requirements in Article 3 (Signing and Building Numbering), shall reflect the capability of each bridge or elevated structure, including but not limited to weight or vertical clearance limitations, one-way road or single Traffic Lane conditions, or bridge weight rating limits.

(b) New Bridges and elevated structures shall be designed and constructed to accommodate a gross vehicle weight rating of 75,000 pounds. Vehicle load limits shall be posted at both entrances to bridges.

(1) New Bridges or elevated structures may support a maximum weight of less than 75,000 pounds if the Fire Authority or Local Jurisdiction, as applicable, verifies that the Fire Apparatus most likely to be used will be under the maximum load weight of the bridge.

(2) If the bridge or elevated structure is designed for a lower weight, then it shall be identified through signing as required in Article 3 (Signing and Building Numbering). In no case

shall ~~the-a new~~ bridge or elevated structure be designed to support a weight below 36,000 pounds.

(3) American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference, may be used in lieu of total vehicle weight if bridges and elevated structures are designed and certified by a Professional Engineer, as described within the Professional Engineers Act (Chapter 7 of Division 3 of the Business and Professions Code).

(c) Where elevated surfaces designed for Fire Apparatus use are adjacent to surfaces which are not designed for such use, barriers, signs, and/or other distinguishing features, as approved by the Local Jurisdiction, shall be installed and maintained.

(d) Notwithstanding the above requirements, a bridge or elevated structure with only one Traffic Lane satisfies the requirements of this section so long as it provides for unobstructed visibility from one end to the other and Turnouts at both ends. Bridges or elevated structures with only one Traffic Lane shall be implemented consistent with requirements outlined in § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width).

(e) New Bridges and elevated structures shall be constructed of non-combustible materials unless otherwise approved by the Local Jurisdiction.

(f) Vehicle load limits shall be posted at both entrances to any existing Bridges that cannot accommodate a gross vehicle weight rating of 75,000 pounds.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.04. New Road and Driveway Grades.

(a) The grades for all new Roads and Driveways shall not exceed sixteen (16) percent.

Commented [AJW31]: This requirement generally appears reasonable for new bridges, but may be highly problematic as applied to existing bridges (i.e., in connection with developments above the threshold set forth in Section 1276.03(c)). There are a number of existing bridges in California constructed with wooden elements, many of which are historic structures that would be difficult (or impossible) for even the most well-resourced developer to replace. (Additional information on this subject may be found in CalTrans extensive inventories of California's bridge stock: <https://dot.ca.gov/programs/environmental-analysis/cultural-studies/california-historical-bridges-tunnels#surveys>) Blanket preclusion of development in areas accessed by these bridges, without consideration of their vulnerability, condition, etc. is unnecessary and inappropriate. We recommend granting the Local Jurisdiction the authority to permit such development where conditions warrant.

(b) Notwithstanding subsection (a), Road or Driveway grades of 16 to ~~20-25~~ percent satisfy the requirements of this section if the Road or Driveway has been treated to prevent slippage (including, but not limited to, aggregate treatments, binding agents, and/or paving) and scraping.

(c) Grade transitions shall be constructed and designed to accommodate maximum approach and departure angles of twelve (12) degrees.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.05. New Road and Driveway Traffic Lane Width and Clear Width.

(a) All new bidirectional Roads shall provide a minimum of two ten (10) foot Traffic Lanes, not including Shoulders ~~or striping~~. Where topographic or other limitations require the two Traffic Lanes to be constructed non-adjacently, each Traffic Lane shall provide a minimum of twelve (12) feet.

(b) All new One-way Roads shall provide a minimum of one twelve (12) foot Traffic Lane.

(c) New One-way Roads shall maintain a Clear Width of 20 feet. Bidirectional Roads with a center median shall maintain a Clear Width of 20 feet on either side of the median. This Clear Width may include bike lanes, Shoulders, or flexible barriers used as traffic calming devices or to delineate a bicycle facility, or for other uses.

(d) All Driveways shall be constructed to provide a minimum of one (1) ten (10) foot Traffic Lane ~~and~~ fourteen (14) feet Clear ~~Width, and unobstructed Vertical Clearance of thirteen feet, six inches (13' 6").~~

(e) The Clear Width requirements in this section shall not apply to portions of Roads in environmentally sensitive areas (e.g., creeks, streams, oak woodlands, sensitive and protected

Commented [AJW32]: Vertical clearance handled in next section, so not needed here.

