



January 19, 2022

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"
15-Day Revisions Published January 3, 2022– 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) strongly urge the Board to reconsider its current approach to the proposed "State Minimum Fire Safe Regulations, 2021." Local governments sincerely appreciate the evolving hazards of catastrophic wildfire in California. It is our communities that burn, and our officials who are responsible for response, recovery, and rebuilding. We, therefore, vigorously support efforts to enhance fire safety considerations, and integrate them with local planning processes. However, this cannot be done without meaningful collaboration between the Board and local governments, and genuine commitment to balance any new development burdens with our state's other critical priorities, including the statewide housing crisis, and economic revitalization of disadvantaged communities.

Unfortunately, the current rulemaking process has, as yet, included neither such collaboration, nor such balance. We appreciate that the revised proposed regulations include several features responsive to prior comments, including limiting certain requirements within the State Responsibility Area (SRA) to high fire areas, and more nuanced consideration of dead-end roads. However, as explained in greater detail below, the revised proposal is fatally unclear regarding the requirements for individual homebuilders and small businesses, and imposes disproportionate and unnecessary

restrictions on even minor development proposals, to the detriment of both individual and community. Moreover, the revised regulations introduce new concerns, including unclear, unaccountable, and undemocratic administrative provisions, and flawed attempts to define and restrict agricultural activities.

These problems all have a common root cause – the Board’s continued failure to meaningfully engage with the local governments who will be responsible for implementing the regulations. We again urge the Board members and staff to undertake a constructive, open, real-time dialog with a working group comprised of all relevant local disciplines, including elected officials, planners, public works directors, and fire officials. With good faith collaboration and an open mind, solutions can be developed, and better, stronger regulations can be implemented for the benefit of all Californians. State and local officials are necessarily partners in this effort, and it can succeed only when that is recognized by all parties.

The following is a summary of our overarching concerns. We have also attached a red-line of our recommended changes to the text of the proposed regulations. (This red-line integrates the changes previously recommended in our June 21, 2021 comment letter; however, the recommendations specifically directed to the current revised proposal are highlighted for convenience, with explanatory margin comments.)

Road Standards

- The revised proposed regulations are confusingly drafted, making it unclear what standards apply to which existing roads. Specifically, it is unclear whether the "Standards for Existing Roads" apply to all roads "that provide Access to New Building Construction" (as suggested in Section 1273.12), or only to roads serving the specific "types of Building Construction" identified in Section 1273.00, i.e., larger developments. This uncertainty has immense effect on the scope of the regulations with regard to individual homeowners and small businesses, and potentially catastrophic impacts if not clarified.
- Further, the new categorization of road requirements, into (1) those explicitly limited to "new" roads; (2) those whose applicability to "new" or "existing" roads is not specified; and (3) explicit "existing" road requirements is similarly confusing, and make it unclear which of these requirements apply to existing roads serving both smaller and larger developments.
- Finally, the "Standards for Existing Roads" – if not limited to larger developments – will unduly burden housing production and economic development, and are unrealistic in many rural areas. In addition to the concerns noted in previous comments, the revised proposed regulations would now require fully developed surfacing for all existing roads serving affected development – effectively

eliminating any significant building or other economic activity in regions served by dirt roads throughout California.

Unclear and Unaccountable Administrative Provisions

- The new "Authority Having Jurisdiction" provisions are confusing and flawed. Under the current regulations – and the prior proposal – "local jurisdictions" and their governing bodies (i.e., elected Board of Supervisors and City Councils) have clear responsibilities for both substantive decision-making, such as designation of fuel breaks and strategic ridgelines, and procedural matters, such as hearing appeals of denied "exception" requests. The revised proposal undermines all of these functions, to the detriment of the democratic process.
- The revised proposed regulations would vest all of these functions with the nebulous "Authority Having Jurisdiction," an ill-defined "organization, office, or individual," whose identity cannot be determined with any certainty, and may vary from decision-to-decision. (These provisions appear to have been adapted from National Fire Protection Association materials, and do not adequately address the much wider scope of planning-level decision-making required under these regulations.) At best, this is a recipe for continual jurisdictional in-fighting over who has decision-making authority on any issue. At worst, this will transfer responsibility from the people's elected representatives to unelected offices who lack the overarching role and public accountability of local governing bodies.
- These flaws are compounded in the appeal process, where the revised proposed regulations provide that certain decisions by the "Authority Having Jurisdiction" (whoever that is) cannot be appealed. This deprives affected residents of due process – and the community of accountability – and perversely impairs the decision-making process by removing an administrative remedy that would otherwise have to be exhausted prior to any legal challenge.

"Agriculture" Definition

- The revised proposed regulations attempt to impose a uniform statewide definition of "agriculture" – and they do so poorly. California boasts one of the world's largest and most diverse agricultural economies, and the range of agricultural uses and activities varies widely from the Redwood Coast of Del Norte county to the Imperial Valley. Contrary to the suggestions in the Supplemental Statement of Reasons, local governments are in precisely the best position to identify "what kinds of activities constitute 'agriculture'" in their communities. The proposal to replace this competent local knowledge with an inflexible uniform definition is truly a solution in search of a problem – and the flaws in this approach are aptly demonstrated by the definition proposed, which purports to exclude ranching and livestock raising

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activities, a major agricultural sector. Responsibility for articulating agricultural activities should be returned to local governments, or at a minimum a competent, well-supported definition should be utilized that covers the full range of California agriculture.

"Substantial Compliance"

- The revised definition of "substantial compliance" still fails to provide either the clarity or the flexibility necessary to address disparate and unpredictable conditions encountered throughout the state. Moreover, the revised definition makes achieving “concurrent Fire Apparatus ingress and civilian evacuation” an organic component of “substantial compliance,” thus further impairing any utility of this concept with respect to road standards.

Additional Concerns

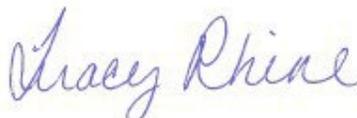
- The concerns expressed in prior comments remain applicable to the current draft, including the overall lack of balance between these costly new standards and other critical needs, such as housing production and economic development, and the lack of transparency regarding the environmental and economic impacts of these proposals. The Board has still not fully complied with either the Administrative Procedure Act nor the California Environmental Quality Act – nor given any indication of how it plans to do so – which gets more concerning the further the regulatory process proceeds.

We invite Board members to carefully review these comments and concerns, and we look forward to addressing the Board directly at a future public meeting. 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 jkh@hbeadvocacy.com.

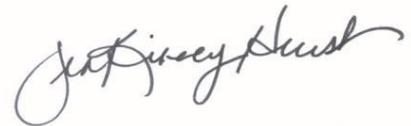
Sincerely,



CATHERINE FREEMAN
Legislative Representative
CSAC



TRACY RHINE
Senior Legislative Advocate
RCRC



JEAN KINNEY HURST
Legislative Representative
UCC

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

6 Subchapter 2. ~~SRA/VHFHSZ~~ State Minimum Fire Safe Regulations
7

8 Article 1. Administration

9 § 1270.00. Title.

10 These regulations shall be known as the "~~SRA/VHFHSZ~~ State Minimum
11 Fire Safe Regulations," and shall constitute the ~~basic~~ minimum
12 wildfire protection standards of the California Board of Forestry
13 and Fire Protection.

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

17 § 1270.01. Definitions Purpose

18 The following definitions are applicable to this Subchapter.

19 (a) Access: The Roads on a route from a Building to the nearest
20 Collector Road or the Roads on a route from a Building to the
21 nearest Road which is compliant with the standards provided in
22 this Article, whichever is closer.

23 (b) Agriculture: Land used for agricultural purposes as defined in
24 a Local Jurisdiction's zoning ordinances.

25 (c) Authority Having Jurisdiction (AHJ): the organization, office,

Commented [AJW1]: As noted in the cover letter, we strongly recommend retaining the current definition of agriculture, which allows for the extreme diversity of agricultural activities in California. The suggested effort to impose statewide, top-down uniformity on this point is unnecessary, inappropriate, and extraordinarily detrimental.

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1 or individual designated by the local agency as responsible for
2 enforcing the applicable requirements of these standards, or for
3 approving equipment, materials, an installation, or a procedure.

4 (ed) Board: California Board of Forestry and Fire Protection.

5 (de) Building: Any Structure used or intended for supporting or
6 sheltering any use or Occupancy, except those classified as Storage
7 Group S or Utility and Miscellaneous Group U Occupancy.

8 (f) Building Construction: the construction, reconstruction,
9 placement, or erection of any Building; a permit or approval for
10 an increase in the density or intensity of use of land, including,
11 but not limited to, subdivision pursuant to the Subdivision Map
12 Act (commencing with Section 66410 of the Government Code), and
13 any other division of land except where the land division is
14 brought about in connection with the purchase of such land by a
15 public agency for public recreational use.

16 (eg) CAL FIRE: California Department of Forestry and Fire
17 Protection.

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

24 (gi) Collector Road: Roads identified by the local agency as a local
25 collector road pursuant to Title 23, Code of Federal Regulations,

Commented [AJW2]: As noted in the cover letter, the generic definition of "AHJ" adapted from the NFPA standards is fatally unclear as applied to the variety of planning-level and permitting-level functions in these regulations (and the diverse administrative structures of planning, building, and fire services throughout the state). The "AHJ" concept is appropriate for ministerial/executive permitting functions typically performed at the staff level (where the term originated), provided that responsibility for designating the applicable staff is clearly specified. For quasi-legislative planning-level functions (and quasi-judicial appellate functions), of the nature typically performed by governing bodies (or planning commissions), we have recommended expressly referencing the "Local Agency" itself for avoidance of confusion.

Deleted: This includes the local government and local fire authority in their respective roles of development approval process and regulatory enforcement.

Commented [AJW3]: Identifying "collector" roads is a planning-level determination property vested in the city or county itself. (See, e.g., Government Code section 65302, subd. (b)(1).)

Deleted: AHJ

1 § 470.105 and in conformance with the procedures in the US Federal
2 Highway Administration "Highway Functional Classification
3 Concepts, Criteria, and Procedures," 2013 Edition, hereby
4 incorporated by reference.

5 (~~h~~j) Dead-end Road: A Road that has only one point of vehicular
6 ingress/egress, including cul-de-sacs and Roads that loop back on
7 themselves ~~looped Roads~~.

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

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

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

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

23 (p) Existing: That which is physically established or is legally
24 authorized at the time of the proposal for Building Construction.

25 (~~n~~q) Existing Road: A Road that is physically established or is
legally authorized at the time of the proposal for Building

Commented [AJW4]: The defined term "Development" no longer appears necessary or useful, given the new explicit and expansive definition of "Building Construction." Conforming revisions - using this new definition - have been made through the draft.

Deleted: (+1) Development: As defined in section 66418.1 of the California Government Code.†

Deleted: at any size or scale

Deleted: subject to

Deleted: legally

Commented [AJW5]: As originally written, the proposed definition of "existing" mixed the concepts of something physically "in place" and something legally permitted. This conflation is particularly inapt in the context of rural roads, many of which were established through prescription decades ago, and for which there may be little documentation regarding the "legal" nature of their existence (notwithstanding the obvious fact of their physical existence). Our suggested revisions clarify these concepts as applied to roads and more generally.

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1 ~~Construction. constructed and used by vehicles prior to a~~
2 ~~Development proposal.~~ An Existing Road is not one exempt under §
3 1270.03(d) if that Road is part of a Building Construction proposal
4 where it is to be used for purposes other than those specified in
5 § 1270.03(e). A Existing Driveway is not an Existing Road, if that
6 Driveway is part of a Building Construction proposal where the
7 Driveway will serve more than four (4) Residential Units.

8 (r) Finished Grade: The highest point of elevation of the finished
9 surface of the ground, landscaping, vegetation, paving, curb or
10 sidewalk within the area extending in a 5 foot diameter from the
11 center of the fire hydrant.

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

15
16 (~~es~~) Fire Apparatus: A vehicle designed to be used under emergency
17 conditions to transport personnel and equipment or to support
18 emergency response, including but not limited to the suppression
19 of fires.

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

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

(~~#u~~) Fuel Break: A strategically located area where the volume and

1 arrangement of vegetation has been managed to limit fire intensity,
2 fire severity, rate of spread, crown fire potential, and/or ember
3 production.

4 (su) Greenbelts: Agricultural lands, open space, parks, wildlands,
5 or a combination thereof, as designated by the Local Agency Local
6 Jurisdictions, which are in, surround, or near areas subject to
7 these regulations, or are adjacent to a city or urbanized area,
8 that may function as Fuel Breaks and where Building Construction
9 is restricted or prohibited ~~Development~~.

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

13 (uw) Hammerhead/T: A ~~road or Driveway that provides a~~ "T" shaped,
14 three-point Turnaround space for Fire Apparatus on a Road or
15 Driveway, being no narrower than the Road or Driveway that serves
16 it.

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

(w) Local Agency: The city, for areas within incorporated city

Commented [AJW6]: Designation of greenbelts is a planning-level decision properly vested in the city or county itself.

Deleted: [REDACTED]

Deleted: that may function as Fuel Breaks

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Commented [AJW7]: As noted in the cover letter, it is critical that the role of the general local government be recognized and clarified - as they have the ultimate responsibility for incorporating these standards into the land use, planning, and building approval processes.

1 ~~limits of the county, for unincorporated areas.~~

2 ~~(w) Local Jurisdiction: Any county, city/county agency or~~
3 ~~department, or any locally authorized district that approves or~~
4 ~~has the authority to regulate Development.~~

5 ~~(xz) Local Responsibility Area (LRA): Those areas of land not~~
6 ~~classified by the Board where the financial responsibility of~~
7 ~~preventing and suppressing Wildfires is that of local agencies the~~
8 ~~state or federal government, pursuant to Public Resources Code~~
9 ~~(PRC) section 4125.~~

10 ~~(yaa) Local Road: Roads identified by the ~~Local Agency~~ a Local~~
11 ~~Jurisdiction as a local road pursuant to Title 23, Code of Federal~~
12 ~~Regulations, § 470.105 and in conformance with the procedures in~~
13 ~~the US Federal Highway Administration "Highway Functional~~
14 ~~Classification Concepts, Criteria, and Procedures," 2013 Edition,~~
15 ~~hereby incorporated by reference.~~

16 ~~(zbb) Municipal-Type Water System: A system having water pipes~~
17 ~~servicing Fire Hydrants and designed to furnish, over and above~~
18 ~~domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi~~
19 ~~(138 kPa) residual pressure for a two (2) hour duration.~~

20 ~~(aac) New Road: That which is proposed as part of a Building~~
21 ~~Construction proposal that is the subject of consideration~~
22 ~~hereunder, and ~~not physically established nor legally authorized~~~~
23 ~~at the time of the proposal for Building Construction. A~~

~~theoretical Road proposed in a Development application.~~

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

Commented [AJW8]: See above comment regarding collector roads.

Deleted: ~~RB~~

Commented [AJW9]: See above comment regarding the definition of "existing."

