

**Board of Forestry and Fire Protection
Title 14 of the California Code of Regulations**

[Notice Published December 23, 2011]

NOTICE OF PROPOSED RULEMAKING

“SRA Fire Safe Regulations Update, 2011”

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend:

§ 1270 SRA Fire Safe Regulations

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, February 8, 2012, starting at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, February 6, 2012. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Public Resources Code Section 4290. References include Public Resources Code 4291.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is authorized under Public Resources Code Sections 4290 to adopt regulations for wildfire protection. The statute, among other things, requires minimum wildfire protection standards in conjunction with building, construction and development in State Responsibility Area (SRA). The regulations set standards for future design and construction of structures, subdivisions and developments in SRA and provide for basic emergency access and perimeter wildfire protection. These measures provide for emergency access; signage and building numbering; private water supply reserves for emergency fire use; and vegetation modification. This regulation makes several revisions to the existing regulations for the purpose of improving regulatory clarity and uniform implementation of wildfire protection standards association with residential subdivision development.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: No effect to small business is anticipated as the proposed rulemaking merely clarifies existing statutory obligations for the purposes of increased utility and uniform application.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8031

The designated backup person in the event Mr. Huff is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the Board web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the

Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.



Eric Huff
Regulations Coordinator
Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

SRA Fire Safe Regulations Update, 2011

[Published December 23, 2011]

Title 14 of the California Code of Regulations (14 CCR),

Division 1.5, Chapter 7 Fire Protection, Subchapter 2

Amend:

§ 1270 SRA Fire Safe Regulations

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to modify and add additional detail necessary to implement Public Resource Code (PRC) 4290. This statute, among other things, requires minimum wildfire protection standards in conjunction with building, construction and development in State Responsibility Area (SRA). The regulations set standards for future design and construction of structures, subdivisions and developments in SRA and provide for basic emergency access and perimeter wildfire protection. These measures provide for emergency access; signage and building numbering; private water supply reserves for emergency fire use; and vegetation modification.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Section 4290 of the Public Resources Code requires that the Board of Forestry adopt minimum fire safe standards to address: 1) road standards for fire equipment access, 2) standards for signs identifying streets, roads, and buildings, 3) minimum private water supply reserves for emergency fire use, and 4) fuelbreaks and greenbelts. The following regulations are being proposed to meet the administrative requirements for residential and commercial development in the states wildlands.

The combination of overstocked forests, dense brush and increased human habitation in the SRA has resulted in substantial fire hazards to homes and residents. This wildfire hazard is particularly relevant to the existing homes in the Wildland Urban Interface which is typically associated with the SRA lands. This wildfire hazard is a significant threat to human and natural resources throughout the 31 million acres of SRA, and potentially affects over 811,000 homes with the SRA. The imminent nature of the fire hazard problem has also been repeatedly recognized by many high profile efforts including the Governor's Blue Ribbon Fire Commission of 2004, U.S. General Accounting Office report on western National Forest fire conditions, the Western Governors' Association promulgation of the National Fire Plan, the USDA Forest Service

(USFS) Sierra Nevada Forest Plan Amendment, 2004, and legislation proposed by the California State Assembly.

SPECIFIC PURPOSE OF THE REGULATION

Article 1, Administration

Section 1270 is necessary to inform the public of the reference to be used for the fire safe standards.

Section 1270.01 is needed to inform the public of the purpose of the article and to convey the message that these are only minimum standards and to establish specific conditions and timeframes for the application, adoption and implementation of the following articles and sections. Specifically, reasonable time frames for local certification, determination of when permits and maps fall within the authority of these regulations. This section also provides necessary guidance and transition from the legislation to the minimum nature of these regulations, the exceptions allowed and the intent of each article within this sub-chapter. It is also necessary to allow a time period for processing of requests by counties for having local ordinances certified by the Board as being equal protection.

Section 1270.02 Deletes rule interpretation stating that existing roads, streets, private lanes and structures are not subject to 14 CCR 1270 et seq regulations and instead explains application of the rules as required by PRC 4290. The Board's perimeter and access standards apply to all parcel or tentative maps approved after Jan. 1991; and to permits for building construction where the permit application is filed after Jan. 1991 except when the construction will be on a parcel subject to a pre 1991 parcel map that included perimeter and access standards addressed by these regulations. In such cases the perimeter and access standards required in the pre 1991 parcel map may be applied instead of the Board's perimeter and access standards. However, to the extent a pre-1991 parcel map does not contain perimeter and access standards addressed by these regulations, a permit for building construction on a parcel within that parcel map must require the standards set forth in these regulations. (See, Opinion of Attorney General No.92-807, Daniel E. Lungren, Attorney General, March 17, 1993).