Commented [AJW33]: See the explanation in the comments submitted by Santa Clara County.

species habitat areas) or where compliance would require the removal or severe pruning of native trees that have a circumference of 37.7 inches or more (12 inches or more in diameter) measured at 4.5 feet above the ground or immediately below the lowest branch, whichever is lower, or in the case of multi-trunk trees a trunk size of 75.4 inches in circumference or more (24 inches or more in diameter) or where compliance with the requirements is not Feasible.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.06 New Road and Driveway Vertical Clearances

(a) New Roads and Driveways shall provide for a minimum of thirteen feet and six inches (13' 6") of unobstructed Vertical Clearance.

(b) The Vertical Clearance requirements in this section shall not apply to portions of Roads in environmentally sensitive areas (e.g., creeks, streams, oak woodlands, sensitive and protected species habitat areas) or where compliance would require the removal or severe pruning of native trees that have a circumference of 37.7 inches or more (12 inches or more in diameter) measured at 4.5 feet above the ground or immediately below the lowest branch, whichever is lower, or in the case of multi-trunk trees a trunk size of 75.4 inches in circumference or more (24 inches or more in diameter) or where compliance with the requirements is not Feasible.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.07 Maximum Lengths of New One-Way Roads

(a) In no case shall a New One-Way Road exceed 2,640 feet in length.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.08 Maximum Lengths of New Dead-end Roads

(a) The maximum length of a New Dead-end Road or group of New Dead-end Roads shall not exceed the following cumulative lengths:

(1) for Roads with parcels zoned for minimum lot sizes of ~~not to exceed~~ one (1) acre or less - 800 feet;

(2) for Roads with parcels zoned for minimum lot sizes between 1.01 and ~~up to~~ 4.99 acres - 1,320 feet;

(3) for Roads with parcels zoned for minimum lot sizes of 5 acres or larger - 2,640 feet.

(b) All New Dead-end Roads shall meet the Turnaround requirements in § 1273.10 (Road and Driveway Turnarounds).

(c) All New Dead-end Roads shall meet the width requirements in § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width).

(d) Each New Dead-end Road or group of New Dead-end Roads shall be connected directly to a through Road (a Road that is connected to other Roads at both ends) or to a Collector Road, except where the New Dead-End Road or group of New Dead-end Roads reduces travel time to exit an area for which Access is provided only by Dead-End Roads.

(e) The length of New Dead-end Roads or group of New Dead-end Roads shall be measured from the center line of the through Road or Collector Road it connects to, to the terminus of the Dead-end Road at its farthest point.

Commented [AJW34]: Dead-end roads sometimes connect to other dead-end roads – which appears permissible, so long as the aggregate length of all such roads does not exceed the prescribed length. This change is intended to clarify that.

(f) Where a New Dead-end Road provides access to differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.09 New Road and Driveway Turnouts

(a) Turnouts on New One-way Roads and New Dead-End Roads shall be a minimum of twelve (12) feet wide from the shoulder stripe, twenty-two (22) feet long with a minimum twenty-five (25) foot taper on each end and be facilitated outside of the Traffic Lane to accommodate one passenger vehicle as illustrated on Figure 5.

(b) On New One-way Roads and New Dead-end Roads over 400 feet in length, a Turnout shall be located at approximately the midpoint of the Road, in addition to any other Turnouts Required.

(c) Turnouts shall be provided no more than 400 feet apart on One-way Roads or on Roads that do not meet the width requirements.

(d) New Driveways that are less than 20 feet wide and exceed 150 feet in length shall require a Turnout.

(e) New Driveways greater than 150 feet in length and less than 800 feet in length shall provide a Turnout near the midpoint of the Driveway.

(f) Where the new Driveway exceeds 800 feet, Turnouts shall be provided no more than 400 feet apart.

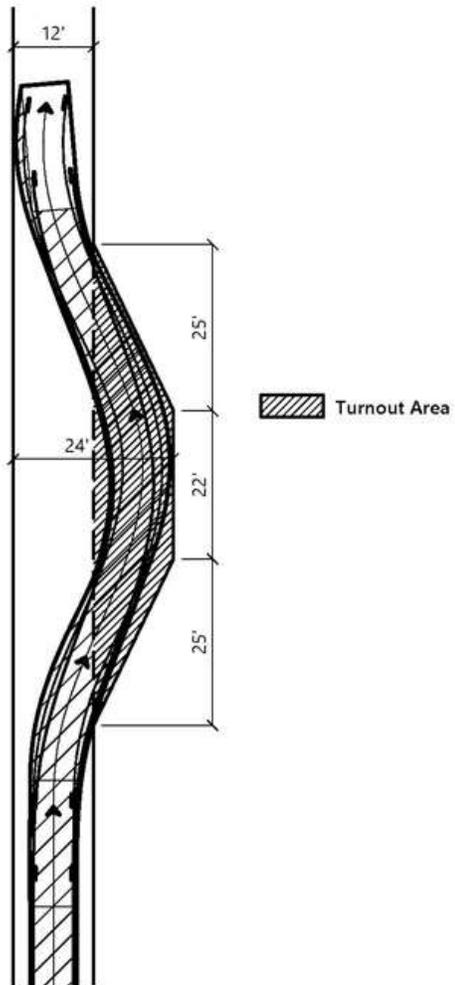


Figure 5

Turnout Dimensions

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.10 Road and Driveway Turnarounds