Deleted: ~~legally~~

Deleted: ~~in place~~

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

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

8 ~~(eff)~~ Perimeter: The boundary of an individual parcel of land,
9 within which lies any Building eConstruction or in the case of a
10 subdivision approval, the boundary of the approved parcel map or
11 tentative map, pursuant to Government Code § 66411.
12

13 (gg) Repair: The reconstruction, replacement or renewal of any
14 part of an existing Structure for the purpose of its maintenance
15 or to correct damage.

16 ~~(eeh)~~ Residential Unit: ~~a single unit providing complete~~
17 ~~independent living facilities for one or more persons, including~~
18 ~~permanent provisions for living, sleeping, eating, cooking, and~~
19 ~~sanitation.~~ Manufactured homes, mobile homes, and factory-built
20 housing are considered residential units. Buildings, unless being,
21 including without limitation manufactured homes, mobile homes, and
22 factory-built housing, sited or installed as an accessory or junior
23 accessory dwelling unit in accordance with § 1270.03(d) (Scope -
24 Exemptions - ADUs) are not considered Residential Units.

25 ~~(ffi)~~ Ridgeline: The line of intersection of two opposing slope

Deleted: and/or the boundary of a tentative and final map or parcel map, pursuant to Government Code § 66411,...

Commented [AJW10]: As indicated by other commenters, the proposed definition of "Residential Unit" could have been interpreted to include individual bedrooms or guest houses not used as separate living facilities.

The recommended alternative definition is taken verbatim from the California Fire Code and California Building Code (CFC and CBC § 202).

Deleted: any Building or portion thereof which contains living facilities, including which include provisions for sleeping, and can include provisions for eating, cooking and/or sanitation, for one or more persons

1 aspects running parallel to the long axis of the highest elevation
2 of land; or an area of higher ground separating two adjacent
3 streams or watersheds.

4 ~~(ggj)~~ Road: A public or private vehicular pathway to ~~more than~~
5 ~~two (2) parcels,~~ more than four (4) Residential Units, ~~not~~
6 ~~including accessory or junior accessory dwelling units exempt~~
7 ~~pursuant to § 1270.03(d) (Scope - Exemptions - ADUs), or to any~~
8 ~~industrial or commercial occupancy of more than 7,200 square feet~~
9 ~~of structural floor area.~~

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

13 ~~(ikk)~~ Shoulder: A vehicular pathway adjacent to the Traffic Lane.

14 ~~(jll)~~ State Responsibility Area (SRA): As defined in Public
15 Resources Code sections 4126-4127; and the California Code of
16 Regulations, title 14, division 1.5, chapter 7, article 1, sections
17 1220-1220.5.

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

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

1 (~~11nn~~) Substantial Compliance [or Substantially Complies]:

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

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

20 (~~nnpp~~) Traffic Lane: The portion of a Road or Driveway that
21 provides a single line of vehicle travel.

22 (~~oqqq~~) Turnaround: ~~A portion of a Road or Driveway, unobstructed~~
23 ~~by parking,~~ An area which allows for a safe opposite change of
24 direction for Fire Apparatus at the end of a Road or Driveway.
25 ~~Design of such area may be a hammerhead/T or terminus bulb.~~

(~~pprr~~) Turnout: A widening in a Road or Driveway to allow vehicles

Commented [AJW11]: As indicated in the cover letter, the recent revisions exacerbated the flaws in the proposed definition of "substantial compliance."

Our recommended language utilizes well-established legal terminology and concepts, which will facilitate consistent application and provide the flexibility required for statewide implementation of standards as comprehensive as the current regulations.

Deleted: 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.

Deleted: Nearly complete satisfaction of each applicable ~~all~~ material requirements consistent with the purpose of the applicable State Minimum Fire Safe Regulations, including without limitation to concurrent Fire Apparatus ingress and civilian evacuation. Substantial Compliance may be found even though minor noncompliance exists

1 to pass.

2 (~~eqss~~) Undeveloped Ridgeline: A Ridgeline with no Residential
3 Units or commercial or industrial Buildings.

4 (~~ertt~~) Utility and Miscellaneous Group U: A Structure of an
5 accessory character or a miscellaneous Structure not classified in
6 any specific ~~o~~ccupancy permitted, constructed, equipped, and
7 maintained to conform to the requirements of Title 24, California
8 Building Standards Code.

9 (~~seuu~~) Vertical Clearance: The minimum specified height of a
10 bridge, overhead projection, or vegetation clearance above the
11 Road or Driveway.

12 (vv) Vertical Curve: A curve at a high or low point of a roadway
13 that provides a gradual transition between two roadway grades or
14 slopes.

15 (~~txxx~~) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in
16 Government Code section 51177(i).

17 (~~uyyy~~) Wildfire: Has the same meaning as "forest fire" in Public
18 Resources Code Section 4103. ~~As defined in Public Resources Code~~
19 ~~Section 4103 and 4104.~~

20 (a) ~~These regulations have been prepared and adopted for the~~
21 ~~purpose of establishing minimum wildfire protection standards in~~
22 ~~conjunction with building, construction and development in the~~
23 ~~State Responsibility Area (SRA) and, after July 1, 2021, the Very~~
24 ~~High Fire Hazard Severity Zones as defined in Government Code §~~
25 ~~51177(i) (VHFHSZ).~~

(b) ~~The future design and construction of structures, subdivisions~~

1 and developments in the SRA and, after July 1, 2021, the VHFHSZ
2 shall provide for basic emergency access and perimeter wildfire
3 protection measures as specified in the following articles.

4 (c) These measures shall provide for emergency access; signing and
5 building numbering; private water supply reserves for emergency
6 fire use; and vegetation modification. The fire protection
7 standards which follow shall specify the minimums for such
8 measures.

9 Note: Authority cited: Section 4290, Public Resources Code.

10 Reference: Sections 4290 and 4291, Public Resources Code.

11
12 § 1270.02. Purpose.—Scope

13 (a) These regulations have been prepared and adopted for the
14 purpose of establishing state minimum Wildfire protection
15 standards in conjunction with Building eConstruction and
16 Development in the State Responsibility Area (SRA) and, after July
17 1, 2021, the Very High Fire Hazard Severity Zones, as defined in
18 Government Code § 51177(i) (VHFHSZ).

19 (b) Building eConstruction in the SRA approved after January 1,
20 1991, and, after July 1, 2021, Building Construction in the VHFHSZ
21 approved after July 1, 2021 shall provide for minimum Wildfire
22 protection in accordance with the standards as specified in the
23 following articles.

24 (c) These standards shall provide for emergency ingress and egress;
25 signing and Building numbering; ~~municipal-type, private, or public~~
~~water supply, as applicable, reserves~~ for emergency fire use;

Deleted: ~~and~~

1 vegetation modification, Fuel Breaks, Greenbelts, and measures to
2 preserve Undeveloped Ridgelines. The regulations which follow
3 shall specify the minimums for such standards.

4 ~~(d) By limiting Building construction in those areas where~~
5 ~~Prescribing these minimum Wildfire protection standards are not~~
6 ~~satisfied, this reduces the risk of Wildfires in these areas, which~~
7 ~~among other things protects the health, safety and welfare of~~
8 ~~residents.~~

9 ~~(a) These regulations shall apply to:~~

10 ~~(1) the perimeters and access to all residential, commercial, and~~
11 ~~industrial building construction within the SRA approved after~~
12 ~~January 1, 1991, and those approved after July 1, 2021 within the~~
13 ~~VHFHSZ, except as set forth below in subsections (b) through (d),~~
14 ~~inclusive, and (f);~~

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

21 ~~(3) all tentative and parcel maps or other developments approved~~
22 ~~after January 1, 1991; and~~

23 ~~(4) applications for Building permits on a parcel approved in a~~
24 ~~pre-1991 parcel or tentative map to the extent that conditions~~
25 ~~relating to the perimeters and access to the Buildings were not~~
~~imposed as part of the approval of the parcel or tentative map.~~

Commented [AJW12]: As previously noted, the rulemaking file presently lacks any substantial evidence that the regulations will "protect natural resources and the environment."

Deleted: , and protects natural resources and the environment...

1 ~~(b) These regulations do not apply where an application for a~~
2 ~~Building permit is filed after January 1, 1991 for Building~~
3 ~~construction on a parcel that was formed from a parcel map or~~
4 ~~tentative map (if the final map for the tentative map is approved~~
5 ~~within the time prescribed by the local ordinance) approved prior~~
6 ~~to January 1, 1991, to the extent that conditions relating to the~~
7 ~~perimeters and access to the Buildings were imposed by the parcel~~
8 ~~map or final tentative map approved prior to January 1, 1991.~~

9 ~~(c) (1) At the discretion of the Local Jurisdiction, and subject~~
10 ~~to any requirements imposed by the Local Jurisdiction to ensure~~
11 ~~reasonable ingress, egress, and capacity for evacuation and~~
12 ~~emergency response during a Wildfire, these regulations shall not~~
13 ~~apply to the reconstruction or repair of legally constructed~~
14 ~~residential, commercial, or industrial Buildings due to a~~
15 ~~Wildfire, to the extent that the reconstruction or repair does~~
16 ~~not:~~

17 ~~(A) increase the square footage of the residential, commercial, or~~
18 ~~industrial Building or Buildings that previously existed; or~~

19 ~~(B) change the use of the Building or Buildings that had existed~~
20 ~~previously; or~~

21 ~~(C) construct a new Building or Buildings that did not previously~~
22 ~~exist on the site.~~

23 ~~(2) Nothing in this subsection shall be construed to alter the~~
24 ~~extent to which these regulations apply to the reconstruction or~~
25 ~~repair of a legally constructed residential, commercial, or~~
~~industrial Building for reasons unrelated to a Wildfire.~~

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

6 ~~(e) Unless otherwise exempt pursuant to this Subchapter, affected~~
7 ~~activities include, but are not limited to:~~

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

10 ~~(2) application for a Building permit for new Building~~
11 ~~construction;~~

12 ~~(3) application for a use permit; and~~

13 ~~(4) road construction.~~

14 ~~(f) EXEMPTION: Roads used solely for agricultural, mining, or the~~
15 ~~management and harvesting of wood products.~~

16 Note: Authority cited: Section 4290, Public Resources Code.

17 Reference: Sections 4290 and 4291, Public Resources Code.

18 § 1270.03. Scope. Provisions for Application of The Regulations

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

21 ~~(1) the Perimeters and Access to all residential, commercial,~~
22 ~~and industrial Building eConstruction within the SRA approved~~

23 ~~after January 1, 1991, and those approved after July 1, 2021 within~~
24 ~~the VHFHSZ, except as set forth below in subsections (b) through~~

25 ~~(f) and (i) below.~~

Commented [AJW13]: This clear statement is necessary to avoid confusion, dispute, and conflict with the various provisions of this Subchapter exempting certain types of Building Construction from some or all of these regulations.

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1 (2) the siting or installation ~~of newly installed~~ commercial
2 modulars, manufactured homes, mobilehomes, and factory-built
3 housing, as defined in Health and Safety Code sections 18001.8,
4 18007, 18008, and 19971, except where being sited or installed as
5 an accessory or junior accessory dwelling unit as set forth in
6 subsection (d) below;

7 ~~(3) all tentative and parcel maps or other Developments~~
8 ~~approved after January 1, 1991, and~~

9 (43) applications for Building permits on a parcel approved
10 in a pre-1991 parcel map (including a parcel map waiver pursuant
11 to Government Code section 66428) or tentative map to the extent
12 that matters relating to the Perimeters and Access to the Buildings
13 were not approved as part of the approval of the parcel or
14 tentative map process.

15 (b) These regulations do not apply where an application for a
16 Building permit in the SRA is filed after January 1, 1991 for
17 Building eConstruction on a parcel that was formed from a parcel
18 map (including a parcel map waiver pursuant to Government Code
19 section 66428) or tentative map approved prior to January 1, 1991
20 (if the final map for the tentative map is approved within the
21 time prescribed by the local ordinance). ~~approved prior to January~~
22 ~~1, 1991, to the extent that conditions relating to the Perimeters~~
23 ~~and Access to the Buildings were imposed by the parcel map or final~~
24 ~~tentative map approved prior to January 1, 1991.~~

25 ~~(1) For #~~This exemption shall apply only to the extent that
to apply, the parcel map or tentative map that was approved prior

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1 to January 1, 1991, ~~shall have imposed conditions or otherwise~~
2 ~~regulated the design and improvement of the subdivision~~ relating
3 to the Perimeters and Access to the Building ~~e~~Construction that is
4 the subject of the Building permit application filed after January
5 1, 1991.

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

10 ~~(c) At the discretion of the Local Jurisdiction, and subject to~~
11 ~~any requirements imposed by the Local Jurisdiction to ensure~~
12 ~~reasonable ingress, egress, and capacity for evacuation and~~
13 ~~emergency response during a Wildfire, these regulations shall not~~
14 ~~apply to the reconstruction or repair of a Building due to a~~
15 ~~Wildfire, subject to the following:~~

16 ~~(1) this exemption shall not apply if the reconstruction or~~
17 ~~repair encroaches on the minimum setback requirements in [§ 1276.01](#)~~
18 ~~[Building and Parcel Siting and Setbacks](#);~~

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

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

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

1 ~~pursuant to this exemption.~~

2 (c) These regulations do not apply to construction of one new
3 Structure of 1,000 square feet or less or one addition to an
4 existing Structure totaling 1,000 square feet or less that is
5 developed on a parcel after July 1, 2022. This exemption is limited
6 to either one new Structure or addition to an existing Structure
7 per parcel regardless of whether the entire 1,000 square feet is
8 used, and only applies to parcels upon which any Building was
9 lawfully constructed before July 1, 2022.

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

15 (e) ~~These regulations~~ The standards in these regulations
16 applicable to Roads shall not apply to Roads used solely for
17 Agriculture, mining; ~~or~~ the management of timberland and
18 harvesting of forest products; Outdoor Recreation on lands owned
19 or leased by state or local public agencies; or an agricultural
20 activity, operation, or facility, or appurtenances thereof (which
21 may include, but is not limited to, the cultivation and tillage of
22 the soil, dairying, the production, cultivation, growing, and
23 harvesting of any agricultural commodity including timber,
24 viticulture, apiculture, or horticulture, the raising of
25 livestock, fur bearing animals, fish, or poultry, and any practices

Commented [AJW14]: This provision was proposed in prior comments; however, we have updated the suggested effective date due to the passage of time, and to match the date used elsewhere in these regulations, e.g., § 1273.08(d).

Commented [AJW15]: As noted, local government prefer retaining the current definition of "agriculture," which will obviate the need for the final clause in this section.

However, if there continues to be an effort to develop uniform verbiage to describe agricultural activities statewide, it is imperative to utilize provisions that are both well-supported and do not inappropriately exclude large sectors of California's agricultural economy. Our recommended language is adapted from the well-established "right-to-farm" provisions of the Civil Code (§ 3482.5), which are both well-recognized and reflect California's strong public policies in favor of agricultural preservation.