The Board's regulations may also apply to perimeter and access standards outside the boundaries of a parcel or lot as determined by the local permitting authority.

The regulation eliminates redundant exclusions of projects exempt from these rules. Proposed amendments in § 1270.02.Scope "(3) declares that roads with conditions stated in a pre 1991 parcel map are not subject to the rules". This requirement adequately addresses any exemptions and does not need to be repeated in this subsection.

Section 1270.03 Codifies a new Board policy that ordinances initially certified by the Board and subsequently amended by the local jurisdictions must be recertified by the Board or they are invalid. The policy/regulation has workload implications for the Board, Units and local jurisdictions as additional time is needed to recertify local ordinances.

Section 1270.04 Removes the obligation for the Director to review all projects. Provides greater flexibility for the Director to decide which projects need review reducing fiscal impacts and workloads to the Units.

Section 1270.05 Codifies Board policy for consistency with statutory obligations regarding delegation of inspection authority/duties. Field Units indicated to the Board there was not clear direction on how local jurisdictions obtain inspection authority and what exactly CAL FIRE's role/obligations are in inspections. Amendments in (3), (4) and (b) of this section clarify and describe the Board's intention to allow delegation of inspection authority/duties. Delegation is only permitted when verbatim incorporation of the rules in 14 CCR 1270 et seq are adopted by the local jurisdiction or when local ordinances are certified by the Board. In both cases, the Department must formally delegate the inspection authority/duties because of CAL FIRE's statutory obligations for review of fire protection requirements.

As stated in section (b), the Board intends to recognize and retain CAL FIRE's statutory responsibilities for fire protection inspection inherent in PRCs 4111 and 4119 and reiterates CAL FIRE's responsibility and authority to inspect and evaluate all projects under this section.

Section 1270.06 Codifies Board policy for consistency with statutory obligations regarding delegation of inspection authority/duties. Field Units indicated to the Board there was not clear direction on how local jurisdictions obtain inspection authority and what exactly CAL FIRE's role/obligations are in inspections. Amendments in (3), (4) and (b) of this section clarify and describe the Board's intention to allow delegation of inspection authority/duties. Delegation is only permitted when verbatim incorporation of the rules in 14 CCR 1270 et seq are adopted by the local jurisdiction or when local ordinances are certified by the Board. In both cases, the Department must formally delegate the inspection authority/duties because of CAL FIRE's statutory obligations for review of fire protection requirements.

As stated in section (b), the Board intends to recognize and retain CAL FIRE's statutory responsibilities for fire protection inspection inherent in PRCs 4111 and 4119 and reiterates CAL FIRE's responsibility and authority to inspect and evaluate all projects under this section.

Section 1270.07 These amendments provide clarity to the existing subsections on the types of permissible exceptions to be allowed to the standard statewide rules by the inspection entity. CAL Fire Units reported to the Board that the granting of exceptions by local jurisdictions was not being uniformly applied and that clarifications were needed on the Board's requirements for granting exceptions. The amendments expand and clarify that exceptions are to be made on a case-by-case basis only. Exceptions must be for health, safety, environmental conditions or physical site limitation that provide for mitigation of the problem while providing equal or greater fire protection than the state minimum standards. This prohibits or limits "blanket" exceptions from being established

and ensures appropriate fire protection and resource protection/environmental considerations are evaluated. Implied is that exceptions are not to be routinely used or codified.

The term ““mitigated practice” is deleted to differentiate “exceptions” from “mitigated practices”. Mitigated practices can be certified as local ordinances that meet or exceed the state minimum and should not be confused with “exception”. This improves consistency with 14 CCR1270.03 and ensures routinely used mitigated practices are approved by the Board as meeting statewide minimum standards. These clarifications, in combination with the information disclosure requirements continued in 1270.08, are intended to provide a clear, documented procedure and set of exceptions that do not comprise the fire protection requirements intended for by 14 CCR 1270 et seq rules in their entirety.