- (a) Each New Dead-end Road shall have a Turnaround constructed at its terminus. Where a New Dead-end Road ~~exceeds 1,320 feet~~~~crosses parcels zoned for five (5) acres or larger~~, a Turnaround shall also be provided halfway along the Dead-end Road.
- (b) A Turnaround shall be provided on New Driveways over 300 feet in length and shall be within fifty (50) feet of the Building.
- (c) A Turnaround shall meet one of the following requirements in accordance with Figures 6.1, 6.2, or 6.3.
- (d) Turnarounds with a radius smaller than 40 feet, shown in Figures 6.2 and 6.3 below, may be approved by the Local Jurisdiction when physical constraints prohibit the ability to install a 40-foot Turnaround.
- (e) The center of the Turnaround shall remain clear of vegetation or decorative elements.
- (f) If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.

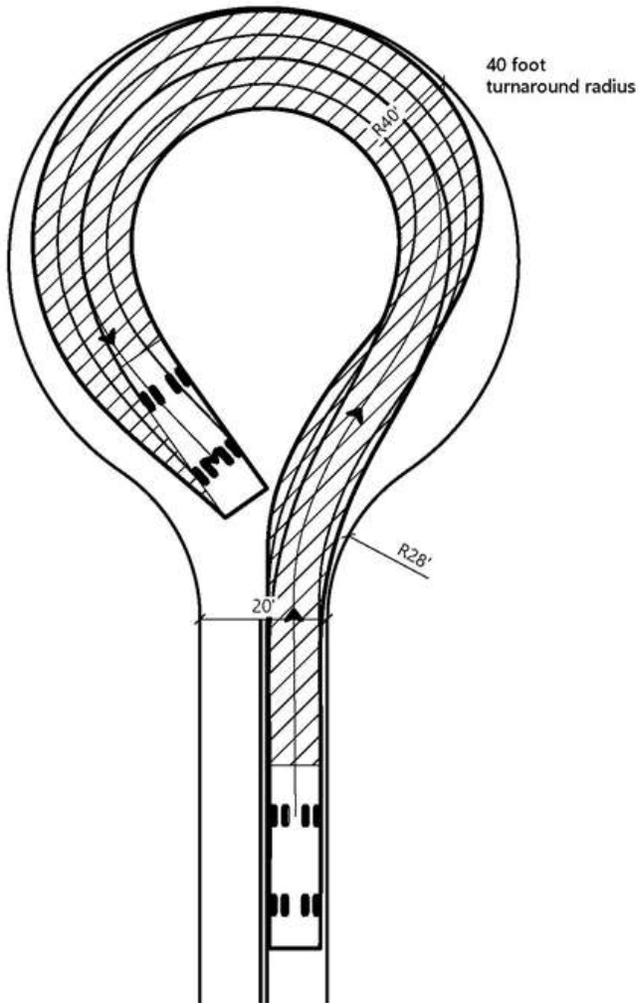


Figure 6.1

Turnarounds with 40-foot radius

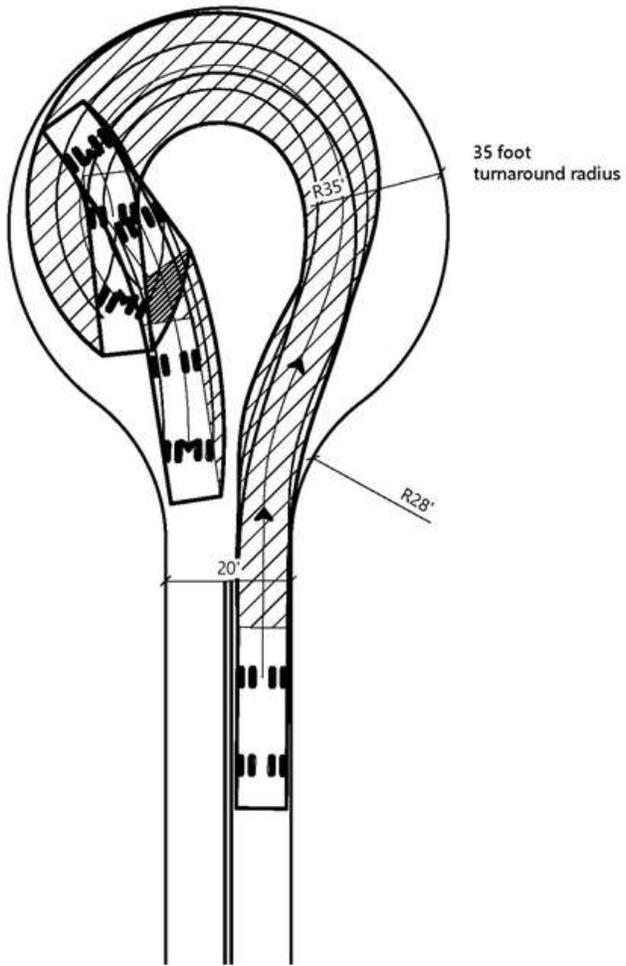


Figure 6.2

Turnarounds with 35-foot radius

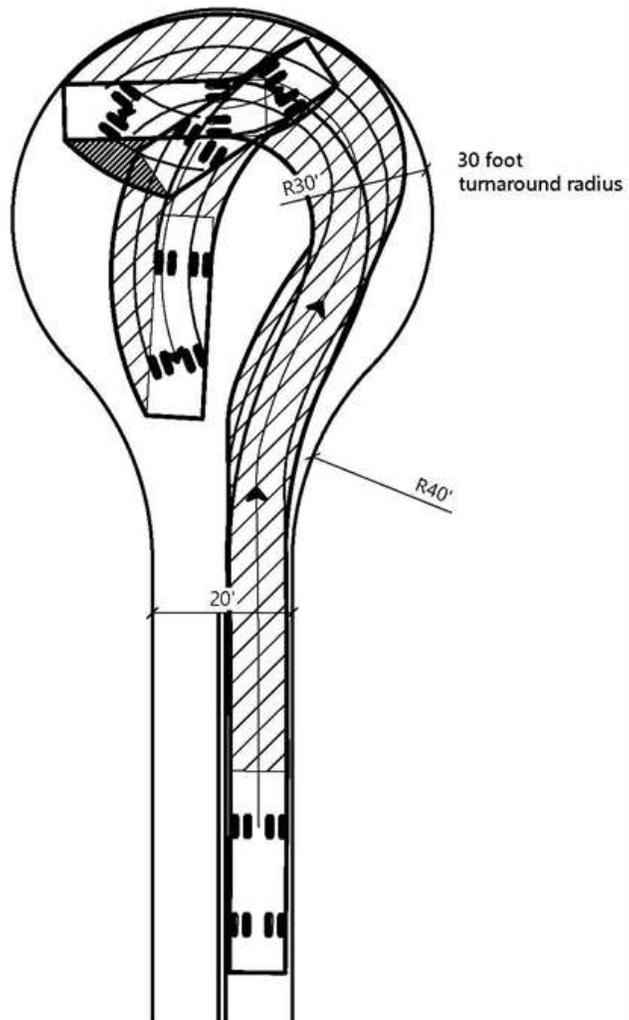


Figure 6.3

Turnarounds with 30-foot radius

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.11 Gates

(a) Gates shall have an approved means of emergency operation. Electronic gates shall have a manual method of opening in case of electronic failure. The manual method shall be maintained operational at all times.

(b) Gate entrances shall be at least two (2) feet wider than the width of the Road or Driveway, as shown in Figure 7 below. Where a gate is installed across an existing Road or Driveway, the gate shall be no less than ten (10) feet wide, ~~with a minimum Clear Width of fourteen (14) feet and~~ unobstructed Vertical Clearance of thirteen feet, six inches (13' 6"). Clearance shall be maintained at all times.

(c) Where a One-way Road with a single Traffic Lane leads to a gated entrance, a forty (40) foot turning radius shall be ~~provided~~ used as illustrated on Figure 7.

(d) All gates on a Driveway shall be located at least thirty (30) feet from the Road and shall ~~either slide sideways or~~ open in direction of ~~travel~~ ingress to the parcel, in accordance with Figure 7.

Commented [AJW35]: The requirement for 14-foot Clear Width appears to conflict with the provision for 10-foot wide gates (since the gate posts, etc. for a 10-foot gate will necessarily be within the ostensible Clear Width area).