1 performed by a farmer or on a farm as incident to or in conjunction
2 with those farming operations, including preparation or processing
3 for market, storage or delivery to storage or to market, or
4 delivery to carriers for transportation to market).

Deleted: the planting, growing, or harvesting of plants (including related activities such as processing, storage, and transportation) for the marketing of the resulting products

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

9
10
11 (g) The applicable AHJ which approves Building Construction shall
12 provide the Director of the California Department of Forestry and
13 Fire Protection (CAL FIRE) or their designee with notice of
14 applications for Building permits, tentative parcel maps,
15 tentative maps, and installation or use permits for Building
16 Construction within the SRA or the VHFHSZ.

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Deleted: or adopts construction development permits or maps
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17 (h) The Director or their designee may review and make fire
18 protection recommendations on applicable permits or maps provided
19 by the local jurisdiction.

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20 (i) This Subchapter shall not apply retroactively. The
21 requirements of this Subchapter shall apply when an approval is
22 sought for Building permits, tentative parcel maps, tentative
23 maps, and installation or use permits for Building Construction
24 within the scope of this Subchapter.

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25 (j) The AHJ identified in subsection (e) shall not approve any
Building Construction to which these regulations apply unless an

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Deleted: applicable construction or development permit or map

1 inspection has been made in accordance with this Subchapter and it
2 has been determined that the applicable sections of this Subchapter
3 are satisfied.

4 ~~(k)~~ Activities within the scope of this Subchapter shall be subject
5 to the regulations in effect at the time of the activity's
6 approval.

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7 ~~This Subchapter shall be applied as follows:~~

8 ~~(a) the Local Jurisdictions shall provide the Director of the~~
9 ~~California Department of Forestry and Fire Protection (CAL FIRE)~~
10 ~~or their designee with notice of applications for Building permits,~~
11 ~~tentative parcel maps, tentative maps, and installation or use~~
12 ~~permits for construction or development within the SRA.~~

13 ~~(b) the Director or their designee may review and make fire~~
14 ~~protection recommendations on applicable construction or~~
15 ~~development permits or maps provided by the Local Jurisdiction.~~

16 ~~(c) the Local Jurisdiction shall ensure that the applicable~~
17 ~~sections of this Subchapter become a condition of approval of any~~
18 ~~applicable construction or development permit or map.~~

19 Note: Authority cited: Section 4290, Public Resources Code.

20 Reference: Sections 4290 and 4291, Public Resources Code.

21 § 1270.04. Local Regulations Ordinances.

22 (a) These regulations shall serve as the minimum Wildfire
23 protection standards applied in SRA and VHFHSZ. ~~These regulations~~
24 ~~do not supersede local regulations which equal or exceed the~~
25 ~~standards of this Subchapter. Nothing contained in these~~

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1 ~~regulations shall be considered as abrogating the provisions of~~
2 ~~any ordinance, rule or regulation of any state or Local~~
3 ~~Jurisdiction provided that such ordinance, rule, or regulation is~~
4 ~~equal to or exceeds these minimum standards.~~

5 (b) ~~Local regulations equals or exceeds a minimum standard of this~~
6 ~~Subchapter only if, at a minimum, the local regulations, as a~~
7 ~~whole, Substantially Comply with the corresponding minimum~~
8 ~~standards in this Subchapter. Counties may submit their local~~
9 ~~ordinances for certification via email to the Board, and the Board~~
10 ~~may certify them as equaling or exceeding these regulations when~~
11 ~~they provide the same practical effect. If the Board determines~~
12 ~~that the local requirements do not equal or exceed these~~
13 ~~regulations, it shall not certify the local ordinance.~~

14 (c) ~~A Local Jurisdiction shall not apply exemptions to these~~
15 ~~regulations that are not enumerated in this Subchapter. Exceptions~~
16 ~~requested and approved in conformance with [§ 1270.06 \(Exceptions](#)~~
17 ~~to Standards) may be granted on a case-by-case basis. When the~~
18 ~~Board grants certification, the local ordinances, in lieu of these~~
19 ~~regulations, shall be applied as described in 14 CCR § 1270.02 and~~
20 ~~used as the basis for inspections performed under 14 CCR § 1270.05.~~

21 (d) ~~A Local Jurisdiction or Fire Authority may notify the Board~~
22 ~~upon commencement of any revisions to relevant local regulations.~~
23 ~~The Board may provide technical assistance to the agency during~~
24 ~~the revision drafting process. The Board's certification of local~~
25 ~~ordinances pursuant to this section is rendered invalid when~~
~~previously certified ordinances are subsequently amended by Local~~

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1 Jurisdictions, or the regulations are amended by the Board, without
2 Board re certification of the amended ordinances. The Board's
3 regulations supersede the amended local ordinance(s) when the
4 amended local ordinance(s) are not re-certified by the Board.
5 Amendments made by Local Jurisdictions to previously certified
6 ordinances shall be submitted for re-certification.

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

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

13 (g) The AHJ shall require Building Construction to comply with
14 the State Minimum Fire Safe Regulations in accordance with the
15 provisions of this Subchapter.

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

18 § 1270.05. Inspections.

19 Inspections shall conform to the following requirements:

20 (a) The AHJ responsible for conducting inspections in the SRA shall
21 be:

22 (1) the Director, or

23 (2) A Local Agency ~~Local Jurisdictions~~ that has assumed
24 state fire protection responsibility on SRA lands, or

25 (3) A Local Agency ~~Local Jurisdictions~~ where the inspection

Deleted: Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, ...

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Commented [AJW16]: As originally phrased, this section compounded the above-noted ambiguities in the definition of AHJ - by implying that the inspecting entity was the AHJ for all purposes (including planning-level functions not normally performed by fire inspectors). Our recommended verbiage makes the intent of this provision clearer.

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Deleted: be made by the AHJ, which may

Commented [AJW17]: As originally proposed, "local agency" lacked any definition. We support use of the term here, provided it is defined as recommended above.

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1 duties have been formally delegated by CAL FIRE the Director to
2 the ~~Local Agency Local Jurisdiction~~, pursuant to subsection (b).

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

5 (1) The ~~Local Agency Local Jurisdiction~~ represents that they
6 have appropriate resources to perform the delegated inspection
7 authority.

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

11 (3) The ~~Local Agency Local Jurisdiction~~ consents to the
12 delegation of inspection authority.

13 (4) The Director may revoke the delegation at any time ~~after~~
14 ~~consultation with the Local Agency~~.

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

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

23 (c) Inspections in the VHFHSZ shall be made by the ~~AHJ designated~~
24 ~~as provided in § 1270.01(a)~~ ~~Local Jurisdiction or Fire~~
25 ~~Authority~~. Reports of violations shall be provided to the CAL FIRE
Unit headquarters that administers SRA fire protection in the Local

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1 ~~Jurisdiction.~~

2 (d) Nothing in this section abrogates CAL FIRE's authority to
3 inspect and enforce state forest and fire laws in the SRA even
4 when the inspection duties have been delegated pursuant to this
5 section. ~~When inspections are conducted, they shall occur prior~~
6 ~~to: the issuance of the use permit or certificate of occupancy;~~
7 ~~the recordation of the parcel map or final map; the filing of a~~
8 ~~notice of completion; or the final inspection of any project or~~
9 ~~Building permit.~~

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

13 (f) Inspections conducted by the Director shall be limited to
14 confirming compliance with the State Minimum Fire Safe
15 Regulations. ~~Inspections conducted by The local AHJ the Local~~
16 ~~Jurisdiction or Fire Authority~~ shall confirm compliance with the
17 State Minimum Fire Safe Regulations in addition to any applicable
18 local requirements. ~~A Local Jurisdiction may.~~

19 (g) The ~~AHJ Local Jurisdiction~~ shall require that any applicable
20 Building ~~C~~onstruction complies with the applicable sections of
21 this Subchapter.

22 Note: Authority cited: Section 4290, Public Resources Code.
23 Reference: Sections 4102, 4119, 4125, 4290 and 4291, Public
24 Resources Code.
25

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Deleted: in its discretion, conduct additional inspections with respect to a local regulation that equals or exceeds the State Minimum Fire Safe Regulations...
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1 § 1270.06. Exceptions to Standards.

2 (a) The requirements in this section apply to requests for
3 Exceptions from the standards in the State Minimum Fire Safe
4 Regulations. Requests for exceptions, variances, or other
5 administrative relief from a local regulation that equals or
6 exceeds the State Minimum Fire Safe Regulations shall be processed
7 in accordance with procedures established by the Local Agency.

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8 (ba) Upon request by the applicant, an eExceptions to one or more
9 standards within this sSubchapter or to Local Jurisdiction
10 certified ordinances may be granted granted allowed by the AHJ
11 inspection entity in accordance with listed in § 1270.05
12 (Inspections). where the exceptions provide the same practical
13 effect as these regulations towards providing defensible space.

Commented [AJW18]: As noted in the cover letter, the proposal to allow an AHJ to summarily refuse to "consider" an Exception request, and to make that refusal unappealable are highly inappropriate. That would both deprive the applicant of due process and deprive the AHJ's determination of the protections afforded by the existence of an administrative remedy. We have recommended removal of those provisions throughout this section.

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

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16 (i) Where the Exception provides for Substantial Compliance
17 with the minimum standards provided in this Subchapter.

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

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

23 (2) The AHJ shall make decisions on Exception requests
24 inspection entity listed in 14 CCR § 1270.05, whether granted or
25 denied, on a case-by-case basis only. Such decisions shall be in

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1 writing, and shall be supported by Substantial Evidence. Decisions
2 ~~Exceptions granted by the AHJ inspection entity listed in 14 CCR~~
3 ~~§ 1270.05 and all relevant documentation shall be forwarded to the~~
4 ~~Board and the appropriate CAL FIRE unit headquarters Unit Office~~
5 ~~that administers SRA fire protection in that Local Jurisdiction,~~
6 ~~or the county in which the Local Jurisdiction is located area.~~

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7 ~~Decisions and all relevant documentation Exceptions shall be~~
8 ~~retained on file at both offices for a period of no less than five~~
9 ~~(5) years. and shall be retained on file at the Unit Office.~~

10 ~~(b) Requests for an eException shall be made in writing to the~~
11 ~~AHJ inspection entity listed in 14 CCR § 1270.05 by the applicant~~
12 ~~or the applicant's authorized representative.~~

13 (1) ~~At a minimum, the Exception requests shall state~~

14 ~~(i) the specific section(s) for which an eException is~~
15 ~~requested;~~

16 ~~(ii) material facts supporting the necessity for an~~
17 ~~Exception contention of the applicant;~~

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

~~(iv) a map showing the proposed location and siting of~~

1 the eException, including address or parcel number, as
2 applicable;

3 (E) Any additional measures that will be incorporated
4 into the Building Construction or development to enhance fire
5 safety or reduce fire risk; and =

6 (E) any other information deemed relevant by the
7 applicant or applicant's representative.

8 (2) Local Agencies acting as AHJs pursuant to listed in §
9 1270.05 (Inspections) may establish additional procedures or
10 requirements for eException requests.

11 (ed) Where an exception is not granted by the inspection entity,
12 the applicant may appeal such denial to the Local Jurisdiction.

13 The AHJ's decision on an Exception request, whether granted or
14 denied, decisions may be appealed to the Local Agency, which The
15 Local Jurisdiction may establish a special appeal process for
16 Exception requests or may utilize existing local Building or
17 planning department appeal processes.

18 (1) In addition to local requirements, the Local Agency
19 hearing the appeal Local Jurisdiction shall consult with the AHJ
20 inspection entity prior to making a determination on an appeal.

21 (2) The AHJ inspection entity shall timely provide
22 documentation explaining its conclusion that the requested
23 Exception does or does not meet the criteria for an Exception set
24 forth in paragraph (b) (1). Before the Local Jurisdiction makes a
25 determination on an appeal, the inspection authority shall be

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Commented [AJW19]: Establishment of procedures and requirements for Exception requests are quasi-legislative functions properly vested in the Local Agency itself.

Deleted: AHJs Local Jurisdiction

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Commented [AJW20]: It is critical that the entity empowered to decide appeals be clearly specified - and equally critical that the appeals process be overseen by the people's elected representatives in city and county government.

Deleted: local governmental body with jurisdiction over the AHJ

Deleted: establish or utilize an appeal process consistent with

Deleted: governmental body

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1 consulted and shall provide to that Local Jurisdiction
2 documentation outlining the effects of the requested exception on
3 Wildfire protection.

4 (e) ~~Where there is an appeal, if an appeal is granted, the Local~~
5 ~~Jurisdiction~~ **Local Agency** hearing the appeal shall make written
6 findings regarding the applicable criteria for an Exception set
7 forth in paragraph (b) (1), supported by Substantial Evidence. ~~that~~
8 ~~the decision meets the intent of providing defensible space~~
9 ~~consistent with these regulations. Such findings shall include a~~
10 ~~written statement of reasons for reversing overriding the decision~~
11 ~~of the AHJ inspection entity, if necessary applicable. A written~~
12 ~~copy of the written these findings shall be provided to the Board~~
13 ~~and the CAL FIRE Unit headquarters that administers SRA fire~~
14 ~~protection in that area. Local Jurisdiction, or in the county in~~
15 ~~which the Local Jurisdiction is located.~~

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

18 § 1270.07. Distance Measurements.

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

21 Note: Authority cited: Section 4290, Public Resources Code.

22 Reference: Sections 4290 and 4291, Public Resources Code.

24 § 1270.08. Reconstruction and Repair

25 (a) At the discretion of the AHJ, and subject to any requirements

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Compliance, as defined § 1270.01
(Definitions), with the minimum standards in
this Subchapter...

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1 imposed by the AHJ to ensure reasonable ingress, egress, and
2 capacity for evacuation and emergency response during a Wildfire,
3 these regulations shall not apply to the reconstruction or Repair
4 of a Building due to a ~~disaster or other sudden and unintended~~
5 ~~casualty~~, subject to the following:

6 (1) the reconstruction or repair shall not ~~alter the footprint~~
7 ~~of the original Building, such that the Building encroaches on the~~
8 ~~minimum setback requirements in § 1276.01 Building and Parcel~~
9 ~~Siting and Setbacks, unless a reduction in the minimum setback is~~
10 ~~approved by the AHJ pursuant to § 1276.01(b);~~

11 (2) the reconstruction or repair shall not change the use of
12 the Building or Buildings that had existed previously; ~~and~~

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

16 Note: Authority cited: Section 4290, Public Resources Code.

17 Reference: Sections 4290 and 4291, Public Resources Code.

18 Article 2. ~~Emergency Access~~ Ingress and Egress

19 § 1273.00. ~~Purpose and Application-Intent.~~

20 (a) ~~Except as otherwise provided in this Subchapter,~~ Access to
21 Building Construction shall provide for concurrent Fire Apparatus
22 ingress and civilian evacuation, and shall provide unobstructed
23 traffic circulation during a Wildfire, as set forth in this
24 Article. ~~New Roads, and Driveways, and Road or Driveway~~
25 ~~Structures, whether public or private, unless exempted under §~~

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Deleted: (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¶

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Commented [AJW21]: With the clarification that the "existing roads" standards do not apply to "Building Construction" activities falling below the thresholds in § 1273.00(c) (e.g., a single residence, or a commercial structure that does not increase intensity), these special provisions for rebuilds - which necessarily fall below those thresholds - are superfluous and confusing.

