



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Lassen Modoc Unit

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August 31, 2022

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County of Lassen, Director of Planning and Building Services
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LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

File: 1407.05
CC: MCA, AFN, MCRM
NM, CM, CF

RE: Delegation of authority to enforce the Fire Safe Regulations in any SRA within Lassen County to the Lassen County Planning & Building Services Department

Since 1991, Public Resources Code 4290 has mandated the Board of Forestry and Fire Protection write regulations setting minimum fire safety standards for defensible space applicable to the perimeters and access to all residential, commercial, and industrial building construction in the State Responsibility Area and, as of July 1, 2021, the LRA VHFHSZ. These minimum standards are established in the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2. SRA/VHFHSZ Fire Safe Regulations, §§ 1270.00-1276.04.

Pursuant to 14 CCR § 1270.03, CAL FIRE may review and make recommendations on applicable construction, and the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

Pursuant to 14 CCR § 1270.04(a), the Fire Safe Regulations shall be enforced as the minimum wildfire protection standards applied in the SRA, and, as of July 1, 2021, the LRA VHFHSZ as well. PRC 4290(c) specifies these regulations do not supersede local regulations which equal or exceed the standards of this Subchapter. A local regulation equals or exceeds a minimum standard of this Subchapter only if, at a minimum, the local regulation also fully complies with the corresponding minimum standard in this Subchapter. Furthermore:

- A Local Jurisdiction shall not apply exemptions that are not enumerated in this Subchapter.
- Exceptions requested and approved in conformance with 14 CCR § 1270.06 (Exceptions) may be granted on a case-by-case basis.
- Exemptions not enumerated in these regulations shall not be granted.

Pursuant to 14 CCR §1270.05(a)(3), CAL FIRE's authority to inspect and enforce the application of these standards may be delegated to a local jurisdiction. In my official capacity as the Unit Chief for the Lassen Modoc Unit of CAL FIRE, I hereby delegate the authority to enforce the Fire Safe Regulations in any SRA within **Lassen County** to the **Lassen County Planning & Building Services Department**.

Pursuant to 14 CCR § 1270.05(b), CAL FIRE has not abrogated their authority to inspect and enforce state forest and fire laws even after the Inspection Authority has been delegated to **the County of Lassen**. CAL FIRE retains the authority to ensure compliance with all applicable sections of these regulations.

This delegation of duties and authority shall be effective on August 3, 2022 and until such time that written revocation of said authority is provided to the local agency.

See attached Appendix for specific clarification and direction as requested by Lassen County.

DocuSigned by:

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Scott Packwood
Unit Chief
CALFIRE Lassen Modoc Unit

9/12/2022

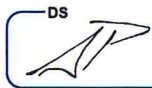
Date

CC: Lassen County Planning and Building Services

Appendix

Clarification and Direction to Lassen County Planning and Building Services

1. The California Code of Regulations, 14 CCR §1270.06, provides an applicant the ability to submit a request for exception to standards to the inspecting entity. The request shall be made in writing. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction (the County of Lassen). The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes [reference 14 CCR §1270.069(c)]. Lassen County Ordinance 9.16.090 identifies the process for requesting an exception to standards as well as the appeal process for when a request is denied by the inspecting entity. CALFIRE will continue to accept and provide decisions regarding "Exception to Standards" requests for qualifying projects within the State Responsibility of Lassen County.
2. Under the "Scope" section of the California Code of Regulations, 14 CCR § 1270.02(c) states, "Affected activities include, but are not limited to: (2) application for a building permit for new construction, not relating to an existing structure." This statement in the regulations identifies that the State Fire Safe Regulations are not applicable to new construction when the construction is related to an existing structure.
3. When enforcing 14 CCR §1273.02(a) or (b) regarding road and driveway minimum load standards; the inspecting authority as authorized in §1273.02(c) may require that the "Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction." On example of a situation that could occur is if loose or non-compacting soil types exist in the proposed roadway or driveway.
4. The 30-foot setback requirement, as stated in 14 CCR §1276.01 is applicable to "all buildings". The standard is not applicable to Miscellaneous Type "U" construction since the definition of a "building" in the Fire Safe Regulations specifically excludes Type "U" construction. The Lassen County setback standard would be applied if required by County Code.

DS


Initials
Scott Packwood
Unit Chief
CALFIRE Lassen Modoc Unit

9/12/2022

Date