Commented [AJW36]: Any bidirectional road will have *two* directions of travel, but most common gates open in only one direction. It is thus necessary to specify which direction of travel is meant. Requiring the gate to open in the ingress direction will minimize obstruction to responding fire apparatus

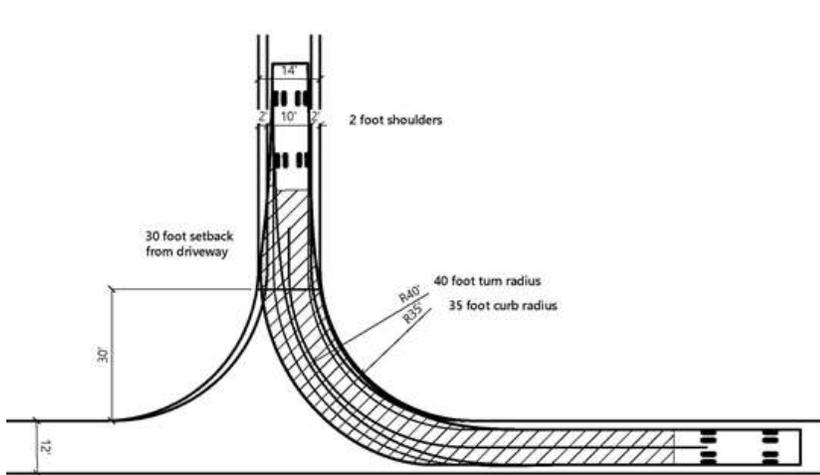


Figure 7

Effective Turn Radius for Gated Entrances/Driveways with Twelve Foot One-Way Main Road

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.12 Standards for Existing Roads

(a) Except as provided in subsections (b)(c) and (d), Existing Roads subject to § 1273.00(b) or (c)

shall meet the following minimum requirements:

- (1) One (1) fourteen (14) foot Traffic Lane;
- (2) Native-surfacing for no more than 50% of the Road's length; and
- (3) Turnouts in compliance with § 1273.09 (Road and Driveway Turnouts), or maintains

a twenty (20) foot Clear Width suitable to serve as a Traffic Lane for the length of the Road.

Commented [AJW37]: As noted above, and in our cover letter, requiring individual property owners, businesses, and small developments to upgrade public roads to these standards – and precluding any building if those standards are not met – is grossly inappropriate and disproportional to the impact of those developments. These requirements (and associated costs to upgrade public roads, and potential preclusion if such upgrades are not possible) are properly limited to existing roads serving larger developments.

~~(b) Access to Buildings after a Wildfire shall provide for at least one (1) fourteen (14) foot Traffic Lane for a distance of at least twenty two (22) feet at an interval of at least every 400 feet; provided, however, where such Traffic Lanes are not possible due to physical site limitations such as localized topography, slope stability or soil conditions, Access shall provide for locations for vehicles to pass each other at reasonable intervals.~~

~~(eb) Existing Roads subject to § 1273.00(b) or (c) providing Access to Buildings shall not exceed a grade of 25% over a distance of 500 linear feet.~~

~~(ec) An Existing Road with a secondary route in conformance with § 1273.13 (Secondary Routes for Existing Roads) need not comply with subsection (a) or (b).~~

~~(d) The standards in this section shall not apply to portions of Existing Roads in environmentally sensitive areas (e.g., creeks, streams, oak woodlands, sensitive and protected species habitat areas) or where compliance would require the removal or severe pruning of native trees that have a circumference of 37.7 inches or more (12 inches or more in diameter) measured at 4.5 feet above the ground or immediately below the lowest branch, whichever is lower, or in the case of multi-trunk trees a trunk size of 75.4 inches in circumference or more (24 inches or more in diameter) or where compliance is not Feasible.~~

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code, Section 51178 Government Code.

§ 1273.13 Secondary Routes for Existing Roads

(a) Secondary routes used to satisfy the requirements of Section 1273.12, subdivision (c) shall meet the standards for New Roads in this Subchapter and shall provide for legal and deeded

Commented [AJW38]: As discussed in our cover letter, the requirements for roads providing access to “Buildings that are being reconstructed after a Wildfire” (ISOR, p. 32) conflicts with the ostensible exemption of “the reconstruction or repair of a Building due to a Wildfire” from these regulations (§ 1270.03(c)) – and with the repeated statements of Board members regarding their intent to completely exempt “wildfire rebuilds.” (If such rebuilds are truly exempt, there is no occasion for a special standard.)

These requirements would impose considerable burden and expense upon wildfire victims, and would render rebuilding financially infeasible in many cases. This provision should be eliminated, in favor of the unambiguous and honest exemption of rebuilding activities set forth in our comments above.

Access that serves as a typical travel way to and from the Building construction. A secured secondary route shall meet the requirements in § 1273.11 (Gates).