Deleted: (b) Access to Buildings being reconstructed or Repaired 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, or for one vehicle to pull off the Road so the another may pass, at reasonable intervals.¶

Commented [AJW22]: This clear statement is necessary to avoid confusion, dispute, and conflict with the various provisions of this Subchapter (including both § 1270.03 and this Article) exempting certain types of Building Construction from some or all of the "traffic circulation" standards in this Article.

1 ~~1270.03(b) (e) (Scope Exemptions)~~ 14 CCR 1270.02(e), shall
2 ~~provide for concurrent Fire Apparatus ingress and safe access for~~
3 ~~emergency wildfire equipment and civilian evacuation concurrently,~~
4 ~~and shall provide unobstructed traffic circulation during a~~
5 ~~Wildfire emergency consistent with 14 CCR §§ 1273.00 through~~
6 ~~1273.09, as set forth in this Article.~~

7 (b) The provisions of this Article and [Article 3 \(Signing and](#)
8 [Building Numbering\)](#) shall apply to all New Roads, New Driveways,
9 New elevated surface, or New appurtenant surfaces. ~~New Roads,~~
10 ~~Driveways, or Road or Driveway Structures,~~

11 ~~(c) the provisions of this Article and [Article 3 \(Signing and](#)~~
12 ~~[Building Numbering\)](#) shall further apply to all Existing Roads,~~
13 ~~Driveways, or Road or Driveway Structures within a Perimeter.~~

14 (c) ~~Except as provided in Sections § 1273.03, § 1273.04, § 1273.05,~~
15 ~~§ 1273.07, and § 1273.08,~~ the provisions of this Article and
16 [Article 3 \(Signing and Building Numbering\)](#) shall further apply to
17 an Existing Road, Existing Driveway, Existing elevated surface, or
18 Existing appurtenant surfaces, as described in these regulations,
19 ~~Road or Driveway Structure~~ ~~only if the Existing Road, Existing~~
20 ~~Driveway, Existing elevated surface, or Existing appurtenant~~
21 ~~surface provides Access to one or more of~~ the following types of
22 Building ~~e~~Construction in the SRA high or very high fire hazard
23 severity zones, as specified in 14 CCR § 1280.01, or VHFHSZ: ~~which~~
24 ~~includes~~

25 ~~(1) the permitting or approval of fifteen (15) or more new~~

Commented [AJW23]: This verbiage is necessary to clarify the interaction between the unqualified statement here that "the provisions of this Article" apply to certain existing roads, and the later specification that certain provisions apply only to "New" roads."

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Commented [AJW24]: Addition of the word "only" here is critical to clarify that roads providing access to Building Construction that falls beneath these thresholds are not subject to the requirements of this Article.

Deleted: ~~that~~

1 parcels, excluding lot line adjustments as specified in Government
2 Code (GC) section 66412(d); or

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

5 (3) A change of zoning which increases the intensity or
6 density permitted on the parcel or parcels within the Perimeter by
7 20% or more above the allowable zoning intensity or density
8 applicable on July 1, 2022; or

9 (4) Issuance or amendment of a use permit which increases the
10 intensity or density permitted on the parcel or parcels subject to
11 the use permit by 20% or more above the intensity or density
12 permitted on July 1, 2022.

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

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

19 § 1273.01. Horizontal and Vertical Curves / Curb Radii at
20 Intersections~~Width.~~

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

25 (1) An additional four (4) feet of surface width shall be

Commented [AJW25]: This provision was proposed in prior comments; however, we have updated the suggested effective date due to the passage of time, and to match the date used elsewhere in these regulations, e.g., § 1273.08(d).

Deleted: (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 which proposes to increase zoning intensity or density; or
(3) an application for a change in use permit which proposes to increase use intensity or density...

1 added to the required widths in [§ 1273.05 \(Road and Driveway](#)
2 [Traffic Lane Width and Clear Width\)](#) to curves of 50-100 feet
3 radius.

4 (2) One (1) foot of additional surface width shall be added
5 to curves of 100-200 feet, as illustrated on Figure 1 and Figure
6 2.

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

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

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

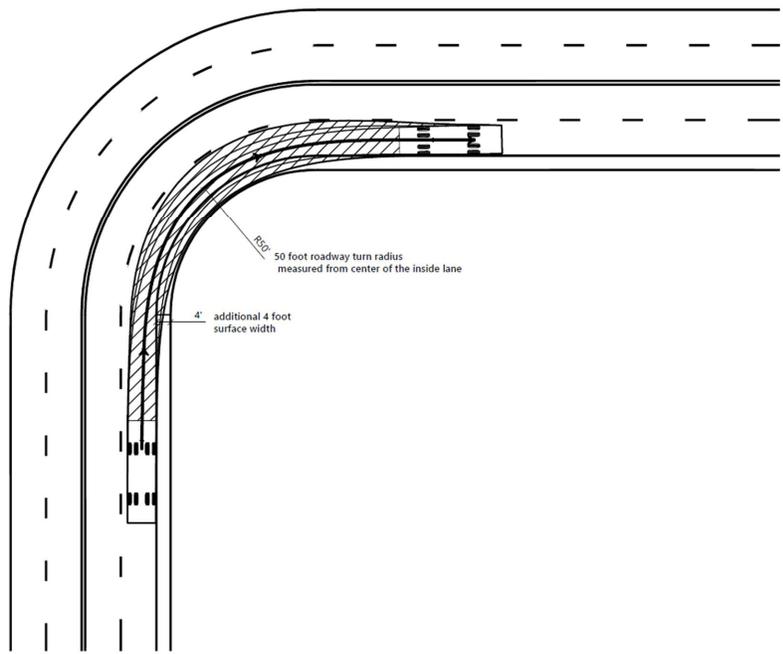
20 (d) At intersections ~~in areas~~ without on-street parking and/or
21 bike lanes where speeds approaching the intersection are less than
22 15 mph; and traffic volumes on the receiving road are less than
23 120 vehicles per hour during either an evacuation event or during
24 the peak commute hour, whichever is a higher volume, curb radii of
25 twenty (20) feet based on modeling performed by a Professional

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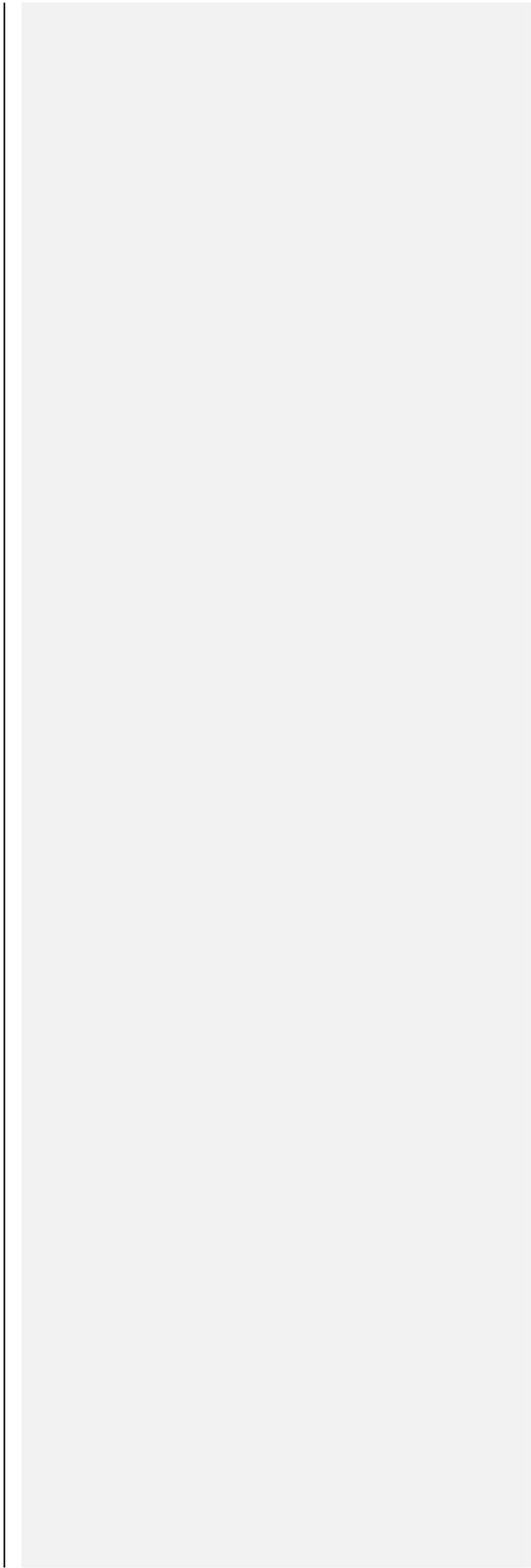
1 Engineer, as described within the Professional Engineers Act
2 (Chapter 7 of Division 3 of the Business and Professions Code),
3 that demonstrates Fire Apparatus can negotiate the proposed
4 horizontal inside radius as illustrated in Figure 4, satisfies the
5 requirement of this section.

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

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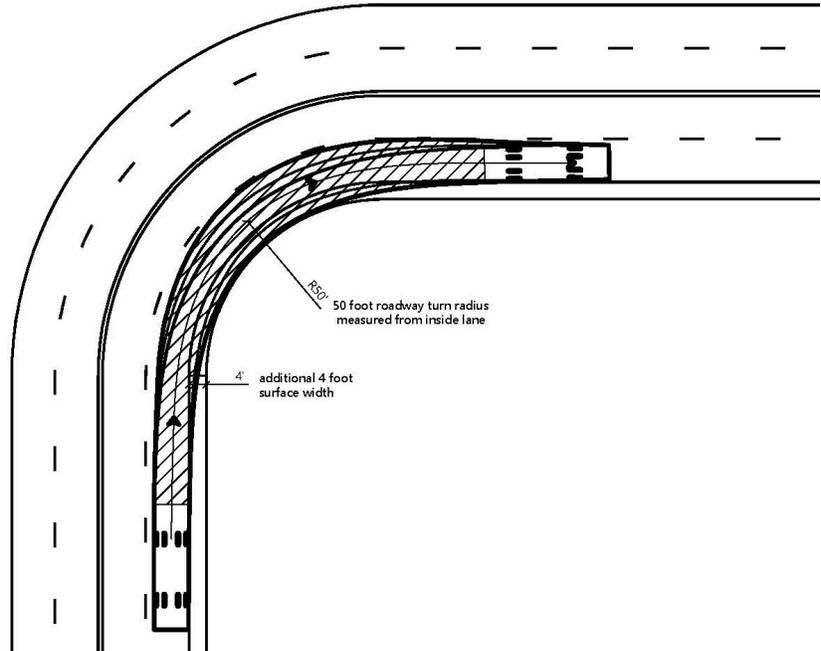


Figure 1

Effective Turning Radius for Horizontal Curvature with 50 Foot Radius

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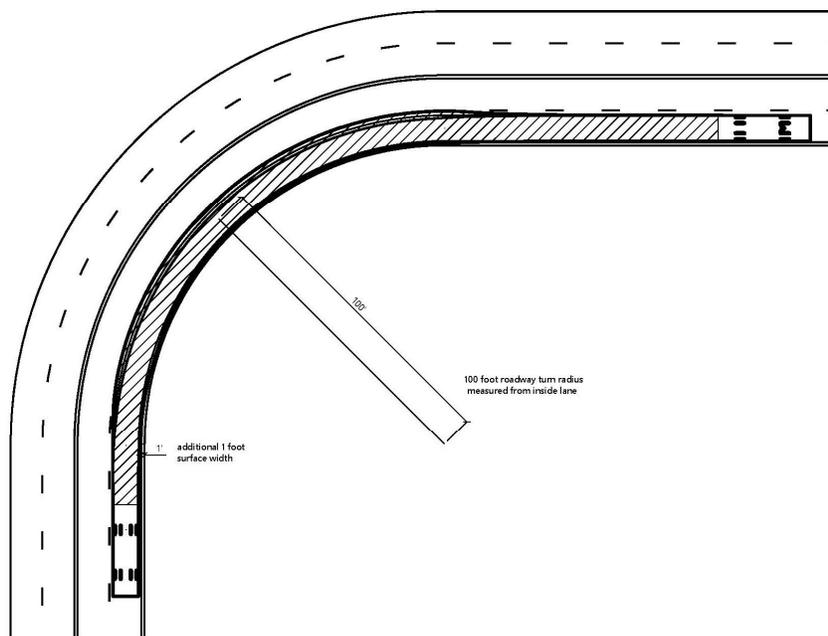


Figure 2

Effective Turning Radius for Horizontal Curvature with 100 Foot Radius

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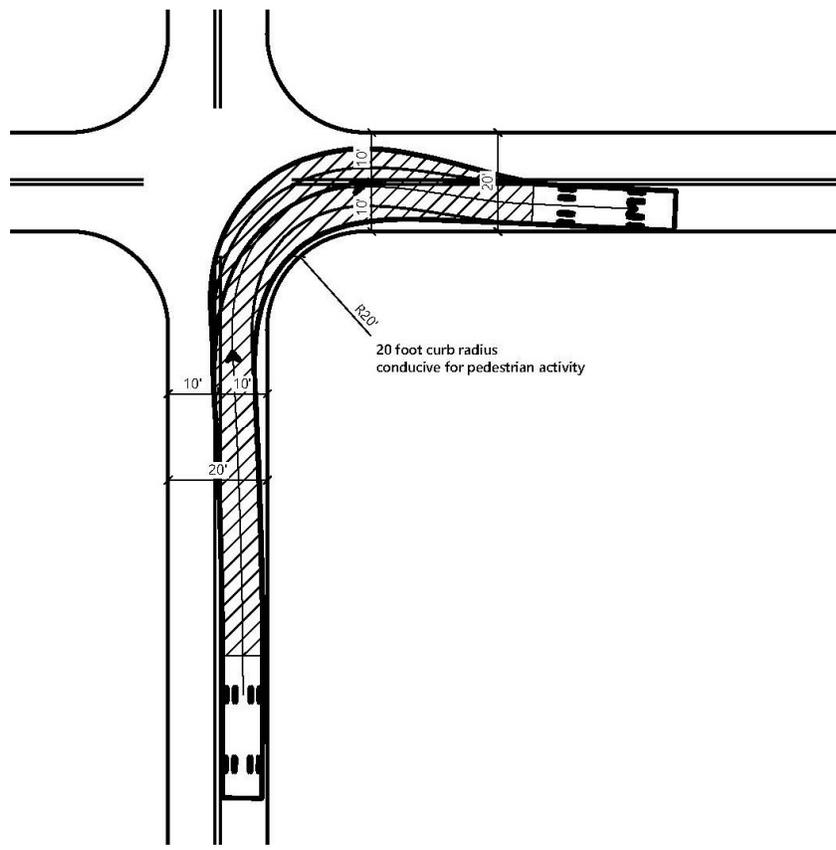


Figure 4
Effective Turning Radius for 20 Foot Wide Road Intersection

1 ~~(a) All roads shall be constructed to provide a minimum of two ten~~
2 ~~(10) foot traffic lanes, not including shoulder and striping. These~~
3 ~~traffic lanes shall provide for two-way traffic flow to support~~
4 ~~emergency vehicle and civilian egress, unless other standards are~~
5 ~~provided in this article or additional requirements are mandated~~
6 ~~by Local Jurisdictions or local subdivision requirements. Vertical~~
7 ~~clearances shall conform to the requirements in California Vehicle~~
8 ~~Code section 35250.~~

9 ~~(b) All one-way roads shall be constructed to provide a minimum of~~
10 ~~one twelve (12) foot traffic lane, not including shoulders. The~~
11 ~~Local Jurisdiction may approve one-way roads.~~

12 ~~(1) All one-way roads shall, at both ends, connect to a road with~~
13 ~~two traffic lanes providing for travel in different directions,~~
14 ~~and shall provide access to an area currently zoned for no more~~
15 ~~than ten (10) residential units.~~

16 ~~(2) In no case shall a one-way road exceed 2,640 feet in length.~~
17 ~~A turnout shall be placed and constructed at approximately the~~
18 ~~midpoint of each one-way road.~~

19 ~~(c) All driveways shall be constructed to provide a minimum of one~~
20 ~~(1) ten (10) foot traffic lane, fourteen (14) feet unobstructed~~
21 ~~horizontal clearance, and unobstructed vertical clearance of~~
22 ~~thirteen feet, six inches (13' 6").~~

23 Note: Authority cited: Section 4290, Public Resources Code.

24 Reference: Sections 4290 and 4291, Public Resources Code.

1 § 1273.02. Road and Driveway Surfaces.

