MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
http://www.mariposacounty.org/

MARSHALL LONG, CHAIR	**DISTRICT III**
ROSEMARIE SMALLCOMBE, VICE-CHAIR	**DISTRICT I**
TOM SWEENEY	**DISTRICT II**
WAYNE FORSYTHE	**DISTRICT IV**
MILES MENETREY	**DISTRICT V**

ACTION SUMMARY MINUTES

May 18, 2021

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Tom Sweeney	District II Supervisors	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Wayne Forsythe	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

Chair Long led the Pledge.

C. Introductions

Steve Ward/County Fire - CalFire Chief introduced Captain Chris Bernard who will be taking John Morgan's place at least through the summer. Captain Bernard extended thanks for the welcome.

D. Approval of Consent Agenda (Items designated by "CA")

No public input. Chair Long pulled CA10 for a separate discussion.

In response to an inquiry from Supervisor Menetrey regarding the terminations of local emergencies in CA 4 and CA5, Dallin Kimble/County Administrative Officer (CAO) noted that there is no State aid for these events. Supervisor Menetrey also extended thanks for the letter in CA6.

In response to an inquiry from Supervisor Sweeney, the CAO noted that the property in CA11 is property for which we are in the process of getting appraisals completed. Regarding CA13, Supervisor Sweeney inquired why we were not terminating the contract given the discussion of a few weeks ago. Mike Healy/Public Works Director noted that some things have changed for Tony Borreson, and he has asked for longer to negotiate a potential successor agreement.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Wayne Forsythe, District IV Supervisor

SECONDER: Tom Sweeney, District II Supervisors

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

CA1. **Health and Human Services RES-2021-272**

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County

CA2. **Health and Human Services RES-2021-273**

Resolution Continuing the Public Health Local Emergency Due to the COVID-19 Pandemic

CA3. **Sheriff's Office RES-2021-274**

Resolution Continuing the Local Emergency Due to the COVID-19 Global Pandemic

CA4. **Sheriff's Office RES-2021-275**

Adopt a Resolution Terminating the Local Emergency Due to the Mono Wind Event in January, 2021 in Mariposa County

CA5. **Sheriff's Office RES-2021-276**

Adopt a Resolution Terminating the Local Emergency Caused by a Meteorological "Atmospheric River" Weather Event in Late January, 2021 in Mariposa County

CA6. **Administration RES-2021-277**

Approve a Letter Commenting on the Board of Forestry and Fire Protection's 2021 Fire Safe Regulations; and Authorize the Board of Supervisors Chair to Sign the Letter

CA7. **Board of Supervisors**

Approve the Minutes of Tuesday, April 27, 2021

CA8. **Clerk of the Board of Supervisors 2021-58**

Receive the List of Agreements Entered into by the County Administrative Officer (CAO) (Purchasing Agent) Pursuant to County Code Chapter 3.08, Entered Into, Received and Processed in April of 2021

CA9. **Clerk of the Board of Supervisors 2021-59**

Receive the List of Agreements Entered into by the Mariposa County Department Heads (Assistant Purchasing Agents) Pursuant to County Code Chapter 3.08 Entered Into, Received and Processed in April of 2021

CA10. Separated from Consent

CA11. **County Counsel RES-2021-278**

Approve the Second Amendment to a Lease Agreement with Robert Cree for an Additional Year for Grazing Purposes in the Lake Don Pedro I-M Area; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA12. **Planning RES-2021-279**

Ratify the Submittal of an Application to Climate Action Corps Fellows Program; and Authorize the Board of Supervisors Chair to Sign the Grant Agreement If Awarded (Subject to Approval as to Legal Form by County Counsel)

CA13. **Public Works RES-2021-280**

Approve Third Amendment to the Agreement with Airborrn Aviation Services for Airport Services to Extend the Term to December 31, 2021; and Authorize the Board of Supervisors Chair to Sign the Amendment

CA14. **Public Works RES-2021-281**

Approve the Allocation of One Junior Engineer Position by Eliminating the Funding Allocation from One (1) Current Engineering Technician III Position Classification Within the Public Works Department Effective Immediately

CA15. **Sheriff's Office RES-2021-282**

Approve a Lease Agreement with William Freeman for the Property Located at 5012 Fairgrounds Drive for Use as an Animal Control Facility; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA16. **Sheriff's Office RES-2021-283**

Approve a Three Year Agreement with Central Valley Forensic Nurse Specialists', Inc. for Sexual Assault Examination Services for Mariposa County Sheriff's Office Investigations; and Authorize the Board of Supervisors Chair to Sign the Agreement

CA17. **Sheriff's Office RES-2021-284**

Approve an Over-Fill of Two Sheriff's Custodial Deputy Position Effective May 15, 2021 through August 30, 2021

Items Considered Separately

CA10. **Clerk of the Board of Supervisors RES-2021-285**

Schedule Five Public Hearings and Two Special Meetings for the Redistricting Process

Supervisor Menetrey noted that he just found that he will not be here for the Special Meeting proposed for July 10th, and inquired if it could be moved to July 17th. The Board concurred but inquired as to the procedural requirements. René LaRoche/Clerk of the Board noted there is no issue in terms of the redistricting process, and this action is to formalize the schedule.

AMENDMENT:
Change PUBLIC HEARING #2 from Saturday, July 10, 2021 at 10:00 AM to Saturday, July 17, 2021 at 10:00 AM.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Rosemarie Smallcombe, District I Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

E. Board Recognitions

1. **Administration/Community Development 2021-60**

Proclaim the Month of May 2021 as Small Business Month

Tara Schiff/Economic Development Specialist gave the staff report. No public input.

Chair Long presented the Proclamation to Tara Schiff and Kari Kisella/Mariposa Chamber of Commerce.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rosemarie Smallcombe, District I Supervisor
SECONDER:	Tom Sweeney, District II Supervisors
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

F. Departmental Presentation

Kristina Allen/Deputy Director of Public Health discussed upcoming vaccination clinics scheduled for Mariposa and Woodland Elementary Schools, El Portal, and the Fairgrounds. She noted that people can schedule a vaccination on MyTurn; advised that we are still in the Orang Tier; and discussed statewide vaccination rates.

René LaRoche/Clerk of the Board noted that with the public hearing schedule that was approved today, redistricting information will now start being distributed along various internet and media channels.

G. Public Comment on Non-Agenda Items

Marvin Wells remarked that since tobacco and alcohol were legalized they have killed millions of people, and now they are trying to get rid of tobacco. He stated that the same thing is happening with marijuana and that he has a feeling that there have been more deaths right now indirectly from marijuana than the pandemic. He also requested the Board consider what happens in the future by looking at the pressures that are being put on law enforcement and keeping them well financed.

Noe Gramajo/Ponderosa Towing Owner discussed abandoned vehicles that are towed in and never picked up. He noted that he quit towing them for the California Highway Patrol (C.H.P.) last September because it became a great expense to his company to pick them up, store them, and then take them to the junkyard in Merced. Mr. Gramajo noted that he has spoken with the Sheriff, Officer Romine with the C.H.P., and Corrina Miranda in Code Compliance, remarked that the County does not have an abatement program and noted that, consequently, he has seen cars left on the side of the road for months. He noted that it is economics because a lot of people buy a car for $500 to $1000 and it breaks down so they abandon them. Mr. Gramajo also noted that he is trying to address this problem with law enforcement in a creative way, but that there is only so much they can do. He concluded by noting that he can't do it

anymore because of the expense, and so is asking the County to fund the effort.

Recess Board of Supervisors

9:36 AM Chair Long recessed the Board of Supervisors meeting, followed by the Clerk of the Board giving the Government Code announcement.

H. MARIPOSA PUBLIC FINANCE CORPORATION

1. **Administration (ID # 11798)**

Mariposa County Public Finance Corporation Annual Meeting

See Separate meeting minutes.

RESULT: MEETING HELD

Reconvene as Board of Supervisors

9:42 AM Chair Long reconvened the Board of Supervisors meeting.

I. Regular Agenda Items

1. **HHS/Behavioral Health & Recovery Services (ID # 11645)**

Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report on Their Goals and Accomplishments

Sean Land gave a PowerPoint presentation that discussed the mission statement, the Behavioral Health Board (BHB) members, the action plan, their major activities, virtual presentations in which they took part; consideration of an applicant for Local Mental Health Director; and their community partners and sub-committees.

Public comment opened. Jeremy Briese/Sheriff - Coroner - Public Administrator discussed all of the behind-the-scenes work that goes on with the BHB and all of the programs, and noted his support of its activities because fits his motto of "Safety, Community, Transparency, and Partnership." Sheriff Briese also extended kudos to Captain Land for his work with the BHB. Baljit Hundal/Health Services Division Director extended thanks to the BHB, and discussed their work and commitment. Paul Brickett/BHB Chair extended kudos to Donya Evans, who provides them assistance; and discussed the many efforts of the BHB. Public comment closed.

Supervisor Smallcombe extended thanks to the BHB members for their time and efforts, and discussed the improvements that technological changes have brought.

In response to Supervisor Sweeney's inquiry, René LaRoche/Clerk of the Board noted that applications to serve on the BHB should be submitted to her office.

RESULT: INFORMATION RECEIVED

2. **Public Works RES-2021-286**

Approve the Vallecitos Estates Subdivision Final Map, Application Number 2012-042; Accept the Offer of Dedication of Public Road and Public Utility Easements; and Reject Maintenance of All Public Road and Public Utility Easement

Mike Healy/Public Works Director gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Tom Sweeney, District II Supervisors
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

3. **Public Works** **RES-2021-287**

Authorize the Public Works and Transportation Director to Submit an Application for the Federal Land Access Program (FLAP) Grant for Improvements to Greeley Hill Road; and Authorize the Public Works and Transportation Director to Sign Any Documents Necessary to Obtain to This Grant (Subject to Approval as to Legal Form by County Counsel)

Mike Healy gave the staff report noting, in response to public input received, that he wished he could get people to pick up better after themselves. No public input. Board discussion ensued with Supervisor Smallcombe, noting that Jason Kuiken, the Stanislaus National Forest Supervisor, has been invited to make a presentation to the Board on June 15th, at 3:00 PM.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Tom Sweeney, District II Supervisors
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

4. **Public Works** **RES-2021-303**

Purchase a Permanent Easement from the Mariposa United Methodist Church, Assessor's Parcel Number 013-183-0150 for Purposes of Public Parking in the Amount of $3,900, Including All Associated Fees; and Authorize the Board of Supervisors Chair to Sign the Agreement and Any Documents Necessary for This Transaction (Subject to Approval as to Legal Form by County Counsel)

RESULT: **WITHDRAWN AND RESCHEDULED** **Next: 5/25/2021 9:00 AM**

5. **Administration** **RES-2021-288**

Approve a Letter of Support for the Golden State Finance Authority's (GSFA) Grant Application to the Economic Development Authority (EDA); Commit to Contribute Approximately $25,000 in Matching Funds; and Commit to Forming a Task Force to Help Develop a Countywide Broadband Plan

Dallin Kimble/County Administrative Officer gave the staff report. The item was urged by Marilyn Saunders/Economic Development Corporation President during public comment. Board discussion ensued.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rosemarie Smallcombe, District I Supervisor
SECONDER:	Miles Menetrey, District V Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

Recess

10:28 AM Chair Long recessed the meeting for a brief break and reconvened at 10:34 AM.

6. **Administration (ID # 11800)**

Discussion and Direction on Real Estate Status and Opportunities

Dallin Kimble gave a PowerPoint presentation that provided an overview of properties owned by the County, as well as influencing factors. Board discussion ensued.

Public comment opened.

Mike Healy discussed remodels that have occurred in the recent past in some County owned facilities; noted that they cannot remodel the Sheriff's Office; advised that they are 80-90% complete on a study for them but that, since the study was initiated, the County has gained additional facility potential with the Pfremmer property which may be more advantageous than the five acres previously purchased by the Sheriff. Mr. Healy's suggestion was that the County should restart that study adjusted to consider the potential for expansion for a public safety building that would hold County Fire in addition to the Sheriff's Office. He also suggested that, if that is done, we include that road in a U.S.D.A. loan to make it one package which will also open up land for future development. Mr. Healy also noted that of the two buildings currently making up the Sheriff's Office, one could be repurposed with remodeling but the other cannot. He also advised of the potential for grants under the Rural Facilities Act, but that one requirement of such a grant is a constructability and space needs study which is what is currently on hold. He noted that if the Board gives direction to restart that study, it would not take much to get before the board with good information.

Jeremy Briese discussed the way his department has outgrown its current buildings; extended thanks to those who have come and visited; and noted that they are looking at modernization of policing tactics, as well as how to be more efficient. Sheriff Briese also stressed the need for the study so that they can move on to the next step.

Steve Ward/County Fire CalFire Chief noted that the decision to move County Fire to the Springhill facility was needed and was a good decision, especially for the training component of being able to bring in 60-80 cadets, but there does come a point where they interact with other agencies and will need to modernize and have a professional appearance. Chief Ward also noted that if they do co-locate, they will also need to worry about adequate training grounds, and space for their six administrative staff members.

Ben Goger/Housing Development Specialist reminded the board that we applied for a master planning grant for the Pfremmer property from Caltrans earlier this year.

Public comment closed.

Board discussion ensued.

DIRECTION:
The Board concurred that the CAO is to prioritize investigating options and solutions, including applicable studies, for the public safety departments, particularly the Sheriff's Administration Building and possible pursuit of the Spring Hill site for use by County Fire; and that the CAO move to start getting surplus County-owned property back in private hands.

RESULT: DIRECTION GIVEN

J. Items removed from Consent Agenda

None.

Recess

12:03 PM Chair Long recessed the meeting for lunch.

K. 2:00 PM Reconvened

1. **Board of Supervisors (ID # 11777)**

Receive an Update from the Yosemite Mariposa County Tourism Bureau (YMCTB) Executive Director (Board Chair)

Jonathan Farrington/Yosemite - Mariposa County Tourism Bureau (YMCTB) Executive Officer recognized his staff and board members, and showed videos that illustrated the evolution of their marketing efforts during the COVID-19 pandemic. During public comment, Kevin Shelton/YMCTB Board Vice-Chair discussed the work that the tourism bureau produced last year and requested a resumption of their funding.

2:57 PM Steven W. Dahlem/County Counsel left the Chambers.

Board discussion ensued.

RESULT: INFORMATION RECEIVED

L. Closed Session

1. **Board of Supervisors (ID # 11629)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Building Director

No public input.

RESULT: CLOSED SESSION HELD

2. **Board of Supervisors (ID # 11554)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Health and Human Services Agency Director

No public input.

RESULT: CLOSED SESSION HELD

Recess

3:12 PM Chair Long moved the meeting into Closed Session.

Report Out

4:47 PM Chair Long reported that Information was Received and Direction Given in the first Closed Session, and that Information was Received in the second Closed Session.

M. Board Information

No reports.

N. Adjournment

4:48 PM Chair Long adjourned the meeting.

Respectfully submitted,

René LaRoche
Clerk of the Board

Marshall Long
Chair, Board of Supervisors

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2021-272

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Shannon Gadd, Health and Human Services Agency Director

RE: Continue a Shelter Crisis Local Emergency in Mariposa County

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RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County.

California Government Code 8698, 8698.1 and 8698.2 allows for the governing body of a city or county to declare a shelter crisis. A shelter crisis declaration relaxes standards for building occupancy, limits liability and provides a legal basis for the use of certain facilities designated by the County as a shelter for the duration of the crisis.

In order to declare the shelter crisis, the County made findings at a public meeting and adopted Resolution 18-518 that (1) a significant number of persons within the county's jurisdiction are without the ability to obtain shelter; and (2) the situation has resulted in a threat to the health and safety of those persons.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On November 5, 2018, the Board of Supervisors adopted Resolution 18-518 declaring the existence of a Shelter Crisis Local Emergency in Mariposa County to allow Mariposa County to proceed with temporary homeless shelter solutions to meet the needs of our homeless community members.

Recognizing the prevalence of homelessness in California and the health and safety risks facing homeless persons, California law authorizes counties to declare a "shelter crisis" and avail themselves to attendant protections and powers. Specifically, upon declaring a "shelter crisis":

- A county may allow persons unable to obtain housing to occupy designated public facilities during the duration of the emergency (public facilities include parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained by the county);
- A county is immune from liability for ordinary negligence in the provision of emergency housing for all conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing; and

- The provisions of any state or local law or regulation prescribing standards of housing, health, and safety are suspended to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the crisis.

If the County desires to construct and operate an emergency homeless shelter, it is recommended that the County Board of Supervisors first declare a "shelter crisis" in order to avail itself of the associated powers and liability protections.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County may not be eligible for possible State or Federal assistance, or proceed with temporary homeless shelter solutions.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY

Health and Human Services · (209) 966-2000

RESOLUTION - ACTION REQUESTED 2021-273

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Shannon Gadd, Health and Human Services Agency Director

RE: Continue the COVID-19 Public Health Local Emergency

RECOMMENDATION AND JUSTIFICATION:
Resolution Continuing the Public Health Local Emergency Due to the COVID-19 Pandemic.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On March 13, 2020, Mariposa County Public Health Officer, Dr. Eric Sergienko declared a local public health emergency in response to the COVID-19 Pandemic. On March 17th, 2020 the Mariposa County Board of Supervisors adopted a Resolution ratifying a Local Health Emergency.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not continue the local emergency and the County will not be eligible for possible State or Federal disaster assistance.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11716

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-274

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Continue the Local Emergency Due to COVID-19

RECOMMENDATION AND JUSTIFICATION:

Resolution Continuing the Local Emergency Due to the COVID-19 Global Pandemic.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

March 24, 2020: The Board ratified the March 17, 2020 Local Emergency Proclamation Due to the COVID-19 Global Pandemic. Additionally, the Board has ratified similar proclamations in the past during other emergencies.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not continue the proclamation, the County will not be eligible for possible State or Federal disaster assistance.

FINANCIAL IMPACT:

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RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11724

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-275

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Resolution Terminating the Existence of a Local Emergency Due to Mono Wind Event

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RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Terminating the Local Emergency due to Mono Wind Event in January, 2021 in Mariposa County.

On January 15th, 2021, Mariposa County officials were advised of a Public Safety Power Shutoff (PSPS) event to impact our County, as well as other adjacent Counties, due to a significant Mono Wind event. PSPS activity initiated in Mariposa County on January 19th, at approximately 12:00 a.m., de-energizing a large residential area of Mariposa County. However, wind speeds were greater than anticipated and created significant damage downing trees and power lines which, in turn, caused structure damage and fires, as well as leaving significant numbers of county residents trapped in areas without electricity.

On January 19, 2021 Sheriff Jeremy Briese, acting as the Director of Emergency Services, pursuant to Mariposa County Code Section 2.80.040, issued a Proclamation of Local Emergency. This Proclamation was Ratified by the Board of Supervisors during a Special Meeting on January 22, 2021.

The emergency conditions, and their affects, have now abated sufficiently to cause the situation of extreme peril to be deemed to be within the control of the normal protective services, personnel, equipment and facilities of and within the County of Mariposa and it is appropriate for the existing resolution for the Mono Wind Event to be terminated.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has ratified similar proclamations in the past during other emergencies, and also subsequently terminated said proclamations once the emergency conditions are deemed to be under control.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue a Local Emergency beyond what conditions warrant.

FINANCIAL IMPACT:
none

ATTACHMENTS:
Mono Winds Termination (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Resolution 2021-___

RESOLUTION TERMINATING THE LOCAL EMERGENCY DUE TO THE MONO WIND EVENT

WHEREAS, an extreme wind event beginning on January 19, 2021 resulted in conditions of extreme peril to the safety of persons and property, including significant damage to critical public infrastructure; and private property.

WHEREAS, Sheriff Jeremy Briese, acting as the Director of Emergency Services, proclaimed the existence of a local emergency according to Section 8630 of the California Government Code and Chapter 2.80 of the Mariposa County Code on January 19, 2021; and

WHEREAS, the Mariposa County Board of Supervisors ratified that proclamation at a special meeting, held January 22, 2021; and

WHEREAS, emergency conditions, and their effects, have now abated sufficiently to cause the situation resulting from said conditions of extreme peril to be deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within said County of Mariposa; and

WHEREAS, ongoing recovery and cleanup efforts include the continued commitment of California Disaster Assistance Act and any other applicable state or federal resources;

NOW, THEREFORE, the Mariposa County Board of Supervisors, State of California, does hereby terminate the said local emergency and any associated powers and authorities granted to staff and the Board of Supervisors. This Resolution takes effect upon approval.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this ___ day of May, 2021 by the following vote:

AYES:
NOES:
ABSENT:
EXCUSED:

_____
MARSHALL LONG, Chair
Mariposa County Board of Supervisors

ATTEST:

_____
RENÉ LaROCHE
Clerk of the Board

APPROVED AS TO FORM:

_____
STEVEN W. DAHLEM
County Counsel

Attachment: Mono Winds Termination (RES-2021-275 : Resolution Terminating the Existence of a Local Emergency Due to Mono Wind Event)

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-276

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Resolution Terminating the Existence of a Local Emergency Due to Atmospheric River Weather Event

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RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Terminating the Existence of a Local Emergency caused by a Meteorological "Atmospheric River" Weather Event in late January, 2021 in Mariposa County.

On January 22nd, 2021, a powerful storm system arrived to our area, bringing with it a meteorological "atmospheric river" of rainfall and snow at higher elevations. This same storm system lingered over the area until January 29th, 2021. The measured snow depth was over 10 feet in certain areas of the county, with 6-8 inches of rain registered at lower elevations. Significant damages have been recorded to public infrastructure, including roads and facilities. Additionally, significant expenses have been incurred due to major snow removal operations. Damaged infrastructure continues to be discovered and will likely occur for many more days and weeks to follow.

On February 3, 2021, Sheriff Jeremy Briese, acting as the Director of Emergency Services, pursuant to Mariposa County Code Section 2.80.040, issued a Proclamation of Local Emergency. This Proclamation was Ratified by the Board of Supervisors on February 9, 2021.

The emergency conditions, and their affects, have now abated sufficiently to cause the situation of extreme peril to be deemed to be within the control of the normal protective services, personnel, equipment and facilities of and within the County of Mariposa and it is appropriate for the existing resolution for the Atmospheric River Weather Event to be terminated.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has ratified similar proclamations in the past during other emergencies, and also subsequently terminated said proclamations once the emergency conditions are deemed to be under control.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue a Local Emergency beyond what conditions warrant.

FINANCIAL IMPACT:

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ATTACHMENTS:
Atmospheric River Weather Event Termination (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Attachment: Atmospheric River Weather Event Termination (RES-2021-276 : Resolution Terminating the Existence of a Local Emergency Due to

Resolution 2021-___

RESOLUTION TERMINATING THE LOCAL EMERGENCY DUE TO THE ATMOSPHERIC RIVER WEATHER EVENT

WHEREAS, an extreme weather event beginning late January, 2021 resulted in conditions of extreme peril to the safety of persons and property, including significant damage to critical public infrastructure; and private property.

WHEREAS, Sheriff Jeremy Briese, acting as the Director of Emergency Services, proclaimed the existence of a local emergency according to Section 8630 of the California Government Code and Chapter 2.80 of the Mariposa County Code on February 3, 2021; and

WHEREAS, the Mariposa County Board of Supervisors ratified that proclamation at their next regular meeting, held February 9, 2021; and

WHEREAS, emergency conditions, and their effects, have now abated sufficiently to cause the situation resulting from said conditions of extreme peril to be deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within said County of Mariposa; and

WHEREAS, ongoing recovery and cleanup efforts include the continued commitment of California Disaster Assistance Act and any other applicable state or federal resources;

NOW, THEREFORE, the Mariposa County Board of Supervisors, State of California, does hereby terminate the said local emergency and any associated powers and authorities granted to staff and the Board of Supervisors. This Resolution takes effect upon approval.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, a political subdivision of the State of California, this ____ day of May, 2021 by the following vote:

AYES:
NOES:
ABSENT:
EXCUSED:

_____
MARSHALL LONG, Chair
Mariposa County Board of Supervisors

ATTEST:

_____
RENÉ LaROCHE
Clerk of the Board

APPROVED AS TO FORM:

_____
STEVEN W. DAHLEM
County Counsel

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2021-277

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Approve Board of Forestry and Fire Protection

RECOMMENDATION AND JUSTIFICATION:
Approve a Letter Commenting on the Board of Forestry and Fire Protection's 2021 Fire Safe Regulations; and Authorize the Board of Supervisors Chair to Sign the Letter.

The formal 45-day comment period on the Board of Forestry and Fire Protection's 2021 Fire Safe Regulations began on April 23, 2021, and ends at the close of a public hearing to be held on June 22, 2021. Proposed regulations include impacts for public roadways and private construction primarily within the Very High Fire Hazard Severity Zones. Additional information is attached for reference.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board routinely approves or ratifies letters of support or comment that it determines to be in the best interest of the county.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. Staff would not send this letter.

Approve with revisions. Staff would make directed revisions prior to sending the letter.

ATTACHMENTS:
2021 Board of Forestry and Fire Protection Letter(PDF)
Board of Forestry and Fire Protection Initial Statement of Reasons (PDF)
Full Text Amended Proposed Regulations (PDF)
RCRC CSAC Urban Counties Letter Feb 17 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11801

Attachment: 2021 Board of Forestry and Fire Protection Letter (RES-2021-277 : Approve Board of Forestry and Fire Protection)

Edith Hannigan
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Transmittal via email: edith.hannigan@bof.ca.gov

RE: State Minimum Fire Safe Regulations, 2021

Dear Ms. Hannigan:

The Mariposa County Board of Supervisors would like to thank the Board of Forestry and Fire Protection for listening to the concerns of local governments and making several amendments in response to those concerns. There is more we can do together to improve fire safe regulations so they can be practically applied in our community and we encourage the Board and Fire Protection to give thorough review to the comments provided through the California State Association of Counties (CSAC) and Rural County Representatives of California (RCRC). Our purpose in writing is to emphasize three goals we would like to see in the regulations: local discretion and control, map update provisions and clear mitigations or exemptions.

Communities across California are wonderfully diverse. We have beautiful mountains, valleys, deserts and coastal regions. We have forests surrounded by urban areas and others that are extremely remote. No one wants public health and safety in our community more than the people who live here; and no one is more knowledgeable about how to apply health and safety regulations in our community than the elected leaders and professional staff that work here. While general guidelines and support are often appreciated, we feel strongly that those guidelines must include provisions for local control. There is simply not a one-size-fits-all approach to fire safe regulations that will work well for all of our diverse communities and every situation.

Within the regulations, we understand that some of the requirements may be needed in the Very High Fire Hazard Severity Zones (VHFHSZ). We are very concerned that those requirements would be applied based on four criteria evaluated more than twenty years ago. Prior to mandating any of the proposed regulations, we believe those zones need to be updated with a more sophisticated analysis that leverages both modern technology and on-site observation. Mariposa County has taken this approach in our latest Community Wildfire Protection Plan with great success. We are very willing to contribute what we have learned to a statewide update of the Fire Hazard Severity Zone map.

Finally, there should always be reasonable provisions provided to mitigate a fire hazard designation. VHFHSZ in Mariposa includes Greeley Hill, Midpines, Fish Camp, Ponderosa Basin and other communities where people already live and own property. These are desirable areas for residents and travelers who want to experience the forest, recreate on public land and connect with nature in Yosemite National Park. To suddenly eliminate the ability of landowners in these areas to develop or add to their properties violates individual rights given and endorsed by authorities superior to that of the Board of Forestry and Fire Protection. Accessible mitigations, such as the use of clearing and open space, designated materials for construction, and so on, should be provided for every regulation that limits development based on fire risk.

We again encourage the Board of Forestry and Fire Protection to review the materials provided through CSAC and RCRC. Thank you for continuing to listen and for your consideration of this matter.

Sincerely,

Marshall Long, Chair

Attachment: 2021 Board of Forestry and Fire Protection Letter (RES-2021-277 : Approve Board of Forestry and Fire Protection)

Attachment: Board of Forestry and Fire Protection Initial Statement of Reasons (RES-2021-277 : Approve Board of Forestry and Fire Protection)

Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS
"State Minimum Fire Safe Regulations, 2021"

Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7
Subchapter 2, Articles 1-5

Adopt
§§ 1270.07; 1273.10; 1273.11; 1273.12; 1273.13; 1275.05; 1275.06; 1275.07; 1276.05; 1276.06

Amend
§§ 1270.00; 1270.01; 1270.03; 1270.03; 1270.04; 1270.05; 1270.06; 1273.00; 1273.01; 1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.08; 1273.09; 1274.00; 1274.01; 1274.02; 1275.00; 1275.01; 1275.02; 1275.03; 1275.04; 1276.00; 1276.01; 1276.02; 1276.03; 1276.04

Repeal
§§ 1271.00; 1274.03; 1274.04

INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))…NECESSITY (pursuant to GC § 11346.2(b)(1) and 11349(a))….BENEFITS (pursuant to GC § 11346.2(b)(1))

Pursuant to Public Resources Code 4290, the Board is required to "…adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction. In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area Very High Fire Hazard Severity Zone (VHFHSZ). SB 901 also revised PRC 4290 to require the Board to more frequently update regulations relating to fuel breaks and greenbelts near communities, and to preserve undeveloped ridgelines to reduce fire risk and improve fire protection.

The regulations set certain minimum standards for structures, subdivisions and developments in SRA and VHFHSZ and provide for basic emergency access and perimeter wildfire protection, as well as standards for fuel breaks, greenbelts, and measures to protect undeveloped ridgelines. These standards provide for emergency access and egress; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve undeveloped Ridgelines. This proposed action amends the existing regulations for the purposes of addressing the general applicability of these

Attachment: Board of Forestry and Fire Protection Initial Statement of Reasons (RES-2021-277 : Approve Board of Forestry and Fire Protection)

standards; regulating fuel breaks and greenbelts near communities; including measures to protect undeveloped ridgelines; and improving regulatory clarity and ensuring the uniform implementation of wildfire protection standards association with residential, commercial, and industrial building construction.

Such regulations are necessary to inhibit the ignition and spread of wildland fires in the wildland-urban interface, the area where buildings and vegetation are sufficiently close that a wildland fire could spread to a structure or a structure fire could ignite wildland vegetation. Studies have shown that urbanization has a pronounced effect on fire activity: fire activity has increased in Mediterranean ecosystems, such as California's, across five continents,[1] the majority of fires are burning closer to developed areas,[2] and fire activity peaks in areas where urbanization has occurred but a large proportion of native vegetation remains.[3] This wildfire hazard is a significant threat to human and natural resources throughout the 31 million acres and over 800,000 homes in the SRA as well as the 865,738 acres in the VHFHSZ. The imminent nature of the fire hazard problem has been repeatedly recognized by many high profile efforts, including the Governor's Blue Ribbon Fire Commission of 2004; U.S. General Accounting Office report on western National Forest fire conditions; the Western Governors' Association promulgation of the National Fire Plan; the USDA Forest Service (USFS) Sierra Nevada Forest Plan Amendment, 2004; legislation proposed by both houses of the California Legislature; and Governor Brown's Executive Order B-52-18 (May 2018).

The threat to homes from wildfire is well documented, and major wildland fires in California threaten a wide range of public and private assets. In 2003, wildfires destroyed more than 730,000 acres, 3,600 residential structures, and resulted in the tragic loss of 25 lives in California. The southern California wildfires that year were followed by mudslides that tragically killed 14 people. The subsequent mudslides possibly resulted from vegetation lost to wildfire and flash flooding. In 2017, wildfires burned over 1.3 million acres, and at the time five of those fires were in the top twenty most destructive in the state. The 2017 wildfires killed 41 civilians and 2 firefighters and destroyed or damaged over 10,000 structures. The Thomas Fire, in December, burned over 280,000 acres and, at the time, was the largest wildfire in California history.

The record setting year of 2017 was soon eclipsed by even greater destruction and casualties in 2018 and 2020. The Camp Fire, in Butte County, destroyed nearly 19,000 structures, including most of the town of Paradise, and killed 85 civilians. Six fires from 2018 and 2020 have eclipsed the Thomas Fire in size, and nine fires from 2018 and 2020 have entered the top 20 most destructive wildfires. These back-to-back-to-back record-breaking fire seasons are unprecedented in California; previous records for the largest, deadliest, and most destructive wildfires had stood for decades, some for generations.

Having narrow and overgrown roads leading into and out of communities that lie in the wildland urban interface setting are jeopardizing the safety and lives of not only firefighters but the residents who live in these communities. These narrow roads do not and will not allow for the simultaneous use by evacuating citizens and responding fire department equipment. The 2006 Esperanza Fire claimed the lives of five firefighters,

and the final report lists roads as a contributing factor that lead to the deaths of the firefighters. In 2015, poor road networks led to deaths in the Valley Fire. Of the 85 people killed in the Camp Fire (2018), seven of them were found in their cars - four perished in a neighborhood with particularly steep terrain and overgrown brush along the finger of a ridge.

Temperatures in the American West have increased at a rate of twice the global average. Over the last 30 years, there have been four times the number of large and long-duration forest fires in the West, the length of fire season is two months longer, and the size of wildfires has increased.[4] Commensurately, the costs of wildfires has increased over time. From 1979 to 1990, emergency fund expenditures exceeded $100 million (2001 dollars) only once. Between 1990 and 2001, losses exceeded $100 million three times. Between 2001 and 2015, damages have exceeded $100 million seven times.[5] Suppression expenditures have also increased, exceeding $200 million eleven times since 2000.[6] It is within this increasingly dangerous and expensive context the Board seeks to establish minimum fire safety standards for development in the SRA and VHFHSZ to provide for civilian and firefighter safety and to protect natural resources and the environment.

2017 was, at the time, a record-setting year for wildfire activity in California, with 9,560 fires burning over 1.5 million acres of land. In response, during the next year the Legislature passed and the Governor signed SB 901 (Dodd), which amended PRC 4290 to expand the scope of the regulations to the LRA VHFHSZ; to require the Board to write regulations for fuel breaks and greenbelts near communities; and establish measures for preserving undeveloped ridgelines to reduce fire risk and improve fire protection.

The **problem** is that the regulations currently do not include measures to protect undeveloped ridgelines or standards for fuel breaks and greenbelts near communities. In addition, the regulations require updates for internal consistency and clarity. Processes for city and county compliance with the Fire Safe Regulations require amendments to address applicability, enforcement, and compliance in the LRA VHFHSZ. The regulations require greater specificity where and when local jurisdictions have flexibility when applying the Fire Safe Regulations in their communities and improvements to their general clarity.

The **purpose** of the proposed action is to

- Establish standards for fuel breaks and greenbelts near communities;
- Establish measures for the preservation of undeveloped ridgelines;
- Accurately reflect the applicable areas of the state where development may be subject to these regulations;
- Provide greater clarity regarding the types of development that may be subject to these regulations;
- Specify the conditions under which an existing road is subject to these minimum fire safety requirements;

- Reorganize the Fire Safe Regulations to reduce confusion and improve technical implementation and consistency;
- Reduce confusion regarding the inspection and enforcement agencies;
- Ensure definitions for these regulations are relevant, up to date, and consistent with their usage in the following articles;
- Promote local jurisdiction compliance with the Fire Safe Regulations and to clarify the process by which that occurs;
- Apply field-tested methods and industry-accepted computer-aided modeling to ingress and egress requirements; and
- Increase the flexibility offered to local jurisdictions in implementing the minimum standards provided in these regulations.

The **effect** of this proposed action is to establish standards for fuel breaks and greenbelts that protect communities; preserve undeveloped ridgelines; create clear, specific standards for where and when the regulations apply; amend the requirements for fire safe development for consistency and clarity; provide clearer lines of authority and implementation processes; and create standards that reflect modern firefighting apparatus dimensions and fire prevention policy.

The primary **benefit** of the proposed action is the continued protection of new and existing development in the SRA and LRA VHFHSZ from wildfire. These protection measures will increase the safety of people and property by providing minimum fire safety standards related to defensible space that may allow them to escape an oncoming wildfire; allow firefighters to find, defend, and protect their property from a wildfire; prevent the ignition of property due to flying embers or structure-to-structure ignition; and to protect natural resources and the environment. The proposed action will also increase government efficiency through the reduction of duplicative or inconsistent regulations. The action will improve regulatory compliance through considering stakeholder feedback to clarify the standards and requirements.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). ***Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.***

The Board is proposing action to **adopt** §§ 1270.07; 1273.10; 1273.11; 1273.12; 1273.13; 1275.05; 1275.06; 1275.07; 1276.05; 1276.06, **amend** §§ 1270.00; 1270.01; 1270.03; 1270.03; 1270.04; 1270.05; 1270.06; 1273.00; 1273.01; 1273.02; 1273.03; 1273.04; 1273.05; 1273.06; 1273.08; 1273.09; 1274.00; 1274.01; 1274.02; 1275.00; 1275.01; 1275.02; 1275.03; 1275.04; 1276.00; 1276.01; 1276.02; 1276.03; 1276.04, and **repeal** §§ 1271.00; 1274.03; 1274.04.

Attachment: Board of Forestry and Fire Protection Initial Statement of Reasons (RES-2021-277 : Approve Board of Forestry and Fire Protection)

The **problems** are:

- The SRA is typically found in rural environments with low to moderate housing densities, and the standards in the Fire Safe Regulations were written with this context in mind. VHFHSZ are frequently more suburban or urban environments with higher housing densities, and the existing standards in the Fire Safe Regulations may not be appropriate for both development contexts.
- The Fire Safe Regulations do not currently contain specific standards for fuel breaks and greenbelts to protect nearby communities.
- The Fire Safe Regulations do not currently contain any measures to preserve undeveloped ridgelines.
- The Fire Safe Regulations do not provide enough clarity regarding minimum fire safety standards for existing roads.
- In the last 30 years, firefighting apparatus and tactics have changed significantly, and the Fire Safe Regulations may not reflect California's current fire prevention and protection programs.
- The the regulations may not provide enough alternative methods for implementation to address the diversity of landscapes throughout California.

The **purpose** of the proposed action is to make amendments to the SRA Fire Safe Regulations to address standards for fuel breaks and greenbelts; establish measures to preserve undeveloped ridgelines; establish standards for existing roads; fix areas of inconsistencies or conflicts; reflect modern definitions, firefighting equipment, and development patterns in California; and reorganize the regulations for improved compliance.

The below adoptions, amendments, and repeals are necessary to effectuate this purpose of this action.

The following universal changes were made within the regulations to accomplish this:

1. Defined terms were capitalized.
2. Cross-references to other sections of these regulations were updated to reflect any moved sections.
3. Arabic numerals were spelled out.

The following section-specific changes were made:

Article 1. Administration
1270.00. Title
The regulations were renamed to reflect their applicability to the Local Responsibility Area Very High Fire Hazard Severity Zones (LRA VHFHSZ) as well as the State Responsibility Area. This change is necessary to improve the clarity of the regulations as a whole; specifying that these are statewide minimum regulations will improve the implementation and application of these regulations, resulting in consistent statewide compliance.

1270.01. Definitions (previously "Purpose")

The “Definitions” section was moved from § 1271.00 to § 1270.01 because many defined terms are used throughout Article 1, and it would provide clarity to the regulated public to define those terms before the reader comes across them in the rule text.

The sentence “The following definitions are applicable to this Subchapter.” was added to the beginning of this section to add greater clarity for the regulated public. As many of these terms have different meanings in common use, it is necessary to specify that these definitions only apply to this Subchapter, and not other regulatory programs administered by the Board or other agencies. The terms in this section were all provided with subsection lettering to improve ease of reading and general clarity.

The term “Access” was added to these regulations and defined in order to distinguish when these regulations apply to the means to enter or approach the perimeter of a building from when these regulations are applicable to infrastructure found within the perimeter of the building construction. “Access” is defined as a route from a Building to the nearest Collector Road. The Federal Highway Administration requires local governments to identify roads in their jurisdiction based on their “functional classification,” which includes interstates, highways, arterials, collectors, and local roads. Collector roads function to gather traffic from the local neighborhood roads to bring travelers to intra-county locations. From a fire safety perspective, the collector roads gather vehicular traffic escaping a wildfire from the local roads in a neighborhood and distributes this traffic to potentially safer locations, such as an evacuation shelter. Because of the volume of traffic a collector road might carry, they are typically constructed of multiple traffic lanes and tend to be at least 15-20 feet wide. As the Fire Safe Regulations require existing roads to be at least 14 feet wide, and new roads to be at least 20 feet wide, collector roads are likely to meet the minimum standards in these regulations (see § 1273.05 and § 1273.12). Local roads and other roads leading from a building to a collector road, on the other hand, might be as narrow as 8-10 feet wide. As the Fire Safe Regulations’ standards for new roads are two, 20-foot wide traffic lanes (plus shoulders and striping) and the proposed standard for existing roads is a 14-foot road (with some additional mitigation measures), it is appropriate for the definition of “access” to include local roads and other roads along a route to the nearest collector road. This clarifies that the existing roads that must comply with these requirements are limited to the types of roads most likely to present life safety concerns during civilian evacuation and fire apparatus access.

The definition of “agriculture” has not been changed from its existing definition.

A definition for “Board” was added to provide clarity to the regulated public regarding which state Board was referenced in these regulations.

The definition of “building” remains unchanged from its existing definition, except that the term “building” was removed after “Utility and Miscellaneous Group U.” Structures classified as Utility and Miscellaneous Group U are not necessarily “buildings,” as defined in these regulations, so that term was deleted here for the purpose of clarity.

The definition of “CAL FIRE” is unchanged from its existing definition.

A definition for “Clear Width” was added to these regulations to provide clarity regarding several requirements in these standards. The Road width requirements in §§ 1273.05 and 1273.12 both require horizontal clear widths in addition to the specific width of a traffic lane, and “clear width” is not a term in common usage. This definition is necessary to improve compliance with these regulations regarding this additional clear width.

A definition for “Collector Road” was added to provide clarity to the regulated public. In Title 23 of the Code of Federal Regulations § 470.105, the Federal Highway Administration requires local government to classify roads in their jurisdictions based on their functionalities, and provides criteria and guidance for doing so in “Highway Functional Classification Concepts, Criteria, and Procedures,” 2013 Edition, which is incorporated by reference into these regulations. This term is necessary because these regulations include standards for existing roads, and so it was necessary to determine how many, or what distance, or what types of roads would need to comply with the standards in this Subchapter. Since collector roads are more likely to meet the road width standards in this Subchapter, it would be most effective for fire safety minimum standards to apply to local roads and other roads, which tend to be narrower and less safe, that lead from a building to the collector road. Other alternatives, such as requiring existing roads within a certain distance of a building to meet fire safety standards, were determined to be arbitrary and lacking in a connection to fire safety. Defining “collector roads” identifies the minimum fire safety standards only to those roads most likely to cause life safety issues during a wildfire.

The definition of “Dead-end Road” is not changed from its existing definition.

The definition of “defensible space” was revised to cross-reference the definition of “defensible space” in Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, section 1299.02(a). Those are regulations promulgated by the Board to implement PRC 4291, and using that definition in these regulations provides consistency between the Board’s regulatory programs and reduces confusion. These regulations in Subchapter 2 are similar in scope and purpose to those in Subchapter 3, as Subchapter 2 regulates “minimum fire safety standards related to defensible space” (PRC 4290(a)). Where this term is used, in § 1275.07 and 1276.03, it is referring to the same concept as the term “defensible space” is used in § 1299.02(a), so applying that definition in Subchapter reduces confusion and improves compliance.

The definitions of “development” and “director” are unchanged from their existing definitions.

The definition of “driveway” was revised to address an editorial error. The intention was that a driveway could serve up to 2 parcels with no more than 2 residential units on each parcel and any number of Utility or Miscellaneous Group U structures on each parcel, but due to errors this was not clear and resulted in confusion amongst the

regulated public. The definition was revised to specify that those non-commercial and non-industrial Group U structures are allowed on parcel served by a Driveway, but any commercial or industrial use cannot be served by a Driveway. It is necessary to specify this because the standards for Driveways are not as strict as the standards for Roads, and in order to accommodate the larger commercial vehicles and the number of employee and visitor vehicles that travel to and from commercial or industrial uses, the stricter Road standards must be applied.

The definition for “distance measurement,” while offering important information regarding the application of these regulations, is a standard and not a definition. The term “distance measurement” is not used in these regulations except in this section, so it is not necessary to include it as a defined term. The language in this defined term was moved to a new section, § 1270.07.

The definition for the term “exception” was revised to specify that an alternative method to a specified standard is still required to achieve the fire safety intent of the standard, rather than provide for a complete exception from the standard entirely. This is necessary to specify that an exception must still provide for fire safety even if it must be achieved by an alternative method rather than the specified standard. This definition is further necessary to prevent instances where someone might use the exceptions process to avoid having to comply with a standard entirely, and thus reducing fire safety.

A definition for the term “Existing Road” was added because these regulations specify different standards for new roads and existing roads. It is necessary to define “existing roads” as those that are physically constructed and used by vehicles prior to any development proposal because roads that are physically constructed, rather than theoretical roads that are included as part of a development proposal, have existing limitations related to fire safety. A road that is part of a development proposal, but not yet physically constructed, has greater flexibility to comply with the standards in this Subchapter. This definition is necessary for clarity regarding when a road is considered “existing,” rather than a “new” road.

A definition for “Fire Apparatus” was added to identify the vehicles used by the local fire authorities to respond to fire emergencies. A definition for fire apparatus was necessary to distinguish this type of vehicle from other vehicles. Fire Apparatus vary by local fire authority, based on local conditions and needs. Due to the variation, this general term is necessary to describe these vehicles.

A definition for “Fire Authority” was added to identify situations where a fire department, agency, division, district, or other governmental body has responsibility for regulating and/or enforcing minimum fire safety standards. This definition was necessary to distinguish a fire authority from a Local Jurisdiction to avoid confusion. While the Local Jurisdiction has the authority to approve or otherwise regulate Development, in some instances it is necessary for a Development standard to be specified by someone with

specific expertise in firefighting, such as the municipal water supply requirements in § 1275.04.

The existing definition for “hydrant” was revised by adding the word “fire” in front of “hydrant” for clarification. The requirement for the outlet sizes on the hydrant head was also removed. Fire hydrants have different requirements for outlet sizes, and fire apparatus carry couplings and adapters to attach hoses of different sizes to the different sized outlets they may encounter on a fire hydrant. The requirement for male American National Fire Hose Screw Threads (NH) was deleted because this requirement is addressed under §1275.04(b). This change to the definition allows for the variability in fire hydrant specifications used by individual jurisdictions. The definition of “fire hydrant” was also revised to specify this term was inclusive of “hydrant head” and “fire valve” in order to reduce confusion. “Fire valve” was already an existing term that cross-referenced the definition of “fire hydrant,” so the specific definition for “fire valve” was deleted.

A definition for “Fuel Break” was added and modifies the previous term “fuel modification area,” which has been deleted. The use of the term “Fuel Break” in the new definition aligns with a term that is commonly used by fire management professionals. The term not only identifies a spatial area on the landscape, but also infers the condition of the spatial area as providing some level of a “break” in fuel conditions. As PRC 4290(a)(4) and (b) require the Board to regulate fuel breaks, a definition is necessary to establish what a fuel break is and what its purposes are. This provides clarity to the regulated public regarding the fuel break standards in Article 5 in this Subchapter.

The term “fuel modification area” was deleted, as the term is no longer used in these regulations.

The definition of “Greenbelts” revised the previous definition. The updated definition more closely aligns with how the term is used in local land use planning contexts and removes uses that are traditionally not included in greenbelts, such as parking lots. The definition is also modified to remove the assumption that greenbelts will slow or resist the spread of fire, as specific vegetative conditions must be met in order for fire behavior to change. This definition reflects a general understanding within the regulated public on greenbelts. These amendments have been made to clarify the definition of this term throughout the regulations.

A definition of “Greenways” was added to recognize the distinction between “greenbelts” and “greenways” in the context of land uses and fuel management. A greenway is an area within a community, whereas a greenbelt is an area that surrounds a community, making two distinct definitions for these terms necessary. Adding greenways reflects amendments to the regulations which now includes this term.

The definition of “Hammerhead/T” was revised to replace the term “emergency equipment” with the defined term “Fire Apparatus,” which is necessary to add clarity to this definition and to the standards for Hammerhead/T turnarounds in § 1273.10.

A definition for “Hazardous Land Use” was added to describe the type of land use that could present a significantly elevated potential for the ignition, prolonged duration, or increased intensity of a wildfire due to the presence of certain materials or conditions. This definition helps distinguish between this type of use, which may require additional consideration during the planning and review process, from other types of land uses that do not pose the same concerns for wildfire.

The definition for “Local Jurisdiction” was revised because the current definition was too specific, and did not necessarily capture the full breadth of local agencies that may be the appropriate governmental body to implement and enforce these regulations. By specifying the defined term “development” instead of the existing language (“...issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity….”), this broad definition ensures that all locally relevant governmental bodies or agencies are granted the appropriate authority to ensure compliance with these standards. This is necessary to improve compliance with these regulations and reduce confusion.

A definition for “Local Responsibility Area” was added because these regulations are applicable to VHFHSZs in the LRA. The definition for Local Responsibility Area references the section of Public Resources Code that requires the Board determine where in the state CAL FIRE has the financial responsibility to prevent and suppress wildfires, and fire prevention and suppression in the other areas in the state are the responsibility of either local or federal agencies, as the case may be (PRC 4125(a)). This definition specifies that the Local Responsibility Area is those areas of the state where the financial responsibility of preventing and suppressing wildfires is that of a local government, rather than the federal or state government. This definition is necessary to provide clarity relating to where in the state these standards are applicable.

A definition for “Local Road” was added to provide clarity to the regulated public. In Title 23 of the Code of Federal Regulations § 470.105, the Federal Highway Administration requires local government to classify roads in their jurisdictions based on their functionalities, and provides criteria and guidance for doing so in “Highway Functional Classification Concepts, Criteria, and Procedures,” 2013 Edition, which is incorporated by reference into these regulations. This term is necessary because these regulations include standards for existing roads, and so it was necessary to determine how many, or what distance, or what types of roads would need to comply with the standards in this Subchapter. Since local roads are typically narrower and thus less likely than collector roads, arterials, or highways and freeways to meet the road width standards for fire safety in this Subchapter, it would be most effective for minimum fire safety standards to address this type of road. Other alternatives, such as requiring existing roads within a certain distance of a building to meet fire safety standards, were determined to be arbitrary and lacking in a connection to fire safety. Defining “local roads” applies fire minimum fire safety standards to those roads most likely to cause life safety issues during a wildfire.

A definition for “Municipal-Type Water System” was added to provide greater clarity regarding the regulated water systems in §§ 1275.01 and 1275.04. This is the same definition used in the NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 Edition - Chapter 3 Definitions, section 3.3.16, a document incorporated by reference into these regulations. This is a well-known “model code” standard frequently used by fire authorities to determine the requirements for water supply systems. This definition is intended to describe all water systems that are designed similarly to what would be designed by a local municipality. In the context of this document, it is necessary to delineate a “municipal-type water system” from alternative water supply systems that may be used. This is a necessary delineation because “municipal-type water systems” represent the desired standard for water supply reliability and consistency, while all other “alternative water supply systems” are installed with the intent of meeting the capabilities of the municipal-type systems, but they have known potential reliability limitations that, under certain circumstances, may not meet the same capabilities as a municipal-type water system.

The definitions for “occupancy” and “one-way road” are unchanged from their existing definitions.

The proposed action defines “perimeter” as the boundary of an individual parcel, and/or the boundary of a tentative and final map, or parcel map. The definition distinguishes these two boundaries (of a parcel and of a map) because those are the typical land use planning tools by which local governments regulate the design and construction of buildings, structures, and subdivisions that may be subject to this Subchapter. This amendment is necessary in order to clarify the applicability of these regulations with regard to the term as used within PRC 4290(a) and is necessary in order to provide a scope by which to implement and enforce the regulations.

The definition for “residential unit” was revised to reflect corrected cross-references.

A definition for “Ridgeline” was added to define this term based on PRC 4290(b), which requires the Fire Safe Regulations include measures to preserve undeveloped ridgelines to reduce fire risk and improve fire protection, and, by regulation, define the term ridgeline for the purposes of this requirement. This definition is necessary to clarify what constitutes a ridgeline pursuant to PRC 4290(s) and is necessary in order to implement and enforce the regulations.

The phrase “Includes public and private streets and lanes” was deleted from the definition of Roads because none of those terms are used in these regulations, and so including them in the definition of “Road” was unnecessary. However, the phrase “public or private” was moved to the beginning of the definition, and the term “access” was replaced with “pathway.” This provides clarity regarding the application of these standards to both public and private roads, and also reduces any confusion with the defined term Access.

The definition for “Road or Driveway Structures” was not changed from its existing definition.

The term “Same Practical Effect” was deleted. This is necessary because this term was confusing and is no longer used in these regulations.

The definition of “shoulder” was revised to replace the term “access” with “pathway.” Since “access” is now a defined term in these regulations, and is not being used here in congruence with its definition, it is necessary to replace it with “pathway” to avoid confusion.

The definitions of “State Responsibility Area” is unchanged from its existing definition.

The definition of “structure” was revised to delete “an edifice.” Since an edifice is a particularly large building, and the definition of “structure” already references “a building of any kind,” including the word edifice in this definition was redundant.

The definition of “Subdivision” was deleted because the term is no longer used in these regulations.

A definition for “substantial compliance” clarifies the meaning of the term “Substantial Compliance” as it is used in these regulations, specifically § 1270.06 Exceptions to Standards. This term would likely be ascribed different meanings if not defined, thus leading to differing and inconsistent application of the regulations and the grant or denial of exceptions to the standards in the regulations. The purpose of including this definition is to ensure that the term’s meaning is understood and applied consistently in these regulations. This is necessary to provide clarity as to its meaning and to ensure consistent interpretation and implementation of the regulations.

A definition for “substantial evidence” clarifies the meaning of the term “Substantial Evidence” as it is used in these regulations, specifically § 1270.06 Exceptions to Standards. This term would likely be ascribed different meanings if not defined, thus leading to differing and inconsistent application of the regulations and the grant or denial of exceptions to the standards in the regulations. The purpose of including this definition is to ensure that the term’s meaning is understood and applied consistently in these regulations. This is necessary to provide clarity as to its meaning and to ensure consistent interpretation and implementation of the regulations.

The definition for “traffic lane” is unchanged from its existing definition.

The definition for “turnaround” was revised to specify that a turnaround is a part (“a portion”) of a road or driveway, rather than the entire road or driveway, as the existing definition implies. This provides clarity to the regulated public. The term “emergency equipment” was replaced with the defined term “Fire Apparatus,” which also provides clarity.

The definition of “turnouts” is unchanged from its existing definition.

A definition of “undeveloped ridgelines” was added in order to provide specificity regarding the Board’s mandate to preserve such ridgelines. Without a definition for “undeveloped ridgelines,” it would be impossible to determine what ridgelines are or are not “undeveloped,” which makes any measures to protect such ridgelines unenforceable. The definition of “undeveloped ridgeline” cross-references the defined term “Buildings” in this Subchapter. This definition is necessary to clarify that ridgelines that have already experienced Building construction does not qualify as an “undeveloped ridgeline” subject to the preservation measures described in these regulations.

The definitions of “Utility and Miscellaneous Group U” is unchanged from its existing definition.

The term “vertical clearance” was revised to include vegetation clearance as part of its specified standards. The existing definition states “The minimum specified height of a bridge or overhead projection above the road or driveway,” but in the context of these regulations, the term is used to regulate the height of vegetation clearance above a road or driveway. This definition is necessary to clarify that the minimum standards for vertical clearance in these regulations are applicable to vegetation.

A definition for “Very High Fire Hazard Severity Zone” was added. CAL FIRE maps VHFHSZ in both the LRA and the SRA, so the cross-reference to the requirement in Government Code § 51177(i) to map LRA VHFHSZ, and the definition of VHFHSZ therein, is used to define the term for the purposes of these regulations, and is necessary to implement the full scope of PRC 4290. This provides clarity to the regulated public regarding where these regulations are applicable.

The definition of “wildfire” is unchanged from its existing definition.

1270.02. Purpose (formerly “Scope”)
Because the “Definitions” section was moved to § 1270.01, the language in § 1270.01 was moved to § 1270.02. The substantive changes to this section from the existing language will be discussed here.

In subsection (a), the comma between “building” and “construction” was removed, which is necessary to align the term with the terminology used in PRC 4290. Using the terms “Building construction” and the defined term “Development” here more clearly specifies the types of projects these regulations are applicable to and avoids introducing new, undefined terms into the regulations.