(b) Secondary routes used to satisfy the requirements of Section 1273.12, subdivision (c) shall connect a user to an alternative route that would not be affected by a closure to the primary route, to the extent practicable.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 3. Signing and Building Numbering

§ 1274.00. Road Name Signs.

(a) All Road signs erected after the effective date of the regulations amending this section shall conform to the requirements of the California Manual of Uniform Traffic Control Devices (CA MUTCD), hereby incorporated by reference.

(b) New Roads shall be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and non-duplicative naming within each Local Jurisdiction. This section does not require any entity to rename or renumber existing roads.

(c) The size of letters, numbers, and symbols for road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.01. Road Signs.

Commented [AJW39]: Consistent with statements made by Board staff at numerous public events that this regulation is not retroactive, this change is intended to avoid any implication that these regulations "retroactively" require replacement of existing road signs by public agencies.

(a) Signs required by this article identifying intersecting roads shall be placed at the intersection of those roads.

(b) A sign identifying traffic limitations, including but not limited to weight or Vertical Clearance limitations, Dead-end Roads, One-way Roads, or single lane Roads and bridges, shall be placed:

- (1) at the intersection preceding the traffic limitation, and
- (2) no more than one hundred (100) feet before such traffic limitation.

(c) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

(d) Road signs shall meet the minimum sign retroreflectivity requirements in the CA MUTCD. Signs that are not required to meet the retroreflectivity requirements (e.g., blue or brown backgrounds) shall be retroreflective or illuminated to show the same shape and color by both day and night.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.02. Addresses for Buildings.

(a) All Buildings except those classified as Storage Group S or Utility and Miscellaneous Group U in the California Building Code shall be issued an address by the Local Jurisdiction consistent with the standards in the California Fire Code, California Code of Regulations title 24, part 9.

(b) Addresses for ~~residential~~ Buildings or property shall be reflectorized.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 4. Water Supply.

§ 1275.00. Application.

(a) The provisions of this Article shall apply in the tentative and parcel map subdivision process when new parcels are approved by the Local Jurisdiction having authority. Except as otherwise provided in this Article, the provisions of this Article shall also apply.~~or~~ when new Building construction meeting the criteria in § 1273.00(c) is not already served by an existing water supply.

(b) ~~These regulations shall apply only to newly constructed water facilities that primarily serve new development, and shall not apply to water facilities that are not newly constructed, or to water facilities, whether existing, upgraded, or newly constructed, that primarily serve existing development. These regulations shall not apply to existing water or wastewater facilities that are not newly constructed, or to existing water or wastewater facilities that are repaired, reconstructed, or upgraded.~~ For purposes of this subsection, "water and wastewater facilities"

includes, but is not limited to, water storage tanks and reservoirs, pump stations, treatment facilities, regulator stations, Fire Hydrants, and similar water and wastewater system devices.

(c) Where a specific code standard from the California Fire Code or National Fire Protection Association (NFPA) is referenced in this Article, any sections of the California Fire Code or NFPA standards regarding alternative methods of compliance, equivalencies, or modifications to the specified standards shall also apply.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Commented [AJW40]: This draft proposes to substantially expand the water supply requirements from the subdivision stage, to all Building Construction. While this is reasonable and sensible for some requirements, it is overly burdensome for others.

As with the road standards, a tiered and balanced approach toward water supply requirements is critical. Having a modernized, fully built, community scale water system is plainly desirable for any development; however, requiring individuals and small businesses to construct such systems, at their own expense, as a condition of any "Building Construction" is inequitable, and would place homeownership (among other things) further out of reach for all but the richest Californians.

We recommend making the full suite of requirements applicable to larger developments, with more tailored applicability in the case of smaller developments.

Commented [AJW41]: This language more clearly expresses the intent discussed on the record at Board workshops with water agency representatives – and reflected in the ISOR (i.e., "specifically focus these standards on *new water and wastewater systems that are constructed to meet the water supply requirements of new development only*" – p. 36).

§ 1275.01. Approved Water Supply.

(a) Water supply for all Building construction, of any size, shall meet or exceed the California Fire Code, California Code of Regulations Title 24, Part 9.

(b) Where a Municipal-Type Water Supply is not available, the Local Jurisdiction shall utilize the National Fire Protection Association (NFPA) 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting,” 2017 Edition, hereby incorporated by reference, as referenced in the California Fire Code, California Code of Regulations Title 24, Part 9, Appendix B and Appendix BB.

(c) All Building construction, of any size, shall include a water supply for structure defense.

Such protection shall be serviceable prior to and during the time of construction, except when alternative methods of protection are provided and approved by the Local Jurisdiction.