2 (a) Roads and appurtenant driving surfaces that supplement the
3 Traffic Lane shall be designed and maintained to support the
4 imposed load of ~~Fire~~ Apparatus weighing at least 75,000 pounds,
5 and ~~provide an aggregate base.~~ The surface material of the Road
6 shall be non-erodible (including, but not limited to, a binding
7 agent, gravel, lime slurry, or pavement) and designed to support
8 the required weight at all times, including during saturated soil
9 conditions.

10 (b) Driveways and and appurtenant driving surfaces that supplement
11 the Driveway ~~road and driveway structures~~ shall be designed and
12 maintained to support at least ~~36,000~~ 40,000 pounds.

13 (c) ~~The~~ Project proponent shall provide certified engineered
14 engineering specifications to support the Road or Driveway design,
15 if requested by the AHJ ~~Local authority having jurisdiction.~~

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

18 § 1273.03. Bridges or Elevated Structures on Roads and Driveways.

19 ~~Grades.~~

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

25 (b) New Bridges and elevated structures shall be designed and

1 constructed to accommodate a gross vehicle weight rating of 75,000
2 pounds. If an Existing Bridge or elevated structure provides Access
3 to Building Construction ~~described in § 1273.00(c),~~ vehicle load
4 limits shall be posted at both entrances to bridges when the weight
5 rating is less than 75,000 pounds.

6 ~~(1) Bridges or elevated structures may support a maximum~~
7 ~~weight of less than 75,000 pounds if the Fire Authority verifies~~
8 ~~that the Fire Apparatus most likely to be used will be under the~~
9 ~~maximum load weight of the bridge.~~

10 ~~(2) If the bridge or elevated structure is designed for a~~
11 ~~lower weight, then it shall be identified through signing as~~
12 ~~required in Article 3 (Signing and Building Numbering). In no case~~
13 ~~shall the bridge or elevated structure be designed to support a~~
14 ~~weight below 36,000 pounds.~~

15 (c) ~~(3)~~ American Association of State Highway and Transportation
16 Officials (AASHTO) Standard Specifications for Highway Bridges,
17 17th Edition, published 2002 (known as AASHTO HB-17), hereby
18 incorporated by reference, may be used to confirm that a New bridge
19 or elevated structure meets the weight rating of 75,000 pounds if
20 the bridge or elevated structure is ~~in lieu of total vehicle weight~~
21 ~~if bridges and elevated structures are~~ designed and certified by
22 a Professional Engineer, as described within the Professional
23 Engineers Act (Chapter 7 of Division 3 of the Business and
24 Professions Code).

25 (ed) Where elevated structures ~~surfaces~~ designed for Fire
Apparatus use are adjacent to surfaces which are not designed for

Commented [AJW26]: This language is added to clarify the interaction with the provisions of § 1273.00(c).

Broader application of the signage requirement may be sensible; however, it should be done in a separate section with clear applicability language, or deferred to local regulations.

1 such use, barriers, signs, and/or other distinguishing features,
2 as approved by the AHJ ~~Local Jurisdiction~~, shall be installed and
3 maintained.

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

11 ~~(ef) New Bridges and elevated structures shall be constructed of~~
12 ~~non-combustible materials.~~

13 ~~(a) At no point shall the grade for all roads and driveways exceed~~
14 ~~16 percent.~~

15 ~~(b) The grade may exceed 16%, not to exceed 20%, with approval~~
16 ~~from the local authority having jurisdiction and with mitigations~~
17 ~~to provide for same practical effect.~~

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

20 § 1273.04. Road and Driveway Grades. ~~-Radius-~~

21 ~~(a) The grades for all New Roads and New Driveways shall not exceed~~
22 ~~sixteen (16) percent.~~

23 ~~(b) Notwithstanding subsection (a), Road or Driveway grades of 16~~
24 ~~to 25 percent satisfy the requirements of this section if the New~~
25

Commented [AJW27]: While we appreciate that these grade requirements are limited to New Roads and Driveways, there may be some areas in which 20% grades are physically unachievable - for which allowance should be made.

Deleted: 20

1 Road or New Driveway has been treated to prevent slippage
2 (including, but not limited to, aggregate treatments, binding
3 agents, and/or paving) and scraping.

4 (c) Grade transitions on New Roads and New Driveways shall be
5 constructed and designed to accommodate maximum approach and
6 departure angles of twelve (12) degrees.

7 ~~(a) No road or road structure shall have a horizontal inside~~
8 ~~radius of curvature of less than fifty (50) feet. An additional~~
9 ~~surface width of four (4) feet shall be added to curves of 50-100~~
10 ~~feet radius; two (2) feet to those from 100-200 feet.~~

11 ~~(b) The length of vertical curves in roadways, exclusive of~~
12 ~~gutters, ditches, and drainage structures designed to hold or~~
13 ~~divert water, shall be not less than one hundred (100) feet.~~

14 Note: Authority cited: Section 4290, Public Resources Code.

15 Reference: Sections 4290 and 4291, Public Resources Code.

16
17 § 1273.05. Road and Driveway Traffic Lane Width and Clear Width

18 ~~Turnarounds.~~

19
20 (a) All New bidirectional Roads shall provide a minimum of two
21 ten (10) foot Traffic Lanes, not including Shoulders or striping.

22 Where topographic or other limitations require the two Traffic
23 Lanes to be constructed non-adjacently, each Traffic Lane shall
24 provide a minimum of twelve (12) feet.

25 (b) New bidirectional Roads with a center median shall maintain

1 a Clear Width of 20 feet on either side of the median. This Clear
2 Width may include bike lanes, Shoulders, or flexible barriers used
3 as traffic calming devices or to delineate a bicycle facility, or
4 for other uses.

5 (c) ~~All~~ New One-way Roads shall provide a minimum of one twelve
6 (12) foot Traffic Lane. New one-way Roads shall maintain a Clear
7 Width of 20 feet. This Clear Width may include bike lanes,
8 Shoulders, or flexible barriers used as traffic calming devices or
9 to delineate a bicycle facility, or for other uses.

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

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

20 (e) The Clear Width requirements in this section shall not apply
21 to portions of Roads in environmentally sensitive areas (e.g.,
22 creeks, streams, oak woodlands, sensitive and protected species
23 habitat areas) or where compliance would require the removal or
24 severe pruning of native trees that have a circumference of 37.7
25 inches or more (12 inches or more in diameter) measured at 4.5

1 feet above the ground or immediately below the lowest branch,
2 whichever is lower, or in the case of multi-trunk trees a trunk
3 size of 75.4 inches in circumference or more (24 inches or more in
4 diameter) or where compliance with the requirements is not
5 Feasible.

6 ~~(a) Turnarounds are required on driveways and dead end roads.~~

7 ~~(b) The minimum turning radius for a turnaround shall be forty~~
8 ~~(40) feet, not including parking, in accordance with the figures~~
9 ~~in 14 CCR §§ 1273.05(c) and 1273.05(f). If a hammerhead/T is used~~
10 ~~instead, the top of the "T" shall be a minimum of sixty (60) feet~~
11 ~~in length.~~

12 ~~(c) Driveways exceeding 150 feet in length, but less than 800 feet~~
13 ~~in length, shall provide a turnout near the midpoint of the~~
14 ~~driveway. Where the driveway exceeds 800 feet, turnouts shall be~~
15 ~~provided no more than 400 feet apart.~~

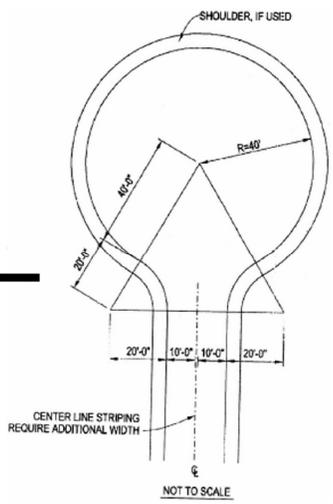
16 ~~(d) A turnaround shall be provided on driveways over 300 feet in~~
17 ~~length and shall be within fifty (50) feet of the Building.~~

18 ~~(d) Each dead-end road shall have a turnaround constructed at its~~
19 ~~terminus. Where parcels are zoned five (5) acres or larger,~~
20 ~~turnarounds shall be provided at a maximum of 1,320 foot intervals.~~

21 ~~(e) Figure A. Turnarounds on roads with two ten foot traffic lanes.~~

22 ~~Figure A/Image 1 is a visual representation of paragraph (b).~~

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

§ 1273.06 Road and Driveway Vertical Clearances Turnouts

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

1 size of 75.4 inches in circumference or more (24 inches or more in
2 diameter) or where compliance with the requirements is not
3 Feasible.

4 ~~Turnouts shall be a minimum of twelve (12) feet wide and thirty~~
5 ~~(30) feet long with a minimum twenty-five (25) foot taper on each~~
6 ~~end.~~

7 Note: Authority cited: Section 4290, Public Resources Code.

8 Reference: Sections 4290 and 4291, Public Resources Code.

9
10 § 1273.07 Maximum Lengths of New One-Way Roads ~~Road and~~

11 ~~Driveway Structures~~

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

14 ~~(a) Appropriate signing, including but not limited to weight or~~
15 ~~vertical clearance limitations, one way road or single traffic~~
16 ~~lane conditions, shall reflect the capability of each bridge.~~

17 ~~(b) Where a bridge or an elevated surface is part of a fire~~
18 ~~apparatus access road, the bridge shall be constructed and~~
19 ~~maintained in accordance with the American Association of State~~
20 ~~and Highway Transportation Officials Standard Specifications for~~
21 ~~Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB~~
22 ~~17), hereby incorporated by reference. Bridges and elevated~~
23 ~~surfaces shall be designed for a live load sufficient to carry the~~
24 ~~imposed loads of fire apparatus. Vehicle load limits shall be~~
25 ~~posted at both entrances to bridges when required by the local~~

1 ~~authority having jurisdiction.~~

2 ~~(c) Where elevated surfaces designed for emergency vehicle use are~~
3 ~~adjacent to surfaces which are not designed for such use, barriers,~~
4 ~~or signs, or both, as approved by the local authority having~~
5 ~~jurisdiction, shall be installed and maintained.~~

6 ~~(d) A bridge with only one traffic lane may be authorized by the~~
7 ~~local jurisdiction; however, it shall provide for unobstructed~~
8 ~~visibility from one end to the other and turnouts at both ends.~~

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

11

12 § 1273.08 Maximum Lengths of New Dead-end Roads

13 (a) ~~The maximum length of a New Ddead-end Rroad, including all~~
14 ~~dead-end roads accessed from that dead-end road, shall not exceed~~
15 ~~the following cumulative lengths, regardless of the number of~~
16 ~~parcels served:~~

17 (1) for New Roads with parcels zoned for less than not to
18 exceed one (1) acre - 800 feet;

19 (2) for New Roads with parcels zoned for 1 acre up to 4.99
20 acres - 1,320 feet;

21 (3) for New Roads with parcels zoned for 5 acres to 19.99 or
22 larger - 2,640 feet.

23 ~~parcels zoned for 20 acres or larger - 5,280 feet~~

24 ~~All lengths shall be measured from the edge of the road surface at~~
25 ~~the intersection that begins the road to the end of the road~~

1 ~~surface at its farthest point. Where a dead end road crosses areas~~
2 ~~of differing zoned parcel sizes requiring different length limits,~~
3 ~~the shortest allowable length shall apply.~~

4 (b) All New Dead-end Roads shall meet the Turnaround requirements
5 in § 1273.10 (Road and Driveway Turnarounds). ~~See 14 CCR § 1273.05~~
6 ~~for dead-end road turnaround requirements.~~

7 (c) All New Dead-end Roads shall meet the width requirements in
8 § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width).

9 (d) Each New Dead-end Road shall be connected either:

10 (1) directly to a through Road (a Road that is connected to
11 other Roads at both ends); or

12 (2) an Existing Dead-end Road constructed prior to July 1,
13 2022.

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

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

20 Note: Authority cited: Section 4290, Public Resources Code.

21 Reference: Sections 4290 and 4291, Public Resources Code.

22
23 § 1273.09 Road and Driveway Turnouts ~~Gate Entrances~~

24 (a) Turnouts shall be a minimum of twelve (12) feet wide from the
25 shoulder stripe, twenty-two (22) feet long with a minimum twenty-

1 five (25) foot taper on each end and be facilitated outside of the
2 Traffic Lane to accommodate one passenger vehicle as illustrated
3 on Figure 5.