In subsection (b), the term “Building construction” was again used to improve the clarity of these regulations, rather than relying on undefined terms. This also improves consistency between subsections (a) and (b). The phrase “basic emergency access and perimeter wildfire measures” was replaced with the phrase “minimum Wildfire protection

standards." This was necessary to avoid conflicts with the defined terms "Access" and "Perimeter," as well as to avoid confusion between "measures to protect undeveloped ridgelines" with the general standards in this Subchapter related to other regulations. Since the revisions to PRC 4290 require the Board to write regulations that "...shall include measures to preserve undeveloped ridgelines…," it is necessary to replace the term "measures" throughout this rulemaking with "standards."

In subsection (c), the term "measures" was replaced with "standards" for the same reason as described in § 1270.02(b) above, and the phrase "fire protection standards" was replaced with "regulations" to avoid duplication and confusion. This subsection was also revised to more accurately state the topics that are regulated in this Subchapter, as SB 901 (2018) added new topics for the Board to address in these regulations. This ensures consistency with statute.

1270.02(d). Adds a statement declaring that limiting Building construction in instances where the minimum Wildfire protection standards are not satisfied reduces the risk of wildfires, which protects the health, safety and welfare of residents, and protects natural resources and the environment. As minimum standards, the Fire Safe Regulations establish a floor for fire safe development in the SRA and LRA VHFHSZ. Implicit in these standards is that Building construction that does not meet the minimum standards will not provide sufficient minimum Wildfire protection for residents, property, or natural resources and the environment and, therefore, would be unsafe. Yet, experience indicates a significant problem of several local jurisdictions approving new development that fails to meet all of the Fire Safe Regulation standards. Similarly, objections raised by local jurisdictions during the informal scoping process preceding this rulemaking focus heavily on concerns that the standards impose unreasonable costs and impair development. The purpose of the added statement is the clarification to regulated parties that the benefits and purpose of the minimum wildfire protection standards cannot be realized through partial compliance with the regulations. Thus, the amendment is necessary to ensure a proper understanding of the scope and purpose of the Fire Safe Regulations that is consistent with PRC § 4290 and to identify and promote the benefits of proper implementation of the minimum Wildfire protection standards.

1270.03. Scope (previously called Provisions for Application of These Regulations)

Because the "Definitions" section was moved to § 1270.01, the language in § 1270.02 was moved to § 1270.03. The substantive changes to this section from the existing language in § 1270.02 will be discussed here.

Subsection (a) was not revised except to capitalize defined terms and revise cross references to other sections in the regulations.

The existing language in subsection (b) is unchanged from the existing regulation except to capitalize defined terms and revise cross references to other sections in the regulations, however two new subsections (b)(1) and (b)(2) were added for additional clarity. These sections are necessary, given the newly defined terms Access and

Perimeter, to provide greater specificity to the regulated public regarding how to most effectively implement subsection (b), consistent with Opinion of Attorney General No. 92-807, Daniel E. Lungren, Attorney General, March 17, 1993, as referenced herein.

Subsection (c) is an existing exemption from the Fire Safe Regulations which exempts repairs and reconstruction due to wildfires from compliance with these regulations. The phrase "legally constructed residential, commercial, or industrial buildings" in the existing language (§ 1270.02(c)(1) and (2)) is replaced with "Buildings" in this proposed action. This was necessary to provide for situations where a Building was not permitted prior to a wildfire, but is being rebuilt through a Local Jurisdiction's permitting process. As the previously un-permitted Building is rebuilt to current codes and standards, the overall fire safety of the neighborhood is improved. This phrase was also removed in § 1270.02(2) for consistency within this section.

This existing exemption in subsection (c) places several caveats on the use of this exemption. Those caveats in existing § 1270.02(c)(1)(A) and (B) have been revised in this proposed action to provide greater flexibility to local jurisdictions in determining any restrictions on rebuilding or repair of buildings after a wildfire. The existing regulations do not allow a repaired or reconstruction building to increase in square footage. This proposed action would allow repairs or reconstruction to increase in square footage or add additional buildings on the site so long as the building and parcel siting and setback standards in § 1276.01 are still maintained. These conditions maintain fire safety by ensuring that buildings are still spaced apart so that building-to-building ignition is reduced in any subsequent wildfire even if the number of buildings on site are increased or the size of those buildings are increased from what was there previously. Allowing local jurisdictions to set their own requirements for repairs and rebuildings when those requirements are unlikely to materially negatively impact fire safety, are necessary to provide additional flexibility for the implementation of these regulations.

Subsections (c)(3) and (4) were added to clarify the applicability of the Wildfire exemption. Subsection (c)(3) is necessary to clarify that the exemption in subsection (c) applies only to the reconstruction or repair of a Building due to Wildfire, and it does not affect the extent to which the regulations apply to the reconstruction or repair of a building for other reasons. Similarly, subsection (c)(4) is necessary to clarify that the applicability of this exemption does not affect the legal character, such as whether it is legally constructed, of the Building reconstructed or repaired.

Subsection (d) is also an existing exemption in the Fire Safe Regulations which exempts accessory and junior accessory dwelling units. There are no language changes to this subsection in this proposed action.

The existing language in § 1270.02(e) is deleted in this proposed action. This subsection was confusing and resulted in inconsistent application of these regulations. Although this was a non-exhaustive list of land use activities to which these regulations may be applicable, it did not provide enough clarity to the regulated public regarding other activities to which these regulations are applied. It also implied that these regulations are always applicable to the enumerated activities, which may result in

these regulations applying to activities that do not materially impact fire safety, which would not be consistent with the purpose of these regulations. Deleting this subsection is necessary to provide clarity regarding the scope and application of these regulations.

The existing language in § 1270.02(f) is carried over into this proposed action with some revisions for consistency, clarity, and grammar. The existing language removed the term “EXEMPTION” in front of the subsection and turned this subsection into a full sentence. The term “agricultural” was replaced with the defined term “Agriculture,” for consistency and clarity. The phrase “the management and harvesting of wood products” was rephrased to “the management of timberland and harvesting of forest products” for consistency with terms used in the Board’s regulatory programs under the Forest Practices Act and Rules and to improve their application through clarity.

1270.04. Local Ordinances

Revisions to § 1270.04 are necessary to interpret and make specific PRC 4290(c) - “These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.” Greater specificity is required in regulation in order to provide local jurisdictions with the information they need to consistently apply this section of statute within their jurisdiction, and so that the application of this section is consistent between jurisdictions across the state.

Subsection (a) is deleted and replaced with new language that uses more common terms and more accurately reflects the provision of statute it is implementing. This is necessary to provide greater clarity to local jurisdictions and reduce confusion in understanding and interpreting the requirements.

The existing process in subsections (b), (c), and (d) where a local jurisdiction could send their local ordinances to the Board for certification as meeting or exceeding the requirements in the Fire Safe Regulations is deleted in this proposed action. While these subsections were intended to provide a process for which local jurisdictions could receive a certification from the Board that their local requirements met or exceeded the State Minimum Fire Safe Regulations, few local jurisdictions took advantage of this process as it proved to be an overly burdensome process.

The proposed action replaces subsections (b) and (c) with additional specifics to assist local jurisdictions in determining if their local regulation equals or exceeds a minimum standard in this Subchapter. This is necessary to establish consistent criteria across the State for local jurisdictions to rely upon when making a determination regarding whether or not a local regulation equals or exceeds the standards in this Subchapter.

New language in subsection (d), and new subsections (e) and (f) is necessary to provide local jurisdictions an opportunity for the Board to review and comment on their proposed local regulations relating to fire safe development. These subsections are not intended to prescribe a procedure or process by which a local jurisdiction shall communicate with the Board regarding their proposed requirement.

A new subsection (g) is necessary to establish that regardless of a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, Building construction must still comply with the requirements in this Subchapter. This is necessary to specify that any local regulation applied to Building construction in addition to the State Minimum Fire Safe Regulations shall ensure that the minimum requirements in these standards are satisfied.

1270.05 Inspections

This section clarifies the inspection authority obligations in the SRA and VHFHSZ. Prior to the amendments to PRC 4290 that expanded the applicability of the Fire Safe Regulations from the SRA to also include the VHFHSZ, the government entity with inspection authority was CAL FIRE, since CAL FIRE has this authority in the SRA. However, because the VHFHSZ is not within the SRA, CAL FIRE lacks inspection authority there. Consistent with PRC 4102 and 4125(a), CAL FIRE has the inspection authority in the SRA, and the Local Jurisdiction has the inspection authority in the VHFHSZ, as the VHFHSZ is in the Local Responsibility Area. The purpose of the amendments in subsections (a) to (d), inclusive, is to clarify which government entity - local or state - has inspection authority in the SRA and VHFHSZ, respectively, and the process by which inspection authority may be delegated by the Director, consistent with the authority provided by statute, thereby eliminating potential confusion as to the proper inspection authority. The amendments to subsections (b)(5) also impose documentation requirements for a delegation of inspection authority from CAL FIRE to the Local Jurisdiction, the purpose of which is promote transparency and clarity as to whether CAL FIRE or the Local Jurisdiction have inspection authority for an area. These amendments are necessary to clarify the applicability of the regulations and to aid in their implementation.

In addition, the amendments to PRC 4290 that expanded the applicability of the Fire Safe Regulations from the SRA to also include the VHFHSZ create other problems with respect to what standards the inspection entity is applying. The Fire Safe Regulations impose the minimum standards for fire safety in the SRA and VHFHSZ. However, pursuant to PRC 4290(c), Local Jurisdictions have discretion to adopt additional standards that equal or exceed the Board's minimum standards, so long as complying with the local standards also results in compliance with the Board's minimum standards, as described in Section 1270.04. This creates a significant problem where a Local Jurisdiction adopts such additional local standards because there is no process by which CAL FIRE is made aware of the adoption or content of those standards that equal or exceed the Board's minimum standards. More to the point, however, CAL FIRE lacks statutory authority to inspect or enforce local ordinances – in either the SRA or VHFHSZ. This means responsibility necessarily must fall to the Local Jurisdiction to inspect and enforce any portion of a local ordinance that exceeds the Board's minimum standards. The purpose of the amendments in subsections (f) and (g) are to clarify that the state's interests in inspection compliance are limited to the state's minimum standards and that the scope of CAL FIRE's jurisdiction does not extend to local ordinances. To the extent a Local Jurisdiction exercises discretion to adopt stricter local standards, then responsibility for inspection and enforcement of standards that exceed

the Board's standards must lie exclusively with the Local Jurisdiction. These amendments are necessary to promote clarity as to the scope of CAL FIRE's and the Local Jurisdiction's inspection obligations in situations where the Local Jurisdiction voluntarily imposes heightened local standards that equal or exceed the state's standards.

1270.06. Exceptions to Standards

A new subsection (a) is necessary in this section to specify that the exception process requirements are only applicable to requests for exceptions to the Fire Safe Regulations. The existing language in subsection (a) and the following subsections were re-lettered to reflect the addition of this new language.

Subsection (b) (formerly (a)) was revised for grammar and to reflect defined terms that were added or deleted. This is necessary to maintain congruence with the defined terms to reduce confusion and improve compliance. For ease of reading, the existing language was further divided into sub-subsections. Language was added to specify that exceptions shall only be granted where the exception still provides for "Substantial Compliance with the minimum standards provided in this Subchapter." This is necessary to prevent situations where exceptions are granted which do not provide for an alternative method of providing for fire safety in development.

Greater specificity was added to the existing language moved into subsection (b)(2). This additional specificity reflects defined terms and is necessary so that these regulations may provide for a consistent standard for which a local jurisdiction may judge whether or not to grant an exception. Whereas local jurisdictions previously were only required to send any exception approvals to the CAL FIRE unit headquarters that administers SRA fire protection in that local jurisdiction, this proposed action also requires those exception requests to be sent to the Board. This is necessary so the Board can evaluate the frequency of exceptions granted for any given standard and determine if further rulemaking is necessary to further clarify or otherwise amend the standards. Additional changes for clarity ("CAL FIRE unit office" is not as specific as "CAL FIRE unit headquarters") and specificity (CAL FIRE does not administer fire protection in the LRA, and so additional language was necessary to clarify where exceptions granted in the LRA should be forwarded) were made to this section. The existing regulations require that these exceptions shall be kept "on file" at the Unit office; greater specificity was added to require that exception shall be kept on file at the Board and Unit offices for a period of no less than five years. Five years provides enough of a historical record to inform future rulemaking activities, but does not burden the Board or CAL FIRE offices with an excessively long retention period.

The existing language in subsection (b), now (c), is revised for general clarity and to use defined terms. These changes are necessary to establish a consistent statewide process for the regulated public to request and the local jurisdiction to decide on exceptions. Existing subsections (c) and (d), now combined into one subsection (d), was similarly revised to add greater specificity and clarity. A new requirement that the appeals body consult with the inspection authority was added. This is necessary to ensure that any appeals are decided, on the balance, towards providing for fire safety.

Existing subsection (e) was revised to align with the requirements in earlier subsections in this section and to reflect defined terms. This is necessary to provide clarity to the regulated public and consistency within the rules. The additional information required in the written findings provides the Board and CAL FIRE with additional information regarding exceptions that can be used to determine the necessity, if any, of revising or otherwise clarifying the standards in the Fire Safe Regulations.

§ 1273.07 Distance Measurements
The language in this section was previously in § 1270.10 Definitions (now § 1270.01 Definitions). This language offers important information regarding the application of these regulations, but it is a standard and not a definition. As such, it was necessary to move that language to its own section. This standard is necessary so that any distance measurements contained in these regulations are measured with a consistent method across the state.

Article 2. Ingress and Egress (previously called Emergency Access and Egress)
This title of this Article was changed to remove the term “Emergency” which was redundant with section 14 CCR §1270.02 “Purpose,” which specifies that the purpose of these Fire Safe Regulations shall provide minimum standards for emergency ingress and access. In addition, the term Access was changed to Ingress to avoid confusion with the definition of Access (14 CCR §1270.01) which applies to Roads, whereas Ingress and Egress refer more broadly to entrances and exits, respectively.

Article 2 was reorganized to align with engineering documents used for Road design such as the “American Association of State and Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets” and the “California Department of Transportation (Caltrans) Highway Design Manual.” The professional engineers working on the update identified that the organization of the regulations was confusing and was not consistent with typical design guidelines published at the federal and state levels. This was confirmed during discussions with the agency staff that the regulations are somewhat difficult to implement due to the organizational nature of them. As such, the intent of the reorganization is to assist the regulated public with implementing the regulations by presenting the topics and information consistent with those typical Road design guidelines and which will result in a regulatory scheme which ensures fire safety with regards to building access.

1273.00. Purpose and Application (previously called Intent)
This section name was changed to Purpose and Application to describe the purpose of this article and which provisions apply to reflect the substantive changes made to this section. The intent of Article 2 is set forth in section 14 CCR §1270.02 Purpose, which states these regulations have the purpose of establishing minimum wildfire protection standards.

§1273.00(a) was revised to specify that New Roads, Driveways, and Road or Driveway Structures are subject to regulation under these Fire Safe Regulations, unless

exempted in § 1270.03(b)-(e). Further revisions were made for consistency with defined terms and cross references to other standards in these regulations. These revisions were necessary to provide clarity to the regulated public regarding the application of these standards to new versus existing roads.

§1273.00(b) was added to further specify the applicability of this Article. As PRC 4290 requires that "[t]hese regulations apply to the perimeters and access to all residential, commercial, and industrial building construction," it is necessary to specify when these regulations apply to the Perimeter or Access. This will result in more consistent application of the regulations across the State.

While subsection (b) specifies the application of these regulations to all New Roads, Driveways, and Road and Driveway Structures (shortened here to "New Roads") as well as to New and Existing Roads, Driveways, and Road and Driveway Structures within the Perimeter of a development, §1273.00(c) was added to further specify the applicability of this Article to Existing Roads, Driveways, and Road and Driveway Structures (shortened here to "Existing Roads") that provide Access to Building construction. This is necessary to ensure Existing Roads provide for suitable fire safety when development that is increasing the intensity or density of uses along those Existing Roads is approved.

The thresholds established in subsections (c)(1), (2), and (3) are revised from existing language in § 1270.02(e), but given greater specificity to improve clarity. The first subsection, (c)(1), specifies that where Building construction includes the division of land into 3 or more parcels, Existing Roads must meet the standards in this Subchapter. This division into 3 more parcels was selected to reflect the distinction in these regulations between a Driveway and a Road; once a vehicular pathway serves more than 2 parcels, it must meet the stricter Road standards in this Subchapter rather than the Driveway standard. As such, when a parcel is split into 3 or more new parcels, it would be appropriate to evaluate the condition of any Existing Roads providing Access to the parcels, and ensure those Existing Roads provide for adequate fire safety pursuant to this Subchapter.

The second and third subsections, § 1270.00(c)(2) and (3), provide greater specificity regarding what kinds of zoning changes or use permits require the application of these regulations to Existing Roads. This specificity is necessary so that only those applications for zoning changes and change of use permits that would materially negatively impact fire safety are subject to these regulations. This provides clarity to regulated public, will result in the consistent application of these regulations statewide, and reduces regulatory burdens on proposed Building construction or development that is not anticipated to materially negatively impact fire safety.

§1273.00(d) is added to these regulations for clarity regarding the application of the standards in § 1273.12, Standards for Existing Roads. This requirement specifies that Building construction is prohibited where any Existing Road does not meet the

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standards in that section. This is necessary to provide for consistent statewide minimum standards for all development regardless of size, intensity, or type.

1273.01. Horizontal and Vertical Curves / Curb Radii (previously called Width)
The title of this section was changed to reflect its new contents consistent with the reorganization of this Article described above. Specifically, Width typically relates to only the travel lane Width; whereas, the updated title includes the additional attributes of the travelway that are included in the regulations. This was related to the reorganization of the section and the contents it covers within.

§1273.01(a) moves the existing requirement in 1273.04(a) to this section and adds an exception for subsections §1273.01(b), (c), and (d). The need for adding these exceptions allows for circumstances where an alternative standard may be acceptable, as further described below. This section also added a specification on the measurement of the horizontal inside radius of curvature to be to be measured from the centerline of the inside lane. This measurement was necessary to establish a consistent means of measuring the horizontal curvature; without this specification different local jurisdictions were interpreting where to measure the horizontal curvature in different ways (some measuring it from the centerline of the inside travel lane, others from the shoulder stripe).

§1273.01(a)(1) moves the existing requirement in §1273.04(a), which requires an additional surface width of four feet to curves of 50-100 feet radius, and adds a cross-reference to § 1273.05 (Road and Driveway Width and Horizontal Clearances) to clarify the applicability of this minimum width requirement. This cross-reference is necessary to add clarity regarding to what additional surface width this four feet is applied to. In general, these amendments are necessary in order to ensure clear implementation of this provision and fire safe standards for roads.

§1273.01(a)(2) moves and revises the existing requirement in §1273.04(a), which identifies surface width requirements for curves of 100-200 feet radius. The minimum standards related to additional surface width for horizontal curvatures of 100-200 feet was reduced from two feet to one foot based on the turning templates of Fire Apparatus utilized to test the appropriateness of the curvature. Use of turning templates from the AutoTURN software program is considered state-of-the-practice for testing geometric features to ensure design vehicles can navigate turns appropriately. AutoTURN incorporates a factor of safety related to vehicle turning performance when it comes to verifying navigation, which is also appropriate for testing. The Fire Chiefs Working Group provided specifications related to Fire Apparatus vehicles that were used in their districts and those specifications were used to develop a custom turning template that was used in the assessment (representing a typical Fire Apparatus). Figures 1 and 2 are included in this proposed rulemaking to show the turning template results and demonstrating the intent of this regulation. This is necessary to provide clarity to the regulated public regarding the implementation of these requirements to improve compliance. These modifications reflect needs for actual Fire Apparatus used by CAL FIRE and resulted in slightly reducing the horizontal curvature requirements which were

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incorporated into the standards while verifying that emergency accessibility is maintained.

§1273.01(a)(3) This paragraph was added to specify that flexible posts may be placed within the horizontal curvature requirement. Many local jurisdictions desire to implement road networks that allow for alternative transportation modes that reduce greenhouse gas emissions. Flexible posts create protected spaces for these alternate transportation options, such as bike lanes or transit stops, without materially impacting the overall fire safety of the Road. This specificity is necessary in order to provide flexibility to local jurisdictions as they endeavor to simultaneously provide for concurrent ingress and egress, pursuant to the standards in this Subchapter, as well as reduce the climate impacts associated with greenhouse gas emissions. This specificity provides greater clarity to local jurisdictions regarding their ability to permit such flexible posts, clarity which does not exist in the existing regulations.

§1273.01(b) This subsection was added to provide an alternative standard to that specified in §1273.01(a) which may be applied on roads that require vehicles to operate at slow speeds. This modification does not reduce existing regulations but it does provide an alternative for a single, specific condition where a Road may not otherwise meet the requirements in § 1273.01(a). Compliance with this alternative requires verification and design by a Professional Engineer, including demonstration that the alternative radius is navigable by Fire Apparatus. This is necessary to ensure appropriate application of an alternative method and achieve increased flexibility for the implementation of these regulations.

§1273.01(c) This subsection was added to provide a minimum standard for effective turning radius for situations where on-street parking, bike lanes, smaller curb radii, or curb extensions to minimize pedestrian exposure and collision severity are provided. Subsection (d) was added to provide an alternative standard to that of §1273.01(a) on intersections without on-street parking and/or bike lanes with certain vehicle and traffic volume requirements. These modifications provide clarity that these multi-modal transit facilities can be provided for on a Road while maintaining fire safety-related accessibility as long as the effective turning radius is provided. This section is necessary because the existing regulations do not account for streets with parking and/or bicycle facilities or other street features, which are growing in popularity as local jurisdictions design road networks that accommodate a greater variety of transportation options. Figures 3 and 4 were added to improve clarity of this regulation through a visual representation and aid in the implementation of this provision.

§1273.01(e) This language has been moved and renumbered from §1273.04(b) to support the general reorganization of these regulations. Please see the discussion under the Article 2 header for the necessity and purpose for reorganizing this Article.

1273.02. Road and Driveway Surfaces

§1273.02 was renamed to “Road and Driveway Surfaces” from “Road Surfaces” to reflect that the standards and regulations contained within are applicable to both Roads

and Driveways, which is necessary to improve the accuracy and clarity of the regulations.

§1273.02 (a) This subsection was modified to remove the words “be designed and maintained” which were redundant with the requirements as stated in §1273.02 (a). This section also removed the words “at least” when describing the minimum imposed load of Fire Apparatus for language consistency within the document. Additionally, the words “and provide an aggregate base” were removed from the standard since there are a variety of ways to ensure that the Road meets the weight and slippage requirements without an aggregate base. The standard was modified to provide additional treatments that can be provided on the Road, including binding agents, gravel, lime slurry, or pavement, as long as it can support the required weights at all times including during saturation and is non-erodible, which are necessary elements to ensure long-term fire-safe accessibility for Roads. The potential surface treatments provide a non-exhaustive list which identifies some of the professionally utilized materials, as well as research provided identifying the applicability of treatments like lime slurry as a potentially appropriate surface treatment.

§1273.02 (b) This subsection was added to provide a minimum weight standard for Driveways and Road and Driveway Structures, which is a lower weight requirement than that identified in §1273.02(a). The minimum weight requirement was reduced from 40,000 pounds to 36,000 pounds based on information received from the Fire Chiefs Working Group that a Cal Fire Model 34 engine, the type of engine most likely to respond to emergency incidents in areas subject to these regulations, weighs no more than 36,000 pounds and, if those are the appropriate response vehicles, roads should be designed accordingly. These changes make the regulations easier to implement in those specific cases while maintaining a regulatory scheme which promotes fire safe access to buildings.

§1273.02 (c) This subsection updates §1273.02(c) by adding the word “The” before “project proponent” for consistency with how the term is used throughout. The words “certified engineered” replaces the term “engineering” to more explicitly describe specifications that must meet a recognized standard. The words “the Road” were added to specify that the Road design must meet the certified engineered specifications, if requested. The words “authority having” were removed to change the reference from local authority having jurisdiction to Local Jurisdiction consistent with defined terms.

1273.03. Bridge or Elevated Structures on Roads and Driveways (previously called Grades)
The title of this section was changed to reflect its new contents.

§1273.03(a) This subsection is a renumbering and update of existing requirements in §1273.07(a) to add a more specific reference to Article 3, which is necessary to ensure that signing is consistently applied to each bridge or elevated structure to reflect their weight, vertical clearance limitations, and other traffic conditions that are important for emergency responders to be made aware of during wildfires. This information is useful

due to the number of different Fire Apparatus that may vary in type, size, and weight that are responding from out of the local area to a wildfire. Any limitations on a bridge or elevated structure must be made visible so emergency responders can determine if they can safely access an area.

§1273.03 (b) This subsection renumbers and amends existing requirements in §1273.07(b). This proposed action requires that any bridge or elevated structure be designed and constructed to support a gross vehicle weight rating of 75,000 pounds and that vehicle load limits must be posted at both entrances to a bridge. This update was necessary to add consistency with the Road requirement which also specifies that Roads shall support Fire Apparatus weighing 75,000 pounds. These revisions eliminated a requirement that bridges be maintained to this standard as well; as these regulations are applicable to Building construction and related Development, it is outside the scope of these regulations to place specific requirements on the maintenance of bridges or other structures when maintenance may not necessarily be related to such construction. Replacing the reference to the AASHTO HB-17 standard was replaced with this specific numerical threshold in response to comments received from the Fire Chiefs Working Group noting that this standard makes it easier to determine whether a proposed design meets the requirements of this section. Relying on a standard for gross vehicle weight in this section is also more consistent with other weight requirements referenced in Article 2 (such as Road and Driveway requirements). This provides additional consistency for determining compliance during the plan review process and clarity for emergency response vehicles, or any vehicles, that may have to access these features.

§1273.03 (b)(1) This paragraph was added to provide an alternative minimum standard in situations where the maximum weight of a fire apparatus responding to an emergency event would be lower than 75,000 pounds. In that specific instance, the Bridge or Elevated Structure could be designed to a lower weight requirement without affecting the ability for Fire Apparatus to traverse it. This amendment clarifies the standards for a reduction in support capacity, and is necessary in order to increase the flexibility of implementation of these regulations while still maintaining fire safety.

§1273.03 (b)(2) This paragraph updates §1273.02(b) by reducing the allowable minimum weight requirement from 40,000 pounds to 36,000 pounds. This reduction was based on the fact that the Cal Fire Model 34 engine weighs no more than 36,000 pounds, as well as information received from the Fire Chiefs Working Group that those would be the most likely apparatus to respond to emergency incidents within the geographic scope of these regulations and, if those are the appropriate response vehicles, roads should be designed accordingly. This section also adds a requirement in cases where a lower weight is accommodated for signing as required in Article 3. This was added for consistency in providing information to responding personnel so they are aware of the bridge weight design capabilities. These signing requirements are revised to be made compulsory, rather than discretionary on the part of the jurisdiction having authority, in order to promote safety and clarity of bridge and access capacity.

§1273.03 (b)(3) This paragraph further revises the existing language in §1273.07 regarding the application of AASHTO structure design standards. The proposed amendment clarifies that these standards may be applied in lieu of the vehicle weight requirements in §1273.03 so long as those features are designed and certified by a professional engineer, as described. The amendment eliminates existing language regarding design requirements related to live loads of fire apparatus in favor of the revised regulations which promote flexibility in implementation while still maintaining professional accountability of the safety of access.

§1273.03 (c) This section revises §1273.07(c) but replaces the words “emergency vehicle” with “Fire Apparatus” for consistency throughout these regulations. This section also removes the words “or both” and replaces it with “and/or other distinguishing features” to allow for other acceptable features that may not otherwise be stated in the provisions but would be acceptable to the Local Jurisdiction.

§1273.03 (d) This subsection renumbers and revises existing language in §1273.07(d) by adding the words “or elevated structure” for consistency with this section and revises the first sentence for clarity. Additionally, a provision was added to reference that bridges or elevated structures must meet the Road width and height requirements outlined in §1273.05 for consistency of standards and to ensure the safety of the access. This avoids situations where Fire Apparatus may unexpectedly encounter a situation where the bridge width is narrower than a road and limits safe ingress or egress under emergency situations. Furthermore, the proposed amendment replaces discretionary authority of authorization of such a one-lane bridge with the above described prescriptive requirement. The purpose of this amendment is to provide additional clarity and consistency of application of the regulations.

§1273.03 (e) The subsection requires that bridges and elevated structures be made of non-combustible material to reduce the likelihood that the bridge would burn in a fire event. The purpose of this amendment is to ensure the integrity of bridges during a fire event. This modification does change the potential material required when building a bridge or elevated structure but will improve safety for emergency responders and evacuating civilians by ensuring that the bridge does not burn during a wildfire event.

The existing language in § 1273.03, regarding Grades, has been moved to § 1273.04. Please see purpose and necessity for this reorganization under the header for Article 2.

1273.04. Road and Driveway Grades (previously called Radius)
The title of this section was changed to reflect its new contents. The existing contents of this section was moved to § 1273.01. Please see purpose and necessity statements for this reorganization under the Article 2 header.

§1273.04(a) This subsection reworded the existing provision in §1273.03(a) to improve clarity. This does not change the requirement that all Roads and Driveways shall not exceed 16 percent.

§1273.04(b) This subsection revised §1273.03(b) by replacing language that allowed mitigations of the same practical effect with approval from the local authority on grades between 16% and 20% with a more specific standard to prevent slippage and scraping through treatments such as aggregate treatments, binding agents, and/or paving. This standard provides clarity of when these slopes may be allowed and is necessary so that Fire Apparatus can safely traverse a Road without slippage, which would result in a dangerous situation for firefighters in the Fire Apparatus and any other vehicles on the Road.

§1273.04(c) This subsection was added to require that grade transitions be constructed and designed to accommodate maximum approach and departure angles of 12 degrees. This was based on vehicle specifications provided by the Fire Chiefs Working Group representing a typical Fire Apparatus which was used to verify the approach and departure angle requirements. The Fire Apparatus represents a Type 1 engine used by each fire district, which would be the likeliest to respond/apparatus with the shallowest maximum approach angle capacity. This amendment is necessary to ensure adequate safe access for such apparatus.

1273.05. Road and Driveway Width and Horizontal Clearances (previously called Turnarounds)

The title of this section was changed to reflect its new contents. The existing language in this section was moved to § 1273.10. The purposes and necessity for this reorganization is discussed under the Article 2 header.

§1273.05(a) This subsection restructured and revised §1273.01(a) by adding the word “Bidirectional” before Roads to specify applicability of the stated width requirement to a road that has traffic flow in two directions without a median. This is necessary to specify because there are different width requirements for different types of roads. The specific standard of two 10 foot traffic lanes, excluding shoulders and striping, is unchanged from existing regulations.

§1273.05(a) is amended to include a minimum fire safety standard for bidirectional roads with non-adjacent Traffic Lanes, such that each Traffic Lane provide a minimum width of twelve feet. This amendment is necessary to add clarity regarding the width minimum standards for non-adjacent bidirectional roads. To ensure these particular roads provide for adequate fire safety, the standard proposed here requires these roads have the same widths as functionally similar unidirectional roads. These clarifications were added to account for topographic areas (such as the side of a hill or around an environmental resource) that do not allow for bidirectional travel lanes to be adjacent to one another. The existing language in this section regarding Vertical Clearance was moved to its own section, § 1273.06.

§1273.05(b) This subsection revises this existing language in §1273.01(b), (b)(1), and (b)(2) to provide greater clarity regarding the standards for one-way roads. Subsection (b) is retained in § 1273.05(b), but the provision specifically allowing local jurisdictions to approve one-way roads has been deleted. That provision was unnecessarily redundant,

as the local jurisdiction is already provided the authority to approve such roads in these regulations. The minimum standard for a 12-foot traffic lane on one-way roads was further revised to delete the specification that the 12-foot Traffic Lane exclude any Shoulders. That requirement is unnecessary because a new, stricter requirement in subsection (c), discussed below, addresses additional width requirements for one-way roads. The requirements in subsection (b)(2) were moved to § 1273.07 and § 1273.09.

§1273.05(c) This adds a minimum Clear Width requirement for Bidirectional Roads with a center median and One-way Roads of 20 feet consistent with the existing regulatory requirement for bidirectional roads without a center median. This is necessary to ensure that in instances where a Road may only provide one Traffic Lane, sufficient Clear Width is provided for to ensure concurrent ingress and egress during a wildfire as is provided for on bidirectional roads with two lanes.

§1273.05(d) This subsection moved existing language regarding the width and Clear Width requirements for driveways from §1273.01(c) to this section. The standards in this section remain the same, but the phrase “unobstructed horizontal clearance” was replaced with the defined term “Clear Width” and Vertical Clearance was capitalized for consistency with the defined term.

§1273.06 Road and Driveway Vertical Clearances
The existing language in this section was moved to § 1273.09. Please see the purpose and necessity for this reorganization under the Article 2 header.

This section moved current requirements for vertical clearance for driveways in existing §1273.01(c) to this section and expanded the requirements to apply to Roads as well. This establishes a consistent set of minimum requirements for vertical clearance such that Fire Apparatus can safely access an area through improved visibility and removal of any physical obstructions such as vegetation.

§1273.07 Maximum Lengths of New One-Way Roads
The existing language in this section was moved to § 1273.03. Please see the purpose and necessity for this reorganization under the Article 2 header.

§1273.07(a) moved the requirements of the current §1273.01(b)(2) to this section and added the word “New” before “One-Way Road” to specify the applicability of this provision which is necessary to ensure that future road construction conform to safe access standards, and to specify that this requirement does not apply to Existing One-way Roads.

§1273.08 Maximum Lengths of New Dead-end Roads
This section was revised to include use of the term “New” throughout to ensure that the standards identified here only apply to New Dead-end Roads and not Existing Dead-end Roads.

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§1273.08(a) The proposed action eliminates redundant language regarding how the maximum length of a dead-end road is to be determined in favor of use of existing language which simply identifies maximum cumulative length. The purpose of this amendment is to simplify the determination of length and is necessary in order to improve implementation and enforcement of the regulations.

§1273.08(a)(1), (2), and (3) These paragraphs modified the existing standard for dead-end roads from 5 acres to 19.99 acres to 5 acres or larger. This modifies the regulation to reduce the maximum length of New Dead-end Roads from 5,280 feet (or one mile) to 2,640 feet (or half a mile). Survey information received from the Fire Chiefs Working Group noted concerns for the maximum lengths of the Dead-end Roads and suggesting shortening the maximum allowable lengths for Dead-end Roads would provide for greater fire safety than the current standards. Additionally, when completing an on-line search for the maximum length of a Dead-end Road allowed throughout the country, it was difficult to identify any standard that allowed roads longer than ½ mile in length, and most agencies' maximum allowable lengths were less. The practical effect of this change is that the maximum allowable length of New Dead-end Roads serving parcels larger than 20 acres is reduced from 5,280 feet to 2,640 feet. This requirement does not affect Existing Dead-end Roads which are longer than 2,640. Additional revisions were made to § 1273.08(a)(1)-(3) for grammar and clarity.

Furthermore, the un-numbered language following paragraphs (1)-(3) has been restructured and revised into §1273.08(e) and (f). Please see discussions of those subsections below for additional information.

§1273.08(b) is revised to update citation for Turnaround requirements in §1273.10, and revised for grammar and clarity.

§1273.08(c) clarifies that existing width standards in §1273.05 are applicable to new Dead-end Roads, which is necessary to ensure consistent implementation of the Road Width minimum requirements.

§1273.08(d) This is a new subsection stating that new Dead-end roads must be connected to through roads on both ends. This was necessary to prevent piece-mealing Dead-end Roads together which would otherwise result in a cumulative length exceeding the maximum length standards (or, in essence, piecing together a collection of ½ mile Dead-end Roads that would dramatically exceed the maximum length requirement and make it more difficult to access/egress from those areas during a wildfire event). Although existing language in this section was intended to prevent that from occurring ("The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths…"), in practice this language was confusing and did not result in the intended outcome. Replacing that existing requirement with the proposal here is necessary to prevent Dead-End Roads from exceeding the fire safety standards in this Subchapter.

§1273.08(e) This is a new subsection that specifies how to measure a Dead-end Road (centerline of the through roadway to the farthest point of the Dead-end Road). This clarification was necessary to provide uniformity and consistency in how Dead-end Roads are measured.

§1273.08(f) This provision remains from the original regulation in the unnumbered provision following paragraphs (a)(1) through (a)(3) with the clarification that that the provision was applicable where a dead end road provides access to differing zoned parcel sizes, rather than crossing over those differing zoned parcel sizes, and is necessary given that some roads may not cross differing parcel zones, but that fire safe access is dependent on the service provided by the road, rather than the location of the road itself. Additionally, it was given a separate subsection for consistency in formatting within the regulation.

§1273.09 Road and Driveway Turnouts

The existing language in this section was moved to § 1273.11. Please see the purpose and necessity for this reorganization under the header for Article 2.

§1273.09(a) revises the existing Turnout standards in §1273.06 by shortening the length of a Turnout from 30 feet in length to 22 feet and requiring that turnouts be facilitated outside of the Traffic Lane to accommodate one passenger vehicle. This revision was based on an analysis of turning templates using the AutoTURN software which is considered state of the practice for testing geometric appropriateness of road feature design. The requirements were developed assuming a passenger car as the design vehicle which is consistent with direction received from the Fire Chiefs Working Group to improve flexibility in implementation of the regulations while maintaining safe access requirements. Figure 5 was added to show the dimension and the turning template to provide additional details and visual clarification and representation of the requirement. This modification makes implementation of the regulation easier as the design has been reduced by eight feet reflecting the results of the technical analysis.

§1273.09(b) modifies the existing standards in §1273.01(b)(2) by specifying that One-way Roads and Dead-end Roads over 400 feet in length shall have a Turnout located at approximately the midpoint of the Road, in addition to any other Turnouts required. Existing requirements in § 1273.01(b)(2) specify that a turnout shall be constructed at the midpoint of each One-Way Road, but that requirement was revised here to only require turnouts at the midpoint of One-way Roads that exceed 400 feet. Requiring turnouts on One-way Roads less than 400 feet in length was overly burdensome and did not provide a specific fire safety advantage over requiring a turnout on one-way roads over 400 feet. A requirement for turnouts at the midpoint of Dead-end Roads over 400 feet in length was added to this section to provide additional safe areas for Fire Apparatus and civilian vehicles to pass each other during a Wildfire evacuation. This 400 foot distance requirement was an extant requirement for driveway turnouts in §1273.05(c) (revised to in §1273.09(f)) and is appropriate and suitable here as a prescriptive requirement for One-way and Dead-end roads given the potentially design characteristics of both types of accessible surface.

§1273.09(c) Since One-way Roads have a narrower width standards than bi-directional roads, it was necessary to specify additional turnout requirements for one-way roads, or for other Roads which do not meet the width requirements in this Subchapter, such as through an exception provided by §1270.06. This is necessary to provide for adequate opportunities for vehicles to pass each other on one-way roads despite the narrower width allowances or other Roads that may be narrower than the standards in § 1273.05 in order to maintain safe fire access in those situations.

§1273.09(d) This section modified the existing requirement in 1273.05(c) to specify that driveways that are less than 20 feet wide and greater than 150 feet in length are required to have a Turnout. Previously, all driveways independent of width required a turnout; but Driveways that are at least 20 feet in width provide sufficient space for a Fire Apparatus to pass a vehicle in the Driveway. This revision is necessary for the consistent application of these requirements.

§1273.09(e) This section renumbers a portion of existing1273.05(c) in the current regulations; the location requirement was broken into its own sub-heading for consistency in regulation formatting.

§1273.09(f) This section renumbers a portion of existing 1273.05(c) in the current regulations; the spacing requirement was broken into its own sub-heading for consistency in regulation formatting.

§1273.10 Road and Driveway Turnarounds

§1273.10(a) revised a portion of the existing regulation §1273.05(d), regarding Turnarounds on Dead-end Roads. The second sentence was modified from "Turnarounds shall be provided at a maximum of 1,320 foot intervals" to "a Turnaround should be provided halfway along the Dead-end Road" for parcels 5 acres or larger." This revision reflects the updated standard for the maximum length of a dead-end road, which was shortened to 2,640 feet. This revision does not substantively alter the minimum standards at which a turnaround must be provided on a Dead-end road.

§1273.10(b) moves the existing requirement in § 1273.05(d), regarding Turnarounds on Driveways, to this section. No changes were made to the requirements in this section.

§1273.10(c) specifies a Turnaround must meet the requirements of one of three new figures (Figures 6.1, 6.2, and 6.3). These figures were added to depict three different turning radii (40-foot, 35-foot, and 30-foot radius) of a Turnaround. This is necessary to provide greater specificity and clarity regarding the Turnaround requirements and how they shall be applied. These standards replace those of existing 1273.05(b), the repeal of which was necessary to implement the improved clarity of the described provisions.

§1273.10(d) was added to provide for an alternative where physical constraints prohibit the use of a 40-foot Turnaround. Figures 6.2 and 6.3 depict how a Type 1 Fire

Apparatus could negotiate the turnaround in those instances. This would be allowed in specific instances when there was a geometric constraint due to terrain, Road size/width, or other environmental features that would not make the provision of a 40-foot Turnaround possible. This amendment is necessary in order to improve the flexibility of implementation of these regulations.

§1273.10(e) was added to require that a Turnaround remain clear of vegetation or decorative elements. This requirement is necessary to ensure that a Turnaround which allows vehicles or a Fire Apparatus to safely turn around in an area is not compromised by an obstruction or visual limitation. This addition is also necessary in order to provide that adequate accessibility is maintained.

§1273.10(f) moves the second sentence in the existing requirement in 1273.05(b) to this section. There are no changes to this language otherwise.

The existing Figures A and B (within 1273.05(e) and (f)) have been repealed in favor of the clarity provided by figures 6.1, 6.2, and 6.3. Please see discussion of 1273.10(c) for additional details.

§1273.11. Gates

§1273.11(a) revises existing language in §1273.09(d) and moves it to this section (please see the purpose and necessity statements for this reorganization under the Article 2 header). The proposed action uses the term “gates” consistently in place of the existing mixed use of “gates” and “security gates”. There was no previous distinction in the terms and the use of consistent terminology clarifies the applicability of these regulations to all gates, regardless of the level of security they provide. This language was revised to delete specific authorities granted to the local jurisdictions to approve gates, as this authority is already inherent in the structure of these regulations. This is necessary to reduce redundancy and improve clarity in these regulations.

The proposed action additionally specifies that all electronic gates must have a manual method of opening in case of electronic failure and specifies that this manual method must be maintained operational at all times, where existing regulation compelled operational status at all times. The purpose of this revision is acknowledgment of the potential for electronic failure, which is likely to be an issue during a wildfire event, and clarification that only a mechanical method of opening gates is compulsory. This is necessary in order to maintain a realistic and achievable level of fire safe access for emergency response.

§1273.11(b) revises existing language in §1273.09(a) to more clearly specify the minimum standard of width of a gate serving a Road or Driveway. The requirement in the existing regulations is that a gate entrance shall be two feet wider than the traffic lane, but given that some Roads require additional width due to shoulders and striping, it was necessary to clarify that the gate entrance width is intended to be 2 feet wider than the entire road surface, not just the Traffic Lane. An additional requirement was added to this section requiring that where a gate is installed across an existing road or

driveway, the gate shall be no less than ten (10) feet wide. This requirement is necessary to specify the standards for gates crossing existing Roads or Driveways that are narrower than the standards in § 1273.05. Additional changes were made to use defined terms, which is necessary for consistency within the regulations.

Additionally, the proposed action requires that the above stated clearance be maintained at all time, which provides for improved visibility and is necessary to ensure fire safe access through gates and gate entrances.

§ 1273.11(c) places the existing requirement in §1273.09(c) to this section.Figure 7 was added to depict turning templates for vehicles turning into these Roads or Driveways and demonstrate the intent of the regulation. These revisions are necessary to provide greater clarity regarding these standards and ensure consistent implementation in the field.

§1273.11(d) moved §1273.09(b) to this section and added a reference to the new Figure 7 showing the turning template and requires that gates open in the direction of road travel, where the previous regulations allowed for a gate to open to allow a vehicle to stop without obstructing traffic on the road. This prescriptive requirement ensures consistency of application and reduces potential issues with gate variation for emergency responders. These revisions are necessary to provide greater clarity regarding these standards and ensure consistent implementation in the field.

§1273.12 Standards for Existing Roads
This section sets minimum standards for Existing Roads subject to this Subchapter pursuant to § 1273.00(c) and (d). It is necessary to set different standards for existing versus new roads, as existing roads face different limitations related to fire safety. Existing easements or ownership patterns, topography and terrain, or environmental constraints may limit the ability of an Existing Road to meet the standards for New Roads in this Subchapter. However, there are standards for Existing Roads that would provide for fire safety that could be applied to Existing Roads under such constraints.

§ 1273.12(a)(1), (2), and (3) require Existing Roads to provide for at least one 14 foot Traffic Lane, non-native surfacing for at least 50% of the Roads length, and either Turnouts in compliance with § 1273.09, or a 20 foot Clear Width. These minimum standards are necessary to allow for adequate Fire Apparatus access along the Road, a suitable surface that provides traction, and additional width to allow Fire Apparatus and civilian vehicles to safely pass each other.

§ 1273.12(b) specifies that when an Existing Road provides Access to Buildings that are being reconstructed after a Wildfire, it shall be provided with a 14 foot Traffic Lane for a distance of 22 feet, at an interval of at least every 400 feet. It is necessary to establish a different standard for existing roads being reconstructed or repaired after a Wildfire because of the unique nature of Wildfire impacts and rebuilding processes. When a neighborhood goes through a Wildfire event, frequently the Structures in the neighborhood burn in a patchwork pattern, where some Structures are standing and

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others are burned. This subsection requires Existing Roads providing Access to Buildings being reconstructed or repaired to meet minimal fire safety standards that ensure a neighborhood is provided with a higher level of safety than it was previously. The prescriptive standard for an Existing Road subject to § 1273.12(b) requires that an Existing Road have the equivalent width of a Driveway (see § 1273.05(d)) for at least 22 feet at an interval of at least every 400 feet (the equivalent requirements for Turnout length and spacing under § 1273.09). These dimensions are necessary to provide enough horizontal space for a vehicle to pull to the side to allow another vehicle to pass, and necessary to provide those spaces frequently enough that any vehicles that need to back up on a road to reach those spaces can do so safely. Because of the unique nature of Wildfire impacts on the built environment described earlier, it is necessary to provide greater flexibility is given to local jurisdictions.

§ 1273.12(c) specifies that an Existing Road providing Access to Buildings shall not exceed a grade over 25% for a distance over 500 linear feet. This is necessary to ensure that Existing Roads are not so excessively steep that Fire Apparatus and other vehicles cannot safely traverse the Road. A limit of 25% allows for roads that might exceed the standards in § 1273.04 Road and Driveway Grades but may still provide safe passage. Several county planners indicated that many existing roads in their counties exceed the grade requirements in § 1273.04 but generally do not exceed 25%, and that those roads have in the past been used by Fire Apparatus. This requirement allows flexibility for Existing Roads that exceed the grade requirements in § 1273.04 but still demonstrate a level of fire safety.

§ 1273.12(d) provides that where an Existing Road does not meet the requirements of § 1273.12(a), but does provide for a secondary route in conformance with § 1273.13 Secondary Routes for Existing Roads, that Existing Road does not need to satisfy the requirements of § 1273.12(a). This is necessary to provide greater flexibility when Access is being provided by Existing Roads that do not meet the requirements in § 1273.12(a); rather than improving the Existing Road to meet the specified standard, a secondary route may be installed instead to provide for fire safety.

The purpose of these amendments are to provide minimum standards for safe access related to Existing Roads and are necessary in order to full effectuate the requirements for providing fire safe access as described in PRC 4290.

§1273.13 Secondary Routes for Existing Roads

The proposed action identifies minimum standards for secondary routes for existing roads. These standards are intended to clarify fire safe access standards for these roads and are necessary for the implementation of the regulations. The requirements for secondary access is that they are constructed to meet the geometric requirements of New Roads and shall provide for legal and deeded Access to ensure that the access is provided in perpetuity. Secured routes (those with gates) are allowed as long as they meet the requirements in §1273.11. §1273.13(b) notes that the Secondary routes shall connect the user to an alternative route to ensure two means of accessibility in the event that the primary route is compromised. The purpose of these amendments are to

provide minimum standards for safe access related to secondary routes and are necessary in order to fully effectuate the requirements for providing fire safe access as described in PRC 4290.

Article 3. Signing and Building Numbering

§1274.00. Road Name Signs (previously called Intent)
§1274.00(a) was added to note that all Road signs shall conform to the requirements of the California Manual of Uniform Traffic Control Devices (CA MUTCD). This document is the standard for all signage in the state. Adding this reference is necessary for creating a consistent approach with statewide requirements for traffic information and traffic control throughout the state.

§1274.00 (b) is a relocation and renumbering of 1274.01 with revisions to improve clarity. The word “New” was added before “Roads” to clarify when this provision applies and for consistency with provisions and terms in Articles 1 and 2. The word “must” was changed to “shall” for consistency with other wording throughout the section. The word “/or” was deleted related to patterned numbering and non-duplicative naming to improve grammar correctness. The second sentence deleted the phrase “nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering” in order to ensure that all building construction regardless of type provided fire safe access standards related to road signs and is necessary for the total implementation of these regulations.

§1274.00(c) is the relocation of existing language in § 1274.01(b) to support the restructuring of these regulations described above and provide additional clarity. There are no substantive revisions to this provision.

§1274.01. Road Sign Installation, Location, and Visibility
This section title was changed to more accurately reflect the section contents.

The existing provision §1274.02(a) was deleted from the regulations as it pertained to visibility of the signage. This deletion was necessary because this provision is already regulated by Title 24, California Code of Regulations (California Building Standards Code) and therefore was duplicative in these regulations. The remaining subsections in §1274.02, now in § 1274.01, were renumbered accordingly due to the deletion.

The revised §1274.01(b) capitalized words that are defined in Article 1, including Dead-end Roads and One-way Roads. This subsection also replaced the term “conditions” with “Roads and bridges” to align with the terms used throughout these regulations and reduce any ambiguity on the interpretation of “conditions.”

Subsections 1274.01(b)(1) and (2) remove the term “access,” as “Access” is now a defined term in these regulations.

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§1274.01(d) added a new requirement for minimum sign retroreflectivity and illumination references. These requirements are consistent with requirements in the CA MUTCD. The purpose of adding these requirements is to increase visibility of signs during nighttime or reduced visibility situations, such as smoke, to improve public and firefighter safety during a wildfire event.

1274.03. Addresses for Buildings
§1274.03 (a) deleted the reference to the overall address system and how units are identified. These provisions are regulated by Title 24, California Code of Regulations (California Building Standards Code) and are duplicative in these regulations.

Subsection (a) was revised to combine it with §1274.03 (b), eliminate the reference to the size of letters, numbers and symbols, and state that the address shall be consistent with the California Fire Code. This revision was necessary because this provision is already regulated by California Fire Code and therefore was duplicative in these regulations.

1274.04. Address Installation, Location, and Visibility
This section was deleted as it is regulated by Title 24, California Code of Regulations (California Building Standards Code) and is duplicative in these regulations.

Article 4. Water Supply (previously called Emergency Water Standards)
This article title was changed to Water Supply to align with updated content.

1275.00 Application (previously called Intent)
The existing language in this section was deleted, as it was unnecessary given the general authority of these regulations to require conformance with any standards therein.

§1275.00 copies existing language from §1275.01 and then further expands it to provide greater specificity regarding the application of this Article. This is necessary in order to ensure consistent compliance with these requirements and effectuate the purpose of PRC 4290.

§1275.00(a) adds to the existing applicability of water supply by including the requirement for water supply when new Building construction occurs and this building construction is not already served by an existing water supply. This additional requirement addresses circumstances where a new Building, as defined in § 1270.01, cannot be approved unless adequate water supply is available as established in this Article. Adequate water supply for every Building is necessary for a safe and effective response during a wildfire emergency to help protect these structures. Without having an adequate water supply in place, it becomes more difficult for firefighters to conduct suppression activities on fires that threaten structures.

§1275.00(b) is a new subsection that identifies which types of existing water supply facilities are not subject to the requirements of Article 4. This additional language was added to remove any potential ambiguity as to whether existing water or wastewater

facilities, including those undergoing repairs, reconstruction, or upgrades, would be subject to the same provisions as those activities in subsection (a). This is necessary to prevent minor repairs from triggering the Fire Safe Regulations, resulting in unnecessarily burdensome requirements to upgrade the entire water system. This clarification was based on consultation with experts from the Association of California Water Supply Agencies (ACWA) during a focused meeting on January 6, 2021, and followed written comments submitted by the ACWA . The “water and wastewater systems” text aligns with language commonly used in the water supply industry. The “newly constructed” text was added to specifically focus these standards on new water and wastewater systems that are constructed to meet the water supply requirements of new development only. The text “includes, but is not limited to, water storage tanks and reservoirs, pump stations, treatment facilities, regulator stations, fire hydrants, and similar water and wastewater system devices” specifically identifies the exclusion of changes made to existing water or wastewater facility components for the purposes of maintenance or upgrades.

Subsection (c) is a new subsection that specifies when either the California Fire Code or standards from the National Fire Protection Association (NFPA) are referenced in this Article that all the sections within the relevant code or standard referring to alternative methods for compliance, equivalencies, or modifications to those specified standards are also applicable. This language was added to clarify the authorization of a Local Jurisdiction to undertake alternatives, equivalencies, or modifications of the sections within these relevant codes.

1275.01 Approved Water Supply (previously called Application)

The existing language in § 1275.02 was moved to § 1275.01 to reflect the deletion of the existing text in § 1275.00. This section title was updated to add the word “Approved” before “Water Supply” to specify the standards on water supplies that are approved by the Local Jurisdiction, as opposed to existing natural, or other water sources that may be used for wildfire response but are not required to be approved by the Local Jurisdiction as part of Building construction approval. This text update was added after discussions with water engineering experts from ACWA during a focused meeting on January 6, 2021, and written comments submitted by the ACWA.

The existing text from § 1275.02 was moved to this section with some reorganization and revisions.

§ 1275.01(a) requires that all water supply systems meet or exceed the California Fire Code. To replicate the standards in the California Fire Code here would be redundant and create the potential for conflicts if the California Fire Code is updated without a commensurate update to the State Minimum Fire Safe Regulation, so it is necessary to provide a reference to the California Fire Code here instead. § 1275.01(b) provides for an alternate standard to the California Fire Code, which is necessary to provide flexibility in situations where the requirements of the Fire Code might not be achievable. The purpose of the amendments is to utilize one standard of water supply in these

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instances where a municipal-type supply is not available, and the standards provided in the cited NFPA document are suitable and appropriate for providing such a supply.

§ 1275.01(c) reflects existing language from § 1275.02(a), but clarifies that all Building construction shall install a water supply system. This is necessary to align this section in conformance with the requirements for water supply systems specified in § 1275.00. This reduces confusion regarding when water supply systems shall be installed. The second sentence of this subsection, regarding the timing of water supply installation, is unchanged from the existing language in § 1275.02(a).

The existing language in § 1275.02(c) has been moved to § 1275.06 to improve organizational flow, logic and readability of this Article.

§ 1275.01(d) copies existing text from § 1275.02(d), and adds a provision which identifies that other water supplies that may be required by law can also be used to satisfy the legal requirements identified in this article, under certain conditions. This information is necessary to clarify that separate or distinct systems need not be constructed so long as a system complies with these regulations and provides the required quantity of water required in these regulations.

§ 1275.01(e) copies existing language from § 1275.02(e) with no changes. This is necessary for clarity and to fully effectuate the reorganization of this section.

1275.02 Identification of Water Sources (previously called Water Supply)

The text from § 1275.04 titled “Signing of Water Sources” was moved to this section, re-titled to “Identification of Water Sources,” reorganized and updated for clarity. These are existing requirements, except for removing the reference to the “State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988” and replacing it with “or as specified by the local fire authority.” This was changed because the State Fire Marshal document is not readily available for reference. The purpose of these amendments are to provide improved clarity and implementation with regard to sign location requirements and are necessary to provide improved flexibility for the implementation of these regulations. The term “Fire Valve” was deleted, since it is no longer a defined term in these regulations.

The existing language in this section was moved to § 1275.01. Please see above for purpose and necessity statements.

1275.03 Secured Water Sources (previously called Hydrants and Fire Valves)

This new section and text was created to establish minimum requirements for breakaway locks when water supplies or associated fixtures are normally secured by gates, doors, or other locking systems. Specifying requirements for these security features is necessary to facilitate firefighter access to these water systems under emergency conditions. Providing these requirements helps firefighters to quickly access water supplies. This text was created based on consultation with a fire service working

group during a virtual meeting on October 14, 2020 and responses received through a questionnaire to the Fire Chiefs Working Group in September 2020.