(d) Nothing in this article prohibits the combined storage of Wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the ~~Local~~ Fire Authority. Water supplies required under the California Fire Code, California Code of Regulations Title 24, Part 9, or other law or regulation may also be used to satisfy the requirements of this Article, so long as the full amount of water supply required by this article is provided.

(e) Where freeze or crash protection is required by the Local Jurisdictions, such protection measures shall be provided.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.02. Identification of Water Sources.

(a) Fire Hydrants or water access located along a Driveway shall be identified by at least (1) reflectorized blue marker, with a minimum dimension of three (3) inches. This marker shall be either (i) mounted on a fire retardant sign post or (ii) affixed to the driveway surface that is either paving or concrete. The sign post shall be located and mounted as specified by the Fire Authority.

(b) Fire Hydrants or water access located along a Road shall be identified by a reflectorized blue marker, with a minimum dimension of three (3) inches. This marker shall be either (i) mounted on a fire-retardant sign post or (ii) affixed to the driveway surface that is either paving or concrete. The sign post shall be within ~~three-five~~ (35) feet of the Fire Hydrant or water access. The sign shall be no fewer than three (3) nor greater than five (5) feet above ground, in a horizontal position, and visible from the Road, or as otherwise specified by the Fire Authority.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.03. Secured Water Sources.

Break away locks or similar systems approved by the Local Jurisdiction shall provide fire fighters with access to any water connections, valves, or controls that are normally secured by gates, doors, or other locking systems.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.04. Municipal-Type Water System Hydrants.

(a) The Municipal-Type Fire Hydrant shall be eighteen (18) inches above the finished surface measured from the center of its lowest outlet. Its location in relation to the Road or Driveway and to the Building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations Title 24, Part 9, Chapter 5, and Appendix C.

(b) The Municipal-Type Fire Hydrant shall be sizes designated by the Local Jurisdiction, in consultation with the Fire Authority, and shall have male American National Fire Hose Screw Threads (NH).

(c) Where Municipal-Type water supply Fire Hydrant systems are not practical due to the absence of a Municipal-Type Water System, or other limiting factors, a performance-based water supply alternative approved by the Local Jurisdiction, in consultation with the Fire Authority, shall be designed and installed to meet the minimum fire flow water supply requirements of 250 gallons per minute (gpm) for two (2) hours.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.05. Dry Hydrants

When dry hydrants have been approved by the Local Jurisdiction, the requirements of NFPA 1142 (2017) Chapter 8 (8.3, 8.4, 8.5, 8.6, 8.7 and 8.8), hereby incorporated by reference, shall be met.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.06. Mobile Water Supply (Water Tenders)

(a) Fire water delivery systems that rely on mobile water supply (water tenders) shall only be permitted under either of the following conditions:

(1) During the construction phase of a new Development, prior to the permanent fire water delivery system installation; or,

(2) When the Local Jurisdiction determines that all other means of water supply is not practical.

(b) The mobile water supply shall, within five (5) minutes of the arrival of the first Fire Apparatus on-scene, be capable of providing the Fire Apparatus with a minimum 250 gpm for a 2-hour duration or as otherwise approved by the Fire Authority.

(c) Mobile water supplies may use NFPA 1142 (2017) Annex C, hereby incorporated by reference, to achieve minimum fire flow requirements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.07. Protection of Water Supply Infrastructure from Wildfire.

(a) All water supply infrastructure shall be protected from Wildfire radiant heat, convective heat, and embers by at least one of the following:

(1) underground burial; or

(2) construction of non-combustible materials, fittings and valves, such as concrete or metal; or

(3) maintenance of a 100-foot, slope-adjusted defensible space immediately surrounding the infrastructure; or

(4) placement within a Building constructed to the requirements of the California Building Code (California Code of Regulations Title 24, Part 2) Chapter 7A.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 5. Building Siting, Setbacks, and Fuel Modification

§ 1276.00. Applicability

(a) All New Building construction shall comply with the following provisions of this Article: § 1276.01 (Building and Parcel Siting and Setbacks); § 1276.02(c) (Ridgelines); and § 1276.06 (Disposal of Flammable Vegetation and Fuels).

(b) The following provisions of this article shall further apply in the tentative and parcel map subdivision process for proposed new parcels: § 1276.01 (Building and Parcel Siting and Setbacks); § 1276.02(c) (Ridgelines); § 1276.03 (Fuel Breaks); § 1276.04 (Greenbelts, Greenways, Open Spaces and Parks); § 1276.05 (Maintenance of Fuel Breaks); and § 1276.06 (Disposal of Flammable Vegetation and Fuels).

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.01. Building and Parcel Siting and Setbacks.