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

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

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

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

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

16 (g) No parking, obstructions, or storage of any material shall be
17 allowed within Turnouts.
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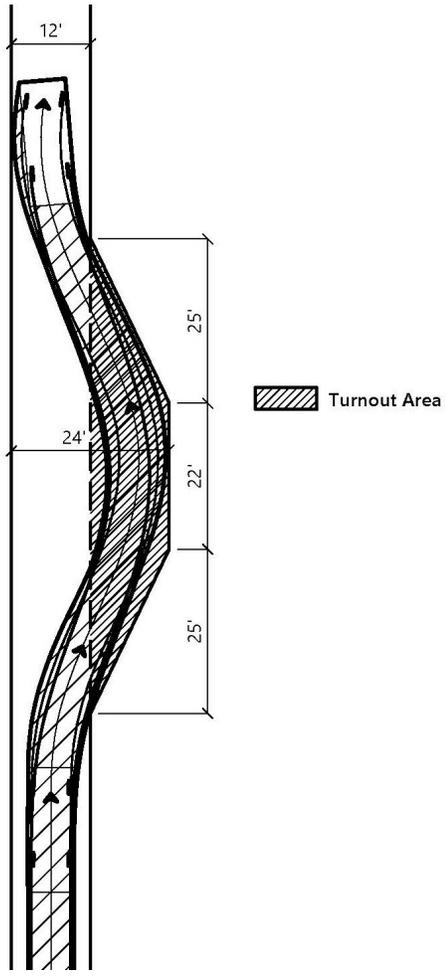
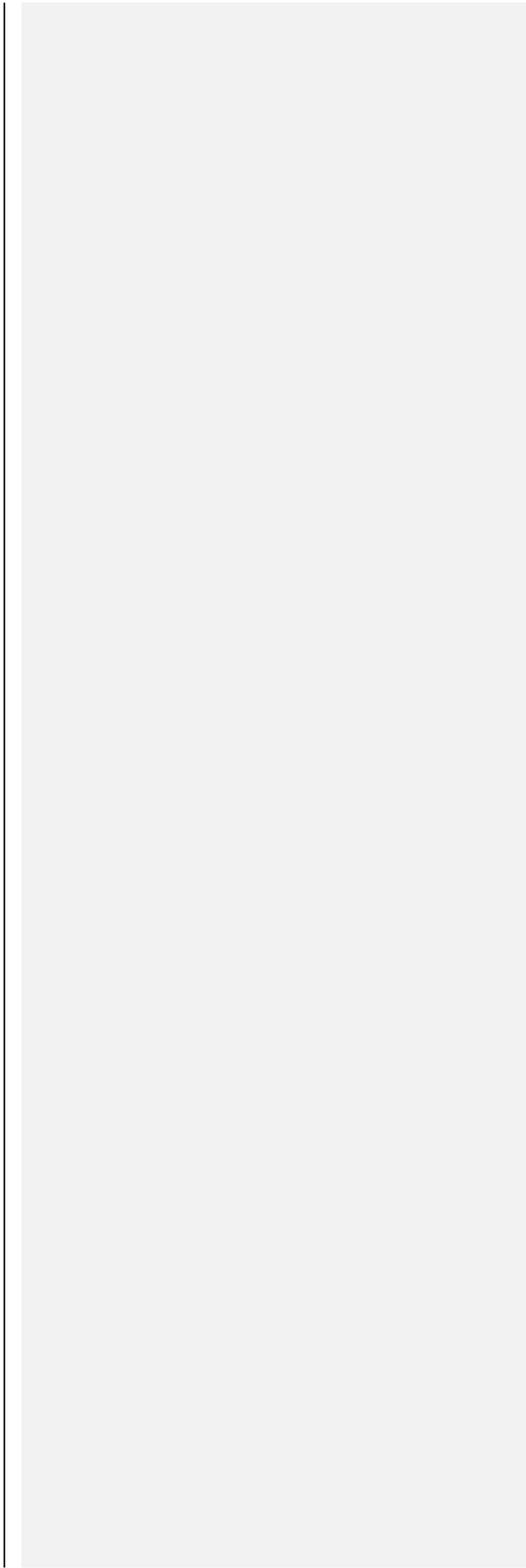


Figure 5
Turnout Dimensions



1 ~~(a) Gate entrances shall be at least two (2) feet wider than the~~
2 ~~width of the traffic lane(s) serving that gate and a minimum width~~
3 ~~of fourteen (14) feet unobstructed horizontal clearance and~~
4 ~~unobstructed vertical clearance of thirteen feet, six inches (13'~~
5 ~~6").~~

6 ~~(b) All gates providing access from a road to a driveway shall be~~
7 ~~located at least thirty (30) feet from the roadway and shall open~~
8 ~~to allow a vehicle to stop without obstructing traffic on that~~
9 ~~road.~~

10 ~~(c) Where a one way road with a single traffic lane provides access~~
11 ~~to a gated entrance, a forty (40) foot turning radius shall be~~
12 ~~used.~~

13 ~~(d) Security gates shall not be installed without approval. Where~~
14 ~~security gates are installed, they shall have an approved means of~~
15 ~~emergency operation. Approval shall be by the local authority~~
16 ~~having jurisdiction. The security gates and the emergency~~
17 ~~operation shall be maintained operational at all times.~~

18 Note: Authority cited: Section 4290, Public Resources Code.

19 Reference: Sections 4290 and 4291, Public Resources Code.

20
21 § 1273.10 Road and Driveway Turnarounds

22 (a) Each Dead-end Road shall have a Turnaround constructed at its
23 terminus. Where a Dead-end Road exceeds 1,320 feet in length, a
24 Turnaround shall also be provided halfway along the Dead-end Road.

25 (b) A Turnaround shall be provided on Driveways over 300 feet in

Deleted: crosses parcels zoned for five (5) acres or larger,...

1 length and shall be within fifty (50) feet of the Building.

2 (c) A Turnaround shall meet ~~one~~ all of the following requirements
3 in subsections (d), (e), and (f), and shall be in accordance with
4 Figures 6.1, 6.2, or 6.3.

5 (d) Turnarounds with a radius smaller than 40 feet, shown in
6 Figures 6.2 and 6.3 below, may be approved by the AHJ ~~Local~~
7 ~~Jurisdiction~~ when physical constraints prohibit the ability to
8 install a 40-foot Turnaround.

9 (e) The center of the Turnaround shall remain clear of vegetation
10 or decorative elements.

11 (f) If a hammerhead/T is used instead, the top of the "T" shall be
12 a minimum of sixty (60) feet in length.
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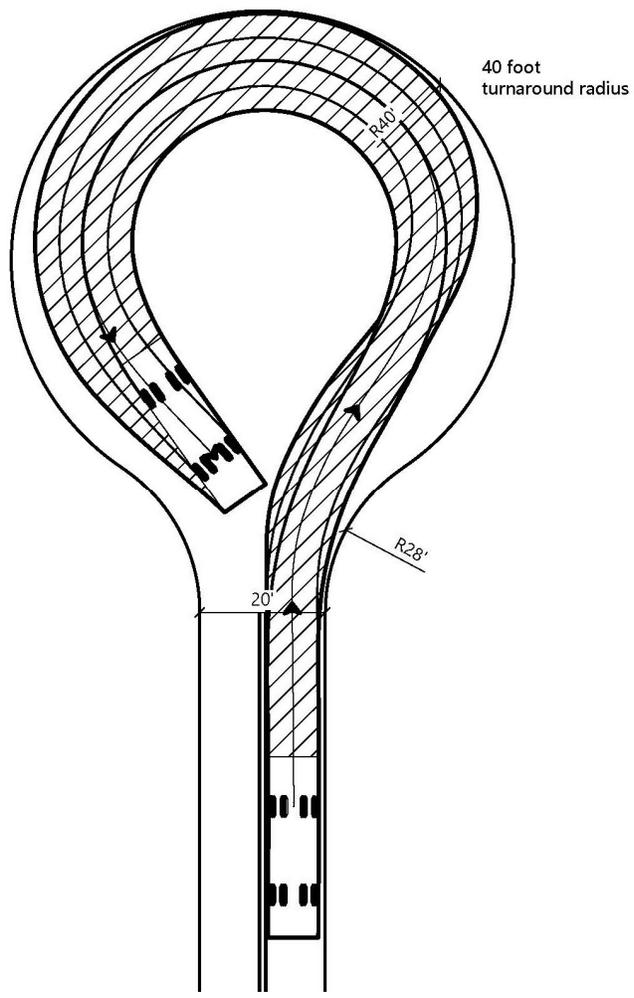


Figure 6.1
Turnarounds with 40-foot radius

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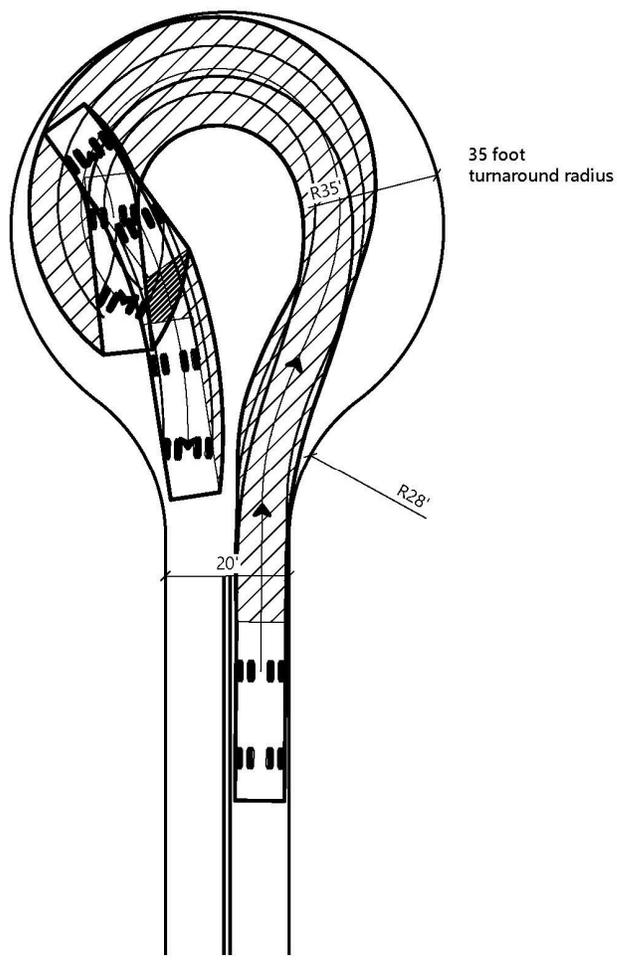


Figure 6.2
Turnarounds with 35-foot radius

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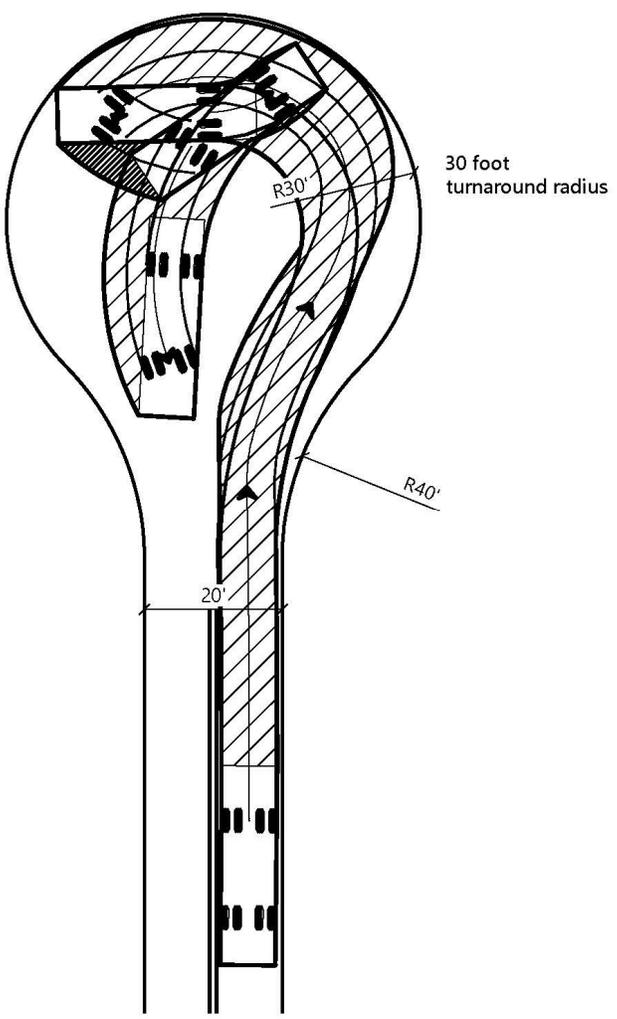


Figure 6.3
Turnarounds with 30-foot radius

1 Note: Authority cited: Section 4290, Public Resources Code.

2 Reference: Sections 4290 and 4291, Public Resources Code.

3
4 § 1273.11 Gates

5 (a) Gates shall have an approved means of emergency operation.

6 Electronic gates shall have a manual method of opening in case of
7 electronic failure. The manual method shall be maintained to be
8 operational at all times.

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

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

18 (d) All gates on a Driveway shall be located at least thirty (30)
19 feet from the Road and shall either slide sideways or open to allow
20 a vehicle to stop without stopping traffic on the Road, ~~in~~
21 ~~direction of travel,~~ in accordance with Figure 7.

Deleted: a minimum Clear Width of fourteen (14) feet and ...

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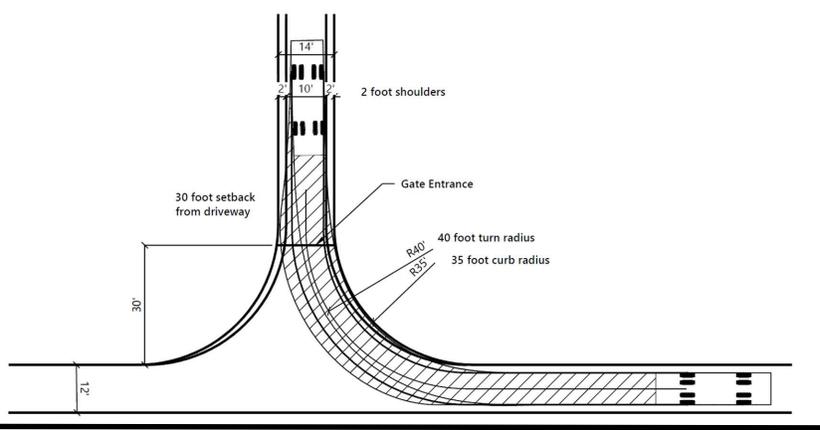
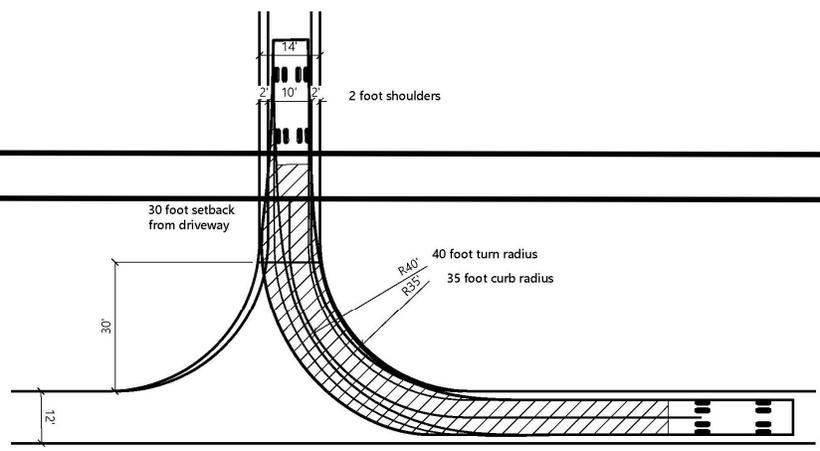


Figure 7
Effective Turn Radius for Gated Entrances/Driveways with Twelve Foot One-Way Main Road

Note: Authority cited: Section 4290, Public Resources Code.