1275.04 Municipal Water System Hydrants and Fire Valves (previously called Signing of Water Sources)

This section was moved from § 1275.03. and was re-named to reflect defined terms and the contents of this section.

Subsection (a) added the word “Municipal-Type” before “Fire Hydrant” for consistency with defined terms.

Subsection (b) was revised to allow for the Local Jurisdiction to determine the appropriate hose connection sizes on Fire Hydrants, while still requiring a standardized thread pattern to ensure compatibility across the state. This is necessary to provide Local Jurisdictions the flexibility to install Fire Hydrants that meet any specified local requirements while ensuring consistency across the state so out-of-area resources responding to a Wildfire can access water supplies via hydrants.

Subsection (c) removed the reference to freeze protection because it is already addressed in § 1275.01(e) and so further reference to this requirement was redundant. This text was replaced by text that describes the alternative of a performance-based system “where a municipal water supply hydrant system is not practical” that can be approved by the Local Jurisdiction, “in consultation with the local fire authority”. This section also requires that the alternative system meets the minimum water supply requirements of 250 gallons per minute (gpm) for two (2) hours”. This is necessary to establish a standard for local jurisdictions that meets the NFPA 1142 and International Organization for Standardization (ISO) minimum fire flow requirements where the more prescriptive standard in §1275.04 is not achievable.

1275.05 Dry Hydrants

This is a new section that was developed to specifically address the minimum requirements for dry hydrant systems, where the local jurisdiction has approved the use of them. Although alternative water supplies are provided for in § 1275.01.(c) and (d), this section provides clear minimum requirements for dry hydrant systems, which have different system requirements than standard Fire Hydrants, to provide firefighters with a reliable water source for fire suppression close to an incident. This is necessary to ensure all requirements of PRC 4290 are met by establishing minimum fire safety standards specific to the different kinds of hydrant systems available for installation. NFPA 1142 (2017) Chapter 8 (8.3, 8.4, 8.5, 8.6, 8.7 and 8.8) provides detailed technical requirements for dry hydrant systems, which are agreed upon by technical experts and is suitable and appropriate for application here, and therefore is specifically referenced as the minimum requirements for this section.

1275.06 Mobile Water Supply (Water Tenders)

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This is a new section that was developed to specifically address the minimum requirements for mobile water tender systems, where the local jurisdiction has approved the use of them. This section is necessary to provide specific minimum requirements for mobile water tender systems that provide water supply to an area when no other option exists. Subsection (a) specifies the conditions under which a mobile water supply may be approved, which is necessary to limit the circumstances under which a mobile water supply is allowed. By limiting the use of mobile water supplies these regulations ensure the highest level of water supply for fire safety as possible.

Subsection (b) establishes that the mobile water supply shall arrive on site within 5 minutes of the first arriving apparatus, and supply a minimum of 250 gpm for two (2) hours of water supply. This requirement is necessary to establish a minimum fire flow that reflects industry best practices found in the NFPA 1142 and International Organization for Standardization (ISO) minimum fire flow requirements.

Subsection (c) adds a reference to NFPA 1142 Annex C to provide an alternative for achieving minimum fire flow requirements for mobile water supply. This alternative standard is necessary to provide flexibility to local jurisdictions when the prescriptive standard in § 1275.06(b) is not achievable.

1275.07 Protection of Water Supply Infrastructure from Wildfire

This is a new section that was developed to specifically address the potential impacts of wildfire on water supply systems. This text addition was based on discussions with fire experts who shared direct experience with water system infrastructure that was threatened or destroyed by fire because it was made of combustible material. The specific text change is intended to reduce the effects of ember impacts, radiant heat and convective heat that can damage or destroy critical water supply infrastructure, rendering it inoperable or unavailable for use by fire suppression resources. The loss of this water supply makes it more difficult for firefighters to conduct suppression activities on fires that threaten structures. This text change was also further refined and supported by consultation with the Fire Chiefs Working Group, including virtual meetings on December 14, 2021 and written comments from Los Angeles County submitted on December 31, 2020.

The specific requirements in this section are necessary to protect this infrastructure from the impacts of radiant heat, convective heat and embers. This is important for the protection of water supply infrastructure to increase the likelihood that it will be available for suppression efforts during a wildfire. These changes are based on the defensible space requirements for buildings in Public Resource Code Section 4290, and the construction requirement in California Building Code (California Code of Regulations Title 24, Part 2) Chapter 7A, along with recommendations from the Fire Chiefs Working Group during virtual meetings on December 14, 2021.

Article 5. Building Siting, Setbacks and Fuel Modification (previously called Fuel Modification Standards)

This article title was changed to better reflect the scope of the content in the section that extends beyond strictly “Fuel Modification” and to provide organizational clarity within the document.

1276.00 Applicability (previously called Intent)

The existing language in this section was deleted, which was necessary as it had become redundant as intent language for each particular standard was moved into the specific section for that standard.

New text in this section was added to specify when the requirements of this Article apply in different Building and Development processes. This is necessary to provide clarity to the regulated public regarding when these requirements apply, as not all of the requirements are appropriate for all types of Building construction or Development.

1276.01 Building and Parcel Siting and Setbacks (previously called Setback for Structure Defensible Space)

This section was renamed to better reflect its contents.

§ 1276.01(a) was revised added language that provides for exceptions to this requirement as set forth in subsection (b), for clarity.

§ 1276.01 (b) was revised to remove the term “same practical effect” as it is no longer a defined term. This subsection was revised for written clarity, and greater specificity was added to the non-exhaustive list of practical reasons for which a reduced setback may be necessary. The term “easements” was deleted, as easements are now captured in the broader phrase “other site constraints.” These revisions were necessary to provide clearer specificity to the regulated public. The phrase “shall reduce Structure-to-Structure ignition” was added to specify that when reductions in the required setbacks are provided for, there shall be features on the site that provide for fire safety. The non-exhaustive list of such appropriate features was numbered for clarity.

The existing requirement under § 1276.01(c) was deleted in its entirety, as it was redundant with the existing code it cited, and was unnecessary to specify in these regulations.

1276.02 Ridgelines (previously called Maintenance of Defensible Space Measures)

§ 1276.02 revises existing language in Maintenance of Defensible Space Measures by moving portions of that text to §1276.05 and creating a new section called Ridgelines. This is a new section that was added to meet the new legislative requirements of PRC 4290 (b) which states that these regulations shall include measures to preserve undeveloped ridgelines to reduce fire risk and improve fire protection. To address this legislative requirement, “Ridgelines” and “Undeveloped Ridgelines” are now defined in § 1270.01 and the specific requirements for assessing and preserving Undeveloped Ridgelines are described in § 1276.02 subsections (a), (b), (c) and (d).

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§1276.02 (a) requires the Local Jurisdiction, in consultation with the Fire Authority, to identify the presence of ridgelines that have strategic value. The text provides the general parameter for an assessment or factors to help determine the strategic nature or ridgelines related to the purpose of these regulations for improving fire safety and response. These factors are topography, vegetation, proximity to existing or proposed development, and the appropriateness of the ridge to support suppression operations. It is necessary to specify these factors so that there is consistent criteria applied across the state when local jurisdictions are identifying ridgelines pursuant to this section.

The topography factor is important with regards to elevation, slope, terrain and general orientation of the ridge. These factors not only influence fire behavior but will also determine accessibility for fire suppression and suppression resource safety concerns. Topography also influences the complexity and effort of undertaking successful fuel management.

The vegetation factor influences fire behavior, suppression success and fire suppression resource safety. Vegetation type will also influence the effort required to successfully undertake fuel management.

The proximity of residential, commercial or hazardous land uses to ridges will influence the both the suppression response and fuel management options and complexity.

Finally through consideration of the above factors, in addition to any other factors, such as but not limited to, the type and number and distance to suppression resources, access to the ridge local weather influences can help determine the appropriateness for a ridge to support effective fire suppression.

§1276.02 (b) requires that Undeveloped Ridgelines which are identified as strategically important to the local jurisdiction must be preserved. This is necessary to effectuate the requirements of PRC 4290(b).

§1276.02 (c) prohibits the construction of new Buildings on Undeveloped Ridgelines that are identified as strategically important. This provision further specifies that this prohibition does not include non-occupied Buildings, such as, but not limited to Group U Structures, as defined. This section is necessary to fully effectuate the requirements of PRC 4290(b).

§1276.02 (d) specifies that these are a minimum set of requirements which do not restrict the Local Jurisdiction from implementing additional requirements to preserve Undeveloped Ridgelines. This is necessary to specify that a Local Jurisdiction retains the authority to add additional requirements as may be necessary to achieve locally specific goals or objectives related to such preservation. This is necessary to further implement PRC 4290(c), specifying that local regulations which equal or exceed the state minimums may be implemented.

1276.03 Fuel Breaks (previously called Disposal of Flammable Vegetation and Fuels)

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Existing language in §1276.03 (Disposal of Flammable Vegetation and Fuels) was moved to a new section §1276.06. §1276.03 is renamed to reflect its contents.

The rationale for developing text that specifically addresses Fuel Breaks as a separate requirement from Greenbelts is based on the functional differences between Fuel Breaks and Greenbelts. The purpose of Fuel Breaks is to lower fire behavior by influencing intensity, spread rate, or ember impacts. A Greenbelt may alter an area through the type of land management features allowed or development activities that are restricted, but this does not automatically include inherent features that reduce fire behavior.

For organizational purposes, this section is delineated into subsections (a), (b), (c), (d), (e), (f) and (g).

§1276.03(a) identifies the thresholds for when Building construction or Development is required to meet the standards in this section. These are the same thresholds specified in § 1273.00, which is necessary for consistency within the regulations.

The first subsection, (a)(1), specifies that this section applies where Building construction includes the division of land into 3 or more parcels. This division into 3 more parcels was selected to reflect the distinction in these regulations between a Driveway and a Road; once a vehicular pathway serves more than 2 parcels, it must meet the stricter Road standards in this Subchapter rather than the Driveway standard. A common point of ignition for Wildfires is along roadsides, and so it is necessary to ensure that New Roads, or Driveways meet the New Road standards, be served with a Fuel Break that can slow or stop a Wildfire advancing from the Road into a community or into the wildlands.

The second and third subsections, § 1270.00(b)(2) and (3), provide greater specificity regarding what kinds of zoning changes or use permits require the application of these regulations to Existing Roads. This specificity is necessary so that only those applications for zoning changes and change of use permits that would materially negatively impact fire safety are subject to these regulations. This provides clarity to regulated public, will result in the consistent application of these regulations statewide, and reduces regulatory burdens on proposed Building construction or development that is not anticipated to materially negatively impact fire safety. An increase in zoning and use intensity or density is likely to increase the number of site visitors, leading to a higher likelihood of roadside ignitions as well as a higher number of people at risk if a wildland is advancing towards the area. It is necessary to ensure that these kinds of projects are served by a Fuel Break that can slow or stop a Wildfire advancing from the Road into a community or into the wildlands, or a Wildfire advancing on the community from the wildlands.

§1276.03(b) provides requirements for the design of a Fuel Break to change fire behavior outcomes with regards to reducing wildfire exposure to Access routes, Buildings, or infrastructure with the Development. This section was necessary to set consistent criteria for establishing Fuel Breaks across the state while simultaneously

accounting for the diversity of vegetation, weather, and topography that influence fire behavior conditions across the state of California, as well as the diversity of methodologies and strategies available to Fire Authorities and Local Jurisdictions for achieving the Fuel Break design objectives.

§1276.03(c) provides a non-exhaustive list of the typical locations of Fuel Breaks that would be reasonably associated with Building construction. This is necessary to establish the expectations of these fuel breaks so they may be evaluated for implementation success.

(1) This paragraph focuses Fuel Breaks on locations that will support Defensible Space around buildings, or infrastructure. In situations where setbacks on individual parcels cannot accommodate the full 100 feet of Defensible Space pursuant to PRC 4291, the importance of the location and treatment of these fuel breaks is increased.
(2) This paragraph focuses Fuel Breaks on locations that will support potential fire apparatus access roads, or evacuation routes. Locating and treatment of Fuel Breaks along these routes to lower the fire behavior is necessary to include as it will increase the safety of firefighters and public by reducing the radiant and convective heat they may be unintentionally exposed to.
(3) This paragraph focuses Fuel Breaks on locations that will support and allow for the effective reduction in fire behavior of a wildfire spreading from, or exposing a hazardous land use that can create a cumulative increase in fire threat. Examples of hazardous land uses are, but not limited to, sawmills, log sorts, lumber yards, flammable gas, or flammable liquid facilities, powerlines. These sites are hazardous because they increase the potential for fire ignition, fire behavior, or explosion when exposed to radiant heat, convective heat, or ember impacts. Locating and treatment of fuel breaks adjacent to these land uses to lower the fire behavior is important, as it will increase the safety of firefighters and public by reducing the radiant and convective heat they may be exposed to during a wildfire event, or their potential for starting and spreading a wildfire.
(4) This text focuses Fuel Breaks on locations that will support the effectiveness of strategic Ridgelines, Greenbelts or other locations that are strategically important for reducing fire exposure to a community.

§1276.03 (d) specifies the requirement that Fuel Breaks must be completed prior to commencing permitted construction. This requirement is necessary to address the increased risk of fire ignition during the construction phase, given the large amounts of stored combustibles present, and Structures that have not yet been completed and the fire resistant features, such siding, windows, doors, vents and roof covering have not yet been installed. This situation leaves the structures and defensible space highly susceptible to fire, therefore it is necessary to minimize both the potential exposure of buildings under construction to fire, and minimize the potential of the construction site becoming an ignition source for a wildfire.

§1276.03 (e) adds a requirement that Fuel Break design and implementation consider the most ecologically and site appropriate treatment option, which is necessary to

ensure that impacts of fuel treatment are minimized. In many California ecosystems, the treatment of a Fuel Break, or a wildfire that burns into a strategically located fuel break that is designed to reduce fire intensity, rate of spread and/or crown fire potential, can also result in beneficial fire effects to the local and surrounding ecosystem and environmental conditions.

§1276.03 (f) requires a minimum of one point of access for fire suppression resources to Fuel Breaks. Depending on the site conditions and need, the Local Jurisdiction may require additional access routes and access points. Fuel Breaks are designed to lower potential fire behavior to provide a strategic fire suppression advantage; ground based fire suppression resources are still required to stop a wildfire from spreading. Therefore, it is necessary to specify that access to the Fuel Break be installed, to ensure firefighter access to these strategic tactical positions.

1276.04 Greenbelts, Greenways, Open Spaces and Parks

This section title was changed to more accurately reflect the full scope of requirements. Furthermore, there were substantial revisions to the existing language of this section. The existing language was deleted, because the revised language offers greater clarity and specificity and to retain the existing language would have been confusing and redundant.

New language in §1276.04 (a) requires that any "…Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof…" that will serve as a Fuel Break will be subject to the requirements of §1276.03 Fuel Breaks. Adding this language was necessary to clarify that these areas cannot serve as Fuel Breaks unless the vegetation within it is treated so it is in a condition that reduces wildfire behavior. This section was expanded to include other natural areas in addition to Greenbelts. This was necessary to recognize that there are other natural areas that could be considered as a potential Fuel Break and therefore should also be subject to the same requirements as a Greenbelt when they are intended to serve as a Fuel Break. Clarifying and expanding this section is also necessary to improve fire safety by setting up a consistent approach for natural areas that are intended to serve as a Fuel Break.

§1276.04 (b) provides the authority for a Local Jurisdiction to require Greenbelts or Greenways or other open areas for the purpose of potential public areas of refuge, or firefighter safety zones, as a last resort if evacuation is not possible. This is necessary to specify that the Local Jurisdiction retains the authority to propose Greenbelts for other uses, such as areas of last resort.

1276.05 Maintenance of Fuel Breaks

This is a new section, but contains revised text from the existing § 1276.02. The title of this section more clearly reflects its content. The existing text in § 1276.02 is largely deleted here; as the revised language provides for greater clarity and specificity, retaining that language in this section would be redundant and confusing.

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§1276.05(a) provides the requirement for Fuel Breaks to be maintained in a manner consistent with the requirements of the Fuel Break section. Vegetated areas are dynamic and can change over time at varying rates, dependent on the specific site characteristics. This provision was necessary to ensure that Fuel Breaks as required in these regulations remain effective through ongoing maintenance and continue to serve the purpose of fire risk reduction to adjacent Buildings or Development.

§1276.05(b) revised the language in §1276.02 to require a binding mechanism that compels the property owner or land manager to undertake Fuel Break maintenance and ensure that funding is in place for the work. This revision was necessary to apply the maintenance provision to Fuel Breaks through a legal structure that is specific and enforceable.

1276.06 Disposal of Flammable Vegetation and Fuels
This is a new section containing revised text from existing § 1276.03. This section makes revisions to the existing text to improve clarity. It removes references to the activities of "chipping" and "burying," which is necessary to reduce redundancy as chipping and burying would both require the vegetation and fuels to be removed to a different site, which is already specified in this section. This revised language also specifies that such disposal shall comply with all applicable laws, which is necessary to acknowledge that these regulations are not the only regulatory scheme that provides standards for such activities. Existing language which required that the disposal of vegetation and fuel be complete prior to completion of road construction or final inspection of a building permit was removed for the purpose of clarity; this deletion was necessary because not all relevant Building construction or development requires either Road construction or a final inspection of a building permit. This requirement was too specific without offering a clear fire safety benefit.

ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3))
The **effect** of the proposed action is the following:

- reorganized regulations that provide clear standards to the regulated public;
- consistency in terms within and between these regulations and relevant codes;
- Standards for fuel breaks and greenbelts near communities;
- Measures to protect undeveloped ridgelines; and
- more options to achieve prescriptive requirements.

Creation or Elimination of Jobs within the State of California
The regulatory amendments as proposed represent a continuation of existing fire safe development regulations. No creation or elimination of jobs will occur as a result of this action.

Creation of New or Elimination of Businesses within the State of California
The regulatory amendments as proposed represent a continuation of existing fire safe development regulations. Implementation costs are likely to fall on local jurisdictions and

not onto private individuals or businesses. The proposed regulation will neither create new businesses nor eliminate existing businesses in the State of California.

Expansion of Businesses Currently Doing Business within the State of California
The regulatory amendments as proposed represent a clarification and refinement of existing fire safe development regulations. These regulations do not expand the scope of existing fire safe regulations, which already apply in both the SRA and LRA VHFHSZ. The proposed regulation will not result in the expansion of businesses currently doing business within the State.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment
The proposed action will have beneficial effects on health, welfare, and worker safety, and may benefit the State's environment. This proposed action relates to the creation of defensible space in the SRA and LRA VHFHSZ, which provides for the safety of residents by preventing home ignition and stopping or slowing the spread of wildfires and provides for the safety of firefighters when responding to wildfires. Defensible space may also benefit the environment by slowing or stopping the spread of a wildfire. Reducing a wildfire's impacts benefits human health, via less emissions and particulate matter reducing air quality, and by reducing the potential destruction of ecological communities.

Business Reporting Requirement (pursuant to GOV § 11346.5(a)(11) and GOV § 11346.3(d))
The proposed regulation does not impose a business reporting requirement.

Summary
In summary, the proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not create new businesses (GOV § 11346.3(b)(1)(B)).
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B)).
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C)).
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the "Introduction Including Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address."

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, by making it costlier to produce goods or services in California.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

The Board relied upon its extensive knowledge and experience related to the development of minimum fire safety regulations, as well as representative government costs identified within current state materials. There will be no significant adverse economic impact on businesses, because the proposed regulatory action reorganizes the regulations to provide clear standards to the regulated public; implements consistency in terms within and between these regulations and relevant codes, maintain standards for fuel breaks and greenbelts near communities, and promote measures to protect undeveloped ridgeline as well as other options to achieve prescriptive requirements.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))

The Board relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action:

1. Syphard, A. D., Radeloff, V.C., Hawbaker, T. J., and Stewart, S. I. 2009. Conservation threats due to human-caused increases in fire frequency in Mediterranean-climate ecosystems. Conservation Biology 23(3):758-769.
2. Syphard, A. D., Radeloff, V. C., Keeley, J. E., Hawbaker, T. J., Clayton, M. K., Stewart, S. I., et al. 2007. Human influence on California fire regimes. Ecological Applications 17(5):1388-1402
3. Price, O., and R. A. Bradstock. 2014. Countervailing effects of urbanization and vegetation extent on fire frequency on the Wildland urban interface: disentangling fuel and ignition effects. Landscape and Urban Planning 130:81-88.
4. National Research Council of the National Academies. *Advancing the Science of Climate Change*. 2010. The National Academies Press: Washington, DC.
5. California Department of Forestry and Fire Protection Emergency Fund Fire Suppression Expenditures. 2020. https://www.fire.ca.gov/media/px5lnaaw/suppressioncostsonepage1.pdf. Accessed March 19, 2020.

6. California Department of Forestry and Fire Protection CAL FIRE ENGINE MODELS 34-35 FACT SHEET. January 2008.
7. California Department of Forestry and Fire Protection Top 20 Largest California Wildfires <https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf>. Accessed March 19, 2021.
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9. California Manual of Uniform Traffic Control Devices 2017 Revision 2
10. National Fire Protection Association (NFPA), Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 2017 ed.
11. American Association of State Highway and Transportation Officials (AASHTO). 2018. A Policy on Geometric Design of Highways and Streets, 7th Edition.
12. Association of California Water Supply Agencies (ACWA) written communications dated January 19, 2021; verbal communications during Board workshops (December 22, 2020, January 27, 2021)
13. Los Angeles County Fire Department written communications dated December 31, 2020.
14. Benefield, M. n.d. Southern California Fuels Treatment Effectiveness Review. USDA Forest Service, Central Oregon Fire Management Service. <https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5295359.pdf> Accessed March 18, 2021.
15. California Department of Forestry and Fire Protection. 2019. CAL FIRE Fuel Breaks and Use During Fire Suppression. March 21. <https://www.fire.ca.gov/media/5585/fuel_break_case_studies_03212019.pdf> Accessed March 18, 2021.
16. California Department of Transportation (Caltrans). n.d. Highway Design Manual, 7th Edition. <https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm> Accessed March 18, 2021.
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27. American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges, 17th Edition, published 2002
28. Email from Bakyt Djaparov, CAL FIRE Budget Analyst, to Edith Hannigan, Board Land Use Planning Program Manager, "Costs for Associate Environmental Planner," November 25, 2020.

DOCUMENTS INCORPORATED BY REFERENCE (pursuant to 1 CCR § 20)

Pursuant to 1 CCR § 20(c), the follow documents are incorporated by reference in these regulations:

1. California Manual of Uniform Traffic Control Devices 2017 Revision 2
2. American Association of State Highway and Transportation Officials (AASHTO). 2018. A Policy on Geometric Design of Highways and Streets, 7th Edition.
3. National Fire Protection Association (NFPA), Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 2017 ed.
4. US Federal Highway Administration "Highway Functional Classification Concepts, Criteria, and Procedures," 2013 Edition
5. American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges, 17th Edition, published 2002

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The Board has available the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying at its office in Sacramento, California.

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION**

The alternatives provided herein are provided pursuant to the APA (**GOV § 11346.2(b)(4)**) exclusively.

The Board has considered the following alternatives and rejected all but the "Proposed Action" alternative.

Alternative 1: No Action
The Board considered taking no action, but the "No Action" alternative was rejected because it would not address the legislative mandates in PRC 4290 to address fuel breaks, greenbelts, and ridgelines.

Alternative 2: Performance Based Standards
This alternative would have utilized performance-based standards instead of prescriptive based standards to achieve fire safety.

The Board rejected this alternative as specific, prescriptive requirements are necessary to achieve fire safety. Prescriptive requirements establish clear and enforceable statewide minimum standards that are more effective than performance based measures. Where possible, the Board included performance based measures instead of or in addition to prescriptive standards.

Alternative 3: Proposed Action
The Board accepted the "Proposed Action" alternative to address the problem as it is the most cost-efficient, equally or more effective, and least burdensome alternative. Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute being implemented or made specific by the proposed regulation than the proposed action.

Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action, or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small business. “Small business” means independently owned and operated, not dominant in their field of operations, and having fewer than 100 employees.

Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):
Pursuant to **GOV §11340.1(a)**, agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

The proposed action introduces additional prescriptive or performance based standards, but also provides for alternatives to those prescriptive standards. These alternatives allow government agencies and the regulated public to meet the intent of any given requirement in the State Minimum Fire Safe Regulations with a different tool or standard than that strictly allowed in these regulations. Alternative 3 is preferred as it provides the most flexible standards to the regulated public. The rationales for individual provisions serve as the explanation for why a standard is prescriptive.

Pursuant to **GOV § 11346.2(b)(1)**, the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to **GOV § 11346.2(b)(4)(A)**, Alternatives 1 and 2 were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. Where possible, the Board included performance based measures instead of or in addition to prescriptive standards.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6)
The Code of Federal Regulations has been reviewed and based on this review, the Board found that the proposed action neither conflicts with, nor duplicates, Federal regulations. There are no comparable Federal regulations for development and defensible space on private lands.

OTHER STATUTORY REQUIREMENTS (Gov. Code § 11346.5(a)(4))

The California Environmental Quality Act (CEQA) requires that state agencies consider the potentially significant environmental impacts of their discretionary actions, which may include the development of regulations. Pursuant to CEQA, the adoption of regulations may, but will not inevitably, constitute a "project," that is, "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" undertaken, supported, or approved by a public agency. If the development of regulations is determined to be a project, then to comply with CEQA the public agency must determine whether the project is exempt under either a statutory or categorical exemption. If the project is exempt, then no further environmental review is required under CEQA. (*See* Public Resources Code § 21084; 14 CCR § 15300.) If the project is not exempt, in accordance with CEQA the public agency must perform an environmental analysis, typically leading to either a Negative Declaration or an Environmental Impact Report (EIR). The approval by the public agency of one of these environmental documents or determinations typically occurs prior to the approval of the project, which in this case would be the adoption of the regulations.

The Board has not made a determination as to whether the present rulemaking action is a project under CEQA, nor whether, if it is a project, the development of the regulations is exempt from CEQA or another CEQA document, such as an EIR or a Negative Declaration, is required. If the Board determines that the development of the regulations is a project, and the project is not exempt, then CEQA will constitute one of the "other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations" under § 11346.5(a)(4). If CEQA applies, the Board shall comply with all applicable CEQA requirements.

[1] Syphard, A. D., Radeloff, V.C., Hawbaker, T. J., and Stewart, S. I. 2009. Conservation threats due to human-caused increases in fire frequency in Mediterranean-climate ecosystems. Conservation Biology 23(3):758-769.

[2] Syphard, A. D., Radeloff, V. C., Keeley, J. E., Hawbaker, T. J., Clayton, M. K., Stewart, S. I., et al. 2007. Human influence on California fire regimes. Ecological Applications 17(5):1388-1402

[3] Price, O., and R. A. Bradstock. 2014. Countervailing effects of urbanization and vegetation extent on fire frequency on the Wildland urban interface: disentangling fuel and ignition effects. Landscape and Urban Planning 130:81-88.

[4] National Research Council of the National Academies. *Advancing the Science of Climate Change*. 2010. The National Academies Press: Washington, DC.

[5] CAL FIRE Jurisdiction Fires, Acres, Dollar Damage, and Structures Destroyed (1933-2015). 2017. <http://cdfdata.fire.ca.gov/pub/cdf/images/incidentstatsevents_270.pdf>. Accessed July 2, 2018.

[6] California Department of Forestry and Fire Protection Emergency Fund Fire Suppression Expenditures. 2017. <http://www.fire.ca.gov/fire_protection/downloads/SuppressionCostsOnepage.pdf>. Accessed July 2, 2018.

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

Division 1.5, Chapter 7

Subchapter 2, Articles 1-5

"DRAFT State Minimum Fire Safe Regulations, 2021"

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

Article 1. Administration

§ 1270.00. Title.

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

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

§ 1270.01. Definitions ~~Purpose~~

The following definitions are applicable to this Subchapter.

(a) Access: The Roads on a route from a Building to the nearest Collector Road.

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

(c) Board: California Board of Forestry and Fire Protection.

(d) Building: Any Structure used or intended for supporting or sheltering any use or Occupancy, except those classified as

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Utility and Miscellaneous Group U.

(e) CAL FIRE: California Department of Forestry and Fire Protection.

(f) Clear Width: A horizontal area free of vegetation, debris, fences, or other materials that may impede traffic flow; this area may include flexible posts or barriers.

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

(h) Dead-end Road: A Road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped Roads.

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

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

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

(l) Driveway: A vehicular pathway that serves up to two (2) parcels with no more than two (2) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale.

(m) Exception: An alternative means or method to achieve a

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specified standard requested by the applicant subject to § 1270.06 (Exceptions to Standards).

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

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

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

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

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

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

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

(u) Hammerhead/T: A Rroad or Driveway that provides a "T"

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shaped, three-point Turnaround space for Fire Apparatus, being no narrower than the Road or Driveway that serves it.

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

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

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

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

(z) Municipal-Type Water System: A system having water pipes

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servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.

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

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

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

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

(ee) Residential Unit: Any Building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered residential units, unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with § 1270.03(d) (Scope – Exemptions – ADUs).

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

(gg) Road: A public or private vehicular pathway to more than two (2) parcels, more than four (4) Residential Units, or to any industrial or commercial Occupancy.

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

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

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

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

(ll) Substantial Compliance: 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.

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

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

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(oo) Turnaround: A portion of a Road or Driveway, unobstructed by parking, which allows for a safe opposite change of direction for Fire Apparatus. Design of such area may be a hammerhead/T or terminus bulb.

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

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

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

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

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

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

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

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

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

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

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

§ 1270.02. Purpose. ~~Scope~~

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

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

(c) These standards shall provide for emergency ingress and egress; signing and Building numbering; private water supply reserves for emergency fire use; vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve Undeveloped

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Ridgelines. The regulations which follow shall specify the minimums for such standards.

(d) By limiting Building construction in those areas where these minimum Wildfire protection standards are not satisfied, this reduces the risk of Wildfires in these areas, which among other things protects the health, safety and welfare of residents, and protects natural resources and the environment.

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

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

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

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

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

~~(b) These regulations do not apply where an application for a~~

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~~Building permit is filed after January 1, 1991 for Building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.~~

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

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

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

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

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

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

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

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

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

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

~~(4) road construction.~~

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

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

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

(a) These regulations shall apply to:

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

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

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

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

(b) These regulations do not apply where an application for a Building permit in the SRA is filed after January 1, 1991 for Building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the Perimeters and Access to the Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(1) For this exemption to apply, the parcel map or tentative map that was approved prior to January 1, 1991, shall have imposed conditions relating to the Perimeters and Access to the Building construction that is the subject of the Building

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permit application filed after January 1, 1991.

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

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

(1) this exemption shall not apply if the reconstruction or repair encroaches on the minimum setback requirements in § 1276.01 Building and Parcel Siting and Setbacks;

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

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

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

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government

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Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(e) These regulations shall not apply to Roads used solely for Agriculture, mining, or the management of timberland and harvesting of forest products.

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

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

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

~~(c) 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.~~

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

§ 1270.04. Local Regulations ~~Ordinances~~.

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

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

(b) 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. ~~Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.~~

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

(d) A Local Jurisdiction or Fire Authority may notify the Board upon commencement of any revisions to relevant local regulations. The Board may provide technical assistance to the agency during the revision drafting process. ~~The Board's certification of local ordinances pursuant to this section is~~

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~~rendered invalid when previously certified ordinances are subsequently amended by Local Jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by Local Jurisdictions to previously certified ordinances shall be submitted for re-certification.~~

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

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

(g) Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, Building construction shall comply with the State Minimum Fire Safe Regulations.

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

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

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

(1) the Director, or

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

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

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

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

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

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

(4) The Director may revoke the delegation at any time.

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

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

(c) Inspections in the VHFHSZ shall be made by the Local Jurisdiction or Fire Authority.~~Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the Local Jurisdiction.~~

(d) Nothing in this section abrogates CAL FIRE's authority to

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inspect and enforce state forest and fire laws in the SRA even when the inspection duties have been delegated pursuant to this section. ~~When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or Building permit.~~

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

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

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

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

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§ 1270.06. Exceptions to Standards.

(a) The requirements in this section apply to requests for Exceptions from the standards in the State Minimum Fire Safe Regulations.

(b~~a~~) Upon request by the applicant, an ~~e~~Exception~~s~~ to a standard~~s~~ within this ~~s~~Subchapter ~~or to Local Jurisdiction certified ordinances~~ may be granted ~~allowed~~ by the inspection entity in accordance with ~~listed in~~ § 1270.05 (Inspections). ~~where the exceptions provide the same practical effect as these regulations towards providing defensible space.~~

(1) Exceptions shall only be granted where the Exception provides for Substantial Compliance with the minimum standards provided in this Subchapter.

(2) Exceptions granted by the inspection entity ~~listed in 14 CCR § 1270.05~~ shall be made on a case-by-case basis only, shall be in writing, and shall be supported by Substantial Evidence. Exceptions granted by the inspection entity ~~listed in 14 CCR § 1270.05~~ shall be forwarded to the Board and the appropriate CAL FIRE unit headquarters ~~Unit Office~~ that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located~~county~~. Exceptions shall be retained on file at both offices for a period of no less than five (5) years. ~~and shall be retained on file at the Unit Office.~~

(~~b~~c) Requests for an ~~e~~Exception shall be made in writing to the inspection entity ~~listed in 14 CCR § 1270.05~~ by the applicant or

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the applicant's authorized representative.

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

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

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

(iii) material facts demonstrating the proposed alternative mean(s) Substantially Complies with the State Minimum Fire Safe Regulation for which the Exception is requested; ~~the details of the exception proposed,~~ and

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

(2) Local Jurisdictions acting as inspection entities pursuant to ~~listed in~~ § 1270.05 (Inspections) may establish additional procedures or requirements for ~~e~~Exception requests.

(~~e~~d) ~~Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the Local Jurisdiction.~~ Exception decisions may be appealed. The Local Jurisdiction may establish or utilize an appeal process consistent with existing local Building or planning department appeal processes.

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

(2) The inspection entity shall provide documentation

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demonstrating how the requested Exception does or does not substantially comply with the standards in this Subchapter. ~~Before the Local Jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that Local Jurisdiction documentation outlining the effects of the requested exception on Wildfire protection.~~

(e) If an appeal is granted, the Local Jurisdiction shall make written findings of the Exception's Substantial Compliance, as defined § 1270.01 (Definitions), with the minimum standards in this Subchapter, supported by Substantial Evidence. ~~that the decision meets the intent of providing defensible space consistent with these regulations.~~ Such findings shall include a written statement of reasons for overriding the decision of the inspection entity, if necessary. A written copy of these findings shall be provided to the Board and the CAL FIRE ~~U~~unit headquarters that administers SRA fire protection in that Local Jurisdiction, or in the county in which the Local Jurisdiction is located.

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

§ 1270.07. Distance Measurements.

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

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

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

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

(a) New Roads, ~~and d~~Driveways, and Road or Driveway Structures, whether public or private, unless exempted under § 1270.03(b)-(e) (Scope - Exemptions) ~~14 CCR 1270.02(c)~~, shall provide for concurrent Fire Apparatus ingress and ~~safe access for emergency wildfire equipment and~~ civilian evacuation ~~concurrently~~, and shall provide unobstructed traffic circulation during a Ww~~w~~ildfire ~~emergency consistent with 14 CCR §§ 1273.00 through 1273.09,~~ as set forth in this Article.

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

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

(1) the permitting or approval of three (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

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

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

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

§ 1273.01. Horizontal and Vertical Curves / Curb Radii ~~Width.~~

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

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

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

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

(b) Where the operating speed of a Road is 15 miles per hour (mph) or less, an alternative standard to subsection (a) based on modeling performed by a Professional Engineer, as described within the Professional Engineers Act (Chapter 7 of Division 3

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of the Business and Professions Code), that demonstrates Fire Apparatus can negotiate the proposed horizontal inside radius satisfies the requirement of this section.

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

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

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

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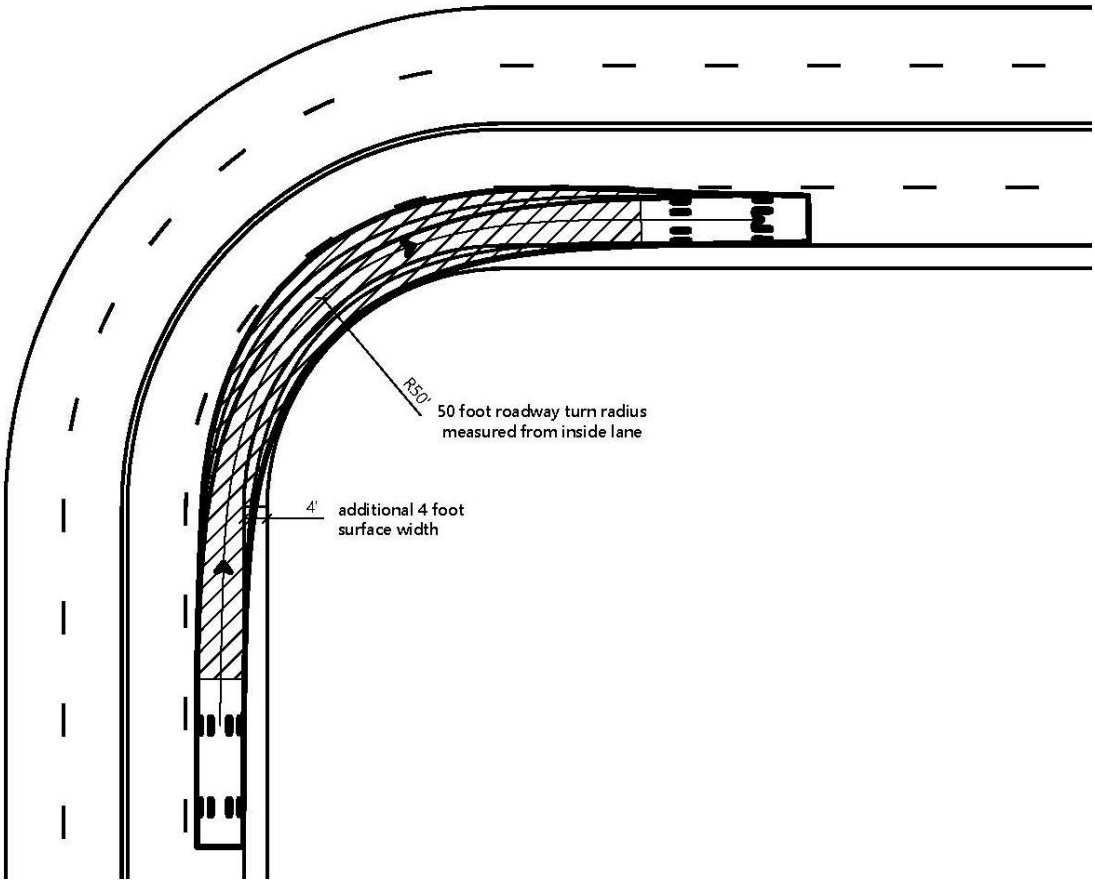


Figure 1
Effective Turning Radius for Horizontal Curvature with 50 Foot Radius

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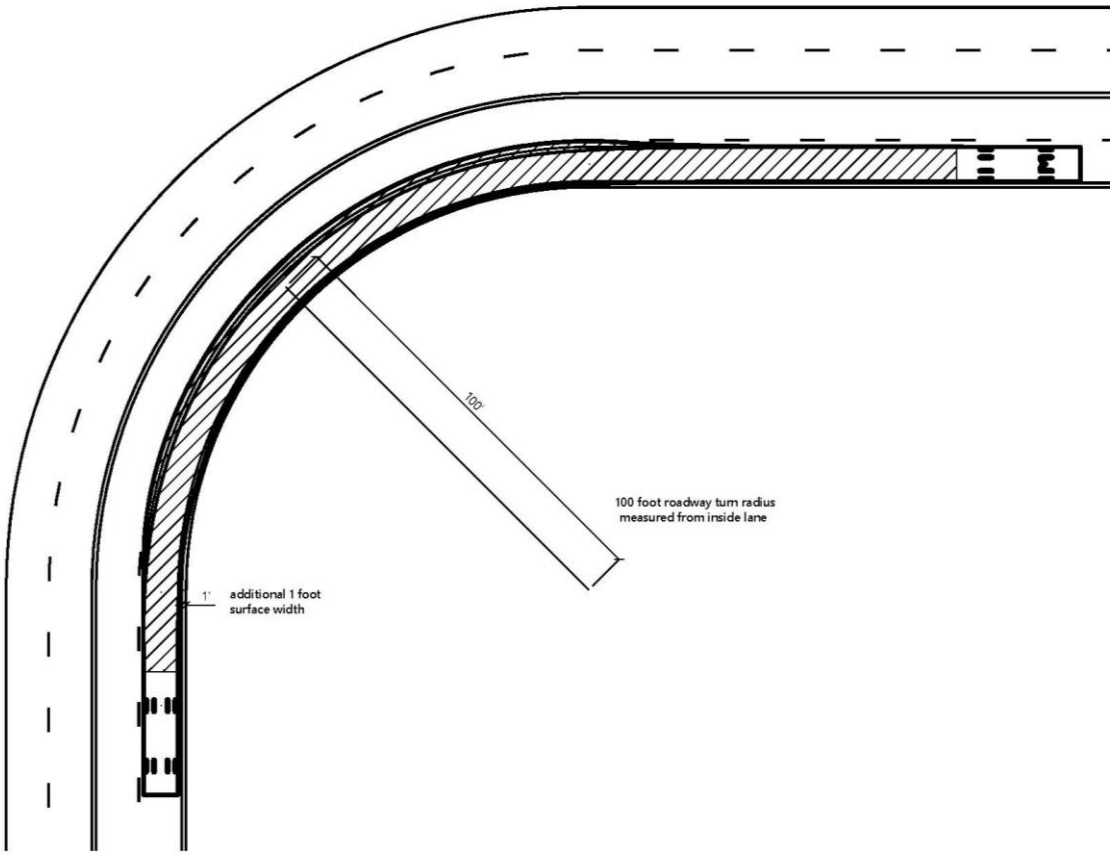


Figure 2
Effective Turning Radius for Horizontal Curvature with 100 Foot Radius

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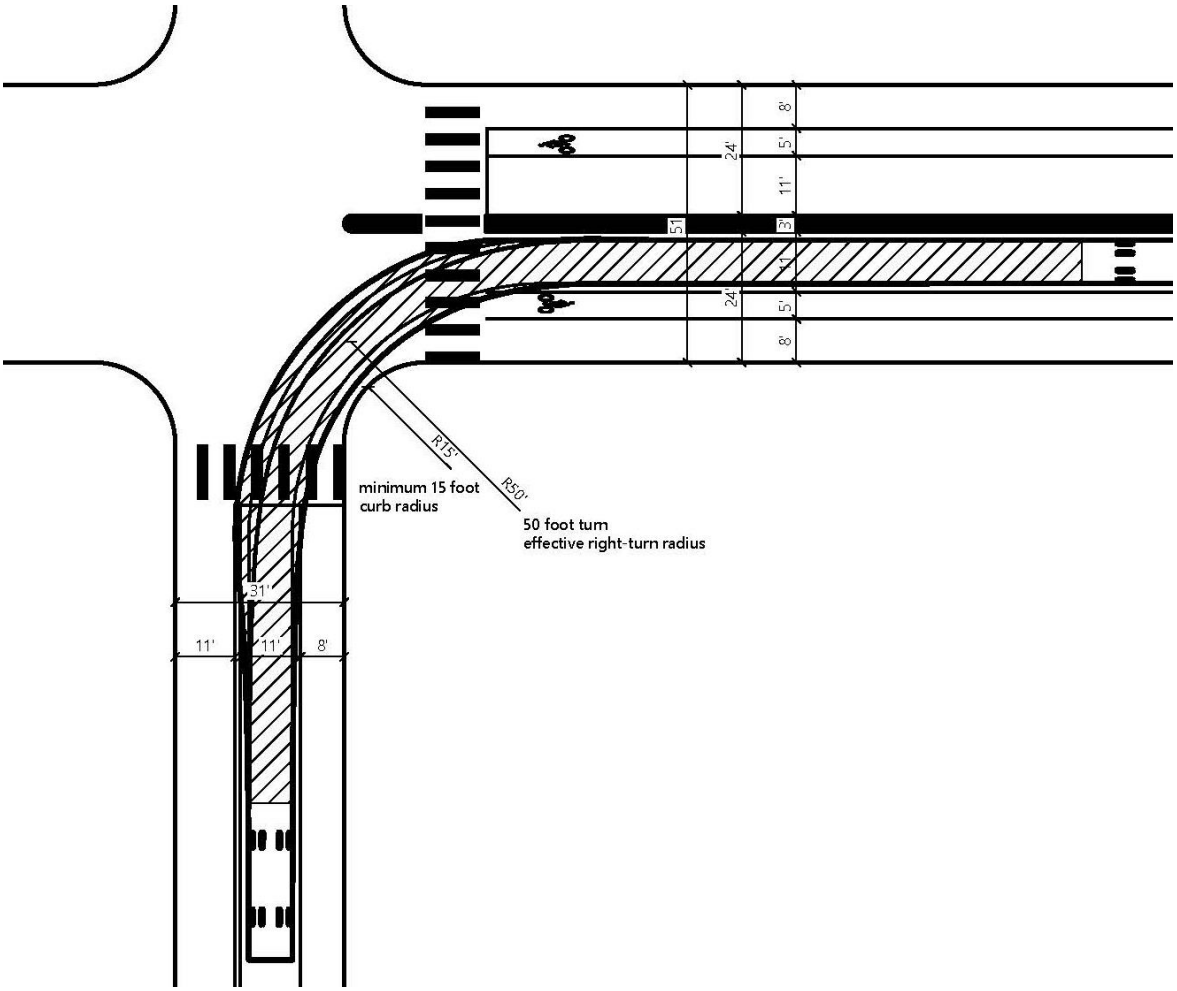


Figure 3
Effective Turning Radius for Intersections with Bike Lanes or Parking

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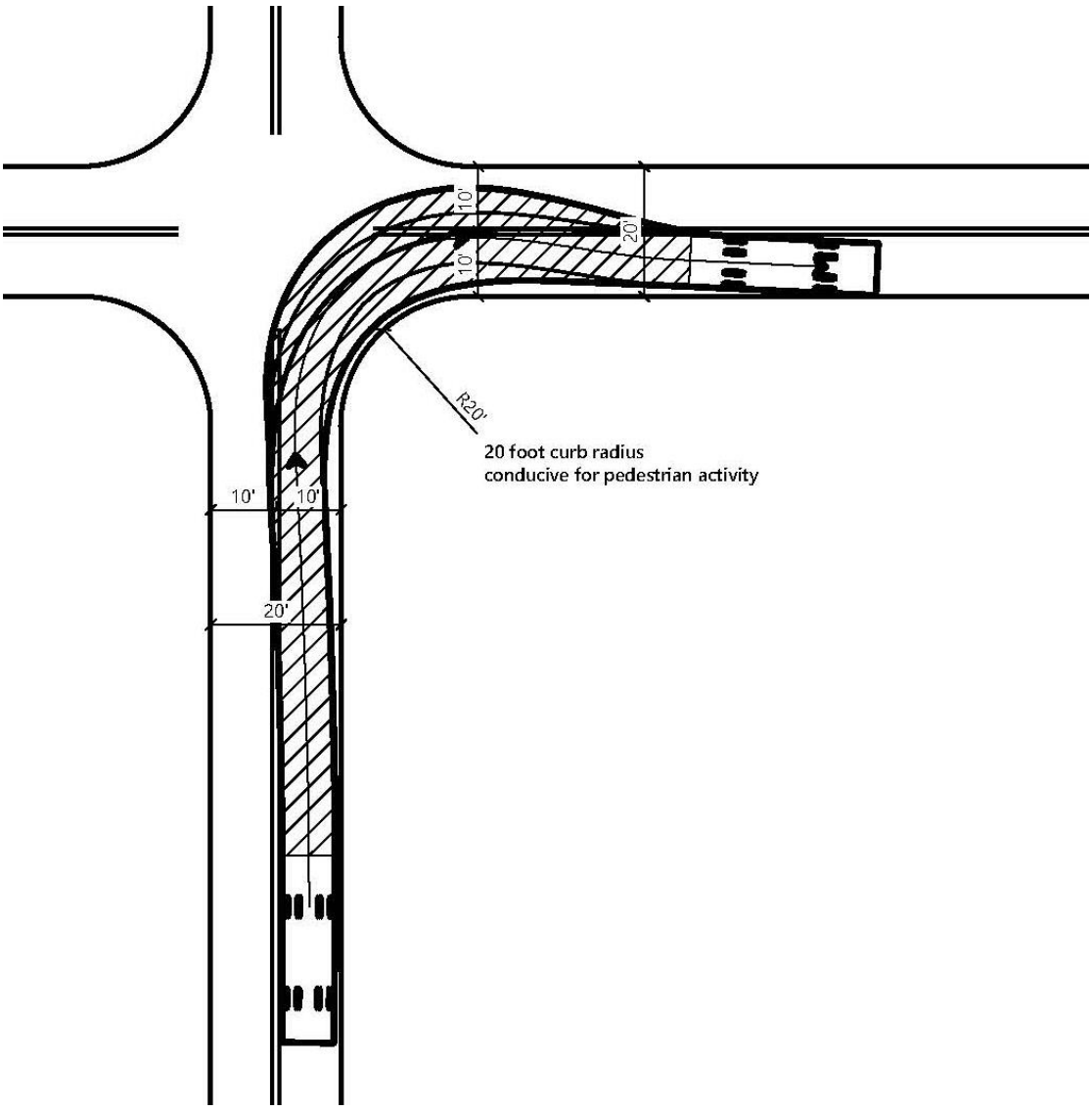


Figure 4
Effective Turning Radius for 20 Foot Wide Road Intersection

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

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

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

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

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

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

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§ 1273.02. Road and Driveway Surfaces.

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

(b) Driveways and road and driveway structures shall ~~be designed and maintained to~~ support at least 36,0000 ~~40,000~~ pounds.

(c) The ~~P~~project proponent shall provide certified engineered ~~engineering~~ specifications to support the Road design, if requested by the ~~l~~Local ~~authority having~~ ~~j~~Jurisdiction.

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

§ 1273.03. Bridge or Elevated Structures on Roads and Driveways. ~~Grades.~~

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

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

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entrances to bridges.

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

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

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

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

(d) Notwithstanding the above requirements, a bridge or elevated structure with only one Traffic Lane satisfies the requirements of this section so long as it provides for

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unobstructed visibility from one end to the other and Turnouts at both ends. Bridges or elevated structures with only one Traffic Lane shall be implemented consistent with requirements outlined in § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width).

(e) Bridges and elevated structures shall be constructed of non-combustible materials.

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

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

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

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

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

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

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

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degrees.

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

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

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

§ 1273.05. Road and Driveway Traffic Lane Width and Clear Width ~~Turnarounds.~~

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

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

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

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for other uses.

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

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

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

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

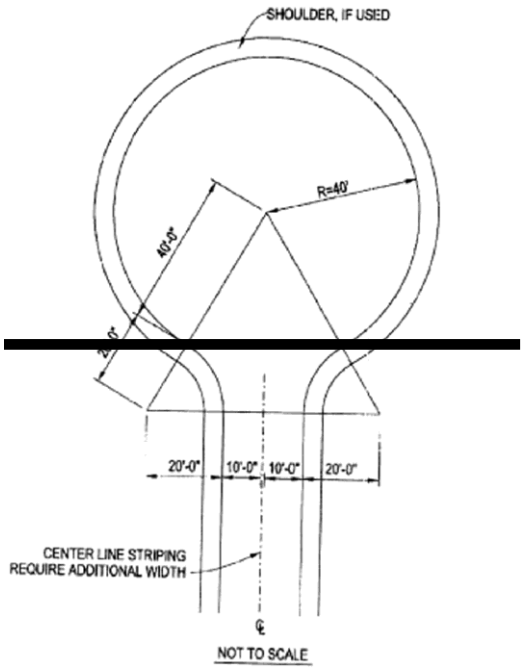
~~(d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the Building.~~

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

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

~~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.

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

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

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§ 1273.07 Maximum Lengths of New One-Way Roads ~~Road and Driveway Structures~~

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

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

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

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

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

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

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Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.08 Maximum Lengths of New Dead-end Roads

(a) The maximum length of a New D~~d~~ead-end R~~r~~oad~~, including all dead-end roads accessed from that dead-end road,~~ shall not exceed the following cumulative lengths~~, regardless of the number of parcels served~~:

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

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

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

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

~~All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.~~

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

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

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(d) Each New Dead-end Road shall be connected directly to a through Road (a Road that is connected to other Roads at both ends).

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

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

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

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

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

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

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

(d) Driveways that are less than 20 feet wide and exceed 150

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feet in length shall require a Turnout.

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

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

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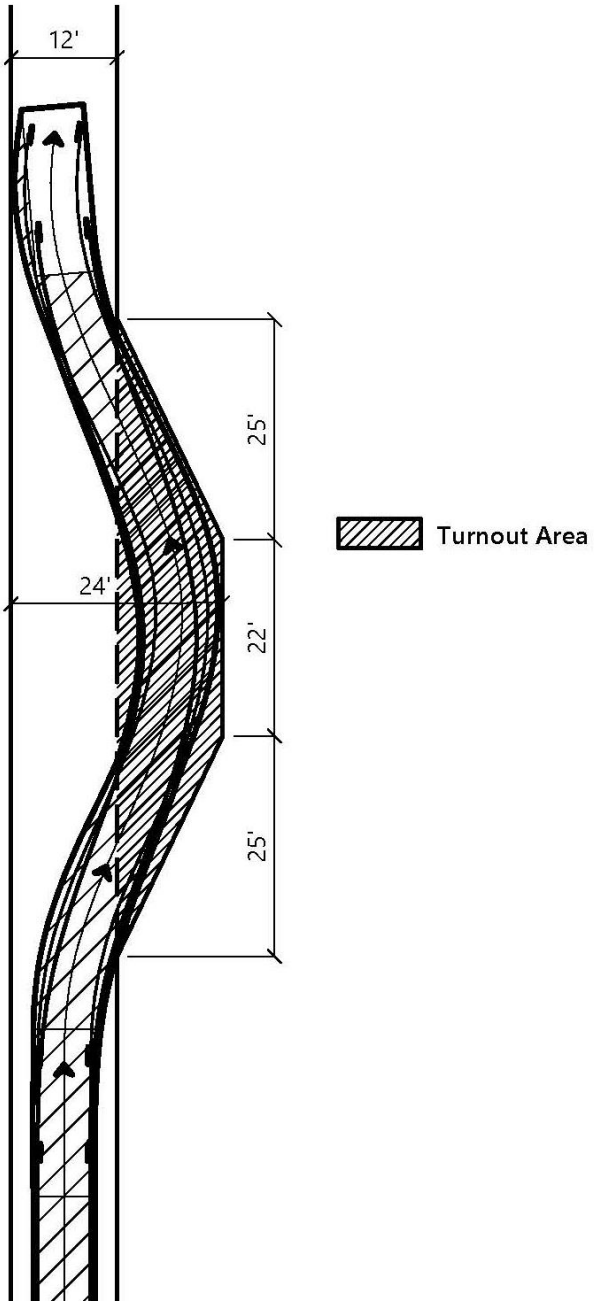


Figure 5
Turnout Dimensions

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

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

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

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

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

§ 1273.10 Road and Driveway Turnarounds

(a) Each Dead-end Road shall have a Turnaround constructed at its terminus. Where a Dead-end Road crosses parcels zoned for five (5) acres or larger, a Turnaround shall also be provided

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halfway along the Dead-end Road.

(b) A Turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the Building.

(c) A Turnaround shall meet one of the following requirements in accordance with Figures 6.1, 6.2, or 6.3.