Section 1270.08 Term deleted to distinguish exception from mitigating measure. Mitigating measures are not exceptions. Rather they are routinely used practices that should be codified in local ordinances if routinely used or prescribed.

1270.09 Reference to inspection “authority” deleted and replaced with the term “entity” consistent with clarifying change to section 1270.06.

NECESSITY

The regulation is necessary to make specific the administrative requirements of the statutory obligations provided by Public Resources Code Section 4290. In addition, this regulation addresses the public problem associated with residential subdivision development in areas with hazardous fuel and wildfire conditions.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES

The following alternatives were considered:

Alternative #1: No Action – Do Not Adopt Regulation

This alternative would result in the Department of Forestry and Fire Protection’s continued reliance upon interpretations of the underlying statute for determinations of compliance with state wildfire protection standards. This alternative was rejected as the underlying statute needs additional specificity to be implemented uniformly by the Department.

Alternative #2: Adopt Portions of Regulatory Proposal.

This alternative would result in the Board’s adoption of some, but not all revisions to the existing regulations. In all likelihood such action would only complicate the current difficulties experienced by the Department in the interpretation of statutory obligations for wildfire protection in association with residential subdivision development. This alternative is rejected as even Alternative #1 would be a better choice than the additional

confusion the adoption of this alternative would likely create.

Alternative #3: Adopt Regulatory Modifications as Proposed.

This alternative would result in adoption of the proposed revisions to the § 1270 regulations. This is the preferred alternative as it would remedy the potential for inconsistencies in the Department’s application of the existing regulations and clarify statutory wildfire protection standards for the benefit of the regulated public.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified project. The Board’s rulemaking process was determined to be categorically exempt from environmental documentation in accordance with 14 CCR 1153(b) (1), Declaration of Categorical Exemptions.

General evaluation of potential significant impacts indicates that significant impacts are unlikely as these regulations are for administrative modifications only. The projects themselves affect limited area around existing homes. Such areas generally do not contain substantial areas of native habitats with valuable quantities of habitat components, cultural sites, or beneficial uses of water. The nature of maintenance and construction work conducted under these regulations consists of minor alterations to vegetation and removal for the purpose of maintaining native growth around residential structures, as well as access to structures for emergency purposes. The Board has found that these regulations have less than significant potential for adverse effects on the environment.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

There are no additional costs to any state agency, nor any state-mandated costs to local agencies of government or school districts that require reimbursement under Part 7, Division 4 (commencing with Section 17500) of the Government Code because of any duties, obligations, or responsibilities imposed on state or local agencies or school districts. This order can be accomplished with no additional net costs or where such costs exist they are entered into voluntarily. This order does not create any savings or additional costs of administration for any agency of the United States Government over and above the program appropriations made by Congress.

There are no mandates to local governments or school districts.

The proposed regulations do contain inspection authority for the California Department of Forestry and Fire Protection and for the appropriate local jurisdiction. These inspections are not mandated are therefore create no additional cost.

The proposed regulations will not have a cost effect on new residential, commercial, and industrial building construction. The changes are to clarify administrative procedures only.

The Board of Forestry has determined that no statewide alternative considered would be more effective in carrying out the purpose for which this regulation was adopted and would be as effective and less burdensome to affected private persons than the proposed action. The legislation specifically requires the development of regulations in the areas of access, water, signing and addressing and fuel modification.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The proposed action will not have a significant cost to small businesses. There will be no reporting or record keeping requirements in these regulations and compliance requirements are set out in the Initial Statement of Reasons and the proposed text of the regulations.

The Board of Forestry finds that the adoption of these regulations will not have a significant adverse economic impact on small businesses.

The regulatory proposal will not have a potential significant impact on housing cost. This again depends on the existing local requirements. Where local government building, grading, or fire safe requirements exceed those proposed by the Board in this proposal there will be no cost increase. Where local requirements are less than this proposal then the cost impacts will fall within the ranges set out in the cost section of this notice.

The Board has considered several alternatives to improve the economic efficiency of the regulation to make it more cost effective for small business to use. Alternatives considered included varying minimum levels of vegetation removal. These reduced levels of vegetation clearing would result in the less cost to small businesses. These alternatives were rejected as the vegetation clearing standards were determined to provide inadequate fire safety standards and would not be in compliance with PRC 4290.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board of Forestry and Fire Protection consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

1. Fire Safe Guides for Residential Development in California's Wildlands,

California Building Code, 1989 Amendments, Chapter 11, Division 1, Occupancy.