Reference: Sections 4290 and 4291, Public Resources Code.

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§ 1273.12 Standards for Existing Roads

(a) Except as provided in subsections (b) and (d), Existing Roads that provide Access to New Building Construction described in § 1273.00(c) along at least one route shall meet the following minimum requirements:

(1) One (1) fourteen (14) foot Traffic Lane;

(2) Surfacing which supports the imposed load of Fire Apparatus, subject to the standards set forth in § 1273.02. ~~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.

~~(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.~~

(e) Existing Roads that provide Access to New Building Construction described in § 1273.00(c) shall not exceed a grade of 25% over a distance of 500 linear feet.

~~(c) An Existing Road with a secondary route in conformance with the conditions below § 1273.13 (Secondary Routes for Existing Roads) need not comply with subsections (a) or (b).~~

Commented [AJW28]: This addition is critical to clarify that the provisions of this section do not apply to Building Construction that falls beneath the applicability thresholds set forth early in this Article (e.g., a single family home).

Commented [AJW29]: As applied to Building Construction meeting the thresholds we have recommended in § 1273.00(c), the new surfacing requirements - which preclude development on dirt roads - are sensible. However, if applied to smaller construction activities, these requirements would be highly problematic, amounting to a building moratorium in many areas of rural California.

Commented [AJW30]: As originally drafted, this subdivision was unclear regarding whether the grade requirements were subject to the same applicability limitations set forth in earlier in the section.

Deleted: providing Access to Buildings

1 (1) Secondary routes used to satisfy the requirements of
2 Section 1273.12, subdivision (c) shall meet the standards for New
3 Roads in this Subchapter and shall provide for legal Access that
4 serves as a typical travel way to and from the Building
5 Construction. A secured secondary route shall meet the
6 requirements in § 1273.11 (Gates).

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

11 (d) Exceptions may be requested and approved in conformance with
12 § 1270.06 (Exceptions to Standards) where compliance the standards
13 in this section is not feasible

Commented [AJW31]: See Mono County's comment letter regarding this provision.

14 (e) The standards in this section shall not apply to portions of
15 Existing Roads in environmentally sensitive areas (e.g., creeks,
16 streams, oak woodlands, sensitive and protected species habitat
17 areas) or where compliance would require the removal or severe
18 pruning of native trees that have a circumference of 37.7 inches
19 or more (12 inches or more in diameter) measured at 4.5 feet above
20 the ground or immediately below the lowest branch, whichever is
21 lower, or in the case of multi-trunk trees a trunk size of 75.4
22 inches in circumference or more (24 inches or more in diameter).
23

24 Note: Authority cited: Section 4290, Public Resources Code.
25

1 Reference: Sections 4290 and 4291, Public Resources Code, Section
2 51178 Government Code.

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3
4 ~~§ 1273.13 Secondary Routes for Existing Roads~~

5 ~~(a) Secondary routes shall meet the standards for New Roads in~~
6 ~~this Subchapter and shall provide for legal and deeded Access that~~
7 ~~serves as a typical travel way to and from the Building~~
8 ~~construction. A secured secondary route shall meet the~~
9 ~~requirements in § 1273.11 (Gates).~~

10 ~~(b) Secondary routes shall connect a user to an alternative route~~
11 ~~that would not be affected by a closure to the primary route, to~~
12 ~~the extent practicable.~~

13 ~~Note: Authority cited: Section 4290, Public Resources Code.~~

14 ~~Reference: Sections 4290 and 4291, Public Resources Code.~~

15
16 Article 3. Signing and Building Numbering

17 § 1274.00. Road Name Signs. Intent

18 ~~(a) All Road signs shall conform to the requirements of the~~
19 ~~California Manual of Uniform Traffic Control Devices (CA MUTCD),~~
20 ~~hereby incorporated by reference.~~

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

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

5 ~~To facilitate locating a fire and to avoid delays in response, all~~
6 ~~newly constructed or approved roads and Buildings shall be~~
7 ~~designated by names or numbers posted on signs clearly visible and~~
8 ~~legible from the road. This section shall not restrict the size of~~
9 ~~letters or numbers appearing on road signs for other purposes.~~

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

12
13 § 1274.01. Road Signs Installation, Location, and Visibility.

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

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

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

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

1 limitation.

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

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

9 ~~(a) Newly constructed or approved roads must be identified by a
10 name or number through a consistent system that provides for
11 sequenced or patterned numbering and/or non-duplicative naming
12 within each local jurisdiction. This section does not require any
13 entity to rename or renumber existing roads, nor shall a road
14 providing access only to a single commercial or industrial
15 occupancy require naming or numbering.~~

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

20 Note: Authority cited: Section 4290, Public Resources Code.

21 Reference: Sections 4290 and 4291, Public Resources Code.

22
23 § 1274.02. Addresses for Buildings.

24 (a) All Buildings except those classified as Storage Group S or
25 Utility and Miscellaneous Group U in the California Building Code

1 shall be issued an address by the ~~Local Agency~~ **Local Jurisdiction**
2 consistent with the standards in the California Fire Code,
3 California Code of Regulations title 24, part 9.

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

5 ~~(a) Road signs shall be visible and legible from both directions~~
6 ~~of vehicle travel for a distance of at least one hundred (100)~~
7 ~~feet.~~

8 ~~(b) Signs required by this article identifying intersecting roads~~
9 ~~shall be placed at the intersection of those roads.~~

10 ~~(c) A sign identifying traffic access or flow limitations,~~
11 ~~including but not limited to weight or vertical clearance~~
12 ~~limitations, dead-end roads, one-way roads, or single lane~~
13 ~~conditions, shall be placed:~~

14 ~~(i) at the intersection preceding the traffic access limitation,~~
15 ~~and~~

16 ~~(ii) no more than one hundred (100) feet before such traffic access~~
17 ~~limitation.~~

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

20 Note: Authority cited: Section 4290, Public Resources Code.

21 Reference: Sections 4290 and 4291, Public Resources Code.

22
23 ~~§ 1274.03. Addresses for Buildings.~~

24 ~~(a) All buildings shall be issued an address by the local~~
25 ~~jurisdiction which conforms to that jurisdiction's overall address~~

Commented [AJW32]: This particular function is administered quite differently by local agencies throughout the state, but it is ultimately a planning-level function properly vested in the local agency itself.

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1 ~~system. Utility and miscellaneous Group U buildings are not~~
2 ~~required to have a separate address; however, each residential~~
3 ~~unit within a building shall be separately identified.~~

4 ~~(b) The size of letters, numbers, and symbols for addresses shall~~
5 ~~conform to the standards in the California Fire Code, California~~
6 ~~Code of Regulations title 24, part 9.~~

7 ~~(c) Addresses for residential buildings shall be reflectorized.~~

8 ~~Note: Authority cited: Section 4290, Public Resources Code.~~

9 ~~Reference: Sections 4290 and 4291, Public Resources Code.~~

10
11 ~~§ 1274.04. Address Installation, Location, and Visibility.~~

12 ~~(a) All Buildings shall have a permanently posted address which~~
13 ~~shall be plainly legible and visible from the road fronting the~~
14 ~~property.~~

15 ~~(b) Where access is by means of a private road and the address~~
16 ~~identification cannot be viewed from the public way, an~~
17 ~~unobstructed sign or other means shall be used so that the address~~
18 ~~is visible from the public way.~~

19 ~~(c) Address signs along one way roads shall be visible from both~~
20 ~~directions.~~

21 ~~(d) Where multiple addresses are required at a single driveway,~~
22 ~~they shall be mounted on a single sign or post.~~

23 ~~(e) Where a road provides access solely to a single commercial or~~
24 ~~industrial business, the address sign shall be placed at the~~
25 ~~nearest road intersection providing access to that site, or~~

1 otherwise posted to provide for unobstructed visibility from that
2 intersection.

3 ~~(f) In all cases, the address shall be posted at the beginning of~~
4 ~~construction and shall be maintained thereafter.~~

5 Note: Authority cited: Section 4290, Public Resources Code.

6 Reference: Sections 4290 and 4291, Public Resources Code.

7
8 Article 4. Water Supply. Emergency Water Standards

9 § 1275.00. Application. Intent

10 (a) The provisions of this Article shall apply to Newly constructed
11 water and wastewater facilities associated with New Building
12 Construction. in the tentative and parcel map process when new
13 parcels are approved by the Local Jurisdiction having authority,
14 or when new Building construction is not already served by an
15 existing water supply.

16 (b) The provisions of this Article ~~These regulations~~ shall not
17 apply to ~~e~~Existing water or wastewater facilities that are not
18 newly constructed, or to the Repair of ~~e~~Existing water or
19 wastewater facilities ~~that are repaired, reconstructed, or~~
20 upgraded. For purposes of this subsection, "water and wastewater
21 facilities" includes, but is not limited to, water storage tanks
22 and reservoirs, pump stations, treatment facilities, regulator
23 stations, Fire Hydrants, and similar water and wastewater system
24 devices.

25 (c) Where a specific provision of ~~code standard from~~ the California

1 ~~Fire Code or of a National Fire Protection Association (NFPA)~~
2 ~~standard is referenced in this Article, the respective provisions~~
3 ~~of said code any sections of the California Fire Code or NFPA~~
4 ~~standards regarding alternative methods of compliance,~~
5 ~~equivalencies, or modifications to the specified provisions~~
6 ~~standards shall also apply.~~

7 ~~Emergency water for Wildfire protection shall be available,~~
8 ~~accessible, and maintained in quantities and locations specified~~
9 ~~in the statute and these regulations in order to attack a Wildfire~~
10 ~~or defend property from a Wildfire.~~

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

13
14 § 1275.01. Approved Water Supply. Application

15 (a) Water supply shall meet or exceed the California Fire Code,
16 California Code of Regulations Title 24, Part 9.

17 (b) Where a Municipal-Type Water Supply is not available, the AHJ
18 ~~Local Jurisdiction~~ shall utilize the National Fire Protection
19 Association (NFPA) 1142, "Standard on Water Supplies for Suburban
20 and Rural Fire Fighting," 2022 ~~2017~~ Edition, hereby incorporated
21 by reference, as referenced in the California Fire Code, California
22 Code of Regulations Title 24, Part 9, Appendix B and Appendix BB.

23 (c) All New Building Construction proposals ~~Building construction~~
24 shall include a water supply for structure defense. Such protection
25 shall be serviceable prior to and during the time of construction,

1 ~~except when alternative methods of protection are provided and~~
2 ~~approved by the AHJ Local Jurisdiction.~~

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

11 ~~California Fire Code, California Code of Regulations Title 24,~~
12 ~~Part 9, or other law or regulation may also be used to satisfy the~~
13 ~~requirements of this Article, so long as the full amount of water~~
14 ~~supply required by this article is provided.~~

15 (e) Where water systems are susceptible to freeze or crash, such
16 protection measures shall be ~~is~~ required by the AHJ Local
17 Jurisdiction. ~~such protection measures shall be provided.~~

18 ~~The provisions of this article shall apply in the tentative and~~
19 ~~parcel map process when new parcels are approved by the local~~
20 ~~jurisdiction having authority.~~

21 Note: Authority cited: Section 4290, Public Resources Code.

22 Reference: Sections 4290 and 4291, Public Resources Code.

23
24 § 1275.02. Identification of Water Sources. ~~Water Supply.~~

25 (a) Fire Hydrants or water access located along a Driveway shall

Commented [AJW33]: Contrary to the suggestion in the SSOR, this verbiage is neither redundant nor confusing - but instead addresses real questions that have arisen in the field regarding the interaction between the water supply requirements of these regulations, and the similar requirements expressed in the California Fire Code (and elsewhere). Those questions - and the inconsistent actions in different jurisdictions - will persist absent this clarification.

1 be identified by one of the following marking standards, as
2 specified by the AHJ:

3 (1) at least (1) reflectorized blue marker, with a minimum
4 dimension of three (3) inches. This marker shall be mounted on a
5 ~~fire retardant~~ sign post constructed of fire retardant material.

6 The sign post shall be located and mounted as specified by the AHJ
7 Fire Authority.

8 (2) a reflectorized blue marker secured to the center of the
9 driveway pavement, as specified by the AHJ.

10
11 (b) Fire Hydrants or water access located along a Road shall be
12 identified by one of the following marking standards, as specified
13 by the AHJ:

14 (1) a reflectorized blue marker, with a minimum dimension of
15 three (3) inches. This marker shall be mounted on a ~~fire retardant~~
16 sign post constructed of fire retardant material. The sign post
17 shall be within three (3) feet of the Fire Hydrant or water access.

18 The sign shall be no fewer than three (3) nor greater than five
19 (5) feet above ground, in a horizontal position, and visible from
20 the Road, or as otherwise specified by the AHJ ~~Fire Authority.~~

21 (2) a reflectorized blue marker secured to the center of the
22 road pavement, as specified by the AHJ.

23 (a) When a water supply for structure defense is required to be
24 installed, such protection shall be installed and made serviceable
25 prior to and during the time of construction except when

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1 ~~alternative methods of protection are provided and approved by the~~
2 ~~local authority having jurisdiction.~~

3 ~~(b) Water systems equaling or exceeding the California Fire Code,~~
4 ~~California Code of Regulations title 24, part 9, or, where a~~
5 ~~municipal-type water supply is unavailable, National Fire~~
6 ~~Protection Association (NFPA) 1142, "Standard on Water Supplies~~
7 ~~for Suburban and Rural Fire Fighting," 2017 Edition, hereby~~
8 ~~incorporated by reference, shall be accepted as meeting the~~
9 ~~requirements of this article.~~

10 ~~(c) Such emergency water may be provided in a fire agency mobile~~
11 ~~water tender, or naturally occurring or man made containment~~
12 ~~structure, as long as the specified quantity is immediately~~
13 ~~available.~~

14 ~~(d) Nothing in this article prohibits the combined storage of~~
15 ~~emergency Wildfire and structural firefighting water supplies~~
16 ~~unless so prohibited by local ordinance or specified by the local~~
17 ~~fire agency.~~

18 ~~(e) Where freeze or crash protection is required by Local~~
19 ~~Jurisdictions having authority, such protection measures shall be~~
20 ~~provided.~~

21 Note: Authority cited: Section 4290, Public Resources Code.

22 Reference: Sections 4290 and 4291, Public Resources Code.

23
24 § 1275.03. Secured Water Sources. Hydrants and Fire Valves.