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

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

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

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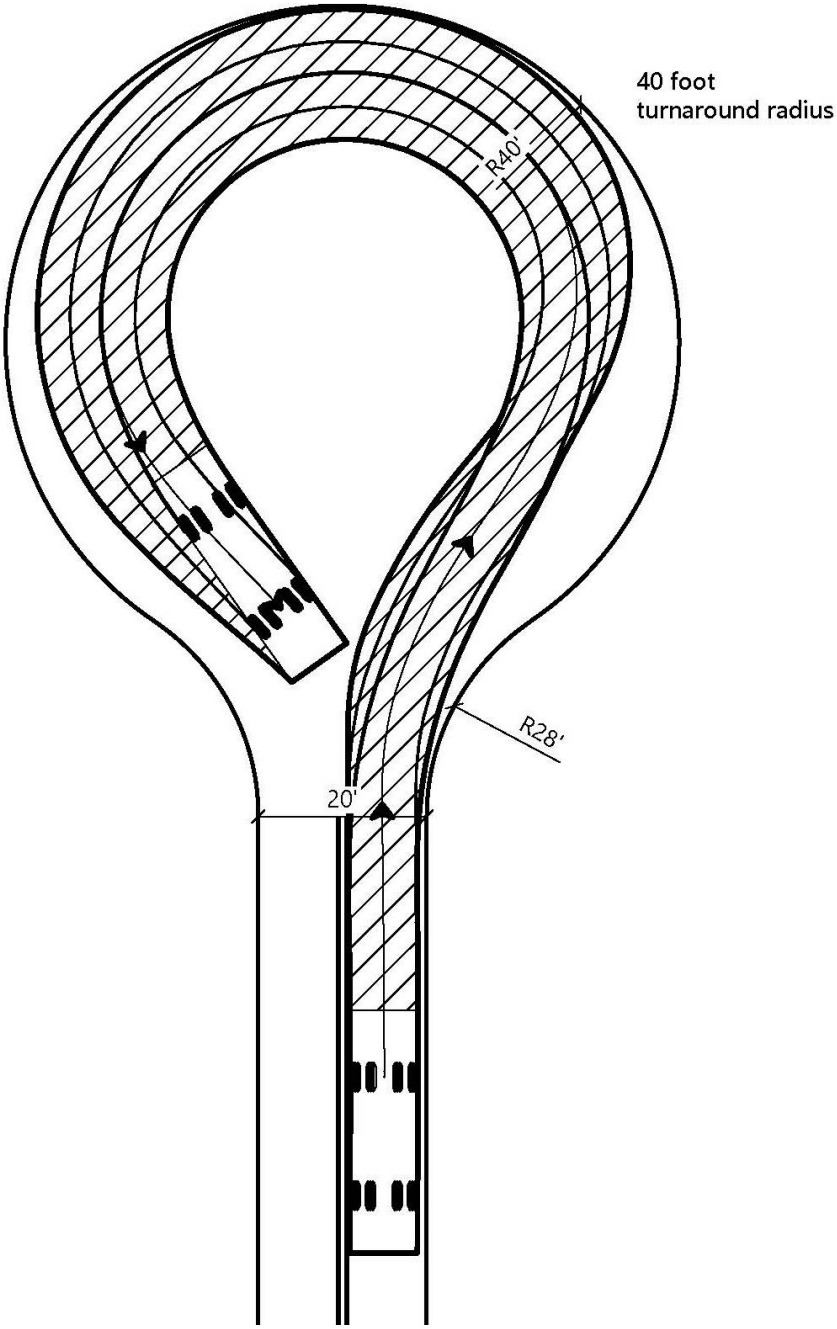


Figure 6.1
Turnarounds with 40-foot radius

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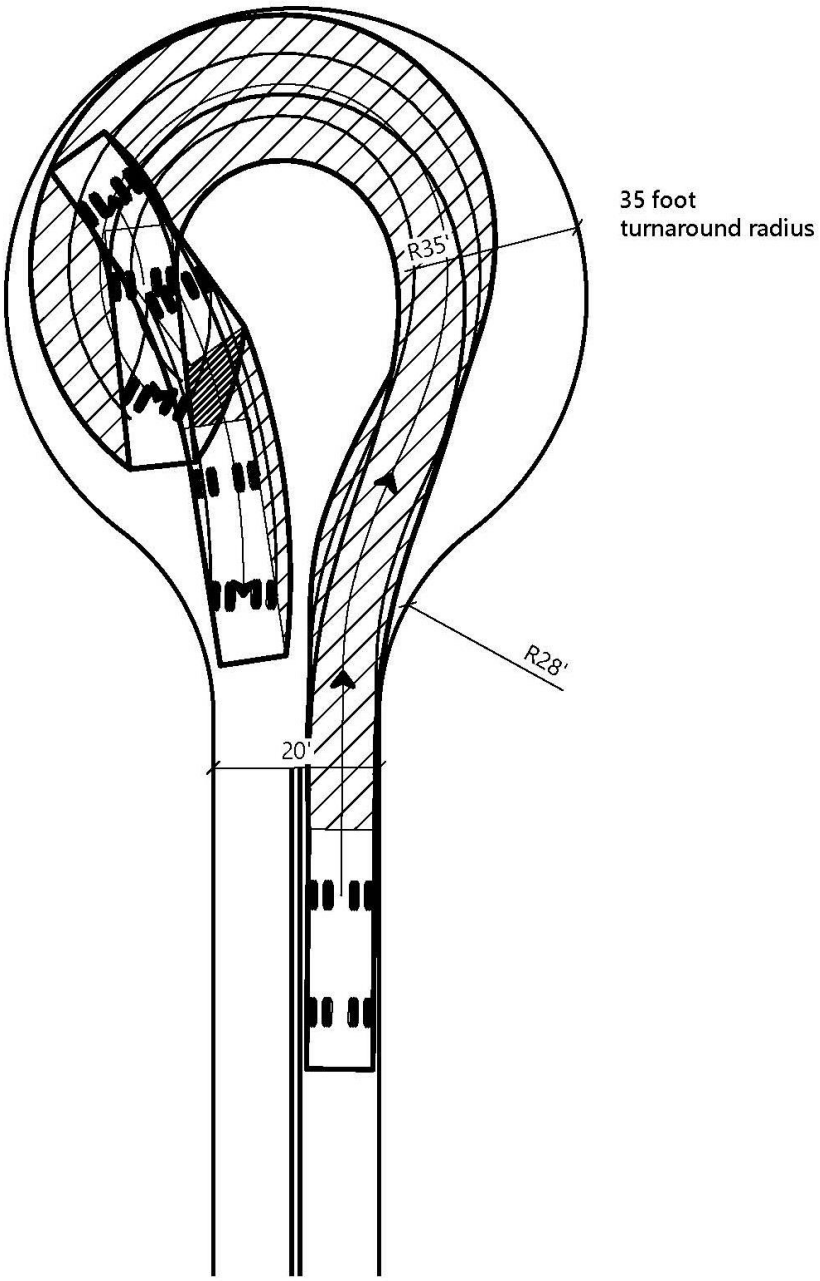


Figure 6.2
Turnarounds with 35-foot radius

Attachment: Full Text Amended Proposed Regulations (RES-2021-277 : Approve Board of Forestry and Fire Protection)

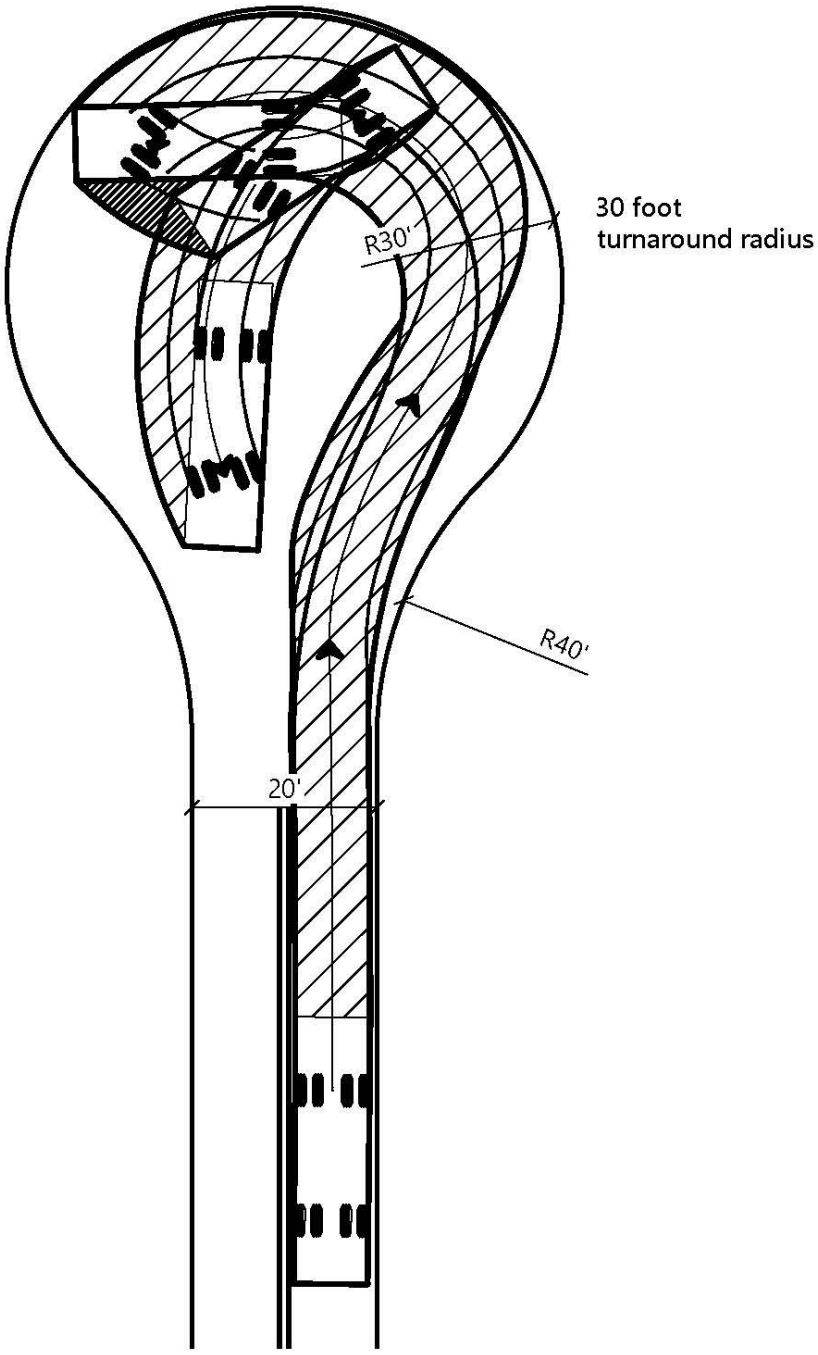


Figure 6.3
Turnarounds with 30-foot radius

Attachment: Full Text Amended Proposed Regulations (RES-2021-277 : Approve Board of Forestry and Fire Protection)

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

§ 1273.11 Gates

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

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

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

(d) All gates on a Driveway shall be located at least thirty (30) feet from the Road and shall open in direction of travel, in accordance with Figure 7.

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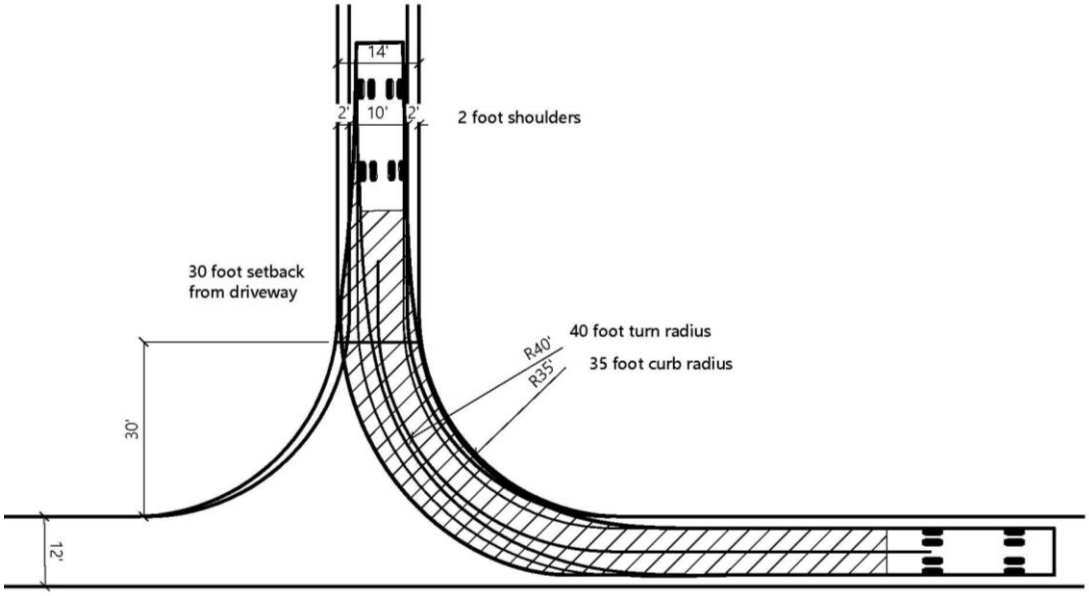


Figure 7
Effective Turn Radius for Gated Entrances/Driveways with Twelve Foot One-Way Main Road

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

§ 1273.12 Standards for Existing Roads

(a) Except as provided in subsections (b) and (d), Existing Roads shall meet the following minimum requirements:

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

(2) Native-surfacing for no more than 50% of the Road's length; and

(3) Turnouts in compliance with § 1273.09 (Road and Driveway Turnouts), or maintains a twenty (20) foot Clear Width suitable to serve as a Traffic Lane for the length of the Road.

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(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.

(c) Existing Roads providing Access to Buildings shall not exceed a grade of 25% over a distance of 500 linear feet.

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

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

§ 1273.13 Secondary Routes for Existing Roads

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

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

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

Article 3. Signing and Building Numbering

§ 1274.00. Road Name Signs. ~~Intent~~

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

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

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

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

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

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

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

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

(1) at the intersection preceding the traffic limitation, and

(2) no more than one hundred (100) feet before such traffic limitation.

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

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

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

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~~occupancy require naming or numbering.~~

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

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

§ 1274.02. Addresses for Buildings.

(a) All Buildings shall be issued an address by the Local Jurisdiction consistent with the standards in the California Fire Code, California Code of Regulations title 24, part 9.

(b) Addresses for residential Buildings shall be reflectorized.

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

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

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

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

~~(ii) no more than one hundred (100) feet before such traffic~~

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~~access limitation.~~

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

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

~~§ 1274.03. Addresses for Buildings.~~

~~(a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.~~

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

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

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

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

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

~~(b) Where access is by means of a private road and the address~~

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~~identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.~~

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

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

~~(e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.~~

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

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

Article 4. Water Supply. ~~Emergency Water Standards~~

§ 1275.00. Application. ~~Intent~~

(a) The provisions of this Article shall apply in the tentative and parcel map process when new parcels are approved by the Local Jurisdiction having authority, or when new Building construction is not already served by an existing water supply.

(b) These regulations shall not apply to existing water or wastewater facilities that are not newly constructed, or to

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existing water or wastewater facilities that are repaired, reconstructed, or upgraded. For purposes of this subsection, "water and wastewater facilities" includes, but is not limited to, water storage tanks and reservoirs, pump stations, treatment facilities, regulator stations, Fire Hydrants, and similar water and wastewater system devices.

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

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

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

§ 1275.01. Approved Water Supply. ~~Application~~

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

(b) Where a Municipal-Type Water Supply is not available, the Local Jurisdiction shall utilize the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for

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Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, as referenced in the California Fire Code, California Code of Regulations Title 24, Part 9, Appendix B and Appendix BB.

(c) All Building construction shall include a water supply for structure defense. Such protection shall be serviceable prior to and during the time of construction, except when alternative methods of protection are provided and approved by the Local Jurisdiction.

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

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

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

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

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

(a) Fire Hydrants or water access located along a Driveway shall be identified by at least (1) reflectorized blue marker, with a minimum dimension of three (3) inches. This marker shall be mounted on a fire retardant sign post. The sign post shall be located and mounted as specified by the Fire Authority.

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

~~(a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.~~

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

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~~requirements of this article.~~

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

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

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

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

§ 1275.03. Secured Water Sources. ~~Hydrants and Fire Valves.~~

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

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

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

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

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

§ 1275.04. Municipal-Type Water System Hydrants. ~~Signing of Water Sources~~

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

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

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

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requirements of 250 gallons per minute (gpm) for two (2) hours.

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

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

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

~~(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or~~

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

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

§ 1275.05. Dry Hydrants

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

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

§ 1275.06. Mobile Water Supply (Water Tenders)

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

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

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

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

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

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

§ 1275.07. Protection of Water Supply Infrastructure from Wildfire.

(a) All water supply infrastructure shall be protected from

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Wildfire radiant heat, convective heat, and embers by at least one of the following:

(1) underground burial; or

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

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

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

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

Article 5. Building Siting, Setbacks, and Fuel Modification ~~Fuel Modification Standards~~

§ 1276.00. Applicability ~~Intent~~

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

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

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Fuel Breaks); and § 1276.06 (Disposal of Flammable Vegetation and Fuels).

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

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

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

(a) All parcels shall provide a minimum thirty (30) foot setback for all B~~b~~uildings from all property lines and/or the center of a R~~r~~oad, except as provided for in subsection (b).

(b) A reduction in the minimum setback shall be based upon ~~When a thirty (30) foot setback is not possible for~~ practical reasons, which may include but are not limited to, parcel dimensions or size; topographic limitations; development density requirements or other development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints ~~easements~~, and shall reduce Structure-to-Structure ignition by incorporating features such as, but not limited to:

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

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~~to:~~ (1) non-combustible block walls or fences; or

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

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

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

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

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

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

(1) Topography;

(2) Vegetation;

(3) Proximity to any existing or proposed residential, commercial, or industrial land uses;

(4) Ability to support effective fire suppression; and

(5) Other factors, if any, deemed relevant by the Local Jurisdiction and Fire Authority.

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(b) Preservation of Undeveloped Ridgelines identified as strategically important shall be required.

(c) New Buildings on Undeveloped Ridgelines identified as strategically important are prohibited. Nothing in this subsection shall be construed to alter the extent to which Structures or Development other than Buildings, such as but not limited to Utility and Miscellaneous Group U Structures, may be constructed on Undeveloped Ridgelines.

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

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

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

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

(a) When Building construction meets the following criteria, the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority:

(1) the permitting or approval of three (3) or more new

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

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

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

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

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

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

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

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

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

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suppression tactics.

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

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

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

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

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

§ 1276.04. Greenbelts, Greenways, Open Spaces and Parks

~~Greenbelts~~

(a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a

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Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.03 (Fuel Breaks).

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

~~Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.~~

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

§ 1276.05. Maintenance of Fuel Breaks

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

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

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

§ 1276.06 Disposal of Flammable Vegetation and Fuels

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

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

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February 18, 2021

Edith Hannigan
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Transmittal Via E-mail: edith.hannigan@bof.ca.gov

RE: Proposed Revisions to the February 8th State Minimum Fire Safe Regulations

Dear Ms. Hannigan:

The revisions to the February 8th draft of the State Minimum Fire Safe Regulations (Regulations) proposed by the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the Urban Counties of California (UCC) are attached in red-line format. Our three organizations represent all fifty-eight California counties – i.e., the local jurisdictions with greatest experience applying the Board of forestry's (the Board) regulations for over 30 years, and the greatest responsibilities under the current proposal.

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

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

The "Thresholds for Limiting Development on Existing Roads" are not appropriate.

The February 8th draft retains Board staff's essential proposal to create massive "no build" zones throughout California. The precise road width and grade triggering these building prohibitions may have changed, but the basic proposal to hold individual

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single-family homeowners responsible for offsite public roads that they do not control, and cannot possibly afford to fix, remains the Regulations' most troubling feature.

As explained in depth in prior oral and written comments, this proposal is fundamentally unfair, will exacerbate California's already severe housing crisis, and may result in regulatory takings liability for local governments and the Board. These adverse consequences do not depend upon whether the road width triggering the Regulations' "no build" provisions is set at 20 feet, 14 feet, or something else. Board staff have been unable to provide any estimate of the number of acres, parcels, or people impacted by the proposed prohibitions, at any level, and efforts to tweak the thresholds are thus based on speculation rather than data.[1]

The proposal to prevent all "building construction" – including individual homes and Accessory Dwelling Units (ADUs) on parcels with no other viable use – is fundamentally flawed and should be removed in its entirety. Local governments are certainly sensitive to the Board's concerns over development in areas where access in less-than-optimal. These concerns are most appropriately addressed through a "buckets" structure as described below, which would greatly improve fire safety by limiting any larger developments in these areas, and any development in excess of the property owners' reasonable expectations based on current zoning.

The proposed limitation on ADUs and wildfire rebuilds is especially inappropriate.

The foregoing flaws are exacerbated in the case of ADUs and disaster rebuilds. Regarding the former, California's state policy strongly promotes ADU construction – as recognized in the Board's own emergency regulations. The Legislature *has already* "contemplat[ed] if there is a point at which a road providing access to an ADU...is of such substandard quality that to build...along it would be creating or replicating an excessively hazardous situation" – and has specifically rejected the outright prohibition of ADU construction as proposed by staff.

Government Code Section 65852.2 explicitly delineates the extent to which ADU development may be restricted in areas based on "the impact of accessory dwelling units on traffic flow and public safety" and provides that, notwithstanding such impacts, "a local agency shall ministerially approve" ADU construction on any residential or

[1] Several commentators have suggested that California explore tax incentives or voluntary buyout programs to encourage property owners to relinquish development rights for properties in fire prone areas. (Such programs have been used successfully in other states to reduce exposure to flood risk.) While beyond the scope of these regulations, it is worth noting that such mechanisms represent an appropriate and lawful means of reducing the risks presented by existing development rights, when those rights cannot simply be taken away by regulation.

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mixed-use parcel meeting certain minimal requirements (Government Code Section 65852.2, subdivisions (a), (e)). Board's staff's proposal contravenes the spirit, and quite possibly the letter, of this provision and asks the Board to improperly substitute its judgment for that of the Legislature. This suggestion should be firmly rejected.

The proposal to flatly prohibit rebuilding of existing homes and businesses lost due to disaster within these "no-build" areas is more severe than the prior draft regulations and is especially ill-conceived. Rebuilding an existing home or business creates no new impact, no heightened fire risk, and no increased fire serve need. There is no nexus to require upgrades to existing public roads as a condition of rebuilding these structures.

Moreover, prohibiting homeowners and small businesses who have lost everything from rebuilding their homes is unfair, particularly to under-insured and lower-income residents who cannot simply afford to move elsewhere. The resulting displacement would also hinder achievement of the region's housing goals, further exacerbating the housing and homelessness crisis. Board staff's concern for "replicating an excessively hazardous situation" is notable, but this does not justify dispossessing residents of their homes and livelihoods. And, as noted above, this effort would almost certainly generate regulatory takings challenges. These provisions should be removed in their entirety.

The "aggregate risk threshold" proposal is fatally flawed and not implementable.

As a threshold matter, the intended operation of the proposed "aggregate risk threshold" is not clear. Section 1270.03.02(a) provides that "*Building Construction shall not be approved* where Access is provided by Roads that do not meet the minimum requirements in § 1273.05.02," but Section 1270.05.03 indicates that the "aggregate risk" provision applies "*[p]rior to approving any Building Construction*...where Access is provided by an existing Road or Roads that do not meet the requirements in § 1273.05.02" – an apparent contradiction.

Regardless, the underlying concept is flawed and not fixable. Many local jurisdictions will not have precise data regarding the "estimated daily vehicle trips" for each road within their boundaries. The expense and burden to perform these calculations for every single road (often comprising many hundreds or thousands of lineal miles) is severe, and would constitute an unreimbursed state mandate. More importantly, this proposal would place the entire burden of upgrading the road on the first property owner who seeks to build a home or small business after the "aggregate risk threshold" has been triggered - which replicates the fairness, housing constraint, and takings issues described above.

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The Board's concern for cumulative impacts of multiple small developments is understandable. As discussed in greater detail below, there are reasonable options for addressing that concern – but this is not one of them. These "aggregate risk" provisions should be removed in their entirety.

"Option 2" represents the best approach for Section 1270.03(c).

Aside from the "no build" features discussed above, the general approach for tiering laid out in Section 1270.03(b)-(c) is a step in the right direction. Requiring all non-exempt Building Construction to improve onsite roads, while holding larger developments responsible for the public roads accessing their property, represents the right approach to balance public safety and private burden. Of the proposed tiering proposals, "Option 2" represents the best approach. As explained in greater detail in the attached margin comments, we suggest setting the specific thresholds under this option at 15 residential units, and equivalent amounts of commercial and industrial square footage.

As noted above, counties are sensitive to the Board's concerns regarding the cumulative impact of multiple small developments served by public roads that do not meet current standards. We would propose to address this concern by establishing an alternative trigger for offsite road upgrades whenever Building Construction exceeds the density or intensity allowed by current (July 1, 2021) zoning by more than 20%. This will effectively "cap" the amount of small development allowed without upgrades and without interfering with property owners' reasonable expectations (the critical inquiry for regulatory takings – and basic fairness).

The proposal to involuntarily transfer inspection responsibilities to local governments contravenes Public Resources Code Sections 4119 and 4290.

Unlike prior drafts of the Regulations, the most recent draft proposes to limit CalFIRE's inspection responsibility and authority to the State Responsibility Area (SRA), and make local jurisdictions primarily responsible for inspections in the Local Responsibility Area Very High Fire Hazard Severity Zone (LRA VHFHSZ) (without a delegation from CalFIRE). While many local jurisdictions will desire to have this responsibility delegated to them in both SRA and LRA VHFHSZ, the Board lacks legal authority to compel unwilling local governments to perform these inspection and enforcement functions in either area.

Public Resources Code Section 4119 gives CalFIRE responsibility to "enforce the state forest and fire laws" and "inspect all properties...subject to the state forest and fire laws." By its terms, this provision is not limited to the SRA. Further, Public Resources Code Section 4125 – which gives local governments primary responsibility for "prevention and suppression of fires" – says nothing about state law enforcement,

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which remains CalFIRE's responsibility. Local governments would not have the ability to obstruct CalFIRE enforcement efforts in either the SRA or LRA VHFHSZ, and the Board cannot do so either. Further, nothing in Section 4290 gives the Board the power to regulate enforcement or inspection responsibilities, particularly where those matters are fully covered by state law.

As drafted, the proposed Regulations will not qualify for the "Class 8" Categorical Exemption, and will require full review under the California Environmental Quality Act.

The current draft of the Regulations would require individual building construction, in many areas, to substantially upgrade existing roads. Unlike larger projects, these individual buildings are typically ministerially permitted, and do not themselves undergo California Environmental Quality Act (CEQA) review. Consequently, adoption of these regulations represents the *only* opportunity for environmental review of the impacts of these road expansions – and CEQA *requires* that such review be performed.

Board staff has suggested that the Board may attempt to apply the Class 8 categorical exemption to forego CEQA review of the regulations. That is quite clearly erroneous and would open the regulations to legal challenge and potentially years of delay. The Class 8 exemption applies to "actions taken by regulatory agencies...to *assure* the maintenance, restoration, enhancement, or protection of the environment...."[2] The courts have explained that such "assurance" is not provided - and the exemption does not apply - where actions taken to address one environmental concern could result in other potentially significant effects.[3] Like this case, that matter concerned a regulation that "encouraged third parties to pave roads." The court found it reasonably foreseeable that the regulation would actually result in such road improvements taking place, for which CEQA review was required. This circumstance is no different.

Moreover, even if the Class 8 exemption might otherwise fit, categorical exemptions may not be applied "where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."[4] In this case, the unusual circumstance of a *statewide regulation*, involving substantial road construction (among other activities) *often in remote, ecologically sensitive areas*,

[2] CEQA Guidelines section 15308.

[3] *California Unions for Reliable Energy v. Mojave Desert Air Quality Management Dist.* (2009) 178 Cal.App.4th 1225.

[4] CEQA Guidelines section 15300.2.

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plainly creates a reasonable possibility of significant impact, rendering the Class 8 exemption doubly inappropriate.

As drafted, the Regulations will require an economic impact assessment under the Administrative Procedures Act, including an evaluation of effect on housing costs.

The Administrative Procedures Act (APA) requires administrative agencies to prepare an economic impact assessment of proposed regulations, including consideration of the effect of the proposed regulatory action on housing costs (Government Code Sections 11346.2(b)(2)-(5), 11346.3, 11346.5(a)(7)-(12)). "Mere speculative belief is not sufficient to support an agency declaration of its initial determination about economic impact. Rather, the agency must provide in the record any facts, evidence, documents, testimony, or other evidence upon which it relies for its initial determination...These provisions plainly call for an evaluation based on facts." (*Western States Petroleum Assn. v. Board of Equalization* (2013) 57 Cal.4th 401.) The *Western States* court further indicated that the assessment must include some quantification of the economic impact of the regulation, developed using proper methodology. In this case, Board staff have been unable, as yet, to provide any estimate of the extent of area affected by the "no build" provisions (or other development limitations), and consequently have no basis for any compliant estimate of the costs imposed by these regulations on businesses in general and housing in particular. This fails to comply with the APA, and, if not remedied, may open the regulation to successful legal challenge.

Our organizations have prepared the attached red-line revisions (with explanatory comments) to address the foregoing concerns. We invite members of the Board's careful review, and we look forward to addressing the Board directly at the forth coming workshop.

Thank you for your consideration.

Sincerely,

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CATHERINE FREEMAN	TRACY RHINE	JEAN KINNEY HURST
Legislative Representative	Senior Legislative Advocate	Legislative Representative
CSAC	RCRC	UCC

Cc: Wade Crowfoot, Secretary, Natural Resources Agency
Hazel Miranda, Deputy Legislative Secretary, Office of the Governor
Keith Gilless, Chair, Board of Forestry
Matt Dias, Executive Officer, Board of Forestry

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DRAFT FEBRUARY 8, 2021

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

Division 1.5, Chapter 7

Subchapter 2, Articles 1-5

"State Minimum Fire Safe Regulations, 2021"

Subchapter 2. ~~SRA~~ State Minimum Fire Safe Regulations

Article 1. Administration

§ 1270.00. Title.

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

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

§ 1270.01. Definitions ~~Purpose~~

(a) Access: The ability or means to enter or approach the Perimeter of Building Construction subject to this Subchapter. Access includes the Roads on a route from the nearest Collector Road to the Perimeter of the Building Construction.

(b) Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

(c) Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and

Commented [AJW1]: As indicated in our prio comments, this revision from the prior dr is unnecessarily both under and over-inclusive.

As applied to individual homebuilding and small businesses, requiring them to impro miles of "substandard" "local" public roa from the nearest Collector remains an insurmountable burden - as it is mostly t "local" roads that do not meet the Regulations' "built roads" requirements i first place. On the other hand, it may be undesirable to relieve truly large developments from any obligation to impro deficiencies on Collector roads that they be heavily impacting. A "one-size-fits-al approach here in reality fits none.

All of that said, these concerns may be mitigated, and this definition made workal through the revisions suggested later in document.

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Miscellaneous Group U buildings.

(d) Board: California Board of Forestry and Fire Protection.

(e) Building Construction: any modification to a parcel(s), Road(s), Driveway(s), or Structure(s) that increases the number of Residential Units; increases the ~~service capacity~~size of a commercial enterprise or commercial or industrial use by 800 square feet or more~~; or increases the number of persons on the premises of a commercial or industrial site~~. ~~Subject to the provisions of § 1270.03.01 (Exemptions), § 1270.03.02 (Substandard Roads), and § 1270.03.03 (Aggregate Risk),~~ "Building Construction" does not include the replacement of damaged or destroyed structures due to disaster or other cause.

(f) CAL FIRE: California Department of Forestry and Fire Protection.

(g) Collector Road: Roads identified by a local jurisdiction as a major or minor, or general, collector road in conformance with the procedures in the US Federal Highway Administration "Highway Functional Classification Concepts, Criteria, and Procedures," 2013 Edition.

(h) Dead-end ~~r~~Road: A R~~r~~oad that has only one point of vehicular ingress/egress, including cul-de-sacs and ~~looped~~ Looped ~~r~~Roads.

(i) Defensible ~~s~~Space: An area ~~extending one hundred (100) feet or greater from the exterior of a building~~ where mitigation measures have been completed and are maintained to reduce structure loss from wildfire. ~~The area within the perimeter of a parcel, development, neighborhood or community where basic~~

Commented [AJW2]: The proposed commercial/industrial thresholds – "servi capacity" and "number of persons" – are unclear, difficult to accurately calculat and often subjective.

Counties strongly recommend replacing the provisions with objective metrics familia both local regulators and the building industry. Specifically, we recommend usin square footage triggers, with a minimum threshold established to filter out those minor additions that will not generally increase fire risk or service needs. This approach – and the proposed "de minimis" threshold – are commonly used in local im fee assessment, which is similarly aimed identifying and quantifying the public se implications of various types and sizes o development. See, e.g., https://sfplanning.org/sites/default/file ms/Impact_Fee_Schedule.pdf)

Commented [AJW3]: As explained in our cov letter, local governments strongly object the draft's proposed restrictions on rebuilding, where there is no increase in existing fire risk or service needs.

Moreover, the "replacement" exception sho (1) be consistently worded throughout the Regulations, and (2) should not be limite declared disasters. Rebuilding homes or businesses lost to due other causes – e.g individual house fire – does not increase risk or services needs – and there is consequently no justification for imposin full suite of improvements mandated by th regulations on such rebuilding.

Commented [AJW4]: The requirement that "defensible space" must extend 100 feet (was not included in the prior draft) is a substantive regulation that should not be included within this definitional provisi Further, necessary and beneficial defensi space measures may extend less than 100 f in some cases – e.g., if the structure is located more closely to the property line and this absolute requirement is consequen inappropriate.

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~~wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.~~

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

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

(l) Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) ~~r~~Residential ~~u~~Units each, not including accessory or junior accessory dwelling units exempt pursuant to § 1270.03.01 (Exemptions), and any number of non-commercial or non-industrial Utility or Miscellaneous Group U buildings on each parcel. A Driveway shall not serve commercial or industrial uses ~~at any size or scale~~of more than 7,200 square feet.

~~Distance Measurements: All specified or referenced distances are measured along the ground, unless otherwise stated.~~

(m) Exception: An alternative means or method to achieve substantial compliance with a ~~to the~~ specified standard requested by the applicant subject to § 1270.07 (Exceptions to

Commented [AJW5]: Added for clarity, and conformity with the definition of "Road" set forth below.

Commented [AJW6]: This change is suggested conformity with the general exemption of ADUs/JADU's from these regulations - and legislative policy underlying that exclus

Commented [AJW7]: "Commercial uses" may ra from small-scale activities without full-employees to major places of public assem and are not all created equal. To avoid unnecessarily overburdening truly small businesses, commercial/industrial uses be certain threshold should be allowed to me the driveways standards, rather than the road standard. The proposed 7,200 sq. ft. threshold is based on the conversion metr explained in Section 1270.03, below, base review of fire impact studies.

Commented [AJW8]: Reference to substantia compliance added for conformity with Sect 1270.07.

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Standards) that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

(n) Fire Apparatus: A vehicle designed to be used under emergency conditions to transport personnel and equipment or to support the suppression of fires or mitigation of other hazardous situations. The fire authority identifies which Fire Apparatus will be needed during emergency conditions.

(o) Fire ~~H~~hydrant: A valved connection on a water supply or storage system for the purpose of providing water for fire protection and suppression operations~~,~~. Fire Hydrant outlets shall be of sizes designated by the local fire authority and shall have ~~having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with~~ male American National Fire Hose Screw Threads (NH)~~, used to supply fire apparatus and hoses with water~~. For the purposes of this Subchapter, this term shall be inclusive of the term "hydrant head."

(p) Fire ~~v~~Valve: see Fire H~~h~~ydrant.

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

~~Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.~~

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(r) Greenbelts: Agricultural lands, open space, parks, wildlands, or a combination thereof, as designated by ~~cities, counties, special districts and other jurisdictions~~the Local Jurisdiction, which surround or are adjacent to a city or urbanized area, and restrict or prohibit development. ~~A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.~~

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

(t) Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the ~~r~~Road that serves it.

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

~~Hydrant: A valved connection on a water supply or storage~~

Commented [AJW9]: This change is suggested conformity with Sections 1276.04 and 1276 (Also, "special districts and other jurisdictions" that are not involved in th approval of Building Construction – and ar lands they may choose to designate as greenbelts for their own purposes – are no properly subject to these regulations.)

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~~system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.~~

(v) Local Fire Authority: A fire department, agency, division, district, or other governmental body responsible for regulating and/or enforcing minimum fire safety standards applicable to Building Construction.

(w) Local Jurisdiction: ~~Any~~ The county, city, city/county agency or department, or ~~any~~ locally authorized district that has authority to approve~~s or has the authority to regulate~~ Building Construction within a geographic area. ~~issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.~~

(x) Local Responsibility Area (LRA): Those areas of land classified by the Board where the financial responsibility of preventing and suppressing wildfires is not that of the state or federal government, pursuant to Public Resources Code (PRC) section 4125.

(y) Local Road: Roads identified by a local jurisdiction as a local road in conformance with the procedures in the US Federal Highway Administration "Highway Functional Classification Concepts, Criteria, and Procedures," 2013 Edition.

(z) Looped Road: Roads that loop back upon themselves. A road that has two or more points of connection onto a through road is

Commented [AJW10]: The definition of "Loc Jurisdiction," upon whom substantial responsibilities devolve, should (1) explicitly include cities, who have such responsibilities in many LRA VHFHZ areas, (2) should be focused on the public entit with the greatest responsibility for supervising or approving the Building Construction as a whole. (Cf. CEQA Guidel section 15051(b).) We have suggested revi to the proposed language to achieve this avoid overbreadth.

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not a Looped Road.

(~~z~~aa) Municipal-Type Water System: A system having water pipes servicing fire hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a 2-hour duration. [NFPA 1142 3.3.16, 2017]

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

(~~bb~~cc) One-way ~~r~~Road: A minimum of one ~~t~~Traffic ~~l~~Lane width designed for traffic flow in one direction only.

(~~cc~~dd) Perimeter or Perimeter of Building Construction: The boundary of the parcel or subdivision map within which lies any Building Construction subject to this Subchapter.

(~~dd~~ee) Residential ~~u~~Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units, ~~for the purposes of mandatory measures required in 14 CCR § 1270.01(c),~~ unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with § 1270.03.01 (Exemptions).

(~~ee~~ff) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land that is identified by the local jurisdiction as strategically important for the protection of structures from wildfire, or the suppression of wildfire in accordance with

Commented [AJW11]: The term" "perimeter o building construction" is used throughout draft and may be confusing without clarification (since "Building Constructi generally refers to the physical construc activity, rather than the parcel or subdivision upon which it occurs). Furthe the term "Perimeter" appears almost entir in proximity to "Building Construction," apparently intending the meaning conveyed this definition. We have consequently suggested these revisions for clarity.

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Section 1276.03.

(~~ff~~gg) Road: Vehicular access to more than two (2) parcels; more than four (4) residential units, not including accessory or junior accessory dwelling units exempt pursuant to § 1270.03.01 (Exemptions); or access to any industrial or commercial use of more than 7,200 square feet. ~~occupancy~~. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway. ~~Includes public and private streets and lanes.~~

(~~gg~~hh) Road or ~~d~~Driveway ~~s~~Structures: Bridges, culverts, and other appurtenant structures which supplement the ~~t~~Traffic ~~l~~Lane or ~~s~~Shoulders.

~~Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:~~

~~(a) access for emergency wildland fire equipment,~~

~~(b) safe civilian evacuation,~~

~~(c) signing that avoids delays in emergency equipment response,~~

~~(d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and~~

~~(e) fuel modification sufficient for civilian and fire fighter safety.~~

(~~hh~~ii) Shoulder: Vehicular access adjacent to the ~~t~~Traffic ~~l~~Lane that can support the weight of a vehicle and provides appropriate traction.

Commented [AJW12]: See above comment rega commercial/industrial driveways.

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

(~~jj~~kk) Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(~~kk~~ll) Subdivision: As defined in section 66424 of the Government Code.

(~~ll~~mm) Substantial Compliance: The Exception satisfies the purpose of the minimum standards even though the formal requirements are not satisfied~~Nearly complete satisfaction of all material requirements consistent with the purpose of the applicable State Minimum Fire Safe Regulations even though the formal requirements are not satisfied~~.

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

(~~nn~~oo) Traffic ~~l~~Lane: The portion of a ~~r~~Road or ~~d~~Driveway that provides a single line of vehicle travel. A Traffic Lane may

Commented [AJW13]: The proposed definitio appears to derive from provisions of the Education Code addressing school funding audits (EC § 41344.1), and has no judicia construction or precedent in the land use arena. It's also unclear what "nearly com satisfaction" means in this context, whic lead to confusion and disputes.

We recommend retaining the alternate formulation of "substantial compliance" proposed in the prior draft regulations.

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carry traffic in both directions

(~~oo~~pp) Turnaround: A portion of a ~~r~~Road or ~~d~~Driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

(~~pp~~qq) Turnouts: A widening in a ~~r~~Road or ~~d~~Driveway to allow vehicles to pass.

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

(~~rr~~ss) Vertical clearance: The minimum specified height of a bridge or overhead projection above the ~~r~~Road or ~~d~~Driveway.

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

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

~~(a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA).~~

~~(b) The future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.~~

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

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

§ 1270.02. Purpose. ~~Scope~~

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

(b) ~~The future design and construction of structures, subdivisions and developments~~ Building Construction in the SRA and after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter wildfire protection in accordance with the ~~—~~standards ~~measures as~~ specified in the following articles.

Commented [AJW14]: This change is suggest for grammatical clarity.

(c) These ~~measures~~ standards shall provide for emergency access and egress; signing and building numbering; private water supply reserves for emergency fire use; ~~and~~ vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve undeveloped Ridgelines, as applicable. The ~~fire protection standards~~

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regulations which follow shall specify the minimums for such ~~measures~~ standards.

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

~~(1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991 except as set forth below in subsections (b) through (d), inclusive, and (f);~~

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

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

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

~~(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were~~

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~~imposed by the parcel map or final tentative map approved prior to January 1, 1991.~~

~~(c) (1) At the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of legally constructed residential, commercial, or industrial buildings due to a wildfire, to the extent that the reconstruction or repair does not:~~

~~(A) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed; or~~

~~(B) change the use of the building or buildings that had existed previously; or~~

~~(C) construct a new building or buildings that did not previously exist on the site.~~

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

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

~~(e) Unless otherwise exempt pursuant to this subchapter,~~

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~~affected activities include, but are not limited to:~~

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

~~(2) application for a building permit for new building construction;~~

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

~~(4) road construction.~~

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

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

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

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

(1) the ~~p~~Perimeters and ~~a~~Access to all residential, commercial, and industrial ~~b~~Building ~~c~~Construction within the SRA approved after January 1, 1991 and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in ~~subsections~~ § 1271.03.01 (Exemptions); ~~(b.)through (d), inclusive, and (f);~~

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an

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accessory or junior accessory dwelling unit as set forth in ~~subsection (d) § 1271.02~~ § 1270.03.01 (Exemptions) below;

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

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

(b) All Building Construction shall comply with the minimum standards in this Subchapter within the Perimeter of the Building Construction subject to this Subchapter except as set forth below in § 1271.03.01 (Exemptions).

(c)

~~**OPTION ONE**~~

Where Building Construction meets any the following criteria, the provisions of this Subchapter shall further apply to any Road or Road Structure that provides Access to the Building Construction: ~~(c) Where Building Construction requires a tentative and final map pursuant to the Subdivision Map Act, the provisions of this Subchapter shall further apply to any Road or Road Structure that provides Access to the Building Construction.~~

Commented [AJW15]: PRC 4290 provides that these regulations apply with the LRA VHFH "after July 1, 2021." As originally writt this section could have been interpreted apply these regulations to subdivision ma within the LRA VHFHSZ approved prior to t date, which would be plainly contrary to statute.

Commented [AJW16]: "Parcel Map Waivers" u the specified statute are effectively the equivalent of parcel maps, and appear wit the scope of PRC 4290's exclusion for "pa or tentative maps or other developments approved prior to January 1, 1991..."

Commented [AJW17]: Similar changes were suggested in our prior comments, and refl the fact that perimeter and access requirements for subdivisions are not alw expressed as formal conditions (i.e., the sometimes depicted visually on the map document instead). See also See 76 Ops.Cal.Atty.Gen. 19 (1993):

"The Act vests cities and counties with t power to regulate and control the 'design improvement of subdivisions' (§ 66411) independent of the power to impose the specified conditions enumerated above...Accordingly, we believe that when person applies for a building permit afte January 1, 1991, the Board's fire safety regulations would be inapplicable as to a MATTERS APPROVED prior to January 1, 1991 part of the parcel or tentative map proce

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(1) The ~~OPTION TWO~~

~~(c) Where~~ Building Construction ~~is~~ consists of ~~XX~~ 15 or more Residential Units~~;~~;

(2) The Building Construction increases the ~~service capacity~~size of commercial or industrial uses by 27,000 square feet or more~~XX%; or increases the number of workers on the site of any use by XX%,~~; or

(3) The Building Construction exceeds the density or intensity permitted on the parcel or parcels within the Perimeter under the zoning applicable on July 1, 2021 by 20% or more~~the provisions of this Subchapter shall further apply to any Road or Road Structure that provides Access to the Building Construction~~.

~~OPTION THREE~~

~~(c) Where Building Construction meets the following criteria, the provisions of this Subchapter shall further apply to any Road or Road Structure that provides Access to the Building Construction: Unless otherwise exempt pursuant to this subchapter, affected activities include, but are not limited to:~~

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

~~(2) application for a change in zoning building permit for new building construction;~~;

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Commented [HE18]: These numbers could also square footage rather than the number of units/people served/people on site. Open other suggestions

Commented [AJW19]: As indicated in our co letter, counties strongly support Option further recommend the 15 unit/27,000 squa foot threshold for the reasons expressed our prior comments, i.e.:

15 residential units is a well-establishe "medium-size project" threshold - specifi for fire protection and water system requirements. See, e.g., Cal. Code Regs., 25, §§ 1300, 2300 (fire protection equipm requirements for mobilehome and special occupancy parks); HSC 116275 (public wate system regulations).

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

Commented [AJW20]: As explained in our co letter, counties are sensitive to concern expressed by Board members and staff rega the "cumulative impact" of multiple small developments. The suggested additional limitation will effectively limit such cumulative impacts based on current zonin and avoid regulatory takings concerns, si property owners have no reasonable expect of developing in excess of what current z permits.

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Commented [HE21]: This option is based on existing language in § 1270.02 Scope, subsection (e)- see westlaw

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~~(3) application for a change in use permit; and~~

~~(4) road construction.~~

~~This subchapter shall be applied as follows:~~

~~(a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA.~~

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

~~(c) 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.~~

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

§ 1270.03.01 Exemptions

(a) These regulations do not apply where an application for a building permit ~~in the SRA~~ is filed after January 1, 1991 for ~~b~~Building ~~c~~Construction on a parcel that was formed from a parcel map (including a parcel map waiver pursuant to Government Code section 66428) or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that ~~conditions~~ matters relating to the ~~p~~Perimeters and

Commented [AJW22]: See prior comments regarding the pre-1991 subdivision exempt

Commented [AJW23]: The exemption set forth PRC 4290(a) "where an application for a building permit was filed prior to January 1991, or to parcel or tentative maps or o developments approved prior to January 1, 1991, if the final map for the tentative is approved within the time prescribed by local ordinance" is not limited to the SR and would thus equally apply to building permits in the LRA VHFHSZ if the statutor conditions are met.

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~~a~~Access to the ~~b~~Buildings were ~~imposed by~~approved as part of the parcel map or final tentative map approved prior to January 1, 1991.

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

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

(b) At the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of ~~legally constructed~~ residential, commercial, or industrial buildings due to a ~~wildfire,~~ disaster or other cause. ~~Nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a legally constructed residential, commercial, or industrial building for reasons unrelated to a wildfire.~~ This exemption is applicable to reconstruction or repair ~~after a wildfire~~ only to the extent

Commented [AJW24]:
The verbiage used to describe scope of th exemption should match the language used the definition of "Building Construction" 1270.01(e)), to avoid confusion. The poli concerns regarding that scope are address comments on that section, and in our cove letter.

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that the reconstruction or repair does not:

(1) increase the square footage of the ~~residential,~~ commercial~~,~~ or industrial building or buildings that previously existed by more than 20%;

(2) Increase the number of residential units; or

(~~2~~3) change the use of the building or buildings that had existed previously; or

(~~3~~4) construct a new building or buildings that did not previously exist on the site~~.; and~~

~~(4)~~ and that ~~not~~ encroach on the minimum setback requirements in § 1276.03 Building and Parcel Siting and Setbacks.

(c) ~~Except as otherwise provided in §§ 1270.03.02 (Substandard Roads) and 1270.03.03 (Aggregate Risk), Tt~~These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(d) ~~EXEMPTION: Roads~~ These regulations shall not apply to Roads used solely for ~~a~~Agriculture~~al~~, mining, or the management and harvesting of wood products.

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

~~§ 1270.03.02 Substandard Roads.~~

~~(a) Notwithstanding any other provision in this Subchapter,~~

Commented [AJW25]: The suggested 20% incr limitation appears reasonable for commerci and industrial uses – subject to our overarching comments on the scope of the rebuilding exemption.

Commented [AJW26]: Square footage is not useful proxy for fire (or traffic) impacts from residential uses. The residents of a "McMansion" do not generate more or less risk than those of a modest single-family home. The rebuilding limitation should in be focused on the metric that does direct drive fire service impacts and needs – i.e number of residential units. (The propose percentage limitation is also unfair to l income homeowners, as it would effectivel allow wealthy owners of large houses more flexibility in rebuilding than their disadvantaged neighbors who lost smaller houses.)

Commented [AJW27]: As originally drafted, conjunctive "and" was not entirely clear, could have created confusion regarding wh rebuilding a pre-existing structure whose building envelope encroached upon the set was (or was not) exempt under this sectio

Commented [AJW28]: As set forth in our co comments, the proposed limitation on this exemption contravenes statutory policy an not appropriate.

Commented [AJW29]: As explained in our co comments, the proposed provisions address "Substandard Roads" and "Aggregate Risk" deeply flawed in both concept and draftin and should be removed in their entirety.

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~~Building Construction shall not be approved where Access is provided by Roads that do not meet the minimum requirements in § 1273.05.02 (Built Roads), to the extent the Road remains below the minimum requirements.~~

~~(b) Notwithstanding any other provisions in this Subchapter, Building Construction shall not be approved when the Building Construction would cause a Road used to provide Access to the Building Construction does not meet the minimum requirements in § 1273.05.02 (Built Roads) to exceed the aggregate risk threshold calculated in conformance with § 1270.03.03 (Aggregate Risk).~~

~~(c) Notwithstanding any other provision in this Subchapter, exemptions from these standards enumerated in § 1270.03.01(c) (Exemptions – ADUs) shall not apply when Access to the Building Construction is provided by Roads that do not meet the minimum requirements in § 1273.05.02 (Built Roads) or the Building Construction would cause the Access to exceed the aggregate risk threshold in § 1270.03.03 (Aggregate Risk).~~

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

~~§1270.03.03 Aggregate Risk~~

~~(a) Prior to approving any Building Construction subject to this Subchapter where Access is provided by an existing Road or Roads that do not meet the requirements in § 1273.05.02 (Built Roads), a Local Jurisdiction shall calculate, for each Road:~~

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~~(1) the total estimated daily vehicle trips per Residential Unit, commercial use, and/or industrial use that existed along each Road on July 1, 2021;~~

~~(2) the total estimated daily vehicle trips per Residential Unit, commercial use, and/or industrial use existing along each Road on the date the Building Construction is received by the Local Jurisdiction for approval; and~~

~~(3) the total estimated increased in daily vehicle trips on each Road per Residential Unit, commercial use, and/or industrial use that would result from approving the proposed Building Construction.~~

~~(b) Pursuant to § 1270.03.02 (Substandard Roads), Building Construction shall not be approved~~

~~(1) where Access is provided by a Road which has experienced a doubling in its total estimated daily vehicle trips since July 1, 2021;~~

~~(2) where the Building Construction would cause the total estimated daily vehicle trips experienced on a Road on July 1, 2021 to double, or where the Building Construction would cause a Road to cross a threshold such that if the Building Construction was approved, the Road would experience a doubling in its total estimated daily vehicle trips since July 1, 2021.~~

~~(c) Estimated daily vehicle trips per Residential Unit shall be calculated using a factor of 5.11 daily vehicle trips per Residential Unit.~~

~~(d) Estimated daily vehicle trips per commercial use shall be~~

Commented [HE30]: Is this "doubling" thres appropriate? Too small? Too high?

Commented [HE31]: Looking for recommendati on thresholds for commercial and industri uses

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~~calculated….~~

~~(c) Estimated daily vehicle trips per industrial use shall be calculated….~~

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

§ 1270.04. Local Regulations ~~Ordinances~~.

(a) These regulations shall serve as the minimum wildfire protection standards applied in SRA and VHFHSZ. However, these regulations do not supersede local regulations which equal or exceed the standards of this Subchapter. ~~Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction provided that such ordinance, rule, or regulation is equal to or exceeds these minimum standards.~~

(b) ~~A Ll~~ocal regulations equal~~s~~ or exceed~~s~~ ~~a~~ the minimum standards of this Subchapter only if, at a minimum, the local regulations as a whole ~~also~~ fully ~~complies~~ comply with the corresponding minimum standards in this Subchapter. ~~(b) Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.~~

(c) A Local Jurisdiction shall not apply exemptions to Building

Commented [AJW32]: The provisions of this section have been revised to allow for a holistic evaluation of whether local ordinances "equal or exceed" Fire Safe Regulations. Local ordinances may be structured differently than these regulat but nonetheless, as a whole, establish requirements that are equally or more stringent in every particular. Requiring siloed "one-for-one" comparison of each individual regulation and ordinance provi is unnecessarily constraining, and does n serve the purposes of this section.

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Construction that are not enumerated in this Subchapter.

(1) Exceptions requested and approved in conformance with § 1270.06 (Exceptions) may be granted on a case-by-case basis.

(2) Exemptions not enumerated in these regulations shall not be granted.

~~(c) When the Board grants certification, the local ordinances, in lieu of these regulations, shall be applied as described in 14 CCR § 1270.02 and used as the basis for inspections performed under 14 CCR § 1270.05.~~

(d) A Local Jurisdiction or local fire authority may notify the Board upon its commencement of any revisions to relevant local regulations. The Board may provide technical assistance to the requesting agency during the revision drafting process. ~~The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.~~

(e) The Local Jurisdiction or local fire authority may submit their draft regulation to the Board at least 90 days before the first meeting of the Local Jurisdiction or local fire authority at which the proposed draft will be presented to the public.

Commented [AJW33]: This is intended to cla that this technical assistance process ma only be invoked by the agency responsible promulgating and adopting the local regulations.

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

(g) ~~Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, A a~~ local jurisdiction shall require Building Construction to comply with the State Minimum Fire Safe Regulations in accordance with the provisions of this Subchapter.

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

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

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

(1) the Director, or

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

(3) local jurisdictions where the inspection duties have been formally delegated by ~~CAL FIRE~~ the Director to the local jurisdiction, pursuant to subsection (b).

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

(1) The Local Jurisdiction represents, to the Director's satisfaction, that the Local Jurisdiction has appropriate resources to responsibly perform the delegated inspection authority.

(2) The Local Jurisdiction acknowledges that CAL FIRE's

Commented [AJW34]: The statement "notwithstanding a local regulation…" is unclear, as by definition, compliance wit local regulation that equals or exceeds t State Regulations will satisfy the underl Regulations themselves. (In other words, is nothing to be "notwithstanding.")

Commented [AJW35]: As explained in our co letter, PRC 4119 gives CalFIRE responsibi to "enforce the state forest and fire law and "inspect all properties...subject to state forest and fire laws." These provis are not anywhere limited to the SRA - nor expressly or implicitly abrogated by PRC The newly proposed provisions purporting impose these duties directly upon local jurisdictions (which were not in the prio draft) have consequently been removed.

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authority under subsection (c) shall not be waived or restricted.

(3) The Director may impose additional reporting requirements ~~criteria~~ on a proposed delegation of inspection authority as the Director deems necessary and appropriate to ensure that the delegated inspection authority is performed responsibly.

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

(5) The Director may in their discretion revoke the delegation at any time.

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

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

~~(c) Inspections in the VHFHSZ shall be made by the local jurisdiction. Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.~~

(d) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws ~~in the SRA~~ even when the inspection duties have been delegated pursuant to this section. ~~When inspections are conducted, they shall occur prior~~

Commented [AJW36]: The reference to "additional criteria" is open-ended, and unintentionally result in either undergro regulations (if substantive additional "criteria" are consistently imposed acros jurisdictions) or arbitrary decision-maki (if such "criteria" are inconsistently imposed).

During earlier workshops, Board staff identified reporting requirements as the of delegation "criteria" envisioned, whic would not raise such concerns. We recomme that the regulation be clarified and limi accordingly.

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~~to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.~~

(e) Reports of violations ~~within the SRA~~ shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

(f) Inspections conducted by the Director shall be limited to confirming compliance with the State Minimum Fire Safe Regulations. ~~Inspections conducted by the local jurisdiction or fire authority shall confirm compliance with the State Minimum Fire Safe Regulations. A local jurisdiction may, in its discretion, conduct additional inspections with respect to a local regulation that equals or exceeds the State Minimum Fire Safe Regulations.~~

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

Commented [AJW37]: Absolutely "ensuring" compliance may be beyond the power of even most diligent local government. "Requiring" compliance is more appropriate, and consistent with the prior language of this section.