2. National Fire Code, Section 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, Chapter 1, Section 1-2, Definitions, page 4, 1987 ed., National Fire Protection Association.
3. Public Utilities Commission of California (PUC), Revised General Order #103, Adopted June 12, 1956 (corrected September 7, 1983, Decision 83-09-001), Section VIII Fire Protection Standards (sections relating to fire protection water delivery systems);
4. National Fire Protection Association (NFPA), Standard 1231, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 1989 ed.
5. Insurance Services Office (ISO) Rural Class 8, second ed., 3-80.
6. State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Pursuant to Government Code 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

1 **SRA Fire Safe Regulations Update, 2011**

2 **14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 2.**

3 **SRA Fire Safe Regulations**

4 **[Published December 23, 2011]**

5
6 **§ 1270.00. Title.**

7 These regulations shall be known as “SRA Fire Safe Regulations”, and shall constitute the
8 basic wildland fire protection standards of the California Board of Forestry and Fire Protection.

9
10 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126,
11 4127 and 4290, Public Resources Code.

12
13 **§ 1270.01. Purpose.**

14 These regulations have been prepared and adopted for the purpose of establishing minimum
15 wildfire protection standards in conjunction with building, construction and development in SRA.
16 A local jurisdiction may petition the Board for certification pursuant to Section 1270.03. Where
17 Board certification has not been granted, these regulations shall become effective September 1,
18 1991. The future design and construction of structures, subdivisions and developments in State
19 Responsibility Area (SRA) shall provide for basic emergency access and perimeter wildfire
20 protection measures as specified in the following articles. These measures shall provide for
21 emergency access; signing and building numbering; private water supply reserves for
22 emergency fire use; and vegetation modification. The fire protection standards which follow shall
23 specify the minimums for such measures.

24
25 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
4291, Public Resources Code.

1 **§ 1270.02. Scope.**

2 ~~These regulations do not apply to existing structures, roads, streets, and private lanes or~~
3 ~~facilities. These regulations shall apply to all construction within SRA approved after January 1,~~

4 ~~1991~~ a) These regulations shall apply as appropriate to all construction within SRA approved
5 after January 1, 1991. to:

6 1) the perimeters and access to all residential, commercial, and industrial building construction
7 within SRA approved after January 1, 1991 except as set forth below in subsection b.);

8 2) all tentative and parcel maps or other developments approved after January 1, 1991; and

9 3) applications for building permits on a parcel approved in a pre 1991 parcel or tentative map
10 if the final parcel map does not address the perimeter and access standards addressed by
11 these regulations .

12 b) These regulations do not apply where an application for a building permit is filed
13 after January 1, 1991 for building construction on a parcel that was formed from a parcel map or
14 tentative map (if the final map for the tentative map is approved within the time prescribed by
15 the local ordinance) approved prior to January 1, 1991, and perimeter and access standards
16 were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

17 c) Affected activities include, but are not limited to:

18 (1a) Permitting or approval of new parcels, excluding lot line adjustments as specified in
19 Government Code(GC) Section 66412(d),

20 (2b) application for a building permit for new construction, not relating to an existing
21 structure,

22 (3e) applications for a use permit,

23 (4d) the siting of manufactured homes (manufactured homes are as defined by the National
24 Fire Protection Association, National Fire Code, Section 501 A, Standard for Fire Safety Criteria
25 for Manufactured Home installations, Sites and Communities, Chapter 1, Section 1-2,

1 Definitions, page 4, 1987 edition and Health and Safety Code Sections 18007, 18008 and
2 19971),

3 **(5e)** road construction, including construction of a road that does not currently exist, or
4 extension of an existing road.

5 **(d)** Exemptions: ~~Roads required as a condition of tentative parcel maps prior to the effective~~
6 ~~date of these regulations; R~~roads used solely for agricultural or mining use; ~~solely one~~
7 ~~ownership~~ and roads used solely for the management and harvesting of wood products.

8
9 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
10 4291, Public Resources Code; Opinion No.92-807, Daniel E. Lungren, Attorney General, March
11 17, 1993.