(a) ~~All parcels Building construction subject to these regulations shall provide be set back a minimum of thirty (30) ~~foot setback~~ feet ~~for all Buildings~~ from all property lines and ~~or from~~ the center of any Road right-of-way, except as provided for in subsection (b). This requirement does not apply to Building construction that is entirely below ground.~~

Commented [AJW42]: This provision has been re-worded for clarity.

(b) A reduction in the minimum setback ~~shall~~ may be approved by the Local Jurisdiction be based upon practical reasons, which may include but are not limited to, parcel dimensions ~~or~~ size, or layout; location of existing Buildings; topographic limitations; development density requirements or other development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints. When a reduction in the minimum setback is approved, and the Building construction shall to the extent Feasible reduce Structure-to-Structure ignition by incorporating features such as, but not limited to:

(1) non-combustible block walls or fences; or

(2) five (5) feet of non-combustible material extending five (5) feet horizontally from the furthest extent of the Building; or

(3) installing hardscape landscaping or reducing exposed windows on the side of the Structure with a less than thirty (30) foot setback; or

(4) additional structure hardening that exceeds the requirements in the California Building Code, California Code of Regulations Title 24, Part 2, Chapter 7A.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.02. Ridgelines.

(a) The Local Jurisdiction shall identify strategic Ridgelines, if any, in consultation with the Fire Authority. Strategic Ridgelines shall be identified through an assessment of the following factors:

(1) Topography;

(2) Vegetation;

- (3) Proximity to any existing or proposed residential, commercial, or industrial land uses;
- (4) Ability to support effective fire suppression; and
- (5) Other factors, if any, deemed relevant by the Local Jurisdiction and Fire Authority.

(b) Preservation of Undeveloped Ridgelines identified as ~~strategically important~~strategic pursuant to subdivision (a) shall be required.

(c) New Buildings on Undeveloped Ridgelines identified as strategic pursuant to subdivision (a) ~~strategically important~~ are prohibited unless application of such prohibition would take or damage private property for public use under the Constitution of the State of California or the United States. Nothing in this subsection shall be construed to alter the extent to which Structures or Development other than Buildings, such as but not limited to a wireless telecommunications facility, as defined in Government Code section 65850.6, subdivision (d)(2), or Storage Group S or Utility and Miscellaneous Group U Structures, may be constructed on Undeveloped Ridgelines.

(d) The Local Jurisdiction may implement further specific requirements to preserve Undeveloped Ridgelines.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.03. Fuel Breaks

(a) When Building construction meets the ~~following criteria~~criteria of §1270.00(c), the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority.

~~(1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or~~

~~(2) an application for a change of zoning increasing zoning intensity or density; or~~

~~(3) an application for a change in use permit increasing use intensity or density.~~

(b) Fuel Breaks required by the Local Jurisdiction shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to Access routes, Buildings, or infrastructure within the Development.

(c) Fuel Breaks may be required at locations such as, but not limited to:

(1) Directly adjacent to Defensible Space to reduce radiant and convective heat exposure, ember impacts, or support fire suppression tactics;

(2) Directly adjacent to Roads to manage radiant and convective heat exposure or ember impacts, increase evacuation safety, or support fire suppression tactics;

(3) Directly adjacent to a Hazardous Land Use to limit the spread of fire from such uses, reduce radiant and convective heat exposure, or support fire suppression tactics;

(4) Strategically located along Ridgelines, in Greenbelts, or other locations to reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics.

(d) Fuel Breaks shall be completed prior to the commencement of any permitted construction.

(e) Fuel Breaks shall be constructed using the most ecologically and site appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides.

(f) Fuel Breaks constructed pursuant to this section shall have, at a minimum, one point of entry for fire fighters and any Fire Apparatus. The specific number of entry points and entry

requirements shall be determined by the Local Jurisdiction in consultation with the Fire Authority.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.04. Greenbelts, Greenways, Open Spaces and Parks

(a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.03 (Fuel Breaks).

(b) Local Jurisdictions may, as part of approval of new development, require Greenbelts or Greenways or other open areas for the purpose of providing potential areas of refuge for the public or firefighters or other values as a last resort, if safe evacuation is not practicable.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.05. Maintenance of Fuel Breaks

(a) Where a Local Jurisdiction requires Fuel Breaks pursuant to § 1276.03 (Fuel Breaks), maintenance mechanisms shall be established to ensure the fire behavior objectives and thresholds are maintained over time.

(b) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written legal agreements;

permanent fees, taxes, or assessments; assessments through a homeowners' association; or other funding mechanisms.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.06 Disposal of Flammable Vegetation and Fuels

The disposal, including burning or removal to a site approved by the Local Jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction shall be in accordance with all applicable laws and regulations.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.