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

§ 1270.06. Exceptions to Standards.

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

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

(b~~a~~) Upon request by the applicant, an ~~e~~Exception~~s~~ to a standard~~s~~ within this ~~s~~Subchapter ~~or to local jurisdiction certified ordinances~~ may be granted ~~allowed~~ by the inspection entity in accordance with ~~listed in~~ § 1270.05 (Inspections). ~~where the exceptions provide the same practical effect as these regulations towards providing defensible space.~~

(1) Exceptions shall only be granted where the Exception provides for Substantial Compliance with the minimum standards provided in this Subchapter.

(2) Exceptions granted by the inspection entity ~~listed in 14 CCR § 1270.05~~ shall be made on a case-by-case basis only, shall be in writing, and shall be supported by Substantial Evidence. Exceptions granted by the inspection entity ~~listed in 14 CCR § 1270.05~~ shall be forwarded to the Board and the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county. Exceptions shall be retained on file at both offices for a period of no less than five (5) years. ~~and shall be retained on file at the Unit Office~~.

~~(3) Building Construction prohibited by §§ 1270.03.02 (Substandard Roads) or 1270.03.03 (Aggregate Risk) shall not be eligible for an exception.~~

(~~b~~c) Requests for an ~~e~~Exception shall be made in writing to the

Commented [AJW38]: The prior draft regula included requests for relief from local ordinances that "meet or exceed" the Stat Regulations within the Exception process. Those provisions have now been removed, a is consequently necessary to specify how requests will be processed. This clarity benefit both the regulated public and Loc Jurisdictions.

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Commented [AJW39]: Sub. (3) has been remo for conformity with the deletion of the referenced provisions.

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inspection entity ~~listed in 14 CCR § 1270.05~~ by the applicant or the applicant's authorized representative.

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

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

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

(iii) material facts demonstrating the proposed alternative mean(s) Substantially Complies with the State Minimum Fire Safe Regulation for which the Exception is requested; ~~the details of the exception proposed,~~ and

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

(2) Local jurisdictions acting as inspection entities pursuant to ~~listed in~~ § 1270.05 (Inspections) may establish additional procedures or requirements for ~~e~~Exception requests.

(~~c~~d) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes to adjudicate any appeals of of inspection entity decisions under this section. ~~Exceptions that have been denied.~~

(1) In addition to local requirements, the local

Commented [AJW40]: Local jurisdictions may may not) desire to authorize interested parties (e.g., neighbors) to appeal Except that have been granted by the inspection entity. The regulations should not preclu such appeals, but should instead leave th decision to the local jurisdiction.

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jurisdiction shall consult with the inspection entity prior to making a determination on an appeal.

(2) The inspection entity shall timely provide documentation ~~demonstrating how~~explaining its conclusion that the requested Exception does not substantially comply with the standards in this Subchapter. ~~Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.~~

(e) If an appeal is granted, the local jurisdiction shall make written findings of the Exception's Substantial Compliance, as defined § 1270.01 (Definitions), with the minimum standards in this Subchapter, supported by Substantial Evidence. ~~that the decision meets the intent of providing defensible space consistent with these regulations.~~ Such findings shall include a written statement of reasons for overriding the decision of the inspection entity. A written copy of these findings shall be provided to the Board and the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

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

§ 1270.07. Distance Measurements.

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

Commented [AJW41]: The draft's language c be interpreted to imply that the inspecti authority's conclusion is necessarily factually correct - which is inconsistent the provision for appeal. Further, the regulation should require that these mate be timely provided - and avoid any implic that the appeals body cannot proceed if s materials are not provided within a reaso period of time.

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

Article 2. ~~Emergency~~ Access and Egress

§ 1273.00. Safe Access and Egress ~~Intent~~.

(a) Roads, ~~and d~~Driveways, and Road or Driveway Structures, whether public or private, unless exempted under ~~14 CCR~~ § 1270.03.01 (Exemptions) ~~1270.02(c)~~, shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency ~~consistent with 14 CCR §§ 1273.00 through 1273.09,~~ as set forth in this Article.

(b)(1) The provisions of this Article shall apply to any Road, Driveway, or Road or Driveway Structure, whether newly constructed, approved, or existing, within the Perimeter of any Building Construction subject to this Subchapter except as set forth in § 1271.03.01 (Exemptions).

(2) The provisions of this Article shall further apply to any existing Road, Driveway, or Road or Driveway Structure that provides Access to Building Construction meeting the criteria in § 1270.03 (Scope ~~– see options for discussion~~).

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

§ 1273.01. Horizontal and Vertical Curves / Curb Radii ~~Width.~~

(a) No road or road structure shall have a horizontal inside

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radius of curvature (measured from the centerline of the inside lane) of less than fifty (50) feet. Additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; one (1) foot shall be added to curves of 100-200 feet, as illustrated on Figure 1 and Figure 2.

(1) Flexible plastic posts to delineate the shoulder and/or provide separation for cyclists may be placed within the required radius upon approval by the local jurisdiction.

(2) A design that does not meet the requirements of subsection (a) may be approved where the operating speed is 15 miles per hour (mph) or less and the horizontal curve is designed and modeled by a licensed professional engineer demonstrating that emergency responders can negotiate the proposed horizontal inside radius.

(b) At intersections where on-street parking and bike lanes may be present, the effective turning radius shall not be less than fifty (50) feet as illustrated in Figure 3 below.

(1) Smaller curb radii or curb extensions may be installed at intersections where width allows to minimize pedestrian exposure and collision severity as long as the effective turning radius is not less than fifty (50) feet.

(2) At intersections in areas without on-street parking and/or bike lanes where speeds approaching the intersection are less than 15 mph, and traffic volumes on the receiving road are less than 120 vehicles per hour during either an evacuation event or during the peak commute hour, whichever is a higher

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volume, curb radii of twenty (20) feet may be approved, as illustrated in Figure 4, if designed by a professional engineer demonstrating that emergency responders can negotiate the turn safely, including the use of opposing travel lanes.

(c) The length of vertical curves of roads, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. Vertical curves less than one hundred (100) feet may be approved when designed by a professional engineer demonstrating that emergency responders can physically negotiate the road.

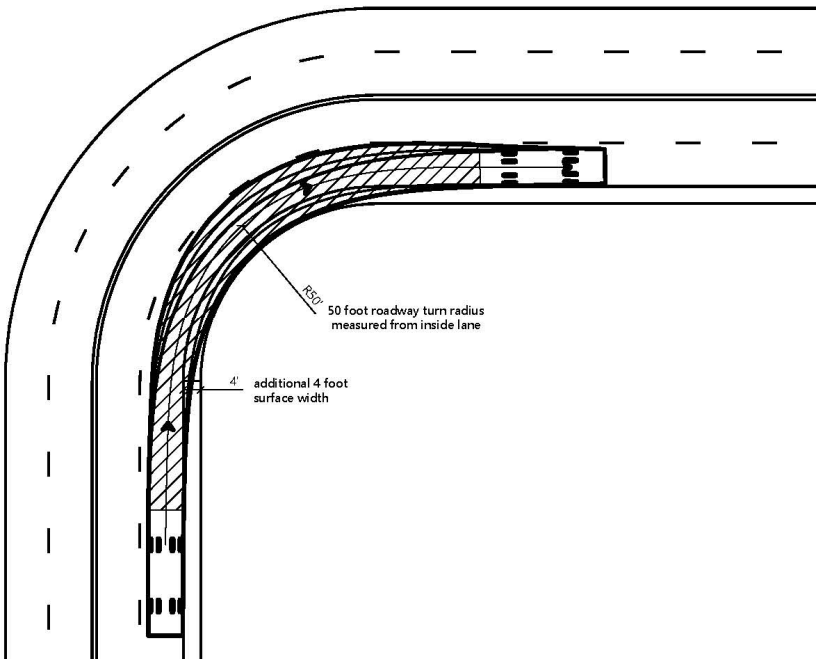


Figure 1

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Effective Turning Radius for Horizontal Curvature with 50 Foot Radius

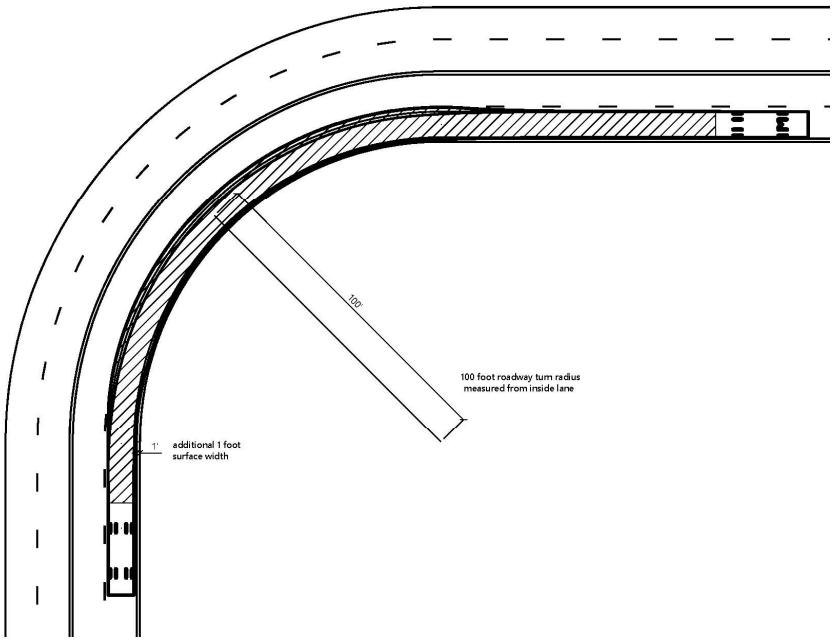


Figure 2
Effective Turning Radius for Horizontal Curvature with 100 Foot Radius

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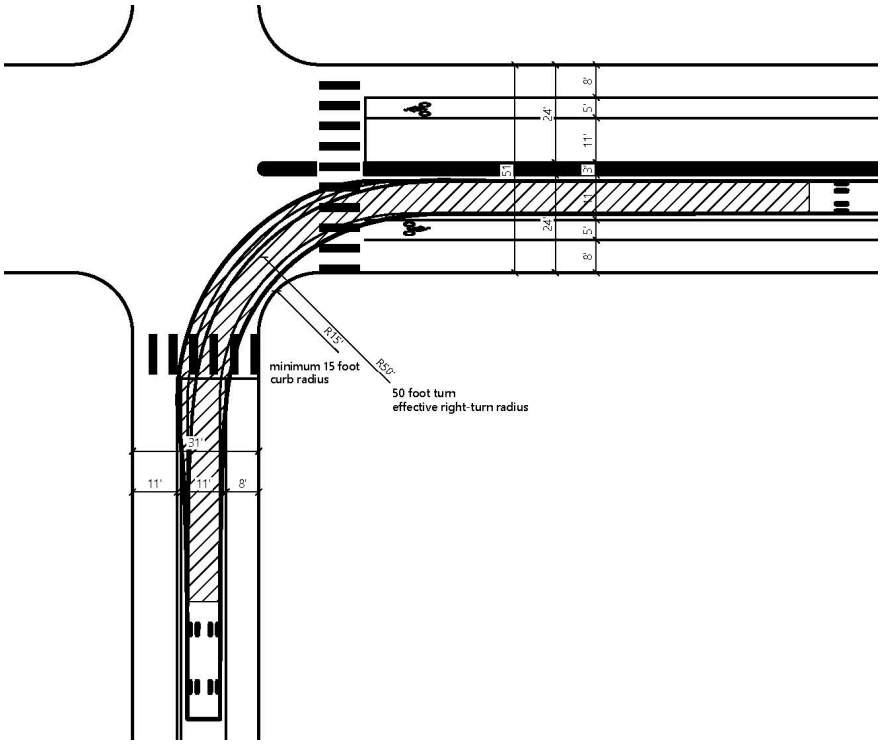


Figure 3
Effective Turning Radius for Intersections with Bike Lanes or Parking

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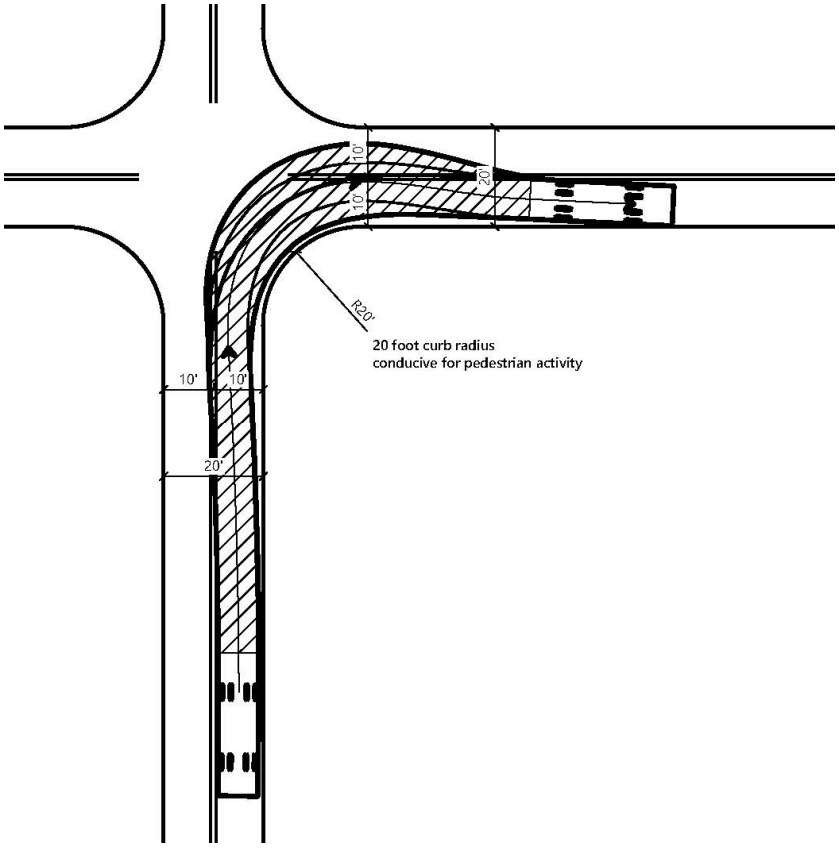


Figure 4
Effective Turning Radius for 20 Foot Wide Road Intersection

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

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

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

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

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

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

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§ 1273.02. Road Surfaces.

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing ~~at least~~ 75,000 pounds.~~r~~ ~~and provide an aggregate base.~~ The material of the Road shall be non-erodible (including, but not limited to, a binding agent, gravel, lime slurry, or pavement) and designed to support the required weight at all times, including during saturation. Roads with a grade of greater than 16% have additional surface treatment requirements specified in § 1273.04 (Grades).

(b) Where the local fire authority certifies that the fire apparatus used is of a lower weight, the local jurisdiction may approve Roads designed to support a lower apparatus weight. If the Road is designed for lower weight than required in § 1273.02(a), then it shall be identified through signage as described in Article 4. In no case shall a Road be designed to support a weight below 36,000 pounds. ~~Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.~~

~~(c) When necessary, the local fire authority or the Local Jurisdiction may require Roads be designed to support a vehicle weight up to 100,000 pounds.~~

(d~~c~~) Project proponent shall provide engineering specifications to support design, if requested by the ~~l~~Local ~~authority having j~~Jurisdiction.

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

Commented [AJW42]: The deleted subdivisio superfluous, in light of local jurisdicti existing authority to establish standards exceed these regulations.

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§ 1273.03. Elevated or Bridge Structures. ~~Grades.~~

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, or bridge weight rating limits, shall reflect the capability of each bridge. Refer to Article 3 for signage requirements.

(b) Where a bridge or an elevated surface is part of a Road, it shall be designed and constructed to accommodate a gross vehicle weight rating of 75,000 pounds. Vehicle load limits shall be posted at both entrances to bridges.

(1) Bridges or elevated surfaces may be designed for a lower apparatus weight if approved by the local jurisdiction verifying that the apparatus used will be under the load weight of the bridge. If the bridge is designed for a lower weight, then it shall be identified through signage as required in Article 3. In no case shall the bridge be designed to support a weight below 36,000 pounds.

(2) American Association of State Highway and Transportation Officials (AASHTO) structure design standards, which focuses on axle load requirements, may be considered in lieu of total vehicle weight if bridges and elevated structures are designed and certified by a professional engineer.

~~(3) When necessary, the local fire authority and/or the local jurisdiction may require bridges or elevated structures be designed to support a vehicle weight up to 100,000 pounds.~~

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

(d) A bridge with only one Traffic Lane may be authorized by the Local Jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and Turnouts at both ends. Single lane bridges shall be implemented consistent with requirements outlined in § 1273.05.01.

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

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

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

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

§ 1273.04. Road Grades. ~~Radius.~~

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

(b) A Local Jurisdiction may approve Road grades of 16 to 20 percent with proper mitigation to prevent slippage (including, but not limited to, aggregate treatments, binding agents, and/or

Commented [AJW43]: This requirement appea reasonable for new bridges, but may be hi problematic as applied to existing bridge (i.e., in connection with developments ab the threshold set forth in Section 1276.03(c)). There are a number of existi bridges in California constructed with wo elements, many of which are historic structures that would be difficult (or impossible) for even the most well-resour developer to replace. (Additional informa on this subject may be found in CalTrans extensive inventories of California's bri stock: https://dot.ca.gov/programs/environmental analysis/cultural-studies/california-historical-bridges-tunnels#surveys) Blank preclusion of development in areas access these bridges, without consideration of t vulnerability, condition, etc. is unneces and inappropriate. We recommend granting Local Jurisdiction the authority to permi such development where conditions warrant

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paving) and scaping. Roads exceeding 16 percent shall be designed by a licensed engineer shall meet the intent of the surface treatments outlined in Table 1.

(c) A Local Jurisdiction retains the authority to require lower percent grade and additional surfacing requirements.

Table 1. Example Treatments for Grades of 16-20%

Grade Range	Surface Treatment	Additional Design Requirements
16.01-18%	Minimum 2" Hot Mix Asphalt (HMA) over 5" of Class 2 Aggregate Base (AB)	
18.01-20%	Minimum 3" HMA over 5" of Class 2 AB or approved equal designed by licensed engineer	Includes a transition zone of 100' of road immediately before and after with a grade less than ~~10~~16%; sustained grades of 18% shall be limited to a maximum length of 300 feet

Commented [AJW44]: 10% appears more restrictive than necessary here. 16% bett conforms to the general grade standard fo roads.

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

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

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

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

§ 1273.05. Road Dimensions and Clearances. ~~Turnarounds.~~

Roads subject to this Subchapter shall conform to the requirements in this section.

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

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

~~(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the~~

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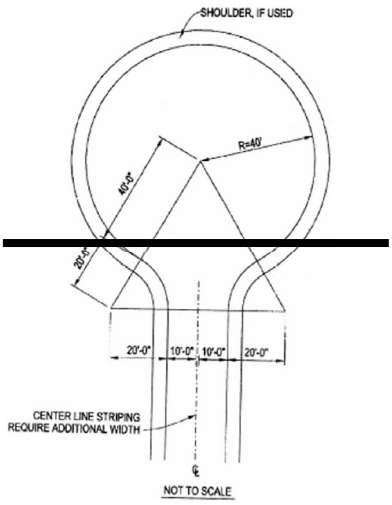
~~driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.~~

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

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

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

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



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

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§ 1273.05.01 Road Width and Horizontal Clearances

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

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

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

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

§ 1273.05.02 Built Roads

~~(a) Notwithstanding any other provision in this Subchapter, Building Construction, including Building Construction enumerated in § 1270.03(b) and § 1270.03.01(b) and (c), shall not be approved where the Local Roads providing Access to the Building Construction do not provide for at one (1) least fourteen (14) foot Traffic Lane for a distance of at least twenty-two (22) feet for a distance of XX feet.~~

Commented [AJW45]: Former Subs. (a) and (
have been removed for conformity with the
revisions explained earlier.

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~~(b) Notwithstanding any other provision in this Subchapter, Building Construction, including Building Construction enumerated in § 1270.03(b) and § 1270.03.01(b) and (c), shall not be approved where the grade of the Local Roads providing Access to the Building Construction exceeds 20% over a distance of XX linear feet.~~

(~~c~~a) Notwithstanding any other provision in this Subchapter, Building Construction meeting the criteria in § 1270.03(c) shall not be approved where a Dead-end Road exceeds one (1) mile in length in a very high fire hazard severity zone in the SRA, designated pursuant to Government Code § 51178 and 14 CCR § 1280.01, or VHFHSZ in the LRA, as measured from the intersecting through Road. When such Building Construction includes a Road connecting the Dead-end Road to a through Road, thus shortening the length of the Dead-end Road, the Local Jurisdiction may approve the construction.

(~~d~~b) When the provisions of this Subchapter would otherwise apply to a Road or Road Structure that provides Access to Building Construction, the Building Construction may be approved, notwithstanding such provisions, ~~Notwithstanding any other provision in this Subchapter, Building Construction may be approved when~~if the Local Roads serving as Access to the Building Construction provide for more than one (1) fourteen (14) foot Traffic Lane but less than the minimum Road width standard in § 1273.05.01 when the Local Roads meet the following criteria:

Commented [AJW46]: This change is intended more clearly express when these provisions apply (i.e., only to developments over threshold determined in § 1270.03(c)), as set forth in Board staff's memo, Attachment 1

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(1) None of the Local Roads are native-surfaced for more than 50% of the Road's length; and

(2) Each Local Road provides Turnouts in compliance with § 1273.05.07 or maintains a twenty (20) foot clear space suitable to serve as a Traffic Lane for the length of the Road. This clear space shall be free of vegetation, debris, fences, or other materials that impede traffic flow, but may include flexible posts or barriers in compliance with § 1273.01(a)(1).

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

§ 1273.05.03 Road Vertical Clearances

Roads shall provide for a minimum of thirteen feet and six inches (13' 6") of unobstructed vertical clearance.

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

§ 1273.05.04 Maximum Lengths of One-Way Roads

In no case shall a one-way road exceed 2,640 feet in length.

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

§ 1273.05.05 Maximum Lengths of Dead-end Roads

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

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(1) parcels zoned for less than one acre - 800 feet

(2) parcels zoned for 1 acre to 4.99 acres - 1,320 feet

(3) parcels zoned for 5 acres or larger - 2,640 feet

(b) All Dead-end Roads shall meet the Turnaround requirements in § 1273.05.07.

(c) All Dead-end Roads shall meet the width requirements in § 1273.05.01.

(d) Each Dead-end Road or group of dead-end roads shall be connected directly to a through road (a road that is connected to other roads at both ends).

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

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

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

~~§ 1273.05.06 Secondary Access/Egress~~

~~(a) When this Subchapter is applicable to Building Construction, such Building Construction may be required by the fire authority to provide for secondary access.~~

~~(1) The fire authority may require secondary access where~~

Commented [AJW47]: Dead-end roads sometime connect to other dead-end roads – which appears permissible, so long as the aggre length of all such roads does not exceed prescribed length. This change is intende clarify that.

Commented [AJW48]: The deleted "secondary access" section is superfluous and unnecessary, in light of jurisdictions' existing authority to adop standards that exceed these regulations. Further, as indicated in our prior commen (and those of Monterey County), the draft language was substantially unclear and confusing.

To the extent that this section was inten to provide additional options for otherwi prohibited development on dead-end roads, is unclear from the language (which provi that provision of secondary access "does exempt any Road from meeting the minimum requirements in this Subchapter") - and, any event, the requirements of this provi are impracticable and burdensome, and unl to be useable by any but the largest developments (where it represents the mos questionable policy). Moreover, the utili these provisions is further undermined by (new) requirement that the secondary acce must "[b]e of equal construction standard the primary Road." As a result, the net e of these provisions is that development m permitted on a non-compliant dead-end roa the non-compliance is fully remedied by building another compliant road. Such a circular provision is unnecessary and its inclusion here confusing.

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~~the length of existing Roads exceed the maximum Dead-end or one-way distances in this Subchapter.~~

~~(2) The fire authority may require secondary access when existing Roads are insufficient due to terrain, location, potential fire or life-safety hazards or other factors that could limit access, or if vehicle congestion, railways, or weather conditions could impair the single-entry point.~~

~~(3) The fire authority may require secondary access for any Building Construction where the site population or activity attendance is anticipated to exceed 100 people.~~

~~(b) Secondary access routes shall:~~

~~(1) Be of equal construction standard to the primary Road. The secondary access does not have to be rated to carry the same quantity of traffic as the primary Road.~~

~~(2) Not exceed the dead-end Road length requirements outlined in § 1273.05.05.~~

~~(3) Not be a Road with a locked gate or limited access, and shall provide for legal and deeded access that serves as a typical travel way to and from the Building Construction. A secured secondary access may be provided if it meets the requirements in § 1273.06.~~

~~(4) Shall connect a user to an alternative route that would not be affected by a closure to the primary access route, to the extent practicable.~~

~~(c) The installation of a secondary access does not exempt any~~

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~~Road from meeting the minimum requirements in this Subchapter.~~

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

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

§ 1273.05.~~07~~ 06 Turnouts

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

(b) On One-way Roads Dead-end Roads, a Turnout shall be located at approximately the midpoint of the Road.

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

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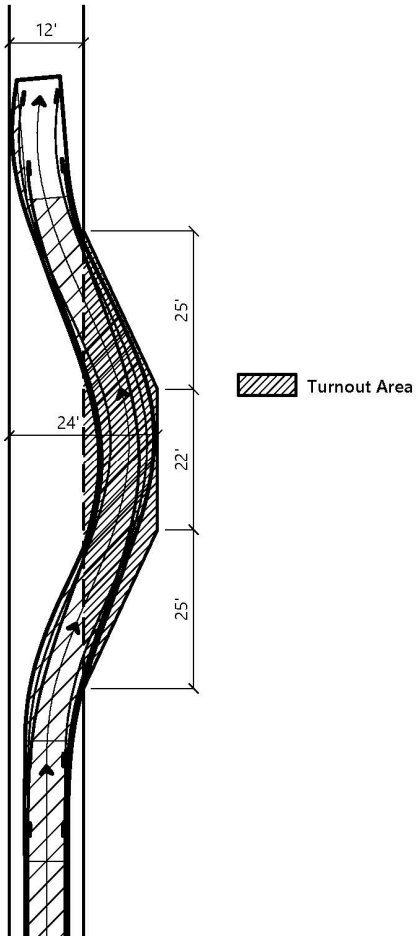


Figure 5
Turnout Dimensions

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

§ 1273.05.08 Turnarounds

(a) Each Dead-end Road shall have a Turnaround constructed at its terminus. Where a Dead-end Road crosses parcels zoned for five (5) acres or larger, a Turnaround shall also be provided halfway along the Dead-end Road.

(b) The minimum turning radius for a Turnaround shall be forty (40) feet, not including parking, in accordance with Figure 6.1 below. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

(c) Turnarounds with a radius smaller than 40 feet, shown in Figures 6.2 and 6.3 below, may be approved by the local jurisdiction when physical constraints prohibit the ability to install a 40-foot Turnaround.

(d) The center of the Turnaround shall remain clear of vegetation or decorative elements.

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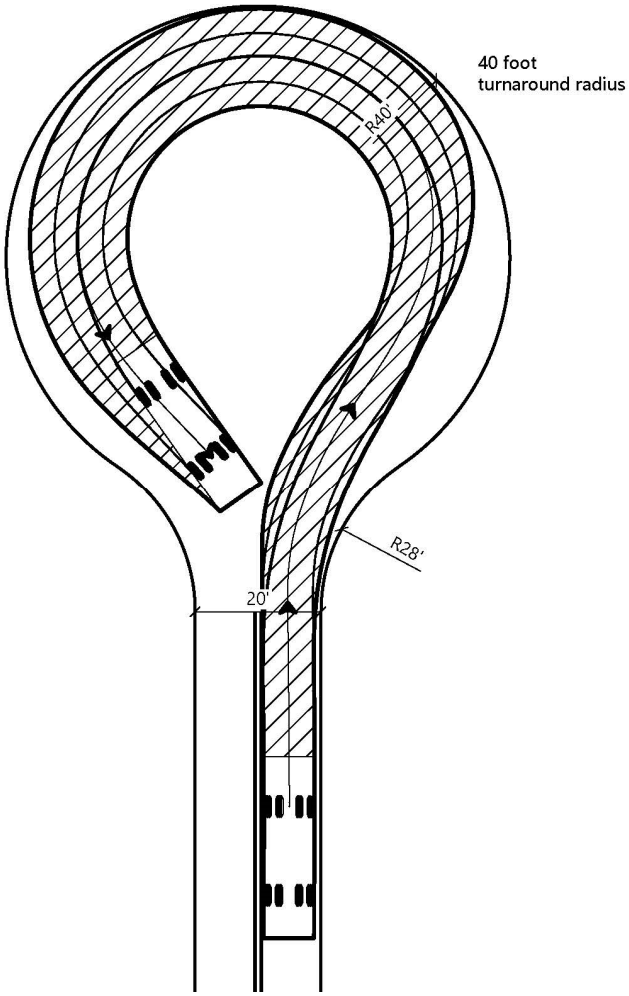


Figure 6.1
Turnarounds with 40-foot radius

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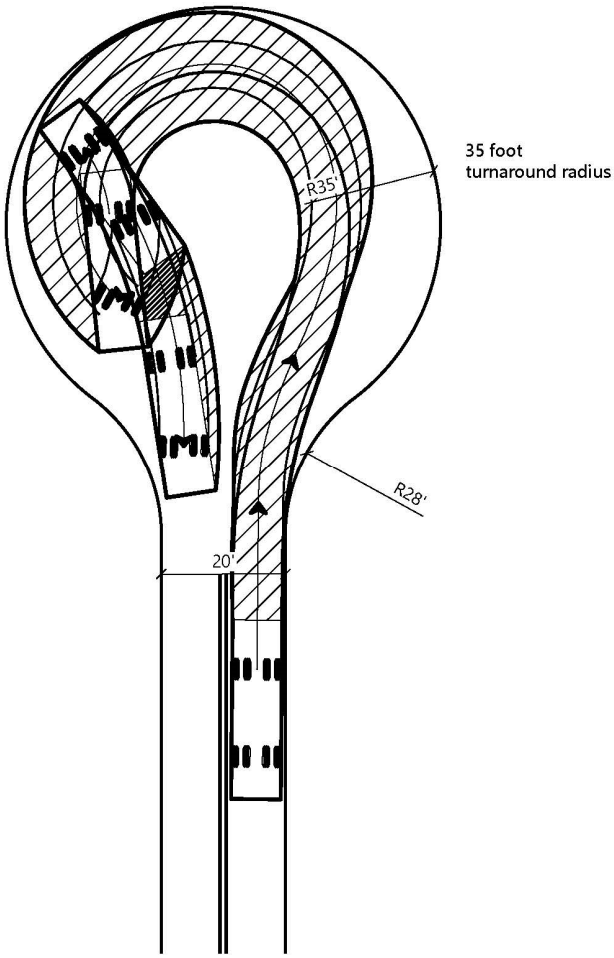


Figure 6.2
Turnarounds with 35-foot radius

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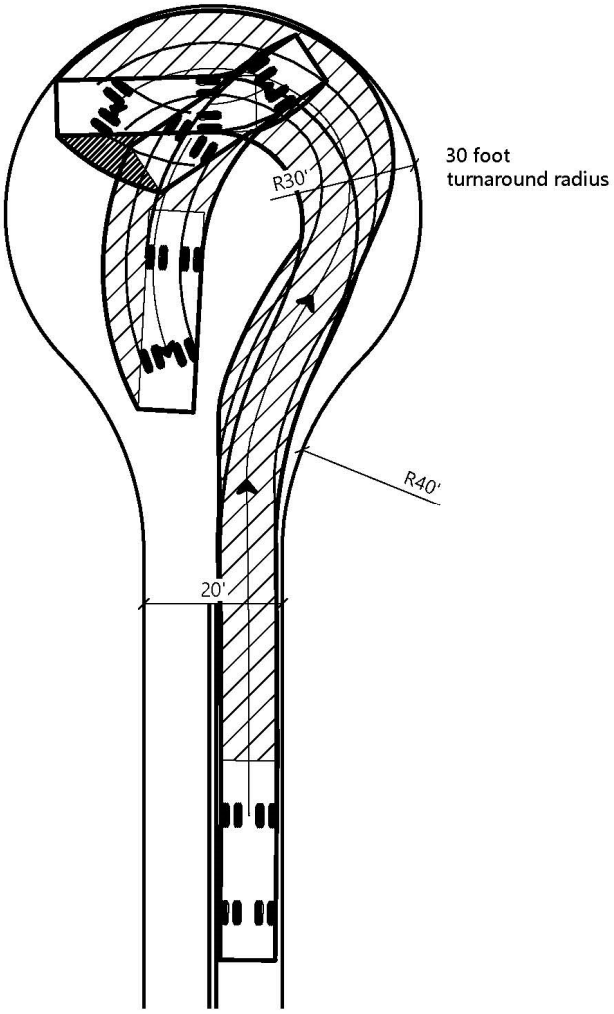


Figure 6.3
Turnarounds with 30-foot radius

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

§ 1273.06 Security Gates ~~Turnouts~~

(a) Security gates shall not be installed without approval from the Local Jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. Electronic gates shall have a manual method of opening in case of electronic failure. The manual method shall be maintained operational at all times.

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

Commented [AJW49]: The requirement for 14 horizontal clearance appears to conflict the provision for 10-foot wide gates.

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

(d) All gates providing access from a Road to a Driveway shall be located at least thirty (30) feet from the Road and shall open in direction of travel to allow a vehicle to stop without obstructing traffic on that Road, in accordance with Figure 7.

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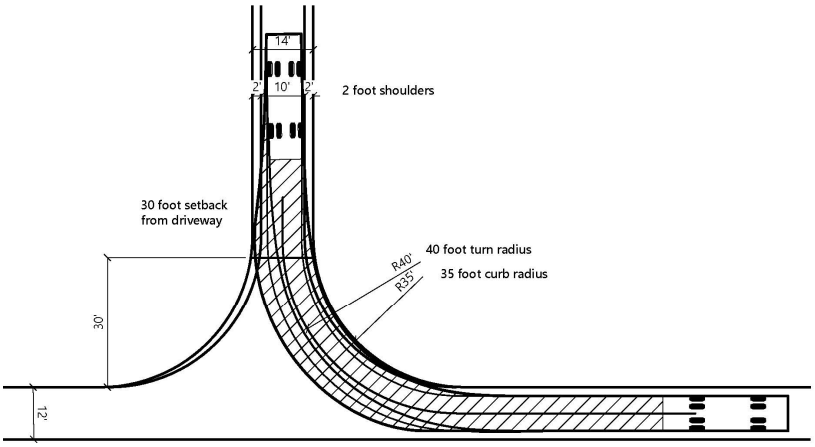


Figure 7
Effective Turn Radius for Gated Entrances/Driveways with Twelve Foot One-Way Main Road

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

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

§ 1273.07 Driveways. ~~Road and Driveway Structures.~~

Driveways subject to this Subchapter shall conform to the requirements in § 1273.07.01 through 1273.07.07, inclusive.

~~(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic~~

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~~lane conditions, shall reflect the capability of each bridge.~~

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

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

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

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

§ 1273.07.01 Driveway Width

All Driveways shall be constructed to provide a minimum of one (1) ten (10) foot Traffic Lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of

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thirteen feet, six inches (13' 6"). This vertical clearance shall be maintained at all times by the property owner.

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

§ 1273.07.02 Driveway Turnarounds

(a) A Turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the building.

(b) The minimum turning radius for a Turnaround shall be forty (40) feet, not including parking, in accordance with Figure 8.1 below.

(c) Turnarounds with a radius smaller than 40 feet as shown in Figure 8.2 and Figure 8.3. may be approved by the Local Jurisdiction when physical constraints do not allow for a 40-foot turnaround. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

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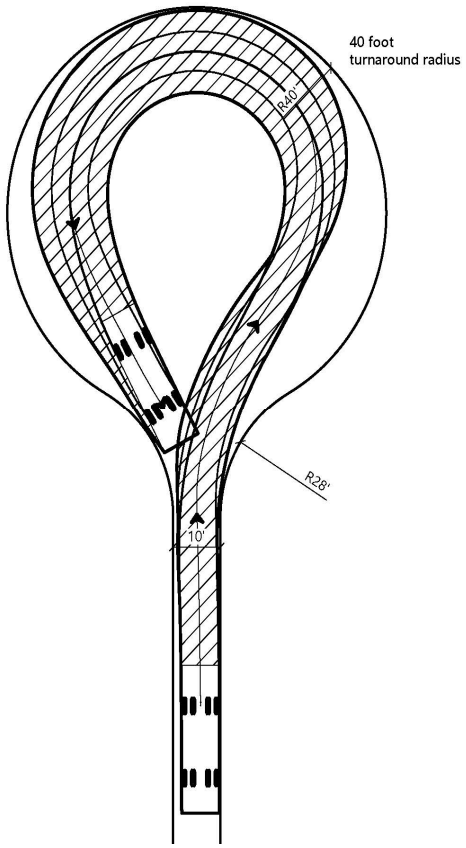


Figure 8.1
Turnarounds for Driveways with Ten Foot Road Width - 40 Foot Turnaround Radius

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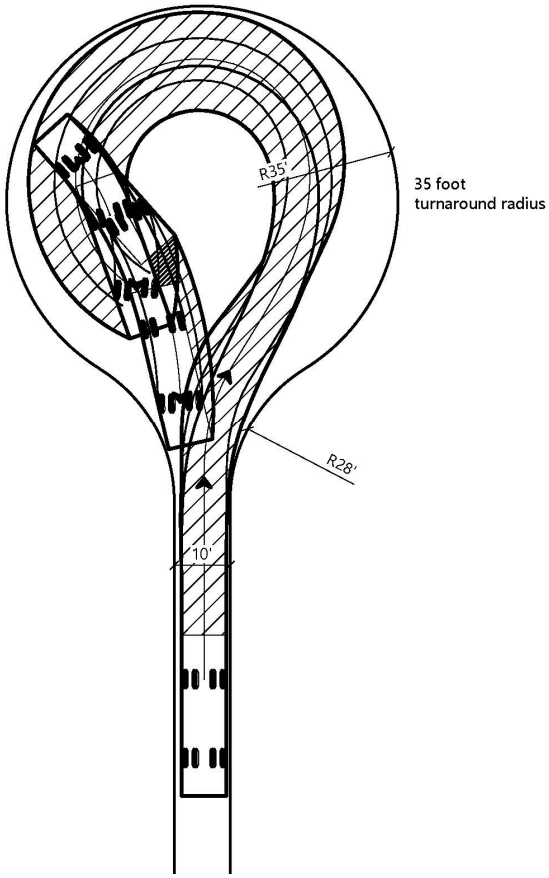


Figure 8.2
Turnarounds for Driveways with Ten Foot Road Width - 35 Foot Turnaround Radius

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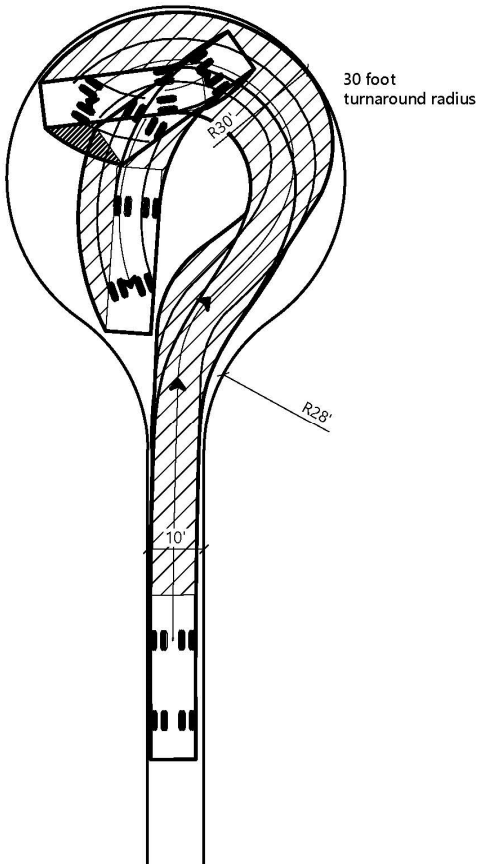


Figure 8.3
Turnarounds for Driveways with Ten Foot Road Width - 30 Foot Turnaround Radius

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

§ 1273.07.03 Driveway Turnouts

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

(b) Driveways greater than 150 feet in length and less than 800 feet in length shall provide a Turnout (as shown in § 1273.05.07, Figure 5) near the midpoint of the Driveway. Where the Driveway exceeds 800 feet, Turnouts shall be provided no more than 400 feet apart.

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

§ 1273.07.04 Driveway Structures

Commented [AJW50]: Use of differing terminology in the various subdivisions o this section (e.g., structure vs. bridge) creates ambiguity and unnecessary confusi

(a) Driveway structures shall be designed and maintained to support at least 75,000 pounds.

(1) Driveway structures ~~Bridges or elevated surfaces~~ may be designed for a lower apparatus weight if the local fire official verifies that the fire apparatus used will be under the load weight of the bridge.

(2) If the Driveway structures~~bridge~~ is designed for a lower weight, then it shall be identified through signage as described in Article 4.

(3) In no case shall the Driveway structures~~bridge~~ be

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designed to support a weight below 36,000 pounds.

(b) AASHTO structure design standards, which focus on axle load requirements, may be considered in lieu of total vehicle weight if designed and verified by a professional engineer.

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

§ 1273.07.05. Driveway Grades and Surfaces. ~~Dead-end Roads.~~

(a) Driveways shall meet the grade requirements outlined in § 1273.04.

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

§ 1273.07.06. Driveway Vertical Clearances

Driveways shall provide for a minimum of thirteen feet, six inches (13’ 6”) of unobstructed vertical clearance.

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

§ 1273.07.07 Driveway Surfaces

Driveways shall be designed and maintained to support at least 36,000 pounds.

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

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~~§ 1273.08 Dead-End Roads~~

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

~~parcels zoned for less than one acre – 800 feet~~

~~parcels zoned for 1 acre to 4.99 acres – 1,320 feet~~

~~parcels zoned for 5 acres to 19.99 acres – 2,640 feet~~

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

~~All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.~~

~~(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.~~

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

~~§ 1273.09. Gate Entrances.~~

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

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

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

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

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

Article 3. Signing and Building Numbering

§ 1274.00. Road Name Signs. ~~Intent~~

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

(~~a~~b) Newly constructed or approved ~~r~~Roads ~~must~~ shall be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and~~/or~~ non-

Commented [AJW51]: Consistent with statem made by Board staff at numerous public ev that this regulation is not retroactive, change is intended to avoid any implicati that these regulations "retroactively" re replacement of existing road signs by pub agencies.

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duplicative naming within each local jurisdiction. This section does not require any entity to rename or renumber existing roads~~, nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering~~.

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

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

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

§ 1274.01. Road Sign~~s~~ Installation, Location, and Visibility.

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

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

(b~~c~~) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance

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limitations, ~~d~~Dead-end ~~r~~Roads, ~~o~~One-way ~~r~~Roads, or single lane Roads and bridges ~~conditions~~, shall be placed:

(1) at the intersection preceding the traffic access limitation, and

(2) no more than one hundred (100) feet before such traffic access limitation.

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

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

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

§ 1274.03. Addresses for Buildings.

(a) All buildings shall be issued an address by the local jurisdiction. Utility and miscellaneous Group U buildings are not required to have a separate address if located on the same parcel as another building for which an address has been issued. ~~which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.~~

Commented [AJW52]: Requiring every access building to have a separate address is unnecessary, and could overload local addressing systems (especially if applied existing buildings). The proposed revisio achieve the apparent intent of this provi by limiting the requirement to accessory buildings that are not co-located with a building to which an address has been iss

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

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

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

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

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

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

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

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

~~(e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.~~

~~(f) In all cases, the address shall be posted at the beginning~~

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~~of construction and shall be maintained thereafter.~~

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

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

Article 4. Water Supply. ~~Emergency Water Standards~~

§ 1275.00. Application. ~~Intent~~

(a) Except where otherwise indicated, ~~T~~the provisions of this ~~a~~Article shall apply only to ~~all~~ Building Construction meeting the criteria in § 1270.03(c).~~in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.~~

(b) These regulations shall apply only to newly constructed water and wastewater facilities that primarily serve new development, and shall not apply to water or wastewater facilities that are not newly constructed, or to water or wastewater facilities, whether existing, upgraded, or newly constructed, that primarily serve existing development. For purposes of this subdivision, "water and wastewater facilities" includes, but is not limited to, water storage tanks and reservoirs, pump stations, treatment facilities, regulator stations, fire hydrants, and similar water and wastewater system devices.~~These regulations shall not apply to repair to, replacement of, or upgrades to existing water and wastewater facilities. This may include, but is not limited to water storage tanks and reservoirs, pump stations, treatment~~

Commented [AJW53]: This draft proposes to substantially expand the water supply requirements from the subdivision stage, all Building Construction. While this is reasonable and sensible for some requirem it is overly burdensome for others.

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

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

Commented [AJW54]: The language proposed the draft was somewhat confusing, as the sentence mentioned existing infrastructur whereas the second mentioned existing development - which is not the same thing (Existing infrastructure may serve new development, and vice-versa.) Our recomme language more clearly expresses the inten discussed on the record at Board workshop with water agency representatives.

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~~facilities, regulator stations, fire hydrants, and similar water and wastewater system devices that serve existing or primarily serve existing development.~~

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

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

§ 1275.01. Approved Water Supply. ~~Application~~

(a) Water supply for all Building Construction, of any size, shall meet or exceed the California Fire Code, California Code of Regulations Title 24, Part 9. Notwithstanding Section 1270.06, the provisions of Sections 104.8 and 104.9 of the International Fire Code regarding modifications and alternative materials and methods shall apply to the requirements set forth in this subdivision.

(b) Where a municipal-type water supply is not available, the Local Jurisdiction shall utilize the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, as referenced in the California Fire Code, California Code of Regulations Title 24, Part 9, Appendix B and Appendix BB. Notwithstanding Section 1270.06, the provisions of Sections 1.4, 1.5, and 1.6 of

Commented [AJW55]: If these regulations incorporate substantive requirements from Fire Code, they must also incorporate the corresponding Fire Code provisions that ameliorate those requirements and make th practicable. Selective incorporation of t mandates, but not the limitations, from t International Fire Code would create an inflexible scheme substantially more burdensome than either the International Council or the State Fire Marshal ever intended.

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NFPA 1142 regarding equivalency, alternatives, and modifications shall apply to the requirements set forth in this subdivision.

(c) All Building Construction of any size shall install a water supply for structure defense. Such protection shall be installed and made serviceable prior to and during the time of construction, except when alternative methods of protection are provided and approved by the Local Jurisdiction.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Water supplies required under the California Fire Code or other law or regulation may also be used to satisfy the requirements of this article, so long as the full amount of water supply required by this article is provided

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

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

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

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

(a) Hydrants, fire valves, or water access located along a

Commented [AJW56]: As noted above relatin the Fire Code, selective incorporation of requirements, without the limitations upo those requirements, would create a scheme unintended by NFPA's drafters or any California policymaker.

The proposed new Exception regime in thes regulations (which eliminates the "same practical effect" standard) is substantia less flexible than the NFPA's adjustment provisions - and those latter provisions part-and-parcel of the NFPA, and should continue to govern any substantive requirements imported from the NFPA.

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Commented [AJW57]: This proposal clarifie that these regulations and the California Code do not require duplicative water supplies, so long as the largest amount o water required under either regulation is provided. This has apparently been a sour dispute and confusion in some jurisdictio

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Driveway shall be identified by at least (1) reflectorized blue marker, with a minimum dimension of three (3) inches. This marker shall be mounted on a fire retardant sign post. The sign post shall be located and mounted as specified by the local fire authority.

(b) Fire Hydrants, Fire Valves, or water access located along a Road shall be identified by a reflectorized blue marker, with a minimum dimension of three (3) inches. This marker shall be mounted on a fire-retardant sign post. The sign post shall be within three (3) feet of the Fire Hydrant, Fire Valve, or water access. The sign shall be no fewer than three (3) nor greater than five (5) feet above ground, in a horizontal position, and visible from the Road, or as specified by the local fire authority. ~~Additional requirements may be specified by the local fire authority.~~

Commented [AJW58]: The deleted text is superfluous in light of local jurisdiction existing authority to prescribe higher standards.

~~(a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.~~

~~(b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby~~

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~~incorporated by reference, shall be accepted as meeting the requirements of this article.~~

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

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

~~(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.~~

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

§ 1275.03. Access to Water Sources. ~~Hydrants and Fire Valves.~~

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

~~(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of~~

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~~Regulations title 24, part 9, Chapter 5, and Appendix C.~~

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

~~(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.~~

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

§ 1275.04. Municipal Water System Hydrants and Fire Valves. ~~Signing of Water Sources~~

(a) The municipal hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the Road or Driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations Title 24, Part 9, Chapter 5, and Appendix C. Notwithstanding Section 1270.06, the provisions of Sections 104.8 and 104.9 of the International Fire Code regarding modifications and alternative materials and methods shall apply to the requirements set forth in this subdivision.

(b) The municipal hydrant head shall sizes designated by the local jurisdiction, in consultation with the local fire authority, and shall have male American National Fire Hose Screw Threads (NH).

(c) Where municipal water supply hydrant systems are not

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practical due to the absence of a municipal water supply, or other limiting factors, a performance-based water supply alternative approved by the Local Jurisdiction, in consultation with the fire authority, shall be designed and installed to meet the minimum fire flow water supply requirements of 250 gallons per minute (gpm) for two (2) hours.

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

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

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

~~(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or~~

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

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

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§ 1275.05. Dry Hydrants

When dry hydrants have been approved by the local jurisdiction, the requirements of NFPA 1142 (2017) Chapter 8 (8.3, 8.4, 8.5, 8.6, 8.7 and 8.8) shall be met. Notwithstanding Section 1270.06, the provisions of Sections 1.4, 1.5, and 1.6 of NFPA 1142 regarding equivalency, alternatives, and modifications shall apply to the requirements set forth in this subdivision.

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

§ 1275.06. Mobile Water Supply (Water Tenders)

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

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

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

(b) The mobile water supply shall, within 5 minutes of the arrival of the first apparatus on-scene, be capable of providing the apparatus with 250 gpm for a 2-hour duration.

(c) Mobile water supplies may use NFPA 1142 (2017) Annex C to achieve minimum fire flow requirements. Notwithstanding Section

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1270.06, the provisions of Sections 1.4, 1.5, and 1.6 of NFPA 1142 regarding equivalency, alternatives, and modifications shall apply to the requirements set forth in this subdivision.

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

§ 1275.07. Protection of Water Supply Infrastructure from Wildfire.

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

(1) underground burial; or

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

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

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

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

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Article 5. Building Siting, Setbacks, and Fuel Modification ~~Fuel Modification Standards~~

§ 1276.00. Applicability ~~Intent~~

(a) All Building Construction subject to these standards shall comply with the following provisions of this Article: § 1276.02 (Building and Parcel Siting and Setbacks); § 1276.03 (Ridgelines); and § 1276.07 (Disposal of Flammable Vegetation and Fuels)

(b) When Building Construction meets the criteria in § 1270.03(c) (Scope), the following provisions of this article shall apply: § 1276.01 (Design Plan); § 1276.02 (Building and Parcel Siting and Setbacks); § 1276.03 (Ridgelines); § 1276.04 (Fuel Breaks); § 1276.05 (Greenbelts, Greenways, Open Spaces and Parks); § 1276.06 (Maintenance of Fuel Breaks); and § 1276.07 (Disposal of Flammable Vegetation and Fuels).

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

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

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§ 1276.01. Design Plan ~~Setback for Structure Defensible Space~~

(a) Building Construction meeting the criteria in § 1270.03(c) (Scope) shall provide a design plan or map that includes the proposed location of building envelopes; Defensible Space setbacks; Fuel Breaks and any access to them; Greenbelts, Greenways, and other open space or parks; Roads and Drivewaysaccess and access locations; topography, including slope or grade; and any proposed alternate performance-based standards for approval by the Local Jurisdiction.

(b) To the degree the information required in § 1276.02(a) is provided for on other maps or plans required by the Local Jurisdictions, those maps or plans may be used to satisfy this section.

~~(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.~~

~~(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.~~

~~(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.~~

~~(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet~~

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~~of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.~~

~~(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.~~Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.02. Building and Parcel Siting and Setbacks. ~~Maintainence of Defensible Space Measures~~

(a) All parcels shall provide a minimum thirty (30) foot setback for all B~~b~~uildings from all property lines and/or the center of a R~~r~~oad.

(b) When a thirty (30) foot setback is not ~~possible for practical reasons~~practicable, which may include but are not limited to, parcel dimensions or size; topographic limitations; development density requirements or other development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints ~~easements~~, the design plan or other documentation shall detail alternate methods approved by the

Commented [AJW59]: "Not possible" is an u high standard (as many things may be theoretically "possible" that are not fea or practical). "Impracticable" appears to better express the intent of this section

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

Local Jurisdiction resulting in the same performance-based outcome.

(c) Alternate methods ~~Same practical effect options~~ may include, but are not limited to: non-combustible block walls or fences; five (5) feet of non-combustible material extending five (5) feet horizontally from the further extent of the building; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening that exceeds the requirements in the California Building Code, California Code of Regulations Title 24, Part 2, Chapter 7A.

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

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

§ 1276.03. Ridgelines. ~~Disposal of Flammable Vegetation and Fuels~~

(a) The Local Jurisdiction shall identify strategic Ridgelines, if any, in consultation with the local fire authority. Strategic Ridgelines shall be identified through an assessment of the

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

following factors:

(1) Topography;

(2) Vegetation;

(3) Proximity to any existing or proposed residential, commercial, or industrial land uses;

(4) Ability to support effective fire suppression; and

(5) Other factors, if any, deemed relevant by the Local Jurisdiction and local fire authority.

(b) Preservation of undeveloped Ridgelines identified as strategically important shall be required~~.~~, as follows:

(~~c~~1) Building Construction on undeveloped Ridgelines identified as strategically important is prohibited, except that the Local Jurisdiction may authorize construction of a wireless telecommunications facility, as defined in Government Code section 65850.6, subdivision (d)(2), if it determines that prohibiting such construction is not necessary to reduce fire risk or improve fire protection.

(~~d~~2) The Local Jurisdiction may implement further specific requirements to preserve~~d~~ undeveloped Ridgelines.

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

Commented [AJW60]: By itself, a requireme "preserve" a ridgeline is not clear. These revisions clarify that Local Jurisdiction preserve ridgelines by implementing the specified development restrictions.

Commented [AJW61]: PRC 4290 specifically requires preservation only of "undevelope ridgelines.

Formatted: English (United States)

Commented [AJW62]: California state polic strongly supports expansion of wireless telecommunications service (including broadband internet access) and associated infrastructure – which is often located i high-elevation areas such as ridgelines i rural areas. (In addition to the cited Government Code section, see also Public Utilities Code section 281, etc.) Further such telecommunications infrastructure of enhances public safety communications, th assisting fire suppression efforts and improving safety.

PRC 4290 provides for "preserv[ation of] undeveloped ridgelines to reduce fire ris improve fire protection" - and should not expansion of telecommunications infrastru where those concerns are not implicated.

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

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

§ 1276.04. Fuel Breaks ~~Greenbelts~~

(a) When Building Construction meets the criteria in § 1270.03(c) (Scope), the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the local fire authority.

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

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

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

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

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

(4) Strategically located along Ridgelines, in Greenbelts,

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

or other locations to manage reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics.

(d) Where applicable, Fuel Breaks shall be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

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

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

(g) Fuel Breaks constructed pursuant to this section shall have, at a minimum, one point of access for fire fighters and any required equipment. The specific number of access points and access requirements shall be determined by the Local Jurisdiction in consultation with the local fire authority.

~~Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.~~

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

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

§ 1276.05. Greenbelts, Greenways, Open Spaces and Parks

(a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.04 (Fuel Breaks).

(b) Local Jurisdictions may require Greenbelts or Greenways or other open areas for the purpose of providing potential areas of refuge for the public or firefighters or other values.

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

§ 1276.06. Maintenance of Fuel Breaks

(a) Maintenance mechanisms shall be established for Fuel Breaks required by the Local Jurisdiction pursuant to Section 1276.04 ~~Annual maintenance requirements shall be included in the initial Fuel Break prescriptions~~ to ensure the fire behavior objectives and thresholds are maintained over time.

(b) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written agreements or equivalent, permanent fees, taxes, or assessments, assessments through a homeowners' association, or similar funding mechanisms to ~~To ensure continued maintenance of commonly owned properties in conformance with these requirements and to~~ assure continued

Commented [AJW63]: The revised language o this provision more clearly and precisely reflects the development processes and fu mechanisms provided under California law. These changes reflect local jurisdiction extensive experience administering these mechanisms, and are requested to avoid implementation difficulties.