12
13 **§ 1270.03. Local Ordinances.**

14 Nothing contained in these regulations shall be considered as abrogating the provisions of
15 any ordinance, rule or regulation of any state or local jurisdiction providing such ordinance, rule
16 or regulation or general plan element is equal to or more stringent than these minimum
17 standards. The Board may certify local ordinances as equaling or exceeding these regulations
18 when they provide the same practical effect. Local ordinances initially certified by the Board
19 pursuant to this section and subsequently amended without having the amendments certified by
20 the Board are invalid. The Board's regulations supersede the local ordinance(s) when amended
21 local ordinances are not re-certified by the Board. Amendments made by local jurisdictions to
22 previously certified ordinances shall be re-certified as described in 14 CCR §§ 1270.01 and
23 1270.03.

24
25 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4117 and
4290, Public Resources Code.

1 **§1270.04. Provisions for Application of these Regulations.**

2 This subchapter shall be applied as follows:

3 (a) local jurisdictions shall provide the Director with notice of applications for building permits,
4 tentative parcel maps, tentative maps, and use permits for construction or development within
5 SRA.

6 (b) the Director ~~may shall~~ review and make fire protection recommendations on applicable
7 construction or development or maps provided by the local jurisdiction.

8 (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a
9 condition of approval of any applicable construction of development permit or map.

10
11 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
12 4291, Public Resources Code.

13
14 **§ 1270.05. Inspection Authority**

15 (a) Inspection shall be made pursuant to Section 1270.06 by:

16 (1) the Director, or

17 (2) local jurisdictions that have assumed state fire protection responsibility on SRA land,
18 or

19 (3) local jurisdictions where these regulations have been ~~implemented through~~
20 incorporated verbatim into that jurisdiction's building permit or subdivision approval process and
21 the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction, or

22 (4) local jurisdictions where the local ordinances have been certified pursuant to 14 CCR
23 §§ 1270.01 and 1270.03 and the inspection duties have been formally delegated by CAL FIRE
24 to the local jurisdiction.

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

1 **(bc)** Reports of violations shall be provided to the CAL FIRE~~CDF~~ Ranger Unit headquarters
2 that administers SRA fire protection in that county.

3
4 Note: Authority cited: Sections 4119 and 4290, Public Resources Code. Reference: Section
5 4290, Public Resources Code.

6
7 **§ 1270.06. Inspections.**

8 The inspection entity listed in 14 CCR 1270.05~~inspection authority~~ may inspect for compliance
9 with these regulations. When inspections are conducted, they should occur prior to: the
10 issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final
11 map; the filing of a notice of completion; or the final inspection of any project or building permit.

12
13 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4119, 4290
14 and 4291, Public Resources Code.

15
16 **§ 1270.07. Exceptions to Standards.**

17 Upon request by the applicant, exceptions to standards within this subchapter or local
18 jurisdiction certified ordinances and mitigated practices may be allowed by the inspection entity
19 listed in 14 CCR 1270.05~~inspection authority~~, where the exceptions provide the same overall
20 practical effect as these regulations towards providing defensible space. Exceptions granted by
21 the inspection entity listed in 14 CCR 1270.05 shall be made on a case by case basis only.
22 Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be forwarded to the
23 appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall
24 be retained on file at the Unit Office.

1 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
2 4291, Public Resources Code.

3
4 **§ 1270.08. Request for Exceptions.**

5 Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR
6 1270.05 inspection authority by the applicant or the applicant's authorized representative. The
7 request shall state the specific section(s) for which an exception is requested, material facts
8 supporting the contention of the applicant, the details of the exception ~~or mitigating measure~~
9 proposed, and a map showing the proposed location and siting of the exception ~~or mitigating~~
10 ~~measure~~.

11
12 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
13 4291, Public Resources Code.

14
15 **§ 1270.09. Appeals**

16 Where an exception is not granted by the inspection entity authority, the applicant may
17 appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an
18 appeal process consistent with existing local building or planning department appeal processes.
19 Before the local jurisdiction makes a determination on an appeal, the inspection authority shall
20 be consulted and shall provide to that local jurisdiction documentation outlining the effects of the
21 requested exception on wildland fire protection.

22 If an appeal is granted, the local jurisdiction shall make findings that the decision meets the
23 intent of providing defensible space consistent with these regulations. Such findings shall
24 include a statement of reasons for the decision. A written copy of these findings shall be
25 provided to the CAL FIRE CDF Ranger Unit headquarters that administers SRA fire protection
in that county.

1 Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and
2 4291, Public Resources Code.

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