25 Break away locks or similar systems shall be approved by the AHJ

1 ~~Local Jurisdiction~~ and shall provide fire fighters with access to
2 any water connections, valves, or controls that are normally
3 secured by gates, doors, or other locking systems.

4 ~~(a) The hydrant or fire valve shall be eighteen (18) inches above~~
5 ~~the finished surface. Its location in relation to the road or~~
6 ~~driveway and to the Building(s) or structure(s) it serves shall~~
7 ~~comply with California Fire Code, California Code of Regulations~~
8 ~~title 24, part 9, Chapter 5, and Appendix C.~~

9 ~~(b) The hydrant head shall be a two and half (2 1/2) inch National~~
10 ~~Hose male thread with cap for pressure and gravity flow systems~~
11 ~~and four and a half (4 1/2) inch for draft systems.~~

12 ~~(c) Hydrants shall be wet or dry barrel and have suitable freeze~~
13 ~~or crash protection as required by the Local Jurisdiction.~~

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

16
17 § 1275.04. Municipal-Type Water System Hydrants. Signing of Water
18 Sources

19 (a) The Municipal-Type Fire Hydrant valve stems and outlets shall
20 be eighteen (18) inches above the Finished Grade~~finished surface.~~
21 Its location in relation to the Road or Driveway and to the
22 Building(s) or structure(s) it serves shall comply with California
23 Fire Code, California Code of Regulations Title 24, Part 9, Chapter
24 5, and Appendix C.

25 (b) The Municipal-Type Fire Hydrant shall be of sizes approved

1 ~~designated by the AHJ-Local Jurisdiction, in consultation with the~~
2 ~~Fire Authority, and shall have male American National Fire Hose~~
3 ~~Screw Threads (NH).~~

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

11 ~~(a) Each hydrant, fire valve, or access to water shall be~~
12 ~~identified as follows:~~

13 ~~(1) if located along a driveway, a reflectorized blue marker, with~~
14 ~~a minimum dimension of three (3) inches shall be located on the~~
15 ~~driveway address sign and mounted on a fire retardant post, or~~

16 ~~(2) if located along a road,~~

17 ~~(i) a reflectorized blue marker, with a minimum dimension of three~~
18 ~~(3) inches, shall be mounted on a fire retardant post. The sign~~

19 ~~post shall be within three (3) feet of said hydrant or fire valve,~~
20 ~~with the sign no less than three (3) feet nor greater than five~~

21 ~~(5) feet above ground, in a horizontal position and visible from~~
22 ~~the driveway, or~~

23 ~~(ii) as specified in the State Fire Marshal's Guidelines for Fire~~
24 ~~Hydrant Markings Along State Highways and Freeways, May 1988.~~

25 Note: Authority cited: Section 4290, Public Resources Code.

1 Reference: Sections 4290 and 4291, Public Resources Code.

3 § 1275.05. Dry Hydrants

4 When dry hydrants have been approved by the AHJ ~~Local Jurisdiction,~~
5 the requirements of NFPA 1142 (2022~~2017~~) Chapter 8 (8.3, 8.4, 8.5,
6 8.6, 8.7 and 8.8), hereby incorporated by reference, shall be met.

7 Note: Authority cited: Section 4290, Public Resources Code.

8 Reference: Sections 4290 and 4291, Public Resources Code.

10 § 1275.06. Mobile Water Supply (Water Tenders)

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

14 (1) During the construction phase of a ~~new~~ Building
15 Construction ~~Development~~, prior to the permanent fire water
16 delivery system installation; or,

17 (2) After the construction phase of a ~~new~~ Building
18 Construction, ~~when the~~ [REDACTED] determines that all other means of
19 water supply is not practical.

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

24 (c) Mobile water supplies may use NFPA 1142 (2022~~2017~~) Annex C,
25 hereby incorporated by reference, to achieve minimum fire flow

Deleted: Local Jurisdiction

1 requirements.

2 Note: Authority cited: Section 4290, Public Resources Code.

3 Reference: Sections 4290 and 4291, Public Resources Code.

4

5 § 1275.07. Protection of Water Supply Infrastructure from
6 Wildfire.

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

10 (1) underground burial; or

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

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

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

18 Note: Authority cited: Section 4290, Public Resources Code.

19 Reference: Sections 4290 and 4291, Public Resources Code.

20

21 Article 5. Building Siting, Setbacks, and Fuel Modification Fuel
22 Modification Standards

23 § 1276.00. Applicability Intent

24 (a) All **New** Building ~~e~~Construction shall comply with the following
25 provisions of this Article:

1 (1) § 1276.01 (Building and Parcel Siting and Setbacks);

2 (2) § 1276.02(c) (Ridgelines); and

3 (3) § 1276.06 (Disposal of Flammable Vegetation and Fuels).

4 (b) The following provisions of this article shall further apply
5 in the tentative and parcel map process for ~~new~~ New parcels:

6 (1) § 1276.01 (Building and Parcel Siting and Setbacks);

7 (2) § 1276.02(c) (Ridgelines);

8 (3) § 1276.03 (Fuel Breaks);

9 (4) § 1276.04 (Greenbelts, Greenways, Open Spaces and Parks);

10 (5) § 1276.05 (Maintenance of Fuel Breaks); and

11 (6) § 1276.06 (Disposal of Flammable Vegetation and Fuels).

12 ~~To reduce the intensity of a Wildfire by reducing the volume and~~
13 ~~density of flammable vegetation, the strategic siting of fuel~~
14 ~~modification and greenbelts shall provide for increased safety for~~
15 ~~emergency fire equipment and evacuating civilians by its~~
16 ~~utilization around structures and roads, including driveways, and~~
17 ~~a point of attack or defense from a Wildfire.~~

18 Note: Authority cited: Section 4290, Public Resources Code.

19 Reference: Sections 4290 and 4291, Public Resources Code.

20
21 § 1276.01. Building and Parcel Siting and Setbacks. ~~Setback for~~
22 ~~Structure Defensible Space~~

23 (a) All ~~Building construction subject to these regulations~~ shall
24 ~~be set back~~ a minimum thirty (30) ~~feet~~ from all property lines and
25 ~~from~~ the center of a ~~R~~road ~~right-of-way~~, except as provided for in

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1 subsection (b). ~~This requirement does not apply to Building~~
2 ~~construction that is entirely below ground.~~

3 (b) ~~A reduction in the minimum setback may be approved by the AHJ,~~
4 ~~and shall be based upon~~ ~~When a thirty (30) foot setback is not~~
5 ~~possible for~~ practical reasons, which may include but are not
6 limited to, parcel dimensions, ~~layout,~~ or size; ~~location of~~
7 ~~existing buildings;~~ topographic limitations; ~~Development density~~
8 requirements or other ~~Development~~ patterns that promote low-
9 carbon emission outcomes; sensitive habitat; or other site
10 constraints. ~~casements,~~ ~~When a reduction in the minimum setback is~~

11 ~~approved, the Building construction shall, to the extent feasible,~~
12 ~~provide for an alternative method to reduce Structure-to-Structure~~
13 ~~ignition by incorporating features such as, but not limited to:~~

14 ~~Same practical effect options may include, but are not limited to:~~

- 15 (1) non-combustible block walls or fences; or
16 (2) ~~five (5) feet of~~ non-combustible material extending
17 five (5) feet horizontally from the furthest extent of the
18 Building; or
19 (3) ~~installing~~ hardscape landscaping or ~~reducing a~~
20 ~~reduction of~~ exposed windows on the side of the ~~Structure~~
21 with a less than thirty (30) foot setback; or
22 (4) ~~the most protective additional structure hardening that~~
23 ~~exceeds the~~ requirements in the California Building Code,
24 California Code of Regulations Title 24, Part 2, Chapter 7A, as
25 requested by the AHJ.

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

3
4 § 1276.02. ~~Ridgelines. Maintenance of Defensible Space Measures.~~

5 (a) The ~~Local Agency~~ ~~Local Jurisdiction~~ shall identify ~~Strategic~~
6 ~~Ridgelines, if any, in consultation with all AAs responsible for~~
7 ~~enforcing any requirement of these standards, in consultation with~~
8 ~~the Fire Authority. Strategic Ridgelines shall be identified~~
9 through an assessment of the following factors:

- 10 (1) Topography;
11 (2) Vegetation;
12 (3) Proximity to any existing or proposed residential,
13 commercial, or industrial land uses;
14 (4) Ability to support effective fire suppression; and
15 (5) Other factors, if any, deemed relevant by the ~~Local Agency~~
16 ~~Local Jurisdiction and Fire Authority.~~

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

19 (c) ~~New Buildings~~ Residential Units on Undeveloped Ridgelines
20 identified as ~~strategic pursuant to subdivision (a)~~ are
21 prohibited, as described in subsections (c) (1) and (c) (2), ~~unless~~
22 ~~application of such prohibition would take or damage private~~
23 ~~property for public use under the Constitution of the State of~~
24 ~~California or the United States.~~

25 (1) New Residential Units are prohibited within or at the top

Commented [AJW34]: Identification of areas where development will be restricted is a quasi-legislative planning-level determination properly vested in the county or city itself. Such determinations require consultation and input from relevant staff, but must ultimately be made in a transparent and accountable manner by the people's elected representatives.

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1 of drainages or other topographic features common to Ridgelines
2 that act as chimneys to funnel convective heat from Wildfires.

3 (2) Nothing in this subsection shall be construed to alter
4 the extent to which Structures, Buildings, or ~~development~~ other
5 than Residential Units ~~Buildings~~, such as but not limited to
6 wireless telecommunications facilities, as defined in Government
7 Code section 65850.6, subdivision (d)(2), or Storage Group S or
8 Utility and Miscellaneous Group U Structures, may be constructed
9 on Undeveloped Ridgelines.

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

12 ~~To ensure continued maintenance of commonly owned properties in~~
13 ~~conformance with these standards and to assure continued~~
14 ~~availability, access, and utilization of the defensible space~~
15 ~~provided by these standards during a wildfire, provisions for~~
16 ~~annual maintenance shall be provided in emergency access covenants~~
17 ~~or similar binding agreements.~~

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

20
21 § 1276.03. Fuel Breaks ~~Disposal of Flammable Vegetation and Fuels.~~

22 (a) When Building ~~e~~Construction meets the criteria of § 1270.00(c),
23 the ~~Local Agency Local Jurisdiction~~ shall determine the need and
24 location for Fuel Breaks ~~in consultation with all ANJs responsible~~
25 ~~for enforcing any requirement of these standards. in consultation~~

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Commented [AJW35]: As with the identification of such areas, specification of the substantive development requirements is properly vested the people's elected representatives in city and county government.

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Commented [AJW36]: This is a planning-level determination properly vested in the county or city itself.

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1 ~~with the Fire Authority:~~

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

7 (c) ~~Fuel Breaks constructed pursuant to this section shall have,~~
8 at a minimum, one point of entry for fire fighters and any Fire
9 Apparatus. The specific number of entry points and entry
10 requirements shall be determined by the AHJ.

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

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

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

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

22 (4) Strategically located along Ridgelines, in Greenbelts, or
23 other locations to reduce radiant and convective heat exposure,
24 ember impacts, or support community level fire suppression
25

Deleted: (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.

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1 tactics.

2 ~~(de)~~ Fuel Breaks shall be completed prior to the commencement of
3 any permitted construction.

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

9 (g) Where a Local Agency requires Fuel Breaks pursuant to this
10 section, maintenance mechanisms shall be established to ensure the
11 fire behavior objectives and thresholds are maintained over time.

12 (h) The mechanisms required shall be binding upon the property for
13 which the Fuel Break is established, shall ensure adequate
14 maintenance levels, and may include written legal agreements;
15 permanent fees, taxes, or assessments; assessments through a
16 homeowners' association; or other funding mechanisms.

17 ~~(f) Fuel Breaks shall have, at a minimum, one point of entry for~~
18 ~~fire fighters and any Fire Apparatus. The specific number of entry~~
19 ~~points and entry requirements shall be determined by the Local~~
20 ~~Jurisdiction in consultation with the Fire Authority.~~

21 ~~Disposal, including chipping, burying, burning or removal to a~~
22 ~~site approved by the local jurisdiction, of flammable vegetation~~
23 ~~and fuels caused by site development and construction, road and~~
24 ~~driveway construction, and fuel modification shall be completed~~
25 ~~prior to completion of road construction or final inspection of a~~

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1 ~~building permit.~~

2 Note: Authority cited: Section 4290, Public Resources Code.

3 Reference: Sections 4290 and 4291, Public Resources Code.

4

5 § 1276.04. Greenbelts, Greenways, Open Spaces and Parks ~~Greenbelts~~

6 (a) Where a Greenbelt, Greenway, open space, park, landscaped or

7 natural area, or portions thereof, is intended to serve as a Fuel

8 Break as part of a New Building Construction proposal, the space

9 or relevant portion thereof shall conform with the requirements in

10 [§ 1276.03 \(Fuel Breaks\)](#).

11 (b) A Local Agency ~~Local Jurisdiction~~ may require Greenbelts or

12 Greenways, or portions thereof, or other open areas for the purpose

13 of providing potential areas of refuge for the public or

14 firefighters or other values as a last resort, if safe evacuation

15 is not practicable.

16 ~~Subdivision and other developments, which propose greenbelts as a~~

17 ~~part of the development plan, shall locate said greenbelts~~

18 ~~strategically as a separation between wildland fuels and~~

19 ~~structures. The locations shall be approved by the local authority~~

20 ~~having jurisdiction and may be consistent with the CAL FIRE Unit~~

21 ~~Fire Management Plan or Contract County Fire Plan.~~

22 Note: Authority cited: Section 4290, Public Resources Code.

23 Reference: Sections 4290 and 4291, Public Resources Code.

24

25

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1 ~~§ 1276.05. Maintenance of Fuel Breaks~~

2 ~~(a) Where a Local Jurisdiction requires Fuel Breaks pursuant to §~~
3 ~~1276.03 (Fuel Breaks), maintenance mechanisms shall be established~~
4 ~~to ensure the fire behavior objectives and thresholds are~~
5 ~~maintained over time.~~

6 ~~(b) The mechanisms required shall be binding upon the property for~~
7 ~~which the Fuel Break is established, shall ensure adequate~~
8 ~~maintenance levels, and may include written legal agreements,~~
9 ~~permanent fees, taxes, or assessments; assessments through a~~
10 ~~homeowners' association; or other funding mechanisms.~~

11 ~~Note: Authority cited: Section 4290, Public Resources Code.~~

12 ~~Reference: Sections 4290 and 4291, Public Resources Code.~~

13
14 ~~§ 1276.065 Disposal of Flammable Vegetation and Fuels~~

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

20 ~~Note: Authority cited: Section 4290, Public Resources Code.~~

21 ~~Reference: Sections 4290 and 4291, Public Resources Code.~~

Commented [AJW37]: Counties and cities have responsibility for managing waste disposal - specifically including organic waste. (Pub. Resources Code, § 40000 et seq.) It is consequently appropriate that authority to specify disposal requirements here be vested in those entities.
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