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

availability, access, and utilization of the Fuel Breaks provided by these standards during a wildfire~~, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements~~.

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

§ 1276.07 Disposal of Flammable Vegetation and Fuels

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

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

Attachment: RCRC CSAC Urban Counties Letter Feb 17 (RES-2021-277 : Approve Board of Forestry and Fire Protection)

MARIPOSA COUNTY

P.O. Box 784 Mariposa, CA 95338 (209) 966-3222
5100 Bullion Street
http://www.mariposacounty.org/

MARSHALL LONG, CHAIR	**DISTRICT III**
ROSEMARIE SMALLCOMBE, VICE-CHAIR	**DISTRICT I**
TOM SWEENEY	**DISTRICT II**
WAYNE FORSYTHE	**DISTRICT IV**
MILES MENETREY	**DISTRICT V**

ACTION SUMMARY MINUTES

April 27, 2021

A. 9:00 AM Called to Order and Roll Call

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Tom Sweeney	District II Supervisors	Present	9:00 AM
Marshall Long	District III Supervisor	Present	9:00 AM
Wayne Forsythe	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

Chair Long led the Pledge.

C. Introductions

Supervisor Forsythe introduced Danielle Wardale-Bondshu/Deputy Clerk of the Board II and announced her pregnancy.

D. Approval of Consent Agenda (Items designated by "CA")

No public input.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Miles Menetrey, District V Supervisor

SECONDER: Wayne Forsythe, District IV Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

CA1. **Health and Human Services** **RES-2021-223**

Resolution Continuing a Shelter Crisis Local Emergency in Mariposa County

CA2. **Health and Human Services** **RES-2021-224**

Minutes Acceptance: Minutes of Apr 27, 2021 9:00 AM (Approval of Consent Agenda (Items designated by "CA"))

Resolution Continuing the Public Health Local Emergency Due to the COVID-19 Pandemic

CA3. **Sheriff's Office RES-2021-225**

Resolution Continuing the Local Emergency Due to the COVID-19 Global Pandemic

CA4. **Sheriff's Office RES-2021-226**

Resolution Continuing the Local Emergency Due to the 2021 Mono Wind Event

CA5. **Sheriff's Office RES-2021-227**

Resolution Continuing the Local Emergency Due to the 2021 Meteorological "Atmospheric River" Event

CA6. **Administration/Human Resources RES-2021-228**

Approve Amendments to the Victim/Witness Coordinator Job Description; Change the Title to Victim/Witness Services Supervisor; and Designate the Position as a Mariposa County Managerial and Confidential Organization (MCMCO) Classification

CA7. **Board of Supervisors**

Approve the Minutes of Tuesday, April 6, 2021

CA8. **Board of Supervisors**

Approve the Minutes of Tuesday, April 13, 2021

CA9. **County Counsel RES-2021-229**

Approve a 3-Year Agreement with LexisNexis to Provide Access to On-Line Legal Research; and Authorize the County Counsel to Sign the Agreement

CA10. **Health and Human Services RES-2021-230**

Adopt a Resolution Accepting the Transitional Housing Program Allocation; and Authorize the Health and Human Services Agency Director to Execute Any Documents Necessary to Accept the Award (Subject to Review by County Counsel as to Legal Form)

CA11. **HHS/Employment and Community Services RES-2021-231**

Approve an Agreement with Mother Lode Job Training (MLJT) to Provide Employment Placement Services for Individuals in the Subsidized Employment Program in an Amount Not to Exceed $100,000; and Authorize the Board of Supervisors Chair to Sign the Agreement

E. Departmental Presentation

Eric Sergienko/Health Officer advised that there will be a mass vaccination clinic in El Portal on Thursday. He also noted that they will again be implementing the Johnson and Johnson vaccine since the CDC Advisory Committee did a review of the Johnson & Johnson vaccine and did not determine that the 15 cases of deep vein thrombosis that occurred among the 15.1 million vaccinations was caused by the vaccine. Dr. Sergienko also discussed the surge in cases and advised everyone to be

Minutes Acceptance: Minutes of Apr 27, 2021 9:00 AM (Approval of Consent Agenda (Items designated by "CA"))

mindful of continuing to wear a mask when in public, to stay home when sick, and be aware that gatherings still pose a risk. He also noted that of the new county cases, 19 out of the 20 had been unvaccinated, and the one who had been vaccinated was only one day past his first Moderna shot. Board discussion ensued regarding the proliferation of the British variant in the State, speculation as to what the President may do with mask requirements, super spreader events in other states, the shift in the demographic of cases to 20 to 50 year old populations, and the effectiveness of the vaccines against the variants.

Shannon Gadd/Health and Human Services Agency Director provided an update regarding the individuals residing beside the creek, noting that roughly ten individuals have been residing there but, after extensive outreach and collaboration among multiple agencies, there are now only four remaining beside the creek and they have plans of where they would go.

Mike Healy/Public Works Director advised that residents should expect delays on Darrah Road Bridge as work commences. He also noted that the orange fencing along the highways is to protect environmental or culturally sensitive areas. Mr. Healy also reminded that his department is accepting applications for summer jobs; and he noted that his department is working with Dr. Sergienko on ways to safely allow the usual summer events to occur. Mr. Healy also extended thanks to the FFA for the recent dinner that they put on; and discussed the traffic that may be experienced on Highway 49 South.

Matthew Matthiessen/John C. Fremont Healthcare District CEO noted that they continue to be proud partners on providing vaccine clinics to county residents. He also announced that clinic services will be resumed in Greeley Hill on Monday, May 3rd, after a ribbon cutting ceremony at 10:00 AM, and noted that Robin Frye has agreed to return as the provider. He also advised that they will be holding their annual Women's Dinner at the Fairgrounds on May 20th; noted that everyone is invited but that seating is limited to 80 people; and advised that those wishing to attend can reserve a spot by calling Therese Williams at the district. Mr. Matthiessen also announced that the Ewing Wing has once again received a five-star rating which is the best possible rating.

Steve Ward/Cal Fire - Mariposa County Fire announced that Battalion Chief John Morgan has been promoted to Assistant Fire Chief in one of the programs within the State Fire Marshall office and that he reports to his new position on May 17th. Chief Ward advised that he is currently working on a plan for a temporary substitute for the capacities that Chief Morgan addresses. He also advised, for transparency, that it is promotional season and he also applied for a position and has been interviewed but is still waiting to hear back. Chief Ward also noted that on the Cal Fire side, burn permits will again be required statewide as of May 1st.

Mike Healy noted his appreciation of Chief Morgan, and extended congratulations on the promotion on behalf of himself and all of the department heads.

F. Public Comment on Non-Agenda Items

None.

Recess Board of Supervisors

9:37 AM Chair Long recessed the Board of Supervisors, followed by the Clerk of the Board reading the Government Code announcement.

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G. LOCAL TRANSPORTATION COMMISSION

9:37 AM Chair Long convened the Local Transportation Commission (LTC) with all members present.

Public Comment Period

None.

LTC Regular Agenda

1. **Public Works LTC-2021-14**

Adopt a Resolution Approving the Application and Necessary Documents Pertaining to the Federal Transit Administration (FTA) Section 5311 Program (Operating Assistance) Funds; and Authorize the Local Transportation Commission Executive Director to Sign the Application and Necessary Documents to Implement the Section 5311 Grant (Subject to Approval as to Form by County Counsel)

Mike Healy/LTC Executive Director gave the staff report. No public input.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

2. **Auditor (ID # 11678)**

Receive the Final Reports for Transit and Local Transportation Commission Audits for the Fiscal Year 2019-2020

Luis Mercado/County Auditor gave a PowerPoint presentation that provided an overview of the audit. He also noted a correction to page 95of the independent auditor's report. No public input. Board clarification was sought regarding the OPEB decrease, and the difference in figures between CAMS and the General Ledger. Mike Healy advised that they just received delivery of two buses with handicap equipment, but that they will wait to send the old buses to auction pending a shakeout period for the new ones.

CORRECTION:
The year-ended date noted in the independent auditors report issued by Smith & Newell, which starts on packet page 95, should be June 30, 2020, rather than June 30, 2019.

RESULT: **INFORMATION RECEIVED**

Adjourn LTC

10:06 AM Chair Long adjourned the LTC meeting.

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Reconvene as Board of Supervisors

10:06 AM Chair Long reconvened the Board of Supervisors meeting.

H. Regular Agenda Items

1. **Health and Human Services RES-2021-232**

Approve an Agreement with Collaborative Safety, LLC for Training Services in an Amount Not to Exceed $110,100; and Authorize the Board of Supervisors Chair to Sign the Agreement

Shannon Gadd gave the staff report and showed a video from www.casey.org/safety-science-child-welfare/ and introduced Scott Modell and Noel Hengelbrok of Collaborative Safety, LLC who gave a report telephonically. Board discussion ensued. No public input.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Tom Sweeney, District II Supervisors
SECONDER:	Rosemarie Smallcombe, District I Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

Recessed

10:34 AM Chair Long recessed the meeting for a brief break and reconvened at 10:39 AM.

2. **Probation RES-2021-235**

Accept Recommendations of Juvenile Justice Coordinating Council Sub-Committee Regarding the Local Plan and Budget for Local Justice Involved Youth as a Result of SB 823 Directing the Closure of the California Department of Juvenile Justice (DJJ)

Pete Judy/Chief Probation Officer gave the staff report. No public input.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wayne Forsythe, District IV Supervisor
SECONDER:	Miles Menetrey, District V Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

3. **Treasurer-Tax Collector-County ClerkRES-2021-233**

Approve the Note Purchase Contract, the Mariposa County Note 2021 ($1,100,000), and a Letter of Representations for the Sale of the Note to the County Treasurer for the Enterprise Resource Planning (ERP) System Conversion Costs; and Authorize the Board of Supervisors Chair to Sign All Documents Pertaining to the Financing Thereof (Subject to Approval as to Legal Form by County Counsel)

Keith Williams/Treasurer - Tax Collector - County Clerk gave the staff report,

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advising that this is like the note that we used to refinance the Public Health building, but has a different payment schedule on it. No public input.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rosemarie Smallcombe, District I Supervisor
SECONDER:	Wayne Forsythe, District IV Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

4. **Administration RES-2021-234**

Approve an Agreement to Sell $2,992,327 in California Public Utility Commission (CPUC) Rule 20A Pacific Gas and Electric (PG&E) Credits to the Town of Los Altos Hills for the Amount of $1,346,547; and Authorize the Board of Supervisors Chair to Sign the Agreement

Dallin Kimble/County Administrative Officer gave the staff report. Supervisor Long required confirmation that this is not money but, rather, credits to use for projects undergrounding utilities, and that we have no projects right now where we could use them. Mr. Kimble affirmed, noting that they did look at the Downtown Revitalization and the Creekside Terrace projects. No public input.

Supervisor Menetrey requested confirmation that the CAO will bring an item back to the Board to decide what to do with the funds if we get them. Mr. Kimble confirmed.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Miles Menetrey, District V Supervisor
SECONDER:	Rosemarie Smallcombe, District I Supervisor
AYES:	Smallcombe, Sweeney, Long, Forsythe, Menetrey

5. **Board of Supervisors (ID # 11664)**

Discussion and Direction Regarding the Department Head Performance Evaluation Process (Supervisor Sweeney)

Supervisor Sweeney gave the staff report, noting that he has seen a variety of materials for the department head evaluations and suggested a structured approach. He noted that it would not be implemented during this current evaluation period, and suggested that the Board could establish objectives for each department for the next appraisal which would focus on elements of the strategic plan, and that the department heads could meet with the Board liaisons to help them work on that, while the department heads would be tasked with keeping track of, and reporting on, their accomplishments throughout the year. Supervisor Sweeney also suggested that 360 reviews might be part of the process, as well. No public input. Board discussion ensued regarding the process.

DIRECTION:
The Board will ask the department heads during their evaluation if they would like a more robust, more structured evaluation. After all evaluations have been completed, the Board will revisit the 2010 policy to see if any changes are necessary.

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RESULT: DIRECTION GIVEN

I. Items removed from Consent Agenda

None.

J. Closed Session

1. **Board of Supervisors (ID # 11548)**

CLOSED SESSION: Public Employee Performance Evaluation; Position of Employee Under Review: Planning Director

No public input.

RESULT: CLOSED SESSION HELD

Recess

11:49 AM Chair Long moved the Board into Closed Session.

K. 2:00 PM Reconvene

Report Out

Chair Long reported that Information was Received during Closed Session.

1. **Administration (ID # 11660)**

Receive Fiscal Year 2021-22 Budget Requests from Administration, Agricultural Commissioner, UC Cooperative Extension, Assessor, Auditor, Building, Child Support Services, Clerk of the Board, County Counsel, District Attorney, and Treasurer Departments

Dallin Kimble provided a PowerPoint overview regarding the Budget Process. Leigh Westerlund/Assistant County Administrative Officer presented the requested budgets for Administration. Monica Nielson/Senior Agricultural and Standards Inspector presented the requested budget for the Agricultural Commissioner/Sealer of Weights and Measures. Vince Kehoe/Assessor - Recorder presented the requested budget for his department. Luis Mercado/Auditor presented the requested budget for his department. No public comment on the budgets discussed to this point.

Mike Kinslow/Building Director presented the requested budget for his department. Dallin Kimble submitted the requested budget for Child Support Services. René LaRoche/Clerk of the Board submitted the budget for the Board of Supervisors noting that, while not reflected in the written budget request, additional funding is also requested for the 2021 redistricting process. Steven W. Dahlem/County Counsel presented the requested budget for his department, noting that he is requesting the return of the legal secretary position. Walter Wall/District Attorney presented the requested budget for his department. Keith Williams/Treasurer - Tax Collector - County Clerk presented the requested budget for his departments, noting that he wants to restore the position that was vacant going into the COVID-19 pandemic.

Minutes Acceptance: Minutes of Apr 27, 2021 9:00 AM (Approval of Consent Agenda (Items designated by "CA"))

4:06 PM Chair Long recessed the meeting for a brief break and reconvened at 4:13 PM.

Fadzayi Mashiri gave the report for the UC Cooperative Extension telephonically. No public input.

RESULT: INFORMATION RECEIVED

L. Board Information

Supervisor Smallcombe announced upcoming vaccination clinics in El Portal.

Supervisor Forsythe noted that he has submitted a written report covering April 20 - 27, 2021.

1. **Clerk of the Board of Supervisors (ID # 11756)**

Reports and Handouts from the Board Information Portion of the April 27, 2020 Meeting

RESULT: INFORMATION RECEIVED

M. Adjournment

4:36 PM Chair Long adjourned the meeting in memory of Debra Beth Smith, and Judy Van Winkle.

Respectfully submitted,

René LaRoche
Clerk of the Board

Marshall Long
Chair, Board of Supervisors

Minutes Acceptance: Minutes of Apr 27, 2021 9:00 AM (Approval of Consent Agenda (Items designated by "CA"))

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: CAO (Purchasing Agent) Signed Agreements

RECOMMENDATION AND JUSTIFICATION:
Receive the List of Agreements Entered into by the County Administrative Officer (CAO) (Purchasing Agent) Pursuant to County Code Chapter 3.08, Entered into, Received and Processed in April of 2021.

Per Resolution 05-400, the Board is to receive a monthly informational item with a synopsis of agreements entered into for that particular month.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board receives a synopsis of CAO Executed Agreements each month.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board will be unaware of the contracts that the CAO has authorized.

ATTACHMENTS:
CAO approved agreements 5-18-21 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

BOARD REPORT ON CAO EXECUTED CONTRACTS

Board Agenda Item for May 18, 2021

Contractor (digital)	Amount	Term	Service	Department
ArchiveSocial (digital)	$4,788	5-14-21 to 5-14-22	ArchiveSocial Enterprise License	Admin
CDFA Seed Services Program	$100	7-1-21 to 6-30-22	Inspection of Incoming Seeds	Ag
Ray Kapahi	$18,000.00	7-1-21 to 6-30-22	Consultant	HHSA
Saavedra Socorro	$15,000.00	7-1-21 to 6-30-22	Clinical Supervision, Counseling and Training Services	HHSA
S and S Electric	$13,000.00	2-1-21 to 6-30-21	Utility Services	HHSA
Mercy Medical Transportation, Inc.	$50,000.00	1-1-21 to 6-30-21	Medical Transportation of Vaccination Clinics	HHSA
Mariposa County Arts Council, Inc.	$19,000.00	7-1-21 to 6-30-22	Community Participatory Art Program	HHSA
Cole Communications, Inc. (digital)	$20,000.00	7-1-21 to 6-30-22	Consulting Servies - Organiztional Strategic Planning	HHSA
Alliance for Community Transition - Ethos Youth Center (digital)	$41,302.00	7-1-21 to 6-30-22	Independent Living Program	HHSA
Homebase (digital)	$35,000.00	7-1-21 to 6-30-22	Advancing Solutions to Homelessness	HHSA
PA= Purchasing Agent (CAO)				
APA= Assistant Purchasing Agent (Department Head)				

Attachment: CAO approved agreements 5-18-21 (2021-58 : CAO (Purchasing Agent) Signed Agreements)

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Department Head Signed Agreements

RECOMMENDATION AND JUSTIFICATION:
Receive the List of Agreements Entered into by the Mariposa County Department Heads (Assistant Purchasing Agents) Pursuant to County Code Chapter 3.08 Entered Into, Received and Processed in April of 2021.

Per Resolution 05-400, the Board is to receive a monthly informational item with a synopsis of agreements entered into for that particular month.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board receives a synopsis of Department Head Executed Agreements each month.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board will be unaware of the contracts that the Department Heads have authorized as Assistant Purchasing Agents.

ATTACHMENTS:
Department Head approved agreements 5-18-21 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

BOARD REPORT ON DPARTMENT HEAD EXECUTED CONTRACTS

Board Agenda Item for May 18, 2021

Contractor	Amount	Term	Service	Department
Accela	$7,786	7-1-21 to 6-30-22	EnvisionConnect Software	HHSA
Central Coast Energy - ServTraq	$9,084	1-1-21 to 12-31=21	Software License	HHSA
Cole Communications, Inc.	$10,000	3-1-21 to 6-30-21	Consulting Services - Organizational Strategic Planning	HHSA

PA= Purchasing Agent (CAO)

APA= Assistant Purchasing Agent (Department Head)

Attachment: Department Head approved agreements 5-18-21 (2021-59 : Department Head Signed

MARIPOSA COUNTY

County Counsel · (209) 966-3222

RESOLUTION - ACTION REQUESTED 2021-278

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Approve Second Amendment to Lease Agreement for Grazing Lease and Authorize Chair to Sign

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RECOMMENDATION AND JUSTIFICATION:
Approve the Second Amendment to a Lease Agreement with Robert Cree for an additional year for Grazing Purposes in the Lake Don Pedro I-M Area; and Authorize the Board of Supervisors Chair to Sign the Amendment.

Staff recommends extending the Grazing Lease Agreement for an additional year to allow staff time to evaluate this property for possible sale.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Original lease agreement entered on May 1, 2015.

First amendment on February 25, 2020 for an additional year.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the Board chooses not to approve the Second Amendment to the Lease Agreement then the property will be vacant until such time as a sale occurs.

FINANCIAL IMPACT:
None

ATTACHMENTS:
Second Amendment to Lease Agt-LDP 1M (PDF)
First Amendment to Lease Agt-LDP IM (PDF)
Lease Agreement-LDP 1M (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11785

RECEIVED
MAY - 3 2021
MARIPOSA CO. COUNSEL
RISK MGMT.

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT, made and entered into this ____ day of May 2021 by and between the **COUNTY OF MARIPOSA**, hereinafter referred to as "**Lessor,**" and **ROBERT CREE**, hereinafter referred to as "**Lessee.**"

WHEREAS, Lessor and **Lessee** have heretofore entered into a Lease Agreement dated May 1, 2015, wherein **Lessee** leased certain real property described as Parcels 1 and 2 in Area 1-M of Lake Don Pedro for the sole purpose of grazing cattle; and

WHEREAS, Lessor and **Lessee** entered into a First Amendment to Lease Agreement dated February 25, 2020 to extend the term of the Agreement for one year; and

WHEREAS, Lessor and **Lessee** desire to amend said Lease Agreement to extend the term of the Agreement and to change the compensation to be provided to **Lessor**.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph II, "TERM," is hereby amended to extend the term of the Lease Agreement for one additional year terminating on April 30, 2022.

2. Paragraph III, "CONSIDERATION," is hereby amended to provide that an additional Five Thousand Two Hundred Dollars ($5,200.00) will be added to the First Amendment amount of Five Thousand Two Hundred Dollars ($5,200) and the original amount of Five Thousand Two Hundred Dollars ($5,200.00), making the total compensation paid to **Lessor** Fifteen Thousand Six Dollars ($15,600.00).

3. Except as herein amended, the Agreement dated May 1, 2015 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

MARSHALL LONG, Chair
Mariposa County Board of Supervisors

LESSEE:

Robert L. Cree
ROBERT L. CREE

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Second Amendment to Lease Agt-LDP 1M (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease

MARIPOSA COUNTY

County Counsel · (209) 966-3222

COUNTY SERVICE AREA 1M 2020-3

MEETING: February 25, 2020

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: CSA 1M: Approve First Amendment to Grazing Lease Agreement

---

RECOMMENDATION AND JUSTIFICATION:
Approve the First Amendment to a Lease Agreement in County Service Area 1M (Lake Don Pedro) for Grazing; and Authorize the County Service Area 1M Chair to Sign the First Amendment to the Lease Agreement with Robert Cree in the Amount of $5,200 for One Year.

Staff recommends extending the Grazing Lease Agreement for one year to allow staff time to evaluate this property and other County properties for possible sale.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The subject property has been leased for grazing purposes since 1978.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ATTACHMENTS:
LDP IM-Graz lse First Amendment (DOC)
CSA IM Grazing Agt (PDF)
CSA IM Map (PDF)

RESULT: **ADOPTED AS AMENDED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey

Attachment: First Amendment to Lease Agt-LDP IM (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and

RES. NO. CSA IM 20-

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT, made and entered into this 26th day of ~~January~~ February, 2020 by and between the **COUNTY OF MARIPOSA**, hereinafter referred to as "**Lessor**", and **ROBERT CREE**, hereinafter referred to as "**Lessee**".

WHEREAS, Lessor and **Lessee** have heretofore entered into a Lease Agreement dated May 1, 2015, wherein **Lessee** leased certain real property described as Parcels 1 and 2 in Area 1-M of Lake Don Pedro for the sole purpose of grazing cattle; and

WHEREAS, Lessor and **Lessee** desire to amend said Lease Agreement to extend the term of the Agreement and to change the compensation to be provided to **Lessor**.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph II, "TERM", is hereby amended to extend the term of the Lease Agreement for one additional year terminating on April 30, 2021.

2. Paragraph III, "CONSIDERATION", is hereby amended to provide that an additional Five Thousand Two Hundred Dollars and 00/100 ($5,200.00) will be added to the original amount of Five Thousand Two Hundred Dollars and 00/100 ($5,200.00), making the total compensation paid to **Lessor** Ten Thousand Four Dollars and 00/100 ($10,400.00).

3. Except as herein amended, the Agreement dated May 1, 2015 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

~~KEVIN CANN~~, Chair - Merlin Jones
Mariposa County ~~Board of Supervisors~~
CSA IM

LESSEE:

ROBERT L. CREE

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: First Amendment to Lease Agt-LDP IM (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and

AGENDA ACTION FORM

DATE: June 1, 2010
AGENDA ITEM NO. 4-17

DEPARTMENT: County Counsel **BY**: Steven W. Dahlem **PHONE**: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Community Service Area 1M

Recommendation to award bid to lease real property in County Service Area 1M (Lake Don Pedro) for grazing to Robert L. Cree and authorize Chair to sign a five-year Lease Agreement in the amount of $1,600.00 per year.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The subject property has been leased since 1978. The two prior lease agreements were also entered into with Mr. Robert L. Cree for a three year term with a 30 day notice of cancellation.

On March 8, 2010, action was taken by the Board of Supervisors/County Service Area 1M stating intent to lease the subject property for a period of five years at a minimum lease price of $2,037.50 per year.

A public hearing was set for April 13, 2010 to open bids; however no bids were received. Mr. Cree has offered to enter into a five-year Lease Agreement in the amount of $1,600.00 per year ($10.00 per acre). This is the same amount he is paying to lease neighboring property for grazing purposes and therefore seems reasonable.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No other interest has been expressed to lease this property. If the Board chooses not to accept Mr. Cree's offer then the property will remain vacant.

Financial Impact? ( ) Yes (x) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
Source:
Internal Transfer
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote
Contingency 4/5's vote
( ) General ( ) Other

List Attachments, number pages consecutively

Lease Agreement

CSA 1M (Don Pedro)

CLERK'S USE ONLY:
Res. No.: 10-3 Ord. No. _____
Vote – Ayes: 5 Noes: _____
Absent: _____
( ) Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

COUNTY ADMINISTRATIVE OFFICER:
X Requested Action Recommended
_____ No Opinion
Comments:

CAO:

Revised Dec. 2002

Attachment: First Amendment to Lease Agt-LDP IM (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 1st day of June, 2010, by and between the **COUNTY SERVICE AREA 1M (DON PEDRO)**, hereinafter referred to as "**LESSOR**", and Robert L. Cree, hereinafter referred to as "**LESSEE**".

WITNESSETH:

I. DESCRIPTION OF PREMISES

LESSOR leases to **LESSEE**, and **LESSEE** hires from **LESSOR**, as herein provided, that certain real described as follows:

Parcels 1 and 2 in Area 1-M of Lake Don Pedro and as more particularly described in Exhibit "A" attached hereto.

II. TERM

The term of this **LEASE AGREEMENT** is five (5) years beginning the 1st day of June 2010 and ending the 30th day of May 2015.

III. CONSIDERATION

The consideration for this **LEASE AGREEMENT** shall be ONE THOUSAND SIX HUNDRED DOLLARS AND ($1,600) per year to be paid on or before June 1st of each year.

IV. USE OF PREMISES

The **PREMISES** are leased to be solely used for grazing purposes, and **LESSEE** agrees to restrict use to such purpose and not to permit the use of the **PREMISES** for any other purpose without first obtaining the consent in writing of **LESSOR**.

V. NO WASTE, NUISANCE, OR UNLAWFUL USE

LESSEE shall not commit or allow to be committed any waste on the premises, or nuisance, nor shall he use or allow to be used the **PREMISES** for an unlawful purpose. The **LESSEE** further agrees to maintain complete fencing around the above-described property.

VI. POSSESSORY INTEREST

LESSEE recognizes and understands that to the extent this Lease may or may not create a possessory interest subject to property taxation that the **LESSEE** is solely responsible for the payment of any taxes levied or assessed on the Leased **PREMISES**. **LESSOR** expresses no opinion on the taxable affect of this Lease.

Attachment: Lease Agreement-LDP 1M (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and Authorize

VII. NON-LIABILITY OF LESSOR FOR DAMAGES; INDEMNITY AND SAVE HARMLESS CLAUSE

LESSEE agrees to indemnify, protect, defend and hold **LESSOR**, its officers, agents and employees, free and harmless from any and all liabilities, claims, demands, actions, losses, damages and costs of any kind, including, but not limited to, all costs of defense thereof, caused by, arising out of, or in any way related to **LESSEE'S** use or the use of any guests, invitees or agents of **LESSEE** of the Leased Premises. Upon demand **LESSEE** shall, at its own expense, defend **LESSOR**, and its officers, agents and employees, against any and all such liabilities, actions, losses, damages and costs, claims, demands, actions, losses, damages, and costs of any type or nature. In addition, **LESSEE** shall comply with state insurance requirements.

VIII. INSURANCE

LESSEE will certify that the following insurance coverages are in effect as of to the commencement of this Lease and any right of occupancy of the Lease Premises and shall maintain coverage in full force and in effect until the termination of this Lease Agreement:

A. **General Liability and Bodily Insurance**: **LESSEE** shall obtain and keep in full force and effect, a general liability policy of at least Five Hundred Thousand Dollars ($500,000) combined limit for bodily injury and property damage, provided that the **LESSOR**, its officers, employees and agents are to be named additional insureds under the policy, and that the policy shall stipulate that this insurance will operate as primary insurance, and that no other insurance effected by **LESSOR** or other named insureds will be called on to cover a loss covered thereunder.

B. **Certificate of Insurance**: All policies of insurance required above shall be written by a qualified insurance company rated 'A' or better by the Best's Insurance Rating Guide and be authorized to do business by the State of California and shall be in a form approved by **LESSOR**. **LESSEE** shall file with the **LESSOR** a certificate of insurance evidencing coverage as set forth above. **LESSEE** is required to mail a certificate of insurance, signed by an authorized representative of the issuing company, annually, to the County of Mariposa, Risk Manager, at P.O. Box 784, Mariposa, CA 95338. The following information must be included on each certificate of insurance or the coverage shall be considered incomplete:

(1) A statement that the County of Mariposa is a named insured under each policy or policies;

(2) All required dollar limits of insurance coverages shall be correctly stated;

(3) A provision that written notice of cancellation or any material change in coverage shall be delivered to **LESSOR** at least 30 days in advance of the effective date of the material change or cancellation, and that no cancellation, alteration or change of beneficiary or beneficiaries shall be made without written notice to **LESSOR**.

VIII. IX. PROHIBITION AGAINST ASSIGNMENT OR SUBLEASE OF THE PREMISES

LESSEE agrees not to assign or sublease the **PREMISES** leased, or any part thereof, without first obtaining **LESSOR'S** written consent, or to allow any other persons, except **LESSEE'S** agents or employees, to occupy the **PREMISES** or any part thereof, without first obtaining **LESSOR'S** written consent.

IX. TERMINATION

Attachment: Lease Agreement-LDP 1M (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and Authorize

Either the **LESSOR** or the **LESSEE** may terminate the **LEASE AGREEMENT** within sixty (60) days should it become necessary for the **LESSOR** to develop the above- described property for a sanitary landfill site.

IN WITNESS WHEREOF, the **PARTIES** hereto have executed this **LEASE AGREEMENT** on the day and year first above-written.

LESSOR:
COUNTY SERVICE AREA 1M
(Don Pedro)

KEVIN CANN, Chair
Board of Directors

LESSEE:

Robert L. Cree

Robert L. Cree

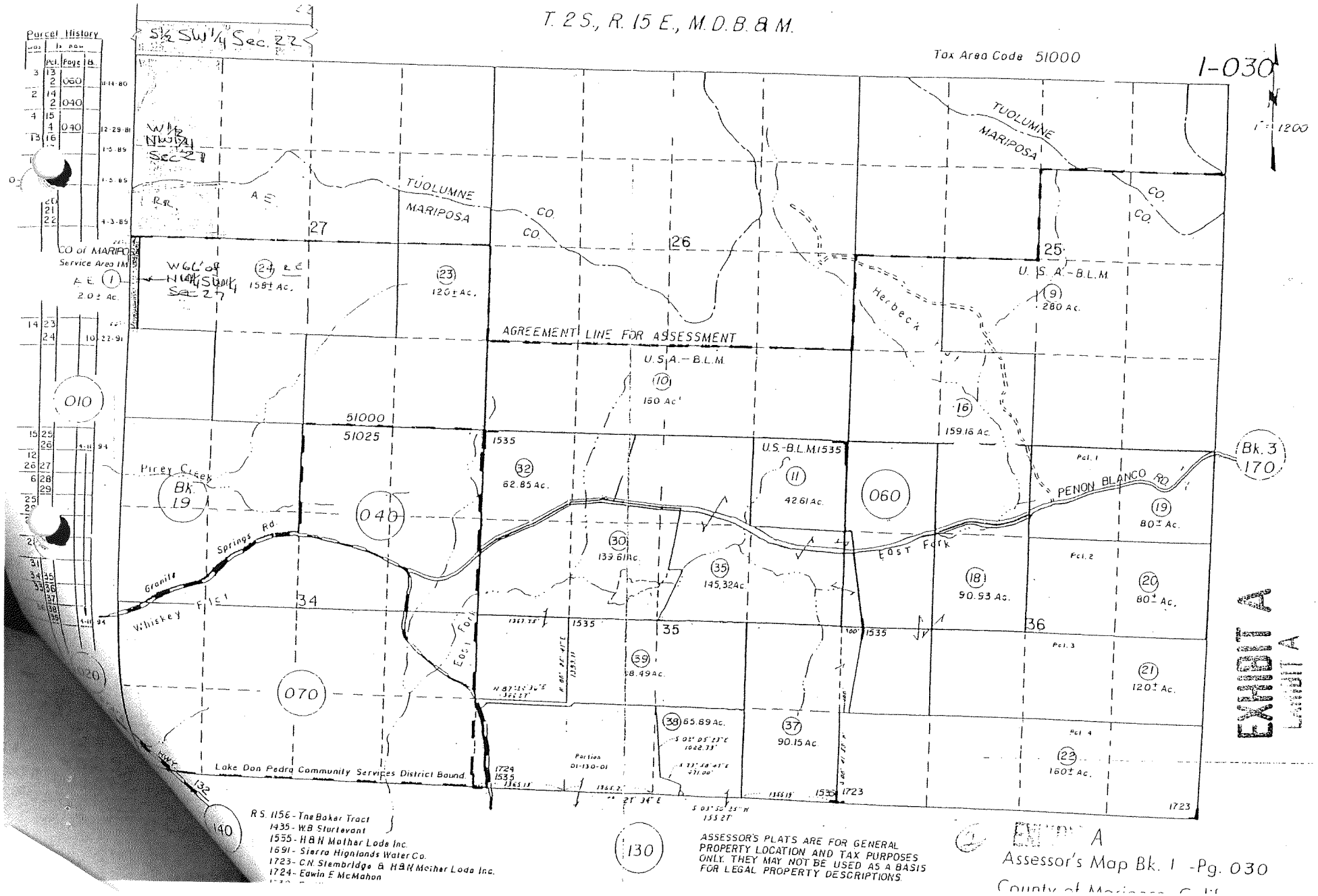
ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Lease Agreement-LDP 1M (RES-2021-278 : Approve Second Amendment to Lease Agreement for Grazing Lease and Authorize


T. 2 S., R. 15 E., M. D. B. & M.
Tax Area Code 51000
I-030
1" = 1200'
S½ SW¼ Sec. 22
Parcel History
TUOLUMNE
MARIPOSA
CO.
CO.
W½ NW¼ Sec. 27
AGREEMENT LINE FOR ASSESSMENT
U. S. A. - B. L. M.
Herbert
U. S. A. - B. L. M.
280 Ac.
150 Ac.
159.16 Ac.
158± Ac.
120± Ac.
2.0± Ac.
62.85 Ac.
42.61 Ac.
90.93 Ac.
80± Ac.
120± Ac.
160± Ac.
90.15 Ac.
65.89 Ac.
145.324 Ac.
139.61 Ac.
58.49 Ac.
51000
51025
1535
1723
1724
010
040
060
070
130
140
Bk. 19
Bk. 3
170
Piney Creek
Granite
Springs Rd.
Whiskey Flat
East Fork
PENON BLANCO RD.
Lake Don Pedro Community Services District Bound.
Portion 01-130-01
Pcl. 1
Pcl. 2
Pcl. 3
Pcl. 4
RS. 1156 - Tne Baker Tract
1435 - W B Sturtevant
1555 - H & N Mother Lode Inc.
1691 - Sierra Highlands Water Co.
1723 - C N Stembridge & H & N Mother Lode Inc.
1724 - Edwin E McMahon
ASSESSOR'S PLATS ARE FOR GENERAL PROPERTY LOCATION AND TAX PURPOSES ONLY. THEY MAY NOT BE USED AS A BASIS FOR LEGAL PROPERTY DESCRIPTIONS.
EXHIBIT A
EXHIBIT A
Assessor's Map Bk. 1 - Pg. 030
County of Mariposa, Calif.

MARIPOSA COUNTY

Planning · 209-966-5151

RESOLUTION - ACTION REQUESTED 2021-279

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Climate Action Corps Fellows Application

RECOMMENDATION AND JUSTIFICATION:

Ratify the Submittal of an Application to Climate Action Corps Fellows Program; and Authorize the Board of Supervisors Chair to Sign the Grant Agreement If Awarded (Subject to Approval as to Legal Form by County Counsel).

The Climate Action Corps Fellowship program helps local communities implement climate actions that are designed to engage community members, empower change, and leave a lasting impact. Selected Fellows spend 11 months supporting community climate action projects through CivicSpark, a program of the Local Government Commission (LGC) implemented in partnership with California Volunteers. If selected, Mariposa County would receive the services of a recent college graduate whose skills match our stated climate action needs to work for the Planning Department for the term of the program. Because salary and health insurance costs are borne by the program, there would be no direct costs to the County for this additional employee.

The priority tasks proposed for the Fellow would be facilitating implementation of 1) key elements of the recently adopted Mariposa County Community Wildfire Protection Plan (CWPP) and 2) the Mariposa Creek Restoration project, currently underway in the Phase II and Phase III segments of the Mariposa Creek Parkway. Depending on Fellow's skills and capacity, additional work on the Integrated Mobility and Housing Strategy and Terracount projects could be recommended as well.

Staff was not able to get an item on the Board's agenda in time to obtain approval for the submittal, prior to the application deadline.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 9, 2021, the Board provided direction on the adoption of the CWPP.

On April 6, 2021, the Board passed Resolution 2021-172, signing an agreement with the Sierra Foothills Conservancy to be the County's prime consultant on the Mariposa Creek Parkway restoration project.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Alternatives to this opportunity involve allocating additional funds to the Planning Department to hire a new employee.

Failure to approve this application would delay implementation of the CWPP and Mariposa Creek Parkway restoration project.

ATTACHMENTS:
210507 Climate Action Corps Host Partner Application UPDATED (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

.

From: noreply@fs27.formsite.com on behalf of mbolger at lgc.org
To: Mikey Goralnik
Subject: Climate Action Corps Host Partner Application Submitted
Date: Friday, May 7, 2021 12:11:51 PM

Thank you for submitting your application to be a CivicSpark or Climate Action Corps Host Partner. Below is a copy of your responses. If you created an account, you can view your submission or submit additional applications by going back to your account here:

https://fs27.formsite.com/6Dqgcx/elfffb3zeq/form_login.html

We will review your application shortly. We will review and rank project applications based on strength of fit for program goals and then schedule a call with select Host Partner applicants.

Reference #	9003501
Status	Complete
Login Username	mgoralnik@mariposacounty.org
Login Email	mgoralnik@mariposacounty.org
Please denote which program you are applying to. Depending on your selections there are questions that apply to one or the other of these programs.	Climate Action Corps
Existing AmeriCorps Program Partnerships The California Climate Action Corps Fellowship was created to help community partners expand and enhance their climate action work by fully funding the partner match for local community partners. However, we recognize that there are a variety of existing AmeriCorps programs across California that are also trying to help partners meet their needs. This program was not intended to duplicate or displace existing AmeriCorps service, but rather we hope it can support unmet needs. With that in mind, if you have already applied to another AmeriCorps program for support during the same period this program will run (September 2021 – August 2022) and have identified a	I accept

Attachment: 210507 Climate Action Corps Host Partner Application UPDATED [Revision 1] (RES-2021-279 : Climate Action Corps Fellows

match for that placement, we ask that you not seek to replace that support through the California Climate Action Corps.	
Organization Name	Mariposa County Planning Department
Address line 1	5100 Bullion Street
City	Mariposa
State	California
Zip Code	95338
Website	http://www.mariposacounty.org/80/Planning
Type of Organization	County
Has your organization hosted a CivicSpark or Climate Action Corps Fellow(s) before?	No
For new Partners, please tell us how you heard about our program.	CivicSpark/Climate Action Corps email
First Name	Sarah
Last Name	Williams
Title	Planning Director
Phone Number	209-966-5151
Email Address	swilliams@mariposacounty.org
Contact 1 RolesSpecify an individual for each role below. The same person can be noted for multiple roles, however only one person should be identified as the"project contact." Add additional contacts as needed. Project Contact = applicant filling out this form; LGC will contact for initial project communications. Fellow Supervisor = anticipated on-site project supervisor who will oversee the Fellow(s) on a day-to-day basis. Billing contact = contact to process payments.	Project
Can we add this person to the	No

Attachment: 210507 Climate Action Corps Host Partner Application UPDATED [Revision 1] (RES-2021-279 : Climate Action Corps Fellows

program newsletter distribution list?The program plans to send out a monthly newsletter with program stories and links to other statewide events and resources. We will not add someone to the distribution list without permission.	
Add Second Contact?	Yes
First Name	Mikey
Last Name	Goralnik
Title	Community Design and Development Planner
Phone Number	209-742-1222
Email Address	mgoralnik@mariposacounty.org
Contact 2 Roles	Fellow Supervisor
Can we add this person to the program newsletter distribution list?The program plans to send out a monthly newsletter with program stories and links to other statewide events and resources. We will not add someone to the distribution list without permission.	No
Add Third Contact?	Yes
First Name	Steve
Last Name	Engfer
Title	Senior Planner
Phone Number	209-742-1250
Email Address	sengfer@mariposacounty.org
Contact 3 Roles	Fellow Supervisor
Can we add this person to the program newsletter distribution list?The program plans to send out a monthly newsletter with program stories and links to other statewide events and resources. We will not add someone to the distribution list without permission.	No

Attachment: 210507 Climate Action Corps Host Partner Application UPDATED [Revision 1] (RES-2021-279 : Climate Action Corps Fellows

Project Name Limit to 100 characters.	Mariposa County Strategic Resiliency Implementation Program
Project Needs and Goals Provide a brief description (up to 400 words) of the public sector resilience capacity needs (CivicSpark) or community climate action needs (California Climate Action Corps) this project will address. Your description should include 1-2 sentences on each of the following: Organizational background, as it relates to this proposal; CivicSpark: Environmental (e.g., climate, water, etc.) and/or social equity (e.g., affordable housing, mobility, etc.) challenges this project will address OR Climate Action Corps: Climate action challenges and related needs (specifically those related to our current focus areas - urban greening, wildfire resiliency, food waste recovery) this project will address Overarching goals of the project	Located in the Sierra foothills at the doorstep to Yosemite National Park, rural Mariposa County is extremely vulnerable to the impacts of climate change, especially increased risk and severity of wildfires. For example, the county is at the epicenter of the tree mortality pandemic, and nearly 50% of the county's area is in a Cal Fire-designated "Very High" fire hazard zone. It's no surprise, then, that 59% of the county has burned since 2001, including destructive megafires in 2017, 2018, and 2019. Additionally, the county faces significant demographic issues that affect rural counties throughout the state. These include an aging population (24% of Mariposa County residents are over the age of 65, compared to 15.2% nationally), unemployment (before the pandemic, Mariposa County had a 14.5% unemployment rate, compared with 11.5% in California), and high prevalence of public health issues which are often associated with a sedentary lifestyle. Nationwide, 20% of rural adults get enough physical activity, perhaps accounting for Mariposa County having the second highest rate of diabetes prevalence in the state. The work contained in the Mariposa County Strategic Resiliency Implementation Program engages with these needs, applying a variety of approaches to address the impacts of climate change and mitigate the county's demographic issues by achieving wildfire resiliency and urban greening objectives. The program entails implementation of two discrete projects—the Mariposa County Community Wildfire Protection Plan (CWPP) and the Mariposa Creek Parkway Traditional Restoration Project—which, though operating at different scales, support a healthier, safer, more vibrant, and more resilient Mariposa County. The CWPP functions as the County's principal document to prepare for and minimize negative impacts from wildfires, while achieving desired ecological outcomes. This plan serves as the County's primary reference for strategic wildfire planning and guides future wildfire prevention and mitigation activities. Implementation of the CWPP focuses on a range of local and

Attachment: 210507 Climate Action Corps Host Partner Application UPDATED [Revision 1] (RES-2021-279 : Climate Action Corps Fellows

countywide activities, including supporting thirty-eight residential areas identified in the CWPP as wildland urban interface community groups.

Conversely, the Mariposa Creek restoration effort occurs at the site-scale, implementing an integrated environmental restoration strategy and blending traditional ecological knowledge (TEK) with scientific expertise to replace noxious and combustible weeds with culturally resonant species in a location with strategic ecological and cultural value. It will increase the green infrastructure capacity of Mariposa Creek and its environs, including enhanced ecosystem function, improved habitat for native wildlife, and a more biodiverse native riparian landscape.

Fellow Growth Opportunity The program is committed to providing an exceptional professional growth opportunity for our Fellows both through the projects they implement and through mentorship and leadership they experience while serving in your organization. Additionally, while we would like partners to prioritize hiring Fellows who are local or knowledgeable about the area, some candidates may be considering service in a community or state they have never lived in before and candidates may not know much about your community. Provide a brief description (no more than 400 words) of the following: Your workplace culture and environment; How you envision providing mentorship and leadership development for the Fellows; and Why your community is an interesting place to live and work.

The Mariposa County Planning Department is a supportive, entrepreneurial work environment that encourages and rewards ambitious and creative thinkers. Despite our small size and comparatively limited resources, the Department has received numerous regional, state, and national awards in recent years for visionary work, including in the field of resiliency. These include awards from the California Trails and Greenways Association and the Central California chapter of the American Planning Association for the Mariposa Creek Parkway Master Plan and a pending award from the American Society of Landscape Architects for the Recreation and Resiliency Master Plan, both of which specifically pertain to the restoration project in the proposed program.
Like many other current and ongoing projects within the department, the CWPP and the Mariposa Creek Parkway restoration project sit at the intersection of climate change adaptation and rural context-sensitive community development. This nexus underlies life in Mariposa County, and contribute to a compelling and dynamic community. Mariposa County also has a rich and nuanced history, with contemporary planning efforts like development of the Creative Placemaking Strategy providing opportunities to re-examine and redefine our local sense of place identity. Finally, we would be remiss not to mention that the county and its seat (the Town of Mariposa, where our offices are located) are

Attachment: 210507 Climate Action Corps Host Partner Application UPDATED [Revision 1] (RES-2021-279 : Climate Action Corps Fellows

	gateways to Yosemite National Park, and provide easy access to some of the most breathtaking public land in the world. We believe this is an engaging and unique opportunity for the right Fellow to enjoy significant professional growth. The proposed program would be managed by two planners, representing diverse experience and skillsets. Steve Engfer, the project manager for the CWPP component of the program, is a senior planner with a focus on current planning initiatives that emphasize land use and environmental planning techniques. Mikey Goralnik, the project manager for the Mariposa Creek Parkway restoration project, is both a planner and a landscape architect who has a hybrid role in the department working on both long-range planning efforts and on-the-ground built projects. Both are experienced, patient, and effective supervisors who are passionate about being mentors to and collaborators with the selected fellow.
Optional: Additional Fellow ResourcesFellow participation in CivicSpark and Climate Action Corps is constrained by the limited stipend we can offer as an AmeriCorps program. LGC strives to diversify the resources we can offer to Fellows (e.g., housing opportunities, parking passes, transit subsidies, etc.). Any non-monetary resources you can provide to Fellows could make a significant difference; we encourage you to identify them here (LGC will follow-up on these during the application interview and startup process). Please note: host sites CANNOT provide additional financial stipends or hourly pay to the Fellow(s).	We anticipate providing substantial support to our Fellow in securing housing in or near Mariposa. The fellow will have access to free parking, and we can support them in obtaining free or subsidized access to transit services.
How many Climate Action Corps Fellows are you applying for?	1
Desired Skills and Traits for Fellow PlacementPlease provide a brief description (no more than 200 words) of the traits or skills you would like to see in a Fellow. Note: our primary Fellow applicant	We seek an energetic, ambitious, and confident Fellow who is passionate about community stewardship, and sees local government as an opportunity to make the world a better place. Additionally, it is important that the Fellow understands and appreciates Mariposa County's

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demographic is recent college graduates. We may not be able to accommodate a need for advanced degrees or highly technical skills.	rural sense of place. We hope to find a Fellow who matches our culture of creativity and resourcefulness, and whose intelligence, critical thinking, and independence enable them to thrive in our entrepreneurial work environment. Since this individual will be interfacing with the public, we seek a high level of professionalism and tact. We expect the same in our office, and an attention to detail and high quality work. We assume that the Fellow will have skills in basic office software, and hope that they will have skills in the Adobe Creative Cloud, including Photoshop, Illustrator, and Indesign. If the Fellow has skills in Esri products like ArcGIS, they will be able to contribute to advanced cartography work in the county. We welcome opportunities to work with Fellows who are and have historically been marginalized from or by local government work.
Primary General Skills	Community Engagement
Secondary General Skills	Relationship Management
Primary Technical Skills	Community Outreach
Secondary Technical Skills	Technical Writing
Primary Soft Skills	Self-Motivated
Secondary Soft Skills	Critical Thinking
Climate Action Corps Project Description(s)Please provide a brief description (no more than 600 words) of the specific climate action projects the Fellows will be undertaking and the climate impacts they will address. When developing your project scope, please be sure to review and consider the California Climate Action Corps project goals and target activities here. For each project, please identify the following:1. Specific organizations and communities served;2. Role of the Fellow in the project;3. Desired project outcomes in terms of climate action (e.g., urban greening, wildfire resiliency / home hardening, or food waste recovery) and community /	The Mariposa County Strategic Resiliency Implementation Program entails two projects—implementation of the Community Wildfire Protection Plan and the Mariposa Creek Parkway Traditional Restoration Project. Both of these priority initiatives engage with Mariposa County's vulnerability to the affects of climate change, including wildfire, and address environmental injustice, economic disadvantage, and other systemic issues that affect our rural community. Though these projects differ in type, both have a profound impact for all Mariposans. However, as a site-specific project located in the heart of downtown Mariposa, it should be noted that the Parkway restoration project will be of particular service to residents of adjacent multi-family affordable housing developments. Additionally, the project is being implemented in collaboration

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volunteer mobilization; and4. How these activities will help increase the organizations ability to address the climate impacts you described in the previous section.

with the Southern Sierra Miwuk Nation, whose cultural and health objectives are directly served by the project's outcomes. Finally, both projects are managed by the Mariposa County Planning Department, who are partnered with various other served organizations, including the Mariposa County Public Works Department, Fire Department, Firesafe Council, and the Sierra Foothills Conservancy.

For the CWPP implementation task, the fellow's primary work will entail initiating streamlined development review processes for fire mitigation projects. The CWPP identified this action as among the highest priorities in the plan. The Fellow's would help develop a package for development applications to communicate information on required wildfire mitigation activities, to include updated checklists, software improvements, information on building code requirements. This work involves substantial education and outreach to various stakeholders, including staff from other county departments, the building industry, and public at large, around topics such as structure hardening, structure ignition zone, and defensible space elements.

For the Mariposa Creek Parkway Traditional Restoration Project, the Fellow would have two primary roles. First, they would help communicate the strategy behind and benefits of the project's cultural burning program. In partnership with the UC Cooperative Extension and Southern Sierra Miwuk Nation, the County will be implementing a series of workshops and town hall-style meetings to describe the cultural burning process, with an emphasis on the safety measures that will be taken to ensure that this cool, slow, controlled fire will both not negatively impact the project area, but will in fact support the project's environmental restoration objectives. Second, the Fellow will be the point of contact for the restoration project's volunteer-led revegetation effort, which is being implemented in partnership with volunteers from the Mariposa Master Gardeners and other organizations.

Finally, depending on the Fellow's capacity and performance, there would be opportunities to contribute to two additional related planning efforts. These include supporting stakeholder engagement and community input in the

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development of two transformative community planning initiatives: the Agriculture and Working Landscape Conservation Plan, which is funded by a grant through the Department of Conservation's Sustainable Agricultural Lands Conservation program, and the Integrated Mobility and Housing Strategy, which seeks to build sustainable communities and reduce greenhouse gas emissions by building more dense, rural context-sensitive neighborhoods that are served by transit in Mariposa County.
In all of these tasks, the Fellow will be instrumental in supporting the County's efforts to engage with a wide swath of its constituents in both implementing and shaping these essential climate change adaptation and mitigation activities. By expanding the County's capacity to listen to communicate the value and parameters of these projects, and to collect appropriate community input on them, they will be contributing to the success of these priority community building initiatives, and promoting vitality and resiliency in our rural community.

Climate Action Corps - Potential Climate Benefits and Measures of ImpactPlease outline in no more than 300 words anticipated climate benefits and potential measures of these benefits that your project will be able to track and report on (e.g. number of trees planted, units of energy or water saved, pounds food waste diverted, number of homes protected, etc.)

Both tasks within the Mariposa County Strategic Resiliency Implementation Program will have demonstrable climate benefits for Mariposa County and the greater Sierra Foothills region. For each projects, appropriate metrics will be tracked to ensure and report on project success.

For the CWPP implementation effort, benefits include both tangible protection to existing and future investments from the impacts of wildfire, and increased community capacity to undertake a range of wildfire risk reduction measures on their property. Metrics will focus on number of stakeholders engaged with and quantity of development protected. Performance in the first category will be based both on number of property owners and stakeholders (County staff, realtors, and others) reached through the Fellow's engagement efforts. Performance in the second category will include number of new homes, number of existing homes, and number/size of subdivisions based on development applications received.

Similarly the Parkway restoration will reduce the amount of highly combustible non-native and

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	invasive species in the Mariposa Creek corridor, while revegetating the creek corridor with native riparian species that provide a variety of green infrastructure and ecological enhancements. These include increased habitat for native wildlife, improved water quality, and reduced streambank erosion. Metrics will pertain to project implementation and stakeholder engagement tasks. Implementation tasks will be measured by quantity of plants installed (numbers of trees and shrubs, square feet of native perennials), and percentage of invasive species removed. Engagement tasks will be tracked by number of meetings/workshops attended and number of individuals engaged through these and other outreach milestones.
Climate Action Corps - Volunteer Mobilization Please describe in no more than 300 words the climate-related volunteer mobilization activities the Fellow will facilitate as part of their Climate Action Corps project(s).	One of the Fellow's key roles in supporting the Mariposa Creek Parkway Traditional Restoration Project will be as the primary point of contact with the project's volunteer group. This is highlighted by the Mariposa Master Gardeners (MMGs), a group of community volunteers who, in partnership with the Southern Sierra Miwuk Nation, are supporting the project's revegetation effort, providing services such as planting and irrigation design, plant installation, and the development of materials for interpretive signage. Historically, the MMGs have been instrumental in establishing native plant demonstration projects in Mariposa County, including along Mariposa Creek, and the group is eager to play a role in promoting healthy, climate-adapted native landscapes in Mariposa. The Fellow will be critical in coordinating with and supporting the volunteer work of this core stakeholder, and ensure that their participation is fulfilling for all parties. Additionally, while the MMGs are the primary volunteer group involved in the project, other organizations have expressed an interest in supporting implementation of the restoration and revegetation work. This includes students from Mariposa Elementary and High Schools, and young people from the nearby Ethos Youth Center. The Fellow will play a key role in bringing these and other interested volunteer groups into the project, identifying opportunities for them to contribute and aligning their work

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with the project's overall scope.

Nexus to VulnerabilityPlease outline in no more than 300 words the project's nexus with vulnerabilities of the community you are serving (e.g. overlapping demographic, geographic, and environmental burdens) including by outlining how the project outcomes will address historical environmental, public health, or climate-risk disparities?	Due to their abundance of undeveloped land and limited financial and staffing capacity, rural communities like Mariposa County are frequently most exposed to the impacts of climate change, and have the fewest resources to address their exposure. As these impacts, especially wildland fire, continue to undermine the health, safety, and vibrancy of places like Mariposa, it becomes increasingly critical for resiliency advocates to be resourceful, creative, and strategic in pursuing resilient rural communities. Both of these projects offer innovative, cost-effective strategies for aligning climate change adaptation strategies with other community building efforts. For the CWPP, this includes increasing the supply of available housing, including affordable housing, through firesafe building regulations and permitting processes. For the Mariposa Creek Parkway restoration project, this includes restoring a threatened and highly combustible native landscape as part of a larger project to establish active transportation connections between economic and cultural destinations in the town of Mariposa and affordable multi-family housing communities adjacent to the project area. Not only will this effort reduce the risk of wildfire on these neighborhoods (and the rest of downtown Mariposa), but it will also result in an attractive outdoor environment with active transportation infrastructure that directly serves under-resourced and economically disadvantaged community members. Additionally, beyond these tangible outcomes, the restoration project also serves to recognize traditional ecological knowledge and the Southern Sierra Miwuk Nation's heritage and practices as important parts of local identity and sense of place. Because of its central location in downtown Mariposa, this project will draw attention to Southern Sierra Miwuk lifeways that are often marginalized and overlooked in local placemaking efforts. This project serves as a public celebration of traditional practices that have long been part of Mariposa's sense of place, and points to a new paradigm of inclusive and multi-cultural storytelling throughout the

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	community.
Recipient Information AgreementDo you agree to provide all necessary service recipient information (organization / department / program names and eligibility) and to ensure the appropriate organizational staff complete pre-service capacity assessments by August 2021?	I agree
Will you provide service recipient information now or later?	Later
Resilience Project AreasYour project may be focused on a more specific topic (e.g., energy or emergency management), but should still fall under at least one of these overarching project areas. (check all that apply).	• Climate Mitigation and/or Adaptation • Water Management and/or Policy • Affordable Housing • Alternative or Multimodal Transportation • Urban Greening • Wildfire Resilience
Fellow Activities - Climate Action Corps What type of activities will the Fellow(s)' project work focus on? This can be a mix of some or all activity types listed below. Enter the estimated % of the Fellow(s)' work dedicated to each activity. Enter zero if the project will not include that activity. Note that at least 20% should be volunteer support since that is a specific element of every Fellow placement. The total should equal 100.	
Program Development	10
Program Implementation	40
Community Outreach and Engagement	25
Volunteer Support	25
Geography	
Rural	100
Remote or On-Site Service Given current pandemic conditions, we understand Fellows may not be completing on-site or field-based activities. Additionally, some Fellows may be interested in serving remotely versus on-site for various reasons. To help us identify suitable candidates, can you briefly (60	It is important that Fellows are in the office for portions of their fellowship, but not necessary for them to be in the office every day. Since the pandemic, many of our employees work hybrid in-person/remote schedules, and the Fellow could have a similar schedule if desired.

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words or less) let us know how important it is to you that a Fellow(s) can serve on-site (i.e. in-office) and/or in the field (i.e. with direct community contact) versus serving remotely, and how you are managing safety considerations if applicable?	
Supervisor AgreementI agree that our organization will identify one Site Supervisor who will participate in the startup process (application interview, candidate selection process, partner orientation) and can fulfill the responsibilities outlined above during the service year.	I agree
Supervisor TransitionI agree that if the supervisor transitions to another role or position during the service year, we will work to ensure the new supervisor is fully engaged in the program responsibilities to minimize disruption and support a strong Fellow experience.	I agree
Workspace Availability I agree that we will need to provide a suitable and dedicated workspace for our Fellow(s), in an office setting (including desk in a shared office or cubicle, computer, telephone, and any other appropriate and necessary office technology). Note: in-office service is dependent on COVID-19 state and local guidelines during the service term.	I agree
Candidate Recruitment SupportI agree that we will support Fellow recruitment in our community. We are committed to recruiting a strong and diverse cohort of Fellows who will have a positive impact on the communities they serve. Part of our success in building a strong cohort is recruiting broadly and locally. Identifying local candidates (who may already know the community	I agree

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and have connections for housing or support) can be a significant advantage. We ask all Project Partners to regularly share information about the program and current fellowship openings through their local networks, such as online postings, newsletters, job boards, sharing information at meetings, etc. Your direct outreach will result in a stronger candidate pool. LGC will provide templates and flyers to assist you.	
While it is not required, if you are able to provide any match funding for the program, it will enable us to reach more communities.	My organization can not provide match funding.
I understand the program restrictions and agree that Fellows will only engage in allowable activities during the implementation of our project scope.	I agree
Application Confirmation Email AddressPlease provide the email address for application confirmation.	mgoralnik@mariposacounty.org
Last Update	2021-05-07 12:11:38
Start Time	2021-05-07 11:57:27
Finish Time	2021-05-07 12:11:38
IP	67.198.78.170
Browser	Chrome
Device	Desktop
Referrer	https://fs27.formsite.com/res/formLoginReturn

This email was sent to mgoralnik@mariposacounty.org as a result of a form being completed.
Click here to report unwanted email.

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MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2021-280

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Approve a Third Amendment for Airport Services with Airborrn Aviation Services

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RECOMMENDATION AND JUSTIFICATION:
Approve Third Amendment to the Agreement with Airborrn Aviation Services for Airport Services to Extend the Term to December 31, 2021; and Authorize the Board of Supervisors Chair to Sign the Amendment.

This extension will allow for additional time for the parties to negotiate a successor agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On February 28, 2017 Resolution 15-477 the Board approved an Agreement with Airborrn Aviation to operate the Mariposa/Yosemite Airport. On July 7, 2020 Resolution 2020-379 the Board approved a First Amendment to extend the term of the Agreement. On January 12, 2021 Resolution 2021-26 the Board approve a Second Amendment to extend the term of the Agreement.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve, the Agreement will expire and we will no longer have a contractor providing specified services at the Airport.

FINANCIAL IMPACT:
None, this is extension of an existing agreement which is paid through Airport Fees

ATTACHMENTS:
Airborrn Aviation 3rd amd (PDF)
Airborrn Aviation 2nd amd (PDF)
Airborrn Aviation 1st amd (PDF)
Agreement Airborrn Aviation (PDF)
Resolution 15 477 Airborrn Aviation (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

THIRD AMENDMENT TO AGREEMENT FOR AIRPORT MANAGEMENT AND LEASE

THIS THIRD AMENDMENT TO AGREEMENT FOR [INSERT BRIEF DESCRIPTION OF SERVICES], is made and entered into this _____ day of _____ 2021, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as **"County,"** and Airborrn Aviation Services, hereinafter referred to as **"Contractor."**

WHEREAS, County and **Contractor** have heretofore entered into an Agreement dated October 6, 2015, wherein **Contractor** agreed to provide airport Management Services; and

WHEREAS, County and **Contractor** entered into a First Amendment dated July 7, 2020 to extend the term of the Agreement; and

WHEREAS, County and **Contractor** entered into a Second Amendment dated January 12, 2021 to extend the term of the Agreement; and

WHEREAS, County and **Contractor** desire to amend said Agreement to extend the term of the Agreement;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 1, "TERM," is hereby amended to extend the term of the Agreement to December 31, 2021.

2. Except as herein amended, the Agreement dated October 6, 2015 together with the First Amendment dated July 7, 2020 and the Second Amendment dated January 12, 2021 shall remain in full force and effect.

Attachment: Airborrn Aviation 3rd amd (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA

Marshall Long, Chair
Board of Supervisors

CONTRACTOR

Anthony Borreson

COUNTERSIGNED:
(Government Code §25103)

Rene LaRoche
Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel

Attachment: Airborrn Aviation 3rd amd (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

RES. NO. 21-26

SECOND AMENDMENT TO AGREEMENT FOR AIRPORT MANAGEMENT AND LEASE

THIS SECOND AMENDMENT TO AGREEMENT FOR AIRPORT MANAGEMENT AND LEASE is made and entered into this 12th day of January 2021, by and between the County of Mariposa, a political subdivision of the State of California hereinafter referred to as **"County,"** and Airborrn Aviation Services, hereinafter referred to as **"Contractor."**

WHEREAS, County and **Contractor** have heretofore entered into an Agreement dated October 6, 2015, wherein **Contractor** agreed to provide airport management services; and

WHEREAS, County and **Contractor** entered into a First Amendment dated July 7, 2020 to extend the term of the Agreement to December 31, 2020; and

WHEREAS, County and **Contractor** desire to amend said Agreement to extend the term of the Agreement;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 6, "TERM", is hereby amended to extend the term of the Agreement from December 31, 2020 to June 30, 2021.

2. The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in the Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to December 31, 2020.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Marshall Long, Chairman
Mariposa County Board of Supervisors

CONTRACTOR:

Anthony Borreson

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

LAST UPDATED 3/7/19

Attachment: Airborrn Aviation 2nd amd (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

RES. NO. 20-379

FIRST AMENDMENT TO AGREEMENT FOR AIRPORT MANAGEMENT AND LEASE

THIS FIRST AMENDMENT TO AGREEMENT FOR AIRPORT MANAGEMENT AND LEASE is made and entered into this 7th day of July 2020, by and between the County of Mariposa, a political subdivision of the State of California hereinafter referred to as **"County,"** and Airborn Aviation Services, hereinafter referred to as **"Contractor."**

WHEREAS, County and **Contractor** have heretofore entered into an Agreement dated October 6, 2015, wherein **Contractor** agreed to provide airport management services; and

Whereas, County and **Contractor** desire to amend said Agreement to extend the term of the Agreement;

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 6, "TERM", is hereby amended to extend the term of the Agreement to December 31, 2020.

2. Except as herein amended, the Agreement dated October 6, 2015 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

Kevin Cann, Chairman
Mariposa County Board of Supervisors
By Marshall Long, Vice-Chair

CONTRACTOR:

Anthony Borreson

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: Airborn Aviation 1st amd (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborn Aviation Services)

RES. NO. 15-477

AIRPORT MANAGEMENT AGREEMENT AND LEASE

This **AIRPORT MANAGEMENT AGREEMENT AND LEASE** (hereinafter called "this Agreement"), is made and entered into in the County of Mariposa, State of California, as of October 7, 2015, by and between the **COUNTY OF MARIPOSA**, hereinafter called **COUNTY**, and **AIRBORRN AVIATION SERVICES,** hereinafter called **MANAGER**.

WITNESSETH

WHEREAS, pursuant to the provisions of Section 26020 et seq. of the Government Code of the State of California, **COUNTY** owns and operates an airport in the County of Mariposa, State of California, commonly known as the Mariposa/Yosemite Airport (hereinafter called "Airport"); and

WHEREAS, the Mariposa County Board of Supervisors requested proposals from interested parties to manage the Airport and provide certain commercial services; and

WHEREAS, the proposal submitted by **MANAGER** was selected by the Board of Supervisors; and

WHEREAS, **MANAGER** is willing and desires to manage the Airport and provide certain commercial services pursuant to the terms herein; and

WHEREAS, the parties wish to provide for the leasing of property by the **COUNTY** to the **MANAGER** at the Airport for the purpose of providing certain commercial services and airport management functions;

FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER CONTAINED, IT IS AGREED AS FOLLOWS:

1. **LEASED PREMISES:** For and in consideration of the mutual covenants contained herein, **COUNTY** hereby grants to **MANAGER** the exclusive right to occupy the real property located at the Airport, as more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, hereinafter the **LEASED PREMISES**, subject to the **COUNTY's** right of entry for inspection and similar purposes.

2. **TERM:** This Agreement shall commence on the 7th day of October 2015, and shall terminate on the 31st day of October, 2020. This Agreement shall be renewable thereafter as mutually agreed by the **COUNTY** and **MANAGER.**

Attachment: Agreement Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

Attachment: Agreement Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

3. **MANAGER RESPONSIBILITIES:** **MANAGER** will be responsible for managing the Airport for the use and benefit of the public, and for providing certain commercial services, subject to the **COUNTY's** authority as owner of the Airport and further subject to **COUNTY's** obligations pursuant to federal and state law and contractual commitments to the federal government as more particularly described in Section 6 of this Agreement. **MANAGER'S** specific obligations shall include the following responsibilities, divided by those responsibilities that will take effect upon approval of this agreement, and those responsibilities that will come into effect twelve (12) months from approval of this agreement unless mutually agreed to be brought into effect earlier by **COUNTY** (represented by the Director of Public Works) and **MANAGER**.

The following responsibilities will come in to effect upon initial approval of this agreement:

a) **MANAGER** will designate an individual to serve as the Airport Manager, who shall have primary responsibility for the airport management functions enumerated in this Section 3. **MANAGER** shall promptly notify **COUNTY** of any change in the designated Airport Manager. An Airport Manager shall be stationed at the Airport throughout the term of this Agreement.

b) **MANAGER** will be responsible for billing and collecting rental fees for short term (less than twelve months) use of hangars, tie-downs, and any other leased space at the Airport, including land use agreements with outside agencies, and may retain the revenue derived therefrom.

c) **MANAGER** may request of **COUNTY** that the Mariposa County Board of Supervisors take formal action to adjust the rental rate on tie-downs at the Airport.

d) **MANAGER** will conduct meetings to solicit input from Airport tenants and users and other interested parties. At **MANAGER's** option, attendance and participation in the Airport Advisory Committee shall satisfy this requirement.

e) **MANAGER** will participate in inspecting hangars to ensure that activities conducted therein are consistent with applicable agreements and do not present any risk to aeronautical activities at the Airport.

f) **MANAGER** may recommend to **COUNTY** that **COUNTY** terminate a hangar or ground lease or tie-down permit for non-compliance with terms of the applicable lease or permit; provided however that **COUNTY** reserves the right, in its sole

discretion, to terminate any lease or permit but whose decision to terminate will not be unreasonably withheld or delayed.

g) **MANAGER** may request of **COUNTY** that **COUNTY** amend this Agreement or enter into a separate agreement for the purpose of constructing additional aircraft storage hangars or maintenance hangars.

h) **MANAGER** is authorized to permit aircraft owners and operators to store aircraft at the Airport, in available hangars owned by the **COUNTY** and available tie-downs, so long as the term does not exceed twelve months. **MANAGER** shall use a standard form aircraft storage permit or hangar lease approved by the **COUNTY**. **COUNTY** reserves the right to deny use of the Airport; **MANAGER** is not authorized by this **AGREEMENT** to deny use of the Airport under any circumstances unless required by law to do so.

i) **MANAGER** will facilitate the long-term lease of Airport property by coordinating with prospective tenants and presenting draft agreements to **COUNTY** for negotiation and execution.

j) **MANAGER** will advertise the Airport in appropriate publications including a webpage and other aviation oriented media.

k) **MANAGER** will host seminars and promote airport assets, activities, and opportunities to local schools and the general public.

l) **MANAGER** shall immediately notify the **COUNTY** of any event or condition at the Airport which is known or which should reasonably be known that may present a risk to human health or the environment, including without limitation, any aircraft incident or accident, any fuel spill or release of any hazardous substance, or any weather or climatic condition presenting a risk to the operation of aircraft or the Airport.

m) In addition to services required by this agreement, **MANAGER** is authorized, but not required, to provide the following services and to engage in the following activities:

i) Apron services including loading and unloading of passengers, baggage, mail, and freight; provision of ramp equipment and ramp services such as repositioning of aircraft, aircraft cleaning, and other services for commercial

Attachment: Agreement Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

operators or other persons or firms.

ii) Special flight services, including aerial sightseeing, aerial advertising, towing aircraft, and aerial photography.

iii) Sales of new and used aircraft.

iv) Flight training.

v) Aircraft rental

vi) Aircraft charter operations, conducted by **MANAGER** or subcontractor or **MANAGER** in accordance with applicable Federal Aviation Administration regulations.

n) **MANAGER** is granted exclusive use and occupancy of the terminal included in the **LEASED PREMESIS** as a storefront for commercial operations including all manner of activities authorized by this agreement and other such activities approved by the Director of Public Works. **MANAGER** will assume responsibility for routine maintenance, security, cleanliness, and appearance of terminal building, including maintaining rest rooms in a clean and fully stocked status. **MANAGER** may allow use of terminal building for other purposes including meetings of community groups, Experimental Aircraft Association, and firefighting response personnel, and may charge fees for such use.

o) **MANAGER** may use the residence included in the **LEASED PREMISES** as a pilot resting facility, as short-term flight crew quarters for temporary use, as living quarters for the designated Airport Manager or another employee assigned as part of his/her official duties, or for any other purpose pre-approved by the Director of Public Works. It is the responsibility of **MANAGER** to comply with potential requirements for Transient Occupancy Tax permits and inspections associated with any use of residence.

p) Prior to taking possession of keys and alarm codes for the terminal building and residence, **COUNTY** and **MANAGER** shall conduct a walkthrough of the terminal building and residence to document presence and condition of property, materials, electronics, furniture, and determine disposition for removal and storage of items, to the satisfaction of both parties.

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q) **MANAGER** must notify Director of Public Works prior to initiating additional commercial aeronautical and/or commercial non-aeronautical services beyond the services enumerated in this Section 3.

r) **MANAGER** will ensure that all activities undertaken or allowed by **MANAGER** will be in accordance with the Mariposa/Yosemite Airport Master Plan. Any exceptions to this provision will require the approval of the County Board of Supervisors.

s) **MANAGER** shall comply with the Airport Rules and Regulations, as may exist as of the effective date or promulgated or amended thereafter, and all applicable requirements under federal, state and local law and Federal Aviation Administration regulation in carrying out its obligations hereunder.

t) **MANAGER** shall make annual public reports to the Mariposa County Board of Supervisors summarizing all activities undertaken or allowed by **MANAGER** at the Airport.

The following responsibilities will come in to effect, collectively, twelve (12) months from the initial approval of this agreement:

u) **MANAGER** shall inspect the Airport runway at least once each day of operation, including weekends, to ensure that the runway is free of foreign objects and debris.

v) **MANAGER** shall assume operation and maintenance of the aircraft fuel dispensing system and tank located at the Airport and shall ensure 100 low-lead aircraft fuel remains available for sale by means of a commercial self-service system. **MANAGER** shall ensure that a sufficient volume of aircraft fuel remains available at the Airport at all times to serve the needs of Airport tenants and users, and shall not allow fuel tank levels to drop below 50% without prior approval from Director of Public Works. Upon assumption of fuel operation responsibilities, **MANAGER** shall set the price of fuel, will retain any revenue derived from fuel sales, and shall complete required fuel testing and record keeping, including any testing required on weekends. **MANAGER** shall ensure that 12,000 gallons of 100 low-lead aircraft fuel is available at the Airport upon termination of this Agreement for any reason.

w) **MANAGER** shall, in order to achieve "attended" status as an airport, staff the

Attachment: Agreement Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

Airport Terminal from 10 AM to 4 PM, Monday through Friday, with the exception of the following holidays: New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. Exceptions to this provision shall be approved in advance by the Director of Public Works. This provision does not preclude additional operating hours and days at the discretion of **MANAGER**.

x) **MANAGER** shall provide basic pilot and aircraft support services by offering aircraft and aviation related supplies, software, services, etc. for sale, as the **MANAGER** determines necessary.

y) **MANAGER** shall have the exclusive right to maintain a rental car business at the airport and shall ensure that ground vehicles are available for rent at the Airport throughout the term of this Agreement.

z) Subject to mutual agreement of terms between **MANAGER** and **COUNTY** by future modification to this agreement, but no sooner than twelve (12) months from the effective date of this agreement, **MANAGER** may assume responsibility for administration of long term hangar leases, including billing and collecting of fees, and will retain revenue derived therefrom in that is excess of revenue required by **COUNTY** to offset expenses.

4. COUNTY RESPONSIBILITIES:

a) **COUNTY** shall be responsible for maintaining and repairing the Airport airfield, including runways, lighting, AWOS, taxiways, tie-down areas, and common-use ramp; and for maintaining the Airport grounds.

b) **COUNTY** shall be responsible for Notice to Airmen (NOTAM).

c) **COUNTY** shall be responsible for operation and maintenance of terminal and fuel dispensing system until **MANAGER** assumes operations of these facilities.

d) **COUNTY** shall be responsible for administering long term hangar leases including billing and collecting rental fees, and will retain the revenue derived therefrom, until such time as **MANAGER** assumes responsibility.

e) **COUNTY** shall be responsible for ensuring that the Airport complies with all applicable requirements and standards imposed by the State of California and

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the United States Government concerning the operation of the Airport and the environmental conditions thereon; provided however, that **MANAGER** shall assist in satisfying applicable requirements including, without limitation, accompanying any representative of the state or federal government in a tour or inspection of the Airport at the **COUNTY's** request, and providing information and documents as may be requested by a state or federal agency at the **COUNTY's** express direction.

f) **COUNTY** reserves the right to improve the Airport, including without limitation, making improvements to the Airport runways or taxiways and constructing new facilities at the Airport.

g) **COUNTY** shall be responsible for providing emergency police and firefighting services at the Airport, including but not limited to, both structure and aircraft firefighting.

h) **COUNTY** reserves the right to close the Airport in emergencies and further reserves the right to seek and obtain FAA approval to close the Airport on a temporary basis for special events. **MANAGER** reserves the right to suspend operations during Airport closure.

i) **COUNTY** reserves the right to authorize the lease of Airport property for terms exceeding twelve months.

j) **COUNTY** reserves the right to authorize any individual or business to conduct commercial aeronautical activities at the Airport.

k) **COUNTY** reserves the right to authorize or deny the use of the Airport for any non-aeronautical activity.

l) **COUNTY** shall ensure that 12,000 gallons of 100 low-lead aircraft fuel is available at the Airport prior to MANAGER assuming responsibility for fuel operations.

5. **FINANCIAL OBLIGATIONS OF COUNTY AND MANAGER:**

a) **COUNTY** shall retain hangar rent proceeds and make all required payments to the California Department of Transportation, per the long-term hangar financing agreement, until such time as this Airport Manager agreement is modified per

Paragraph 3(z).

b) **MANAGER** shall be authorized to retain the rent proceeds associated with any other parcels or structures owned by **COUNTY**, and revenues from commercial services provided by **MANAGER**.

c) **COUNTY** shall be responsible for the costs to maintain the aircraft fuel storage tanks and self-service fuel dispensing system, and will retain any proceeds from fuel sales, until such time as **MANAGER** assumes operation of these facilities.

d) **COUNTY** shall maintain adequate insurance on the hangars, terminal and fuel tank farm.

e) **COUNTY** shall be responsible for the utility costs associated with the Airport airfield and runway lighting system.

f) **MANAGER** shall be responsible for utility costs in connection with the **LEASED PREMISES** operated by **MANAGER**. **MANAGER** will assume account service for telephone, internet, alarm service, and propane to terminal and residence. **COUNTY** will continue to receive billing for electrical service, and will invoice **MANAGER** monthly for usage according to formula prepared by the Director of Public Works to reasonably split charges falling under meters that serve leased as well as public functions.

6. **TERMS REQUIRED BY FAA**: The following terms are required to be included in this Agreement in satisfaction of COUNTY's obligations to the Federal Aviation Administration:

a) **MANAGER**, for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, color or national origin be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the **MANAGER** shall use the premises in compliance with all other requirements imposed by or pursuant to

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49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

b) **COUNTY** reserves the right to further develop or improve the land area of the Airport as it sees fit, regardless of the desires or views of the **MANAGER** and without interference or hindrance.

c) **COUNTY** reserves the right, but shall not be obligated to the **MANAGER**, to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of the **MANAGER** in this regard.

d) This Agreement shall be subordinate to the provisions and requirements of any existing or future agreement between the **COUNTY** and the United States, relative to the development, operation, or maintenance of the Airport. Failure of the **MANAGER** or any occupant to comply with the requirements of any existing or future agreement between the **COUNTY** and the United States, which failure shall continue after reasonable notice to make appropriate corrections, shall be cause for immediate termination of **MANAGER'S** rights hereunder.

e) There is reserved to the **COUNTY**, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the **LEASED PREMISES**. This public right of flight shall include the right to cause in said airspace any noise and emissions inherent in the operation of any aircraft used for navigation or flight through said airspace or landing at, taking off from, or operating on the Airport premises.

f) **MANAGER** agrees to comply with the notification and review requirements covered in Title 14 CFR Part 77 of the Federal Aviation Regulations in the event future construction of a building is planned for the **LEASED PREMISES** or in the event of any planned modification or alteration of any present or future building or structure situated on the **LEASED PREMISES**.

g) **MANAGER**, by accepting this Agreement, expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or building nor permit any natural growth or other obstruction on the land leased hereunder above a height as determined by the application of the

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requirements of Title 14 CFR Part 77 to constitute an obstruction or hazard. In the event the aforesaid covenants are breached, **COUNTY** reserves the right to enter upon the land hereunder and to remove the offending structure or object or cut the offending natural growth, all of which shall be at the expense of the **MANAGER**.

h) **MANAGER**, by accepting this Agreement, agrees for itself, its successors and assigns that it will not make use of the **LEASED PREMISES** in any manner which might interfere with the landing and taking off of aircraft or otherwise constitute a hazard. In the event the aforesaid covenant is breached, **COUNTY** reserves the right to enter upon the **LEASED PREMISES** and cause the abatement of such interference at the reasonable expense of **MANAGER**.

i) It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of 49 U.S.C. § 40101(e) or 49 U.S.C. § 47107(a)(4).

j) This Agreement and all of the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of the Airport or the exclusive or nonexclusive use of the Airport by the United States during a time of war or national emergency.

k) **MANAGER** will furnish services on a reasonable and not unjustly discriminatory basis to all users, and charge reasonable and not unjustly discriminatory prices for each unit or service, provided that **MANAGER** may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

7. **VOLUNTARY ASSIGNMENT**: Except as expressly provided herein, **MANAGER** shall not assign this Agreement nor any right hereunder, nor sublet the LEASED PREMISES, nor any part thereof, or suffer any other person to occupy the LEASED PREMISES or any portion thereof without prior written consent of the **COUNTY**, which consent shall not be unreasonably withheld. Any such assignment, subletting or occupation by any other person without such consent shall be void, and shall at the option of **COUNTY** terminate this Agreement. This provision does not prohibit the MANAGER from allowing other parties to utilize the LEASED PREMISES for permitted functions and events.

8. **INVOLUNTARY ASSIGNMENT**: **MANAGER** agrees that, except as expressly provided herein, neither this Agreement or any interest herein shall be assignable or transferable unless otherwise agreed in writing by the parties hereto, which consent shall not be unreasonably withheld.

9. **IMPROVEMENTS, CONSTRUCTION, ALTERATION**: **MANAGER** may maintain on the LEASED PREMISES improvements as necessary to facilitate the use of the LEASED PREMISES. Any structure and/or alteration, including new construction, must first be approved by the Mariposa County Board of Supervisors. Prior to any construction or work of improvement on the LEASED PREMISES, MANAGER shall furnish to COUNTY evidence that sufficient monies will be available to complete MANAGER'S proposal. COUNTY and MANAGER agree that such evidence shall represent at least the total estimated cost of construction and that said evidence may take one of the following forms:

A Performance Bond to be supplied by **MANAGER'S** contractor or contractors and issued jointly to **MANAGER** and **COUNTY** as Obligee. **MANAGER'S** contractor or contractors shall also submit to **COUNTY** a Certificate of Insurance as evidence of Workers' Compensation Insurance coverage.

Pledge of an escrow which will include funds received as proceeds of a financing contemplated by **MANAGER**. Such escrow shall be designated a "construction fund" and such fund shall be subject to periodic draw down in accordance with terms of the escrow.

10. **RIGHT OF RE-ENTRY OF COUNTY**: It is expressly agreed that in the event **MANAGER** creates or causes any material breach of this Agreement, **COUNTY** shall have the right and option to re-enter the LEASED PREMISES, take possession thereof, and remove all persons as provided by law.

11. **SURRENDER OF POSSESSION**: At the expiration of this Agreement, MANAGER promises and agrees to deliver unto COUNTY the LEASED PREMISES in as good condition as at the date of execution of this Agreement, reasonable wear and tear excepted.

12. **POSSESSORY INTEREST**: **MANAGER** recognizes and understands that to the extent this Agreement may or may not create a possessory interest subject to property taxation that the **MANAGER** is solely responsible for the payment of any taxes levied or assessed on the **LEASED PREMESIS**. **COUNTY** expresses no opinion on the taxable effect of this Agreement.

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13. **INDEMNITY:** MANAGER shall and hereby covenants that it will indemnify and defend, upon request of COUNTY, COUNTY, its governing board, officers, agents, and employees and each of them, and save them free and harmless of, and from any and all reasonable and proper costs, expenses, claims, liabilities, attorney's fees, actions, or damages, including liability for injuries to person or persons, or damage to property arising out of or in any way connected with the acts or omissions of MANAGER, its employees, agents, independent contractors, or invitees. This shall include any acts or omissions which may occur during construction, modification or removal of the improvements on the LEASED PREMISES pursuant to Paragraph 9. MANAGER'S obligations under this Section shall survive the expiration or termination of this Agreement.

In addition, **MANAGER** particularly agrees to indemnify, defend (upon request of **COUNTY**) and hold **COUNTY**, its governing board, commissions, agents, officers and employees harmless from any and all fines, suits, procedures, claims, losses, expenses and actions of every kind and all reasonable and proper costs associated therewith, including but not limited to all reasonable and proper attorney and consultant fees, arising out of or in any connected with any deposit, spill, discharge or other release of hazardous material that occurs at any time during **MANAGER'S** occupancy of the **LEASED PREMISES** as a result of any use(s) of the **LEASED PREMISES** and/or the occupancy of the **LEASED PREMISES** by **MANAGER** or as a result of **MANAGER'S** failure to provide any or all information, make any or all of its submissions, and take any or all steps required by any governmental authority or court which has jurisdiction or by any environmental requirements. **MANAGER'S** obligations under this Section shall survive the expiration or termination of this Agreement.

COUNTY shall and hereby covenants that it will indemnify and defend, upon request of **MANAGER**, **MANAGER**, its members, officers, agents, and employees and each of them, and save them free and harmless of, and from any and all reasonable and proper costs, expenses, claims, liabilities, attorney's fees, actions, or damages, including liability for injuries to person or persons, or damage to property arising out of or in any way connected with the acts or omissions of **COUNTY**, its employees, agents, independent contractors, or invitees **COUNTY'S** obligations under this Section shall survive the expiration or termination of this Agreement.

In addition, **COUNTY** particularly agrees to indemnify, defend (upon request of **MANAGER**) and hold **MANAGER**, its members, commissions, agents, officers and employees harmless from any and all fines, suits, procedures, claims, losses, expenses and actions of every kind and all reasonable and proper costs associated therewith, including but not limited to all reasonable and proper attorney and consultant fees, arising out of or in any connected with any deposit, spill,

discharge or other release of hazardous material that occurs as a result of any use(s) of the **LEASED PREMISES** or Airport and/or the occupancy of the **LEASED PREMISES** or Airport by **COUNTY** or as a result of **COUNTY'S** failure to provide any or all information, make any or all of its submissions, and take any or all steps required by any governmental authority or court which has jurisdiction or by any environmental requirements provided that **MANAGER** shall not settle or compromise any claim without prior written consent of **COUNTY**, not to be unreasonably withheld or delayed. **COUNTY'S** obligations under this Section shall survive the expiration or termination of this Agreement.

14. **INSURANCE**: During the term of this Agreement, MANAGER shall obtain and keep in full force and effect an airport general liability and automobile policy or policies of at least Three Million Dollars ($3,000,000) combined limit for bodily injury and property damage; provided that the COUNTY, its officers, employees, volunteers, and agents are to be named additional insureds under the policies and that the policies shall stipulate that this insurance will operate as primary insurance for work performed by MANAGER and its subcontractors, and that no other insurance effected by COUNTY or other named insureds will be called on to cover a loss covered thereunder. **MANAGER** will also obtain and keep Worker's Compensation insurance for employees as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease. **MANAGER**'s insurance shall be with insurers holding an AM Best rating of A, VII, or higher unless otherwise found acceptable by the **COUNTY**. **MANAGER** hereby grants to **COUNTY** a waiver of subrogation which any insurer of **MANAGER** may acquire against the **COUNTY** by virtue of the payment of any loss under such insurance. **MANAGER** agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the **COUNTY** has received a waiver of subrogation endorsement from the insurer. Where possible, all policies shall be endorsed so that insurer provides **COUNTY** with notice of cancellation.

MANAGER shall complete and file with the **COUNTY** prior to engaging in any operation or activity set forth in this Agreement, certificates of insurance evidencing coverage as set forth in this section and which shall provide that no cancellation or expiration by the insurance company will be made during the term of this Agreement, without thirty (30) days written notice to **COUNTY** prior to the effective date of such cancellation.

15. **PUBLIC EMPLOYEES RETIREMENT SYSTEM**: In the event that **MANAGER** or any employee, agent, or subcontractor of **MANAGER** providing services under this Agreement is

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determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an employee of the **COUNTY**, **MANAGER** shall indemnify, defend, and hold harmless **COUNTY** for the payment of any employee and or employer contributions for CalPERS benefits on behalf of **MANAGER** or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of the **COUNTY.**

16. **CHANGE OF ADDRESS**: It shall be MANAGER'S responsibility to inform COUNTY of any change of address.

17. **INSPECTION**: **COUNTY** shall have the right to enter upon the **LEASED PREMISES** at all reasonable times to inspect the **LEASED PREMISES** and **MANAGER'S** operation thereon. **COUNTY** reserves the right to enter upon the **LEASED PREMISES** for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as **COUNTY** may reasonably deem desirable in connection with the development of the Airport after giving reasonable notice to MANAGER. COUNTY shall indemnify **MANAGER** against all damage (including but not limited to damage to the improvements and personal property of **MANAGER**) and loss caused to **MANAGER** and/or its agents or customers by the exercise of the rights reserved in this Section.

18. **TERMINATION PRIOR TO EXPIRATION**:

a) **COUNTY** shall have the right to terminate this Agreement, in whole or in part, on the occurrence of any of the following events:

i) Upon one hundred eighty (180) days written notice.

ii) **MANAGER'S** insolvency/bankruptcy.

ii) **MANAGER'S** material breach of any of the terms, covenants and conditions which it is obligated to perform, keep or observe under this Agreement.

iii) The abandonment of the **LEASED PREMISES.** Should this occur, **COUNTY** shall not be responsible for the custodial protection of **MANAGER'S** abandoned property, fixtures or equipment.

b) **MANAGER** shall have the right to terminate this Agreement on the occurrence of any of the following events:

i) Upon material breach by **COUNTY** of any of the terms, covenants and conditions which it is obligated to perform, keep or observe under this Agreement.

ii) **MANAGER** shall have the right to terminate this Agreement upon one hundred eighty (180) days written notice.

iii) Damage to or destruction of all or a material part of the premises or airport facilities necessary to the operation of **MANAGER's** business.

iv) The lawful assumption by the United States, or any authorized agency thereof, of the operation, control, or use of the airport, or any substantial parts thereof, in such a manner to restrict **MANAGER** from conducting business operations for a period in excess of ninety (90) days.

19. **BREACH:** In the event of breach of this Agreement by either party, the COUNTY and MANAGER shall be entitled to all rights and remedies provided by law in addition to the specific remedies mentioned herein.

20. **PARTNERSHIP DISCLAIMER:** It is mutually understood and agreed that nothing in this Agreement is intended to or shall be construed as in any way creating or establishing the relationship of partners between the parties hereto, or as constituting the **MANAGER** as an agent or representative of the **COUNTY** for any purpose or in any manner whatsoever.

21. **NOTICES:** Any notice to the **MANAGER** shall be sufficient if sent by certified mail, postage prepaid, addressed to Airborn Aviation Services, 5020 Macready Way, Mariposa CA 95338. Any notice to the **COUNTY** shall be sufficient if sent by certified mail, postage prepaid, addressed to **COUNTY** at Mariposa County, Director of Public Works, 4639 Ben Hur Road, Mariposa, CA 95338. The address to which the notices shall be mailed, as aforesaid, to either party may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

22. **NON-WAIVER:** Any waiver of breach of any covenants or conditions herein contained to be kept and performed by either party shall be effective only if in writing and shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the other party from declaring a forfeiture or exercising its rights for any succeeding breach of either the same or

Attachment: Agreement Airborn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborn Aviation Services)

other condition or covenant.

23. **SUCCESSORS AND THIRD-PARTY BENEFICIARIES**: This Agreement shall be binding upon and inure to the benefit of all the heirs, successors and assigns of the parties. This Agreement shall not confer any rights or remedies upon any third-party not a party to this Agreement.

24. **ENTIRE AGREEMENT**: This Agreement and the exhibits attached hereto contain the entire agreement of the parties with respect to the subject matter of this Agreement, and supersede all prior negotiations, agreement and understandings with respect thereto. This Agreement may only be amended by a written document duly approved and executed by the parties hereto.

25. **AUTHORIZED AGENT**: The Director of Public Works is the duly authorized agent of COUNTY for purposes of this Agreement, and as to any obligations assumed herein by MANAGER, they shall be performed only to the reasonable satisfaction of the Director of Public Works and to no other person.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

COUNTY:

Merlin Jones, Chairman
Mariposa County Board of Supervisors

MANAGER:

Anthony Borreson
Airborrn Aviation Services

ATTEST:

Rene LaRoche
Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel

Attachment: Agreement Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation Services)

MARIPOSA COUNTY

Public Works · (209) 966-5356

RESOLUTION - ACTION REQUESTED 2015-477

MEETING: October 6, 2015

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Approve an Airport Manager Agreement with Airborrn Aviation Services

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RECOMMENDATION AND JUSTIFICATION:
Approve a Five-Year Agreement with Airborrn Aviation Services to Operate at the Mariposa/Yosemite Airport as the Airport Manager, and Authorize the Board of Supervisors Chair to Sign the Agreement.

Entering into an Agreement with Airborrn Aviation Services (AAS) will enable a mutual goal of having a safe and well maintained airport facility that serves the public and general aviation community.

The proposed agreement is divided into two phases. In the first year, AAS will occupy the terminal building and residence, assuming maintenance and utilities responsibilities for those facilities, and will begin to engage in commercial activities that may include flight training, flight seeing, and offering services to aviators. While no specific additional responsibilities are prescribed, there is no doubt that the active and regular presence of AAS at the airport will be of substantial benefit. During this period, Public Works will continue to administer long term leases, fuel sales, and inspections/testing. During this period the County should see reduced utility and routine maintenance expenses in the Airport Fund, but may see increased expenses as the increase in activity at the Airport could expose unanticipated underlying issues. After one year, the agreement stipulates that AAS will assume fuel sales, inspections, testing, making rental cars available, and staffing the terminal at a level needed to shift the airport to "Attended" status. Administration of longer term hangar leases will remain with Public Works, as will the revenue derived from that activity, but may be the topic a future modification to this Agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board approved the original agreement with KMPI and has met several times to discuss the status of the Airport and the proposals for a Fixed Base Operator. Public Works brought forward a draft agreement on August 11, 2015, which stimulated a healthy dialogue with the Board, staff, and the prospective Airport Manager. The

Attachment: Resolution 15 477 Airborrn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airborrn Aviation

Board issued direction to pursue a short term agreement to enable near term occupation of the facilities while finalizing a longer term agreement. After meeting with AAS and reviewing boilerplate short term agreements, it was mutually concluded that by modifying the long term agreement the intent of that direction could be satisfied just as expediently.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The Board could elect to leave the Mariposa/Yosemite Airport in the status quo, resulting in the airport remaining unattended, and in the opinion of staff, underutilized. The Board could also direct another Request for Proposal period, but risk losing a local interested potential operator. The Board could find that parts of the agreement are unsatisfactory and provide direction to Public Works to seek modifications to the proposed agreement.

FINANCIAL IMPACT:
Adjustments to the Airport Budget will be done at a later date to if necessary to support the FBO Agreement. It is not anticipated that these adjustments will have a negative impact on the General Fund. Currently this budget has no net county cost.

ATTACHMENTS:
Airport Manager Lease October 2015 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson
Mary Hodson, CAO 9/30/2015

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marshall Long, District III Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier

Attachment: Resolution 15 477 Airbornn Aviation (RES-2021-280 : Approve a Third Amendment for Airport Services with Airbornn Aviation

MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2021-281

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Request Authorization to Allocate Funding from an Engineering Tech Position to Fund Junior Engineer

---

RECOMMENDATION AND JUSTIFICATION:
Approve the Allocation of One Junior Engineer Position by Eliminating the Funding Allocation from One (1) Current Engineering Technician III Position Classification Within the Public Works Department Effective Immediately.

This will allow for the more technical assignment of duties which are well within the capabilities of the incumbent while also recognizing the ability, talent and the incumbents Engineer in Training Licensure.

There are sufficient appropriated financial resources in place to fund this request.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has approved similar requests in the past when it is in the best interest of the County and the Department, which this is, and in recognition of the County's commitment to professional growth of staff through our stated support of "Career Ladders" as a means to achieve a highly trained and skilled workforce.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Should this not be approved the abilities, talent and education of the individual will well out stretch the job duties of the present classification.

FINANCIAL IMPACT:
Although this is a General Fund position the impact is minimal as the incumbant works in large part on Federal and State Reimbursable Project Activities.

ATTACHMENTS:
Engineering Technician I-II-III_201705251008566162 (PDF)
Junior Engine_1 (PDF)

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11748

County of Mariposa

ENGINEERING TECHNICIAN I/II/III

DEFINITION

To perform a variety of technical field and office engineering work related to surveys, materials testing, office calculations, drafting, and design.

Engineering Technician I: Employees in this classification receive close supervision within a framework of standard policies and procedures. Employees in this class function at the entry level.

Engineering Technician II: Employees in this classification receive general supervision within a framework of standard policies and procedures. Employees in this class function at the journey level and may perform more difficult engineering and paraprofessional duties.

Engineering Technician III: Employees in this classification receive limited supervision within a framework of standard policies and procedures. Employees in this class function at the advanced journey level and may supervise other technicians on a project basis and train subordinate engineering technicians. May provide construction management and oversight under the direction of an engineer; and to assist on a survey crew. The Engineering Technician III will also be required to increase skill levels in at least one area of engineering technology as assigned, to include one of the following: traffic technology, surveying, construction management/public works construction inspector or computer assisted drafting technology. Increased skill level may be obtained by County-sponsored course work, on-the-job training or self-instruction on the job or any combination thereof.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the County Engineer and/or County Surveyor.

May exercise lead direction over lower level classifications.

EXAMPLES OF ESSENTIAL FUNCTIONS

Engineering Technician I

Learns and performs survey work that includes establishment of lines, angles, distances, and elevations for topographic, property, and construction surveys.

Learns and performs engineering and surveying calculations as required.

Learns and performs drafting as related to survey work, construction drawings, exhibits, etc.

Assists in the public works inspection process.

Learns and operates equipment on an engineering field survey party.

Attachment: Engineering Technician I-II-III_20170525100856162 (RES-2021-281 : Request Authorization to Allocate Funding from an

Under direction and supervision, develops and enters data for computerized databases.

Under direction and supervision, uses CAD/GIS software for basic mapping.

Learns and performs samples extraction and laboratory and field testing of construction materials, including use of the nuclear soils gauge.

Engineering Technician II
Performs survey work using survey instruments, including total stations, GPS, and levels.

Designs, lays in, profiles and balances vertical and horizontal road realignments and/or public works projects site designs, as assigned.

Conducts maps and deeds research; plotting for right-of-way, construction or maintenance projects.

Checks grade during road or other public works construction projects.

Performs higher level duties in a training capacity.

Under supervision, uses a computer to perform a variety of survey and design-related calculations.

Under direction and supervision, prepares records, reports and legal documents.

Keeps accurate field notes and makes sketches of survey work performed.

Performs drafting utilizing CAD/GIS as related to survey and design work on public works plans, profiles, sections, details, and input GIS data.

Under supervision, prepares maps/plats utilizing CAD/GIS.

Operates electronic surveying equipment, such as total station and data collector, and performs computer input of survey data.

Responsible for assuring field vehicles, equipment and supplies are adequate for planned field tasks.

Performs field interviews and record-keeping for contract transit operators.

Assists in the oversight and management of contract transit operators and coordinates with County transit program.

Attachment: Engineering Technician I-II-III_20170525100856162 (RES-2021-281 : Request Authorization to Allocate Funding from an

Performs sample extraction and laboratory and field tests of construction materials, including soils compaction tests using nuclear soils gauge

Maintains radiation records for all users of the nuclear soils gauge.

Engineering Technician III
Inspects major and minor subdivision road construction for land developments for compliance with County standards and conditions of approval

Participates in and assist in survey work using a variety of survey instruments and keeping survey notes; supervises computer-aided drafting activities

Prepares drafting plans and profile sheets, "p"-line work sheets, profile work sheets, super-elevation calculations, and right-of-way plats and public works project site layout, grading plans, profile and details

Issues, inspects and oversees private and commercial encroachment permits on County and/or Zone of Benefit roads

Inspects work completed under the County Grading Ordinance and Improvement Standards

Inspects fuel modification when required on subdivision roads

Maintains accurate records and reports

Coordinate soils, laboratory and material testing with a qualified consulting firm

Supervises consultants and assists in construction materials sample extraction and complex field and laboratory tests

Under the direction of an engineer, uses a computer to perform a variety of engineering/survey-related tasks and design of public works infrastructure

Under the direction of an engineer or surveyor, uses CAD/GIS to prepare final maps and/or plats.

Prepares accurate and complex records, reports, and legal documents

Performs hydrology, hydraulic and other engineering calculations, such as the determination of culvert sizes under engineering direction

Assists with field reviews and record keeping for contract transit operators

Oversees and manages contract transit operators and coordinates with County transit program

Attachment: Engineering Technician I-II-III_20170525100856162 (RES-2021-281 : Request Authorization to Allocate Funding from an

Manages zone-of-benefit road maintenance program

Inspects pavement operations and provide construction oversight of road crew

EMPLOYMENT STANDARDS

Knowledge of:

Engineering Technician I and II
General mathematics (including high school algebra and geometry) and drafting

Survey and drafting procedures

Survey instrumentation and functions

Survey and design, techniques, instrumentation and functions.

The principles of algebra, geometry, and trigonometry

Computer automated surveying techniques, including total station, GPS, GIS, data collectors and computer data entry

Personal computer operating systems including CAD/GIS software, word processing and data base management

Soils and concrete material testing methods

Record and report preparation techniques

Modern office practices and technology, including the use of computers for word processing, spreadsheet preparation and database management

English usage, spelling, grammar and punctuation

Engineering Technician III (in addition)

The uses, physical characteristics, sampling and testing of construction materials including Caltrans testing methods for soils, concrete and asphalt

The principles of complex engineering computations

The methods, materials, tools, equipment, and supervision of construction engineering

Attachment: Engineering Technician I-II-III_20170525100856162 (RES-2021-281 : Request Authorization to Allocate Funding from an

Public works construction plans and specifications

Engineering plans and specifications

Principles of supervision and training

Ability to:

Communicate effectively in both oral and written forms

Understand and execute written and oral instructions

Establish and maintain positive work relationships with those contacted in the performance of required duties

Engineering Technician I
Learn the operation of surveying instruments

Under direction and supervision, learn the operation of computer software

Assist in preparation of accurate and complete notes, sketches, plans, and reports

Perform drafting work

Perform mathematical calculations quickly and accurately

Engineering Technician II
Operate precision surveying instruments

Prepare accurate and complete notes, sketches, plans and reports

Perform drafting work and to assist in the preparation of engineering designs

Perform mathematical calculations quickly and accurately

Operate total station, GPS, GIS, data collector, and perform computer data entry/calculations

Work with computer operation systems, CAD/GIS software, word processing, and data base software

Engineering Technician III (in addition)
Supervise and train others

Attachment: Engineering Technician I-II-III_20170525100856616 2 (RES-2021-281 : Request Authorization to Allocate Funding from an

Operate computer software including drafting and engineering design program, spreadsheet and word processing

Under engineering supervision, use a computer to design public works infrastructure

Supervise and assist in the performance of tests and analysis of construction material samples

TYPICAL WORKING CONDITIONS

Work is performed in an office and field environment. Incumbent drives on surface streets and may be exposed to traffic hazards, construction and equipment hazards, air contaminants, adverse weather conditions, temperature and noise extremes, wetness, fumes, dusts, odors, skin irritants, working at heights.

TYPICAL PHYSICAL REQUIREMENTS

Requires the mobility to work in an office and field environment. Requires the ability to sit at desk for long periods of time and intermittently walk, stand, climb, balance, bend, crouch, and reach while performing office duties and/or field work; traverse uneven terrain; lift and/or move light to moderately heavy weights; perform simple grasping and fine manipulation. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office and specialized field equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen.

MINIMUM QUALIFICATIONS

All levels require high school graduation or a GED and possession of a valid California driver's license. Under certain circumstances, the Human Resources Director may accept a valid driver's license from another state if applicant acknowledges his/her intent to acquire a California driver's license within three months by signing an acknowledgement form.

Engineering Technician I: One year of experience in field engineering, land surveying, construction and/or computer drafting. One year of technical school training in the areas of land surveying, construction technology, computer-aided drafting/design or equivalent technical fields beyond the high school level may be substituted for the required experience….**or**

Engineering Technician II: Three years of technical engineering experience in the areas of land surveying, construction inspection, calculations/drafting of construction projects or computer-aided drafting, 2 years of which must have been in engineering or survey work comparable to an Engineering Technician I. Graduation from an accredited 2-year college with technical training in the areas of land surveying, construction technology, engineering technology, computer-aided drafting/design or equivalent may be substituted for 2 years of the above experience requirement, OR graduation from a 4-year college or university with major course work in civil engineering, architecture, construction management or a closely-related field.….**or**

Attachment: Engineering Technician I-II-III_20170525100856616 2 (RES-2021-281 : Request Authorization to Allocate Funding from an

Engineering Technician III: Five years of experience equivalent to an Engineering Technician II or Traffic Technician II position; OR graduation from an accredited 2-year college with a minimum of 30 units of coursework in the areas of land surveying, construction technology, engineering technology, computer-aided drafting/design or equivalent technical fields and three years of experience equivalent to an Engineering Technician II or Traffic Technician II position; OR graduation from an accredited 4-year college with a degree in civil engineering or a closely-related field and 6 months of experience equivalent to an Engineering Technician II or Traffic Technician II position.

Created: 9/03 (B/S 03-317)
Revision Date: 02/06 (B/S Res. 06-73); 05/17 (B/S Res. 17-313)

Attachment: Engineering Technician I-II-III_20170525100856162 (RES-2021-281 : Request Authorization to Allocate Funding from an

County of Mariposa

JUNIOR ENGINEER

DEFINITION

To perform a wide variety of routine field and office civil engineering work which includes the preparation of plans, specifications and cost estimates for County public works projects; to review less complex engineering plans, specifications and land use proposals prepared by others; and to perform related duties and responsibilities as required.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from higher-level professional civil engineers.

EXAMPLES OF ESSENTIAL FUNCTIONS

Performs routine office and field engineering work related to the design, construction and maintenance of County roads, bridges, sanitation facilities and drainage systems, water systems and other public works projects.

Prepares and/or assists in preparing engineering calculations, specifications, estimates and contracts for public works projects.

Prepares project designs, drawings, maps, charts and diagrams using computer-assisted and manual techniques.

Directs, reviews and/or participates in the work of field survey parties.

May assist in gathering and analyzing data related to site drainage concerns.

May assist in determining project feasibility by analyzing structures, roads, highways and other project sites for economic, environmental, engineering, legal and other considerations.

Obtains permits for assigned projects.

Assists in inspecting projects under construction for compliance with regulations, plans and specifications.

Conducts and/or reviews routine field and laboratory tests of construction materials; prepares related records and reports.

Inspects damaged structures and estimates repair costs.

Assists in reviewing plans and specifications prepared by other agencies and private land developers for compliance with existing County regulations, codes and standards, and for adequacy of drainage and road improvements.

Attachment: Junior Engine_1 (RES-2021-281 : Request Authorization to Allocate Funding from an Engineering Tech Position to Fund Junior

Reviews land development improvement plans for compliance with County codes, policies and standards.

Receives and responds to routine inquiries, requests for assistance, concerns and complaints from contractors, developers, property owners, other agencies, and other groups and individuals regarding division policies, programs and projects.

Represents the division at technical meetings and public gatherings as required.

Performs general administrative/clerical work as required, including preparing reports and correspondence, maintaining records, entering and retrieving computer data, attending meetings, copying and filing documents, etc.

EMPLOYMENT STANDARDS

Knowledge of:

Pertinent federal, state and local laws, regulations, codes and ordinances.

County and department policies and procedures.

Theories, principles and practices of civil engineering, construction and land surveying as applied to public works projects.

Techniques and equipment used in surveying, engineering and construction work.

Strength, properties and use of engineering construction materials and methods of testing such materials.

Construction inspection methods and equipment.

Engineering mathematics.

Report and business letter preparation techniques.

Modern office practices and technology, including the use of computers for word processing, computer-assisted drafting and design, spreadsheet preparation and database management.

English usage, spelling, grammar and punctuation.

Safe work practices.

Public/community relations techniques.

Ability to:

Understand, interpret and apply pertinent federal, state and local laws, rules, regulations, codes and ordinances, and County policies and procedures.

Attachment: Junior Engine_1 (RES-2021-281 : Request Authorization to Allocate Funding from an Engineering Tech Position to Fund Junior

Understand and follow complex oral and written instructions.

Prepare basic civil engineering designs using computer-assisted and manual techniques.

Prepare accurate project drawings, maps, cost estimates and specifications.

Operate precision survey instruments.

Inspect construction projects and enforce compliance with all regulations, plans and specifications.

Perform routine tests and analyses on construction material samples.

Read, understand and interpret complex technical and legal documents, technical drawings and plans, maps and other data.

Review engineering plans and specifications prepared by others.

Establish priorities and work under stress to meet deadlines.

Prepare clear and concise technical and administrative reports.

Establish and maintain project files and records; prepare neat and accurate field notes.

Perform mathematical computations quickly and with accuracy.

Effectively use computers for word processing, database management, spreadsheet preparation and specialized engineering functions.

Interpret division projects and programs to the public.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Meet the physical requirements necessary to safely and effectively perform assigned duties.

TYPICAL WORKING CONDITIONS

Work is performed in an office and field environment. Incumbent drives on surface streets and may be exposed to traffic hazards, construction hazards, air contaminants, adverse weather conditions, temperature and noise extremes, wetness, fumes, dusts, working at heights. Worker is subject to unusual fatigue from irregular working hours.

Attachment: Junior Engine_1 (RES-2021-281 : Request Authorization to Allocate Funding from an Engineering Tech Position to Fund Junior

TYPICAL PHYSICAL REQUIREMENTS

Requires the mobility to work in an office and field environment. Requires the ability to sit at desk for long periods of time and intermittently walk, stand, climb, balance, bend, crouch, and reach while performing office duties and/or field inspections; traverse uneven terrain; lift and/or move light to moderately heavy weights; perform simple grasping and fine manipulation. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office and specialized field equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen.

MINIMUM QUALIFICATIONS

Experience:
None required.

Education:
High school or GED equivalency is required. Graduation from an accredited college or university with a Bachelor's degree in civil engineering or a closely related field.

Or

Experience:
Four years of engineering-related work experience preferably with public works projects.

Education:
High school or GED equivalency is required. Possession of a Certificate as an Engineer-in-Training.

Additional Requirements:
Possession of a valid California driver's license. Under certain circumstances, the Personnel Director may accept a valid driver's license from another state if applicant acknowledges his/her intent to acquire a California driver's license within three months by signing an acknowledgement form.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

Creation Date: 12/04 (B/S 04-545, 546)
Revision Date: 02/06 (B/S Res. 06-73); 02/07 (B/S Res. 07-33); 08/08 (B/S Res. 08-366)

Attachment: Junior Engine_1 (RES-2021-281 : Request Authorization to Allocate Funding from an Engineering Tech Position to Fund Junior

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-282

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: 2021-2022 Animal Control Lease Agreement

RECOMMENDATION AND JUSTIFICATION:
Approve a Lease Agreement with William Freeman for the property located at 5012 Fairgrounds Drive for use as an Animal Control Facility; and Authorize the Board of Supervisors Chair to sign the Agreement.

On December 1, 2001, William Freeman and the County of Mariposa entered into a lease agreement for the property located at 5012 Fairgrounds Drive, Mariposa, California. The property leased has been used by Mariposa County Animal Control to house abandoned, lost and owner released animals. The current lease agreement for the property will expire on June 30, 2021.

The annual increase of 3% that will go into effect on January 1, 2022, will result in an increase of $471.39 over the cost of the previous lease agreement and will be included in the Requested Fiscal Year 2021/2022 Budget for the Sheriff's Department.

The lease agreement is for one (1) year and would be in place from July 1, 2021 through June 30, 2022.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has annually approved this Lease Agreement since December 2001.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the lease agreement is not authorized the Mariposa County Animal Control Facility will need to be relocated to new site by June 30, 2021.

FINANCIAL IMPACT:
The 3% increase in the lease amount of $471.39 for six months will be included in the Fiscal Year 2021-2022 requested budget for the Sheriff's Department.

ATTACHMENTS:
2021-2022 ACO Lease Agreement (PDF)

REF ID# 11616

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into in the County of Mariposa, State of California, as of July 1, 2021, by and between William A. Freeman, hereinafter referred to as **LESSOR**, and the County of Mariposa, hereinafter referred to as **LESSEE**.

WITNESSETH

WHEREAS, **LESSOR** owns real property located in the County of Mariposa commonly known as 5012 Fairgrounds Drive, Mariposa, California 95338; and

WHEREAS, the parties wish to provide for the leasing of said property by the **LESSOR** to the **LESSEE**;

FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER CONTAINED, IT IS AGREED AS FOLLOWS:

1. **PREMISES:** The leased **PREMISES** is the real property located in the County of Mariposa commonly known as the Mariposa County Sheriff's Animal Control Facility, 5012 Fairgrounds Drive, Mariposa, California.

2. **CONSIDERATION**: For and in consideration of Two Thousand Six Hundred Eighteen and 85/100 Dollars ($2618.85) per month for the months of July Through December 2021 and the sum of Two Thousand Six Hundred Ninety-seven and 42/100 Dollars ($2697.42) for the months of January through June 30, 2022. **LESSOR** agrees to lease the real property described above commencing July 1, 2021 and terminating on June 30, 2022. This Lease is renewable thereafter as mutually agreed by the **LESSOR** and **LESSEE**.

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

3. **USE:** The **PREMISES** which are the subject of this Lease shall be used as a Impound Facility for unwanted/stray domestic pets from Mariposa County and serve as the Office for Mariposa County Animal Control Staff. **LESSEE** hereby warrants that it is a 3200 sq. ft. metal building with vehicle parking area adjacent to the building.

4. **COMPLIANCE WITH LAW:** **LESSEE** shall comply with all laws, ordinances, rules, regulations and requirement of county, state and federal government, or of any department, bureau or official thereof having jurisdiction.

5. **INSPECTION BY CERTIFIED ACCESS SPECIALIST:** As required by California Civil Code section 1938, **LESSOR** represents that premises have not undergone inspection by a Certified Access Specialist (CASp).

A Certified Access Specialist (CASp) can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises.

6. **ASSIGNMENT:** Except as expressly provided herein, **LESSEE** shall not assign this Lease nor any right hereunder, nor sublet the **PREMISES**, nor any part thereof, or suffer any other person to occupy the said **PREMISES** or any portion thereof without prior written consent of the **LESSOR**, which consent shall not be unreasonably withheld. Any such assignment, subletting or occupation by any other person without such consent shall be void, and shall at the option of **LESSOR** terminate this Lease. This provision does not prohibit the **LESSEE** from renting or allowing other parties to utilize the **PREMISES** for permitted functions and events.

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

7. **IMPROVEMENTS, CONSTRUCTION, ALTERATION, REMOVAL: LESSEE** may maintain on the **PREMISES** improvements as necessary to facilitate the use of the **PREMISES**. Any such structure and/or alteration shall remain the sole and separate property of **LESSEE** and at the termination of this Lease shall be removed at the **LESSEE'S** expense within a reasonable time or disposed of as otherwise mutually agreed by **LESSEE** and **LESSOR**.

8. **MAINTENANCE AND REPAIR**: **LESSEE** will be responsible for all maintenance and repairs of **LESSEE** installed interior improvements. **LESSEE** agrees to maintain the **PREMISES** in a clean and orderly condition at all times, and in accordance with safety and fire codes and other applicable federal and state laws and ordinances of the County of Mariposa. **LESSOR** shall notify the **LESSEE** in writing of any necessary maintenance or repair of any structure placed on the leased **PREMISES** by **LESSEE**. **LESSOR** shall maintain and repair all structures and utilities, including but not limited to heat, air conditioning, water, and sewer. Failure to repair and maintain the **PREMISES** shall be a breach of this Lease and **LESSEE** may at its option terminate this Lease.

9. **RIGHT OF RE-ENTRY OF LESSOR:** It is expressly agreed that in the event **LESSEE** creates or causes any breach of this Lease, **LESSOR** shall have the right and option to re-enter said **PREMISES**, take possession thereof, and remove all persons as provided by law.

10. **SURRENDER OF POSSESSION:** At the expiration of this Agreement, **LESSEE** promises and agrees to deliver unto **LESSOR** the Leased **PREMISES** in as good condition as at the date of execution of this Agreement, reasonable wear and tear excepted.

11. **INDEMNITY: LESSEE** agrees to indemnify, protect, defend and hold **LESSOR** and its officers, agents and employees, free and harmless from any and all liabilities, claims, demands, actions, losses, damages and costs of any kind, including but not

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

limited to, all costs of defense thereof, caused by or arising out of **LESSEE'S** use or the use of any guests, invitees or agents of **LESSEE** of the leased **PREMISES**. Upon demand **LESSEE** shall, at its own expense, defend **LESSOR**, and its officers, agents and employees, against any and all such liabilities, claims, demands, actions, losses, damages, and costs of any type or nature arising from the sole negligence of **LESSEE**. **LESSOR** shall indemnify, protect, defend, and hold **LESSEE** and its officers, agents, and employees free and harmless from any and all liabilities, claims, demands, actions, losses, damages and costs of any kind, including but not limited to, all costs of defense thereof, caused by or arising out of, or in any way related to **LESSOR'S** obligations to maintain and repair the **PREMISES**, or any negligence of **LESSOR**, or any structural or other defects of the **PREMISES**.

12. **INSURANCE:** **LESSEE** will provide insurance coverage as of the commencement of this Lease and during any right of occupancy of the leased **PREMISES** and shall maintain coverage in full force and in effect until the termination of this Lease Agreement as follows:

A. **General Liability and Bodily Insurance**: **LESSEE** shall obtain and keep in full force and effect general liability coverage of at least One Million Dollars ($1,000,000) combined limit for bodily injury and property damage.

13. **CHANGE OF ADDRESS:** It shall be **LESSOR'S** responsibility to inform **LESSEE** of any change of address.

14. **INSPECTION:** **LESSOR** shall be permitted to enter and view the **PREMISES** at any reasonable time for the purpose of inspecting or maintaining such **PREMISES** and doing any and all things with reference thereto which the **LESSOR** is obligated to do.

15. **TERMINATION PRIOR TO EXPIRATION:**

A. The **LESSOR** shall have the right to terminate this Lease, on the occurrence of any of the following events:

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

(i) The failure of the **LESSEE** to perform or observe any of the terms, covenants and conditions which it is obligated to perform, keep or observe under this Lease.

(ii) The abandonment of the leased **PREMISES**. Should this occur **LESSOR** shall not be responsible for the custodial protection of **LESSEE'S** abandoned property, fixtures or equipment.

B. **LESSEE** shall have the right to terminate this Lease upon sixty (60) days written notice.

C. It is mutually agreed that if **LESSEE**, during any fiscal year covered by this Agreement fails to appropriate sufficient funds to continue this Agreement, this Agreement shall be of no further force and effect. California State Constitution Article XVI section 18.

16. **BREACH:** In the event of breach of this Lease by **LESSEE**, **LESSOR** shall be entitled to all rights and remedies provided by law in addition to the specific remedies mentioned herein.

17. **PARTNERSHIP DISCLAIMER:** It is mutually understood and agreed that nothing in this Lease is intended to or shall be construed as in any way creating or establishing the relationship of partners between the parties hereto, or as constituting the **LESSEE** as an agent or representative of the **LESSOR** for any purpose or in any manner whatsoever.

18. **NOTICES:** Any notice to the **LESSEE** shall be sufficient if sent by certified mail, postage prepaid, addressed to County Administrative Officer, County of Mariposa, P.O. Box 784, Mariposa, CA 95338. Any notice to the **LESSOR** shall be sufficient if sent by certified mail, postage prepaid, addressed to William A. Freeman, 624 Shadowhawk Way, Walnut Creek, CA. 94595.

19. **NON-WAIVER:** Any waiver of breach of any covenants or conditions herein

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

contained to be kept and performed by either party shall be effective only if in writing and shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the other party from declaring a forfeiture or exercising its rights for any succeeding breach of either the same or other condition or covenant.

20. **SUCCESSOR:** This Lease shall be binding upon and inure to the benefit of all the heirs, successors and assigns of the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed the day and year first above written.

LESSOR:

William A. Freeman
624 Shadowhawk Way
Walnut Creek, CA. 94595

LESSEE:

Marshall Long, Chairman
Mariposa County Board of Supervisors

ATTEST:

RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel

Attachment: 2021-2022 ACO Lease Agreement (RES-2021-282 : 2021-2022 Animal Control Lease Agreement)

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-283

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: 2021-2024 Central Valley Forensic Nurse Specialists' Agreement

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RECOMMENDATION AND JUSTIFICATION:
Approve a three-year Agreement with Central Valley Forensic Nurse Specialists', Inc. for Sexual Assault Examination Services for Mariposa County Sheriff's Office Investigations; and Authorize the Board of Supervisors Chair to Sign the Agreement.

A current Agreement exists and is due to expire June 30, 2021. Central Valley Forensic Nurse Specialists' has expressed interest in a three-year agreement to align with the State's Fiscal Year. Minor expenditures have been identified on Attachment "A" of the Agreement, however should have little or no effect of the overall expense. The three-year Agreement has a not to exceed amount of $40,000 and not to exceed $70,000.00 with two 12 month agreed upon extensions.

Due to the technical and medical expertise required as part of a sexual assault investigation, it is desirable to utilize medical professionals who possess the skills and equipment to perform and record the examination process.

Central Valley Forensic Nurse Specialists' possesses both the personnel and equipment necessary to perform these crucial forensic examinations. Central Valley Forensic Nurse Specialists' is able to perform the examinations at the Sexual Assault Response Team (SART) Center in Fresno California.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
A contract between the Sheriff's Office and Forensic Nurse Specialists' of Central California has been in place since 2008. Forensic Nurse Specialists' of Central California changed ownership in November 1, 2019 with the name being changed to Central Valley Forensic Nurse Specialists'. Both parties have recently been working together to continue the Agreement and are in consensus a three-year Agreement to align with the State's Fiscal Year would benefit both entities.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the new contract is not approved, Central Valley Forensic Nurse Specialists' will continue to provide services to the Sheriff's Office; However, the contract will ensure that the new services being provided will remain unchanged as agreed upon for the duration of the contract.

FINANCIAL IMPACT:

Sufficient funding for Fiscal Year 2021-2022 has been requested in the proposed budget for expenses related to this Agreement.

ATTACHMENTS:
CVFNS contract 2021-2024 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

AGREEMENT FOR CENTRAL VALLEY FORENSIC NURSE SPECIALISTS'

THIS AGREEMENT ("Agreement") is made and entered into this ___ day of____ , 20___, by and between the County of Mariposa, a political subdivision of the State of California, ("County"), and Central Valley Forensic Nurse Specialists', ("Contractor"), pursuant to the following terms and conditions.

W I T N E S S E T H:

1. TERM

The term of this Agreement shall be for a period of three (3) years, commencing on July 1, 2021 through and including June 30, 2024. This Agreement may be extended for two (2) additional consecutive twelve (12) month periods upon the written approval of both parties no later than thirty (30) days prior to the first day of the next twelve (12) month extension period. The Sheriff or his/her designee is authorized to execute such written approval on behalf of County based on Contractor's satisfactory performance.

2. SERVICES

Contractor shall perform forensic evidence collection and examination of victims of sexual assault and forensic evidence collection from suspects as described in Exhibit A, "Scope of Work," which is attached hereto and incorporated herein by reference. Contractor shall provide all staffing and materials necessary to perform the Scope of Work.

3. COMPENSATION

The maximum compensation payable to Contractor under this Agreement is $40,000.00 commencing as of the effective date for the entire term of the Agreement. For each 12 month extension to the Agreement the maximum compensation payable to the Contractor under this agreement is $15,000.00. The maximum compensation payable to Contractor for the entire term of the Agreement with extensions is $70,000.00. Contractor's rates are listed in Exhibit B, "Cost Proposal." County shall pay Contractor within thirty (30) days of receipt of an approved invoice.

4. INSURANCE

Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, or employees.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

(1) Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired (Code 8) and non-owned autos (Code 9), with limits no less than $1,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with a limit of no less than $1,000,000 per accident for bodily injury or disease.

(4) Professional Liability (Errors and Omissions): Insurance appropriate to Contractor's profession, with a limit of no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate. If Contractor maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status: County, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10 and CG 20 37 forms if a later edition is used).

(2) Primary Coverage: For any claims related to this Agreement, Contractor's insurance coverage shall be primary insurance as respects County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by County, its officers, officials, employees, or volunteers shall be excess of Contractor's insurance and shall not contribute with it.

(3) Notice of Cancellation: Each insurance policy required above shall state that coverage shall not be canceled, except with at least thirty (30) calendar days' notice to County.

(4) Waiver of Subrogation: Contractor hereby grants to County a waiver of any right to subrogation which any insurer of said Contractor may acquire against County by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

(5) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by County. County may require Contractor to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

(6) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to County.

(7) Verification of Coverage: Contractor shall furnish County with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by County before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

(8) Subcontractors: Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that County is an additional insured on insurance required from subcontractors.

(9) Special Risks or Circumstances: County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

5. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify County, its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of Contractor or its officers, agents, or employees in rendering services under this Agreement; excluding however such liability, claims, losses, damages, or expenses arising from County's sole negligence of willful acts.

6. INDEPENDENT CONTRACTOR

It is the expressed intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer or partner of County. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between County and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor shall retain the right to perform services for others during the term of this Agreement.

7. PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement is determined by a court of competent jurisdiction or the Public Employees Retirement System (CalPERS) to be eligible for enrollment in CalPERS as an

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

employee of County, Contractor shall indemnify, defend, and hold harmless County for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

8. STATE AND FEDERAL TAXES

As Contractor is not County's employee, Contractor is responsible for paying all required state and federal taxes. In particular:

a. County will not withhold FICA (Social Security) from Contractor's payments;
b. County will not make state or federal unemployment insurance contributions on behalf of Contractor;
c. County will not withhold state or federal income tax from payment to Contractor;
d. County will not make disability insurance contributions on behalf of Contractor;
e. County will not obtain workers' compensation insurance on behalf of Contractor.

9. AUDITS AND INSPECTIONS

Contractor shall at any time during business hours, and as often as County may deem necessary, make available to County for examination all of its records and data with respect to the matters covered by this Agreement. Contractor shall, upon the request of County, permit County to audit and inspect all of such records and data necessary to ensure Contractor's compliance with the terms of this Agreement. If compensation to be paid by County under this Agreement exceeds Ten Thousand Dollars ($10,000), Contractor shall be subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three (3) years after final payment under this Agreement. This section survives the termination of this Agreement.

10. ASSIGNMENT

It is understood and agreed that this Agreement contemplates personal performance by Contractor and is based upon a determination of its unique personal competence and experience and upon its specialized personal knowledge. Assignments of any or all rights, duties or obligations of Contractor under this Agreement will be permitted only with the express written consent of County.

11. NOTICE

Any and all notices, reports or other communications to be given to County or Contractor shall be given to the persons representing the respective parties at the following addresses:

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

CONTRACTOR:
Central Valley Forensic Nurse Specialists'
P.O. Box 25423
Fresno, CA 93729

COUNTY:
Sheriff
County of Mariposa
P.O. Box 276
Mariposa, CA 953338
Fax (209) 742-5090

12. COMPLIANCE

Contractor shall comply with all federal, state and local laws, codes, ordinances and regulations applicable to Contractor's performance under this Agreement, including, but not limited to, laws related to prevailing wages. Specifically, Contractor shall not engage in unlawful employment discrimination, including, but not limited to, discrimination based upon a person's race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation, as prohibited by state or federal law.

13. PUBLIC RECORDS ACT

Contractor is aware that this Agreement and any documents provided to County may be subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of Contractor to clearly identify information in those documents that it considers to be confidential under the California Public Records Act. To the extent that County agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

14. ENTIRE AGREEMENT AND MODIFICATION

This Agreement contains the entire agreement of the parties relating to the subject matter of this Agreement and supersedes all prior agreements and representations with respect to the subject matter hereof. This Agreement may only be modified by a written amendment hereto, executed by both parties. If there are exhibits attached hereto, and a conflict exists between the terms of this Agreement and any exhibit, the terms of this Agreement shall control.

15. ENFORCEABILITY AND SEVERABILITY

The invalidity or enforceability of any term or provisions of this Agreement shall not, unless otherwise specified, affect the validity or enforceability of any other term or provision, which shall remain in full force and effect.

16. TERMINATION AND RIGHTS UPON TERMINATION

A. This Agreement may be terminated upon mutual written consent of the parties, or as a remedy available at law or in equity. In the event of the termination of this Agreement, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination as set forth in Exhibit B.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

B. Either party may terminate this Agreement for convenience upon 30 calendar days' written notice to the other party. Upon termination for convenience, Contractor shall be entitled to compensation for services performed acceptably up to the effective date of termination, as set forth in Exhibit B.

C. Should Contractor default in the performance of this Agreement or materially breach any of its provisions, County, at its option, may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this subsection, default or material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services in a timely manner, willful destruction of County property, dishonesty, or theft.

17. NO WAIVER

The failure to exercise any right to enforce any remedy contained in this Agreement shall not operate as to be construed to be a waiver or relinquishment of the exercise of such right or remedy, or of any other right or remedy herein contained.

18. DISPUTES

Should it become necessary for a party to this Agreement to bring an action in connection with this Agreement, the prevailing party in any such action shall be entitled to reimbursement for all expenses so incurred, including reasonable attorney's fees.

It is agreed by the parties hereto that unless otherwise expressly waived by them, any action brought to enforce any of the provisions hereof or for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of Mariposa, State of California.

19. CAPTIONS

The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

20. NUMBER AND GENDER

In this Agreement, the neutral gender includes the feminine and masculine, the singular includes the plural, and the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

21. MANDATORY AND PERMISSIVE

"Shall" is mandatory. "May" is permissive.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

22. SUCCESSORS AND ASSIGNS

All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

23. COUNTERPARTS/ELECTRONIC, FACSIMILE, AND PDF SIGNATURES

This agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each Party of this agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA"), Cal. Civ. Code §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA, as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of Section 1633.2 of the Civil Code. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

24. OTHER DOCUMENTS

The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and, to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

25. CONTROLLING LAW

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

26. AUTHORITY

Each party and each party's signatory warrant and represent that each has full authority and capacity to enter into this Agreement in accordance with all requirements of law. The parties also warrant that any signed amendment or modification to this Agreement shall comply with all requirements of law, including capacity and authority to amend or modify this Agreement.

27. NEGOTIATED AGREEMENT

This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party which prepared this Agreement within the meaning of California Civil Code section 1654. Each party represents and warrants that in executing this Agreement it does so

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

with full knowledge of the rights and duties it may have with respect to the other party. Each party also warrants and represents that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement and the rights and duties arising out of this Agreement, or that such party willingly foregoes any such consultation.

28. NO RELIANCE ON REPRESENTATIONS

Each party warrants and represents that it is not relying and has not relied upon any representation or statement made by the other party with respect to the facts involved or its rights or duties. Each party understands and agrees that the facts relevant, or believed to be relevant to this Agreement, have been independently verified. Each party further understands that it is responsible for verifying the representations of law or fact provided by the other party.

29. WARRANTY

County has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor hereby warrants that all work shall be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of Contractor's work by County shall not operate as a waiver or release.

30. FUNDING AVAILABILITY

It is mutually agreed that if the County budget of the current fiscal year and/or any subsequent fiscal year covered under this Agreement does not appropriate sufficient funds for this Agreement, this Agreement shall terminate and be of no further force and effect upon the day notice is provided by County to Contractor of such event. Upon termination of this Agreement, County shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement except for services rendered prior to such termination and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. County budget decisions are subject to the discretion of the Board of Supervisors.

If funding for any fiscal year is reduced or deleted by the County budget for purposes of this Agreement, the County shall have the option to either cancel this Agreement with no liability occurring to the County, except County must reimburse Contractor for services rendered prior to such reduction or modification of the County budget, or offer an amendment to this Agreement to Contractor to reflect the reduced amount.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

COUNTY OF MARIPOSA	CONTRACTOR
_____	_____
Marshall Long, Chair Board of Supervisors	Heather McCoy, RN,SANE, Owner/Director
COUNTERSIGNED: *(Government Code §25103)*	APPROVED AS TO FORM:
_____	_____
Rene LaRoche Clerk of the Board	Steven W. Dahlem County Counsel

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

Exhibit A
SCOPE OF WORK

Contractor and Mariposa County Sheriff's Office agree as follows:

- Contractor agrees to provide forensic evidence collection and examinations of victims of sexual assault and forensic evidence collection from suspects.
- Suspect exams at the same time as the victim exams will be discounted.
- Victim "no show or cancelled" after Contractor's nurse is called out will be subject to a "no show/cancellation" fee.
- Additional follow up examination for victims at law enforcement request.
- Expert Witness testimony is a contracted negotiated amount between Contractor and the District Attorney's Office.

SPECIAL PROVISIONS:

1. Law enforcement officers agree to call the 24 hour Contractor's answering service prior to transporting the victim to the Contractor's examination site located within the Family Healing Center, located at the 7025 N. Chestnut, #102, Fresno, CA 93720.
2. Contractor agrees to collect forensic evidence from sexual assault victims in accordance with OES state protocols by qualified forensic examiners. All examinations will utilize a High Definition (HD) Digital Camera for photography when injuries are present. Copies of photographs will be made available to the contracting law enforcement agency upon request. Discussion of the findings will be provided at the conclusion of the exam.
3. Contractor agrees to provide competent expert witness testimony in court when subpoenaed to be present.
4. All evidence collection will be relinquished by the Contractor to the law enforcement officer ordering the examination at the conclusion of the examination with a completed copy of the OES 923/925/930/950 medical report.
5. Contractor agrees to provide any evidence from the examination available to law enforcement personnel at any time subsequent to the date of examination upon request.
6. This agreement is not meant to prohibit the law enforcement agency from utilizing the services of other hospitals.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

Exhibit B
COST PROPOSAL

Contractor and the Mariposa County Sheriff's Office agree as follows:

- Charge per case, to be paid for by Mariposa County Sheriff's Office, is $1000.00.
- Suspect exams at the same time as the victim exams are $600.00.
- Suspect examinations after initial victim examinations will be $700.00.
- Victim "no show or cancellation" after the Contractor's nurse is called out will be subject to a $150.00 "no show/cancellation" fee.
- Additional follow up examinations for victims at the request of law enforcement will be subject to a $550.00 fee.
- Expert Witness testimony is a contracted negotiated amount between the Contractor and the District Attorney's Office.
- The Contractor's nurses' time and travel on mobile cases will be an additional $300.00 per case.
- Pediatric Sexual Assault Evidence Collection that are "acute" examinations within 72 hours will cost $100.00 per exam and one follow up included if needed.
- Pediatric Sexual Assault Evidence Collection that are "non-acute" examinations after 72 hours will cost $100.00 per exam.
- Domestic Violence Forensic Examinations will cost $500.00 per exam.
- Pediatric Physical Abuse Examinations will cost $500.00 per exam and one follow up included if needed.
- DNA Forensic Evidence Collections will cost $500.00 per exam.
- Death Investigations that require going to the morgue will cost $1200.00 and require two experienced death investigation forensic RN's.
- All training is included in the price annually for the patrol briefings, and a one hour detective training as needed.

The Contractor shall be compensated for services performed in an amount not to exceed $40,000.00 for the duration of this contract. The maximum compensation payable to Contractor for the entire term of the Agreement with extensions is $70,000.00.

Attachment: CVFNS contract 2021-2024 (RES-2021-283 : 2021-2024 Central Valley Forensic Nurse Specialists' Agreement)

MARIPOSA COUNTY

Sheriff's Office · 209 966-3615

RESOLUTION - ACTION REQUESTED 2021-284

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Jeremy Briese, Sheriff

RE: Approve the Over-Hire of Two Sheriff's Jail Custodial Deputy Position

---

RECOMMENDATION AND JUSTIFICATION:
Approve the over-fill of two Sheriff's Jail Custodial Deputy position effective May 15, 2021 through August 30, 2021.

The Sheriff is requesting that the Board of Supervisors support the over-hire for two Sheriff's Custodial Deputy positions. The Sheriff's Office is anticipating two immediate vacancies and is requesting the over hire positions to start the hiring / training process in anticipation of the upcoming vacancies. The hiring/training process is lengthy and by approving the over hire positions, the Sheriff's Office will be able to fill the positions with limited delay in service to staffing that occurs during vacancies.

California state statute requires that the Sheriff's Jail maintain multi-gender staffing 24/7. Today, our Custodial Deputies manage a complex inmate population. The Sheriff's Office is currently operating below normal staffing levels due to Covid-19 relief budgeting. Reducing the staffing without immediate replacement will further strain staff to operate safely to meet the 24/7 staffing mandates.

It is estimated that the cost of the over-hire positions at the Step 1 rate will amount to approximately $20,779.68 in total compensation (salary and benefits) for the duration of this fiscal year. This over-hire cost is believed to be absorbed within the FY 2020/2021. The remaining amount of 13,853.12 would be absorbed in FY 2021/2022 for the month of July and August within Sheriff's Budget as a result of salary savings.

The filling of the Sheriff's Custodial Deputy positions is a priority interest to fulfill public safety responsibilities.

The position is represented by the DSA Bargining Unit.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors have previously supported an over-hire to fill vacant positions. This is a proactive approach to ensure our staff is appropriately supported.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the over-hire of a Sheriff's Custodial position. This would extend the vacancy of the positions left open by the incumbents.

FINANCIAL IMPACT:
The $20,779.68 to support the over-hire positions can be absorbed in the Sheriff's Office FY 2020/2021 Sheriff's Budget (001-0220-531.01-75). The amount of 13,853.12 would be absorbed in the 2021/2022 Sheriff's Budget.

RESULT: **ADOPTED BY CONSENT VOTE [UNANIMOUS]**
MOVER: Wayne Forsythe, District IV Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY

Clerk of the Board of Supervisors · (209) 966-3222

RESOLUTION - ACTION REQUESTED 2021-285

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Rene LaRoche, Clerk of the Board

RE: Schedule Redistricting Public Hearings and Special Meetings

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RECOMMENDATION AND JUSTIFICATION:
Schedule Five Public Hearings and two Special Meetings for the Redistricting Process.

On May 11, 2021, during a discussion regarding the 2021 Redistricting process, the Board gave direction to schedule a series of public hearings and two special meetings for the accomplishment of the redistricting process. The public hearings and meetings being scheduled with this action are:

PUBLIC HEARING #1: Tuesday, June 8, 2021 at 2:00 PM
PUBLIC HEARING #2: Saturday, July 10, 2021 at 10:00 AM (Special Meeting)
PUBLIC HEARING #3: Tuesday, September 14, 2021 at 2:00 PM
PUBLIC HEARING #4: Monday, November 1, 2021 at 6:00 PM (Special Meeting)
PUBLIC HEARING #5: Tuesday, November 2, 2021 at 2:00 PM

Under the Brown Act, as well as the Board's adopted Rules of Procedure, special meetings may be called by either the Chair, by the Vice-Chair in the Chair's absence, or by concurrence of the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
May 11, 2021: The Board received a presentation on the redistricting process and concurred with the public hearing and meeting schedule that was proposed. This action is to fulfill the Board direction given on that date.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The County will be out of compliance with redistricting laws if the Board chooses to not approve scheduling hearings and meetings for that purpose. The Board may suggest alternate dates, but would need to align a final schedule to the mandated requirements.

RESULT: **ADOPTED AS AMENDED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

MARIPOSA COUNTY

Administration/Community Development · 966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Proclamation of the Month of May as Small Business Month

RECOMMENDATION AND JUSTIFICATION:
Proclaim the Month of May 2021 as Small Business Month.

The Small Business Administration (SBA) created National Small Business Week, the first week of May, more than 50 years ago. The week was created to recognize how vital small businesses are to our local economies and our country. Many communities, as well as the SBA, are dedicating the entire month of May to recognizing our small businesses.

Two of every three jobs are created by a small business. Small businesses support our youth sports teams and give back to our local communities.

With the extreme negative impact of the novel coronavirus pandemic on our small businesses, it is more important than ever to support our small businesses. Many of our local small businesses struggled to stay open during the pandemic and we are very fortunate that many stayed afloat.

Mariposa County residents are encouraged to "Shop Small" this month and throughout the year.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has approved similar proclamations in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the proclamation. Staff will continue to promote the event through other means.

ATTACHMENTS:
Small Business Month (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Tom Sweeney, District II Supervisors
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

The Mariposa County Board of Supervisors

proclaims the

Month of May 2021

as

"Small Business Month"

WHEREAS this country's 28 million small businesses create nearly two out of three jobs in our economy; and

WHEREAS we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and

WHEREAS, during the on-going COVID-19 pandemic, small businesses have been adversely affected and financially threatened; and

WHEREAS Mariposa County's economic history and progress has been driven by pioneers who think big, take risks and work hard; and

WHEREAS small businesses support economies, employ local residents, encourage youth entrepreneurship, engage in philanthropic and civic campaigns, and contribute to the vibrancy of Mariposa County; and

WHEREAS residents of Mariposa are asked to support our local businesses and recognize their contributions and the key role they play in keeping our economy strong.

NOW, THEREFORE, BE IT KNOWN that the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby proclaims the month of May 2021 as **"Small Business Month"** and urges all residents to support our local small businesses this month and all year long.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 18th day of May 2021, by unanimous vote.

ROSEMARIE SMALLCOMBE, District I Supervisor

WAYNE FORSYTHE, District IV Supervisor

THOMAS SWEENEY, District II Supervisor

MILES MENETREY, District V Supervisor

MARSHALL LONG, District III Supervisor

Attachment: Small Business Month (2021-60 : Proclamation of the Month of May as Small Business Month)

MARIPOSA COUNTY

Administration · 966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Public Finance Corporation Annual Meeting 2021

RECOMMENDED ACTION AND JUSTIFICATION:

Conduct annual meeting of the Mariposa County Public Finance Corporation.

AGENDA

I. Call to Order (Director Smallcombe)
II. Election of Officers
III. Public Comment on Items not on the Agenda
IV. Regular Business
  a) Approval of Minutes of March 26, 2019
  b) Report of Activities
V. Other Business
VI. Adjourn

The only activity to report at this time is related to the debt service for the composting facility at the Mariposa County landfill. We will pay $59,000 toward that debt this year, leaving a balance of $2,493,000. The maturity date for this debt is December 1, 2043.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Mariposa County Public Finance Corporation was established on July 1, 1997. An annual meeting is required per the bylaws of the corporation.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Corporation will be out of compliance with its legal requirements.

RESULT: MEETING HELD

MARIPOSA COUNTY

HHS/Behavioral Health & Recovery Services · (209) 966-2000

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Shannon Gadd, Health and Human Services Agency Director

RE: Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report

---

RECOMMENDATION AND JUSTIFICATION:

Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report on their Goals and Accomplishments.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors has historically received similar types of reports from other Departments and Boards in the past. The Annual Report is the 4th one for the Behavioral Health Board which was constituted in July 2017. Per Bylaws, Section 2.1.e, as mandated by W&IC Section 5604.2, the Behavioral Health Board shall submit an annual report.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The Behavioral Health Board will be out of compliance pertaining to bylaws and W&IC Section 5604.2 if an Annual Report is not presented to the Board of Supervisors.

ATTACHMENTS:
BHB2020-2021AnnualReport (PDF)
Behavioral Health Board (BHB) Presentation(PDF)

RESULT: INFORMATION RECEIVED

BEHAVIORAL HEALTH BOARD

of Mariposa County
Post Office Box 784
Mariposa, California 95338
(209) 966-3222

MARIPOSA COUNTY
BEHAVIORAL HEALTH BOARD
2020-2021 ANNUAL REPORT

To: Mariposa County Board of Supervisors
From: Mariposa County Behavioral Health Board
Paul Brickett, Chair
Debbie Cook, Vice Chair
Date: May 18, 2021

Mission Statement: Our mission is to ensure high-quality behavioral health services for all individuals in our community by evaluating the community's behavioral health services and needs, advocating for persons with behavioral health and substance use disorder needs, advising the Board of Supervisors and Behavioral Health Director on related issues and educating the public on the importance of behavioral health as a part of community health.

Membership: Due to the Covid-19 pandemic, the April 2020 Behavioral Health Board (BHB) meeting was canceled, and subsequent meetings have been conducted on the first Wednesday of each month at 12:30 p.m., with participation primarily via computer. Members of the BHB met on June 3, 2020, and elected Paul Brickett as Chair and Debbie Cook as Vice-Chair. New member Donald McCulley served from June 2020 until September 2020. New member Pam Hawkins served from August 2020 until May 2021. New member Matt DiPirro was appointed on October 13, 2020 and is currently still with us. The other continuing members are Olga Leonard, Rosemarie Smallcombe, Ellie McQuarrie, Ronald Schmidt, and Cpt. Sean Land.

Action Plan: The 2020-2021 Action Plan was discussed and revised during BHB meetings last October, November, and January. Significant changes include HHSA leadership staff reporting monthly performance and outcome statistics and quarterly information on contracts. Continuing primary Action Plan goals include improved outreach, engagement, and interaction with the community and the Board of Supervisors; improved use of data analytics to gauge the community's health needs and the effectiveness of county services; and updated BHB operations and procedures. Some of the year's activities of the BHB related to the action plan will be described in chronological order, followed by the mention of committees and community partners regularly reporting to the BHB.

Major Activities:
The last Annual Report (2019-2020) was presented to the BOS on May 19, 2020. That month, another casualty of COVID-19 was the Mariposa Butterfly Festival, previously a significant outreach event, as well as the Mariposa County Fair, canceled for Labor Day weekend. Also prevented was any in-person visits to contractor's locations, but the in-person visits were substituted with virtual presentations, including Sierra Quest (Scott Seymour), Ethos (Tyson Wellcome), and Therapeutic Behavioral Services (Janice Braly).

Attachment: BHB2020-2021AnnualReport (11645 : Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report)

At the BHB meeting in June 2020, the primary topic was a review of the Mental Health Services Act (MHSA) Three Year Expenditure Draft Plan for 2020-2023, including a PowerPoint presentation done by an HHSA analyst. A special BHB meeting was held at the BOS chambers on Tuesday, June 16, 2020, to receive public input, finalize, and vote on the plan (thanks, BOS). Shortly following, the MHSA plan was approved by the BOS as amended with minor corrections.

In August 2020, Brown Act Training was conducted by Steve Dahlem, County Counsel; a necessary topic with critical information on how board members must conduct board business legally. August and September were also the time of replacing the HHSA Director, following a resignation in June, with the BHB chair serving as a member of the five-person interview committee.

In October 2020, the BHB Chair and Vice-Chair worked with staff to complete the 2020 survey on the topic of telehealth required from California's Behavioral Health Boards. This timely topic allowed for a review of the significant advances Mariposa County has made using interactive internet-based video transmission to connect health providers and clients safely and efficiently. The BHB board approved the responses in November, and the data were submitted as required this time via SurveyMonkey.

The December BHB meeting featured a presentation by Debra Barcellos, director, Mariposa Heritage House "Understanding Substance Use Disorders." Also, the HHSA deputy director Baljit Hundal brought up the new California law (passed as AB1976), an assisted outpatient treatment (AOT) program for individuals with severe mental illness. The bill allows family members, concerned citizens, and law enforcement to petition a superior court judge to commit such individuals. The Mariposa BHB is required to consider either enacting this proposal or else opt-out and submit their recommendation to the BOS. The BHB asked for more information, and, at the January 6, 2021 meeting, discussed the issue and established a subcommittee to collect input from other interested community members. The subcommittee met and reported to the BHB at the February 3, 2020 meeting that Superior Court judge Michael Fagalde had sent an email saying he thought AOT would be another valuable tool for helping individuals not meeting the criteria for involuntary confinement. The BHB recommended that the AOT subcommittee hold a public forum. On February 25, 2021, a public forum was held. This virtual meeting had participation from about five interested members of the community and Judge Fagalde and included an informative PowerPoint presentation by Baljit Hundal. During the March 3, 2021 BHB meeting, it was determined that few additional county resources would be necessary to meet AB1976 requirements. The AOT might be beneficial to a small number of the people for whom treatment has been problematic, so opting out was not recommended. A motion was presented not to opt out and passed unanimously. At the April 13 BOS meeting, Baljit Hundal described the issues along with submitting a fact sheet. The BHB chair described the deliberations taken by the BHB and the subcommittee meetings on this topic and the recommendation. The BOS voted unanimously to accept the BHB recommendation and implement AB1976.

The April 2021 BHB meeting considered an application for the position of Mental Health Director by Baljit Hundal. The current HHSA director endorsed Ms. Hundal and described the position as that of the "point person" required to be the county manager responsible for mental health services. The BHB discussed Ms. Hundal's qualifications and whether the Mental Health Director should be a separate position of its own with a new hire to fill the job. In the end, a motion was passed with no dissenting votes that the BHB recommends to the BOS Baljit Hundal as Mental Health Director.

Attachment: BHB2020-2021AnnualReport (11645 : Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report)

Finally, much of the work related to the BHB's mission is furthered by other sub-committees and community organizations. This last year the BHB has received regular reports from the following:
Connections Shelter: Hal Nolen
County Health**:** Dr. Eric Sergienko
Mariposa Heritage House: Deborah Barcellos, Director
Mariposa Minds Matter (formerly the Stigma Reduction Task Force): Katie Cotter
Native Solutions: Lisa Parker
Policy/Legislative Issues: Rosemarie Smallcombe
Probation/ SUD issues: Matt DiPirro

In summary, the BHB this year faced the challenges of the Covid pandemic and its effects on behavioral health, responded to new state laws, furthered the mission related to mental health and substance abuse issues, and reviewed how well the county has served the community.

Sincerely,
The Behavioral Health Board
PB/de

Attachment: BHB2020-2021AnnualReport (11645 : Receive Mariposa County Behavioral Health Board 2020-2021 Annual Report)

Behavioral Health Board (BHB) Presentation

Presented by: BHB Member Capt. Sean Land, B.Sc(Psych)

Prepared by: Paul Brickett, Chair

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

Mission Statement

Our mission is to ensure high quality behavioral health services for all individuals in our community by evaluating the community's behavioral health services and needs, advocating for persons with behavioral health and substance use disorder needs, advising the Board of Supervisors and Behavioral Health Director on related issues and educating the public on the importance of behavioral health as a part of community health.

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

Current BHB Members

- Paul Brickett- Chair, BHB
- Debbie Cook, Vice Chair, BHB
- Rosemarie Smallcombe, BHB Member- BOS Representative
- Matt DiPirro, BHB Member- Probation Representative
- Pam Hawkins, BHB Member- Community Representative (May 1st)
- Olga Leonard, BHB Member- Community Representative
- Ellie McQuarrie, BHB Member- Community Representative
- Ronald Schmidt, BHB Member- Community Representative
- Sean Land, BHB Member- Sheriff's Office Representative

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

ACTION PLAN 2020-2021
for
Mariposa County Behavioral Health Board (BHB)

GOALS:

A. Improve outreach, engagement and input between the Behavioral Health Board, the community and the Board of Supervisors
B. Improve the use of information and data – both internal and external use (for decision making and raising awareness)
C. Review and improve Behavioral Health Board structure and processes

ACTIVITY Identify the tasks that need to be completed to reach the objective	**WHO** Identify the person(s) who are going to complete each task	**WHEN** Establish a timeline for the completion of each task (be realistic)	**NOTES** What else do we need to know to complete this task?
GOAL A: Improve outreach, engagement and input between the BHB, the community and the Board of Supervisors			
1. Education - Increase awareness regarding behavioral health and SUD issues in the community for stigma reduction.	Mariposa County Minds Matter (MCMM) Task Force	Ongoing	MCMM will meet regularly (currently every other Thursday at 3:30pm) to determine messaging and make plans for events, PSAs, etc.
2. Advising and evaluating - produce and deliver Annual Report by BHB, MCMM and Clerk of the Board. Also share with appropriate media (newspaper) and county social media.	HS Director BHRS Dep Director BHB Chair BHB Vice Chair QI Committee	May 2021	Present annual report to BOS in May (MH Awareness Month) Introduce other BHB members to BOS. Report progress made or efforts made by QIC.
3. Evaluating – increase Board engagement of public and other agencies on what BHB does and what services are available in the county to meet and/or improve the needs of the community.	BHRS Deputy Director and/or Health Services Director	Ongoing	Invite agencies to share presentations at BHB meetings quarterly. Continued evaluation of local agencies for networking opportunities (nonprofits and schools, etc).
4. Advocacy – review policy/legislative issues and local initiative that are of value to BHB.	CBHDA HHSA Director HS Director BHRS Deputy Director	Ongoing	Exec Committee to add standing item on BHB agenda to HEAR "hot topics" in legislation. Review of annual proposed legislative platform developed by CAO before submission to BOS.

DRAFT

ACTIVITY Identify the tasks that need to be completed to reach the objective	WHO Identify the person(s) who are going to complete each task	WHEN Establish a timeline for the completion of each task (be realistic)	NOTES What else do we need to know to complete this task?
GOAL B: Improve the use of info and data – both internal and external use (for decision making and raising awareness)			
1. More effective use of data/outcomes to determine priority areas 2. Reporting outcomes of service and meeting needs of community	BHB QIC	Quarterly reports	
GOAL C: Review and improve BHB structure and processes			
1. Develop new board member orientation and training 2. Recruitment of new BHB Members	P&P Task Force Consultant who specializes in BHB's	Ongoing	Orientation and training Policies and procedures Expectations of board members Expectations of new members Meeting rules Refer to CALBHB/C quarterly newsletters
3. Complete annual Action Plan of BHB • Assess and develop new Action Plan for following year • Elect new officers • Evaluate BHB and make changes accordingly (send out survey ahead of time)	BHB Staff (support)	Ongoing	• Complete Action Plan Annually (July-June) • Elect new officers at June 2021 meeting • Staff to distribute self-evaluation survey tool in April 2021 and BHB to review results in June 2021
OTHER GOALS & ACTIVITIES (not prioritized)			
1. Rotate Holding meetings in other areas of the county for input from others	Exec Committee BH Staff	Ongoing	
2. Review existing contracts: standing agenda item for new contract ideas (gaps in services – other service providers need to be included)	BHRS Staff BHRS Deputy Director HHSA Director	Ongoing (standing agenda item)	Summary to be provided in January 2021
3. Identify a list of facilities and arrange opportunities to tour and evaluate	BHB	No timeline	Identify facilities to visit and assign who will go

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Major Activities

- Covid-19
  - Suspended in person BHB meetings
  - Butterfly Festival
  - County Fair
  - On Site visits to various contractor's
- Virtual Presentations
  - Sierra Quest (Scott Seymour)
  - Ethos (Tyson Wellcome)
  - Therapeutic Behavioral Services (Janice Braly)
- Annual report 2019-2020 – May
- Review of Mental Health Services Act (MHSA)
  - Three Year Expenditure Draft Plan 2020-2023 reviewed
  - Approved by Board of Supervisors June 16th
- Brown Act Training- August
  - Conducted by County Counsel- Steve Dahlem
  - Participated in the Interview Committee for the new HHSA Director
- Complete the 2020 Survey on Telehealth- October
  - Chair and Vice Chair assisted HHSA staff
  - Review of advances in internet-based video transmission
  - BHB approved and submitted the data – November
- Understanding Substance Use Disorders – Presentation December
  - Conducted by Debra Barcellos- Director of Mariposa Heritage House
- AB1976 – Addressed by HHSA Deputy Director Baljit Hundal
  - Subcommittee was established to collect information from community partners. –January
  - Public forum on AB1976 with an informative power point was presented by Baljit – February
  - BHB recommended that the County Opt into AB1976 and was approved by the BOS- March
- Application by Baljit Hundal for Mental Health Director
  - Endorsed by HHSA Director Shannon Gadd
  - Approved by the BHB

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

Community Partners and Sub-Committees

- Health and Human Service Agency- Staff
- County Public Health- Dr. Eric Sergeinko
- Mariposa Heritage House- Deborah Barcellos
- Connections Shelter- Hal Nolen
- Mariposa Minds Matter- Katie Cotter
- Native Solutions- Lisa Parker
- Probation- Matt DiPirro
- Policy/Legislative Issues- Rosemarie Smallcombe
- Sheriff's Office- Capt. Sean Land

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

2020-2021 Annual Report Conclusion

In summary, the BHB met the challenges of the Covid pandemic and its effects on behavioral health. The BHB adapted to new state laws, continued the mission related to mental health and substance abuse issues in the community, and reviewed how well the county has served the community.

https://www.calbhbc.org/

Attachment: Behavioral Health Board (BHB) Presentation (11645 : Receive Mariposa County Behavioral

MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2021-286

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Approve the Vallecito Estates Subdivision Final Map

RECOMMENDATION AND JUSTIFICATION:
Approve the Vallecitos Estates Subdivision Final Map, Application Number 2012-042; Accept the Offer of Dedication of Public Road and Public Utility Easements; and Reject Maintenance of All Public Road and Public Utility Easement.

Accept the offered easements for public access and public utilities as shown on the Final Map. Accept the Offer of Dedication of the Emergency Access Easement for Public Road and Public Utility easement purposes. As stipulated on the Final Map, maintenance of said easements is rejected unless accepted by a separate Board Action

The County Surveyor and the Director of Public Works and Transportation have reviewed the Final Map and determined that all provisions of Mariposa County Code, Title 16 and the Government Code have been or will be satisfied by the project deadline.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors has historically approved all Final Maps (Subdivision Maps) per the requirements of County Code, Title 16.20.232.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the Final Map; recordation of said map by the County Recorder will not take place.

ATTACHMENTS:
VallecitoVicintyMap (PDF)
VEFinalMap (PDF)
OfferDedication (PDF)
CoCode (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Tom Sweeney, District II Supervisors
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11768

Mariposa County
Project Vicinity Map



0 1,000 2,000 ft

1:9,028

Mariposa County Public Works - Engineering
4639 Ben Hur Road
Mariposa, California 95338-2039
209.966.5356 FAX 209.966.2828
mariposaengineering@mariposacounty.org
http://www.mariposacounty.org/Engineering

N
W E
S

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.
C:\Users\arcgis\AppData\Local\Temp\f20aad51467e4e0bac02c63eac6366a50.mxd

Attachment: VallecitoVicintyMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

OWNER'S STATEMENT

THE UNDERSIGNED, being the party having a record title interest in the land as plotted by this map and the land described in Grant Deed, Document No. 20194190, hereby consents to the preparation and recordation of this map and offers for dedication, to Mariposa County, all rights-of-way along the non-county maintained road easements known as Catheys Valley Drive, Lake Trout Drive, & Via Padre and the road delineated on Sheet 7 of 10 Sheets hereon as "Offsite Easement for Road and and Emergency Exit Purposes", as shown on this map and so marked as offered for dedication, all additional non-exclusive and non-revocable variable width easements for public road and utility purposes and for cuts/fills and drainage facilities offered for dedication to the County of Mariposa, as shown on this map and so marked as offered for dedication, and all Public Utility Easements, for all Public Utility Purposes over, on, across, and under the strips of land designated on this map as "PUE", together with the right to trim and/or remove necessary trees and vegetation as shown on this map and so marked as offered for dedication. These offers of dedication to Mariposa County shall remain open until either accepted or rejected, in writing, by Mariposa County.

Frank Rose Construction, Inc., by Frank Rose, President

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Mariposa

On April 22, 2021 before me, T. Lindsey,
a Notary Public, personally appeared Frank Rose, President, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand.

Notary Signature — Mariposa, County of Place of Business

May 18, 2021, Commission Expiration Date — T. Lindsey, Printed Name of Notary

SOILS REPORT

In accordance with California Government Code, Section 66490 and 66491 and Mariposa County Code, Section 16.20.220, the preliminary soils report was prepared on the 23rd day of January, 2012, By:

See's Consulting & Testing
P.O. Box 28248
Fresno, CA 93729

The report was signed by: David S. See, Principal
CE 44940, GE 2225
License expiration date: 3/31/2012

A certified copy of the soils report is on file at the Mariposa County Planning Department, Mariposa California.

The above referenced soils investigation report is hereby approved on this _____ day of _____, 20 _____.

By: _____
Gary Brown, PE
County Engineer

CLERK OF THE BOARD STATEMENT

I hereby state that the Board of Supervisors of Mariposa County did approve the within map (and did accept on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication subject to the condition that the County is not responsible or liable for any cost or expense of any offer accepted unless authorized by separate action of the Board of Supervisors).

Acceptance by the County of the Public Utility Easements does not in any way obligate the County for, nor does the County Assume, any responsibility or liability for the repair and/or maintenance of the Public Utility Easements. The acceptance by the County of the Public Utility Easements is solely for the purpose of permitting development of utilities as necessary within the Public Utility Easements

DATE: _____, 2021

_____
Clerk of the Board of Supervisors,
Mariposa County, State of California

By: _____
Deputy

TRUSTEE'S STATEMENT

THE UNDERSIGNED, Inter-County Title Company, Trustee under a trust deed recorded December 4, 2019 as Document No. 20194192, Mariposa County Official Records, and affecting the land plotted within the area shown on this map, does hereby consent to the preparation and recordation of the same.

_____
Inter-County Title Co., Tuolumne-Mariposa Division

By: _____
Steve Lobaugh, Vice President,

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Mariposa

On April 22, 2021 before me, T. Lindsey,
a Notary Public, personally appeared by Steve Lobaugh, Vice President, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand.

Notary Signature — Mariposa, County of Place of Business

May 18, 2021, Commission Expiration Date — T. Lindsey, Printed Name of Notary

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY — CALIFORNIA
APRIL 2021 — MS NO. 2012-042

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 1 OF 10 SHEETS

LICENSED LAND SURVEYOR — RICHARD A. SEAMAN — L.S. 5339 — STATE OF CALIFORNIA

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Frank Rose on January 4, 2020. I hereby state that all the monuments are of the character and occupy the positions indicated, or that they will be set in those positions before May 1, 2021, and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved map.

Richard A. Seaman, LS 5339 — 4/22/21, Date

COUNTY SURVEYOR'S STATEMENT

I hereby state that I have examined this map; that this subdivision is substantially the same as it appeared on the tentative map and any approved alterations thereof; that all provisions of State laws and local ordinances applicable at the time of approval of the tentative map have been complied with; and that I am satisfied that this map is technically correct.

_____ — _____
Russell Marks, County Surveyor, PLS 6377 — Date

RECORDER'S STATEMENT

Filed this _____ day of _____, 20 _____, at _____ .M. in Book of Maps at page _____, at the request of Frank Rose.

_____
County Recorder

Fee: $_____ By: _____
Deputy

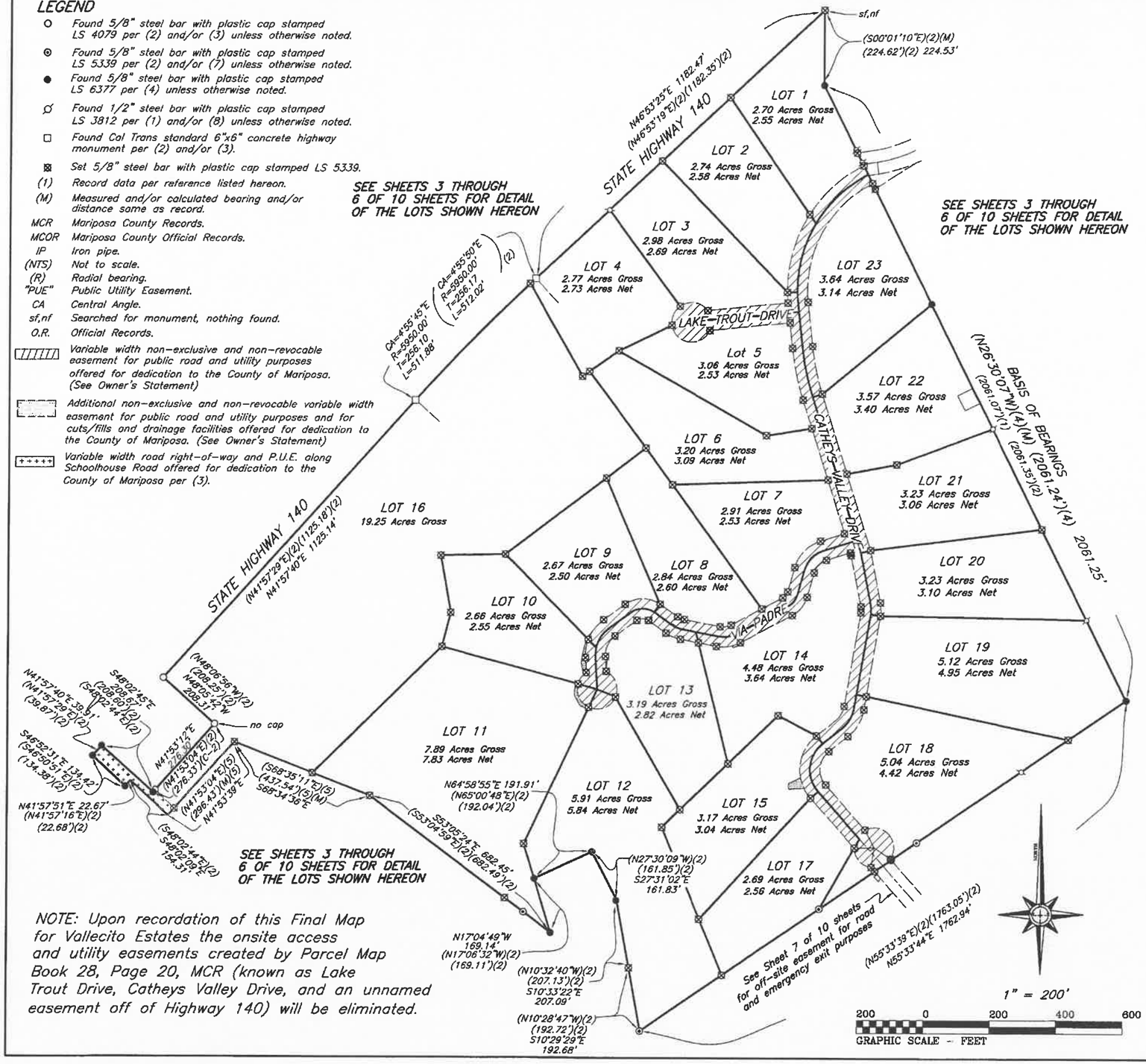
FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
(209) 966-3926

RAS 3/30/2021
200107FM.crd/200107FM1.dwg

Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

LEGEND

- ○ Found 5/8" steel bar with plastic cap stamped LS 4079 per (2) and/or (3) unless otherwise noted.
- ◉ Found 5/8" steel bar with plastic cap stamped LS 5339 per (2) and/or (7) unless otherwise noted.
- ● Found 5/8" steel bar with plastic cap stamped LS 6377 per (4) unless otherwise noted.
- ⌀ Found 1/2" steel bar with plastic cap stamped LS 3812 per (1) and/or (8) unless otherwise noted.
- □ Found Cal Trans standard 6"x6" concrete highway monument per (2) and/or (3).
- ⊠ Set 5/8" steel bar with plastic cap stamped LS 5339.
- (1) Record data per reference listed hereon.
- (M) Measured and/or calculated bearing and/or distance same as record.
- MCR Mariposa County Records.
- MCOR Mariposa County Official Records.
- IP Iron pipe.
- (NTS) Not to scale.
- (R) Radial bearing.
- "PUE" Public Utility Easement.
- CA Central Angle.
- sf,nf Searched for monument, nothing found.
- O.R. Official Records.
- Variable width non-exclusive and non-revocable easement for public road and utility purposes offered for dedication to the County of Mariposa. (See Owner's Statement)
- Additional non-exclusive and non-revocable variable width easement for public road and utility purposes and for cuts/fills and drainage facilities offered for dedication to the County of Mariposa. (See Owner's Statement)
- Variable width road right-of-way and P.U.E. along Schoolhouse Road offered for dedication to the County of Mariposa per (3).



NOTE: Upon recordation of this Final Map for Vallecito Estates the onsite access and utility easements created by Parcel Map Book 28, Page 20, MCR (known as Lake Trout Drive, Catheys Valley Drive, and an unnamed easement off of Highway 140) will be eliminated.

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY
APRIL 2021

CALIFORNIA
MS NO. 2012-042
SCALE: 1" = 200'

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 2 OF 10 SHEETS

BASIS OF BEARINGS

The meridian of this survey is identical with that of the map entitled "RECORD OF SURVEY FOR EUGENE D. FORTNER & DOLORES FORTNER FAMILY TRUST" filed for record in Book of Maps at Page 2861, Mariposa County Records, and is based upon the bearing (N26°30'07"W) of the line between found monuments as shown hereon.

NOTE

A current Parcel Map Guarantee Report states that the property shown hereon may be subject to the following easements:

1. An easement for public utilities per Volume 17 O.R., Page 217, MCR.
2. An easement for public utilities per Volume 250 O.R., Page 101, MCR.
3. An easement for ingress, egress, and public utilities per Document No. 890930, MCOR.
4. An easement for public utilities per Document No. 1991635, MCOR.
5. An easement for public utilities per Document No. 1993622, MCOR.
6. An easement for public utilities per Document No. 1993623, MCOR.
7. An easement for public utilities per Document No. 1995420, MCOR.
8. An easement for right of way communications facilities per Document No. 2003398, MCOR.
9. An easement for public utilities per Document No. 20123716, MCOR.

VESTING DEED

Deed: Document No. 20194190, MCOR

REFERENCES

(1) Parcel Map Book 28, Page 20, MCR.
(2) Parcel Map Book 23, Page 35, MCR.
(3) Parcel Map Book 21, Page 7, MCR.
(4) Record of Survey Map 2861 , MCR.
(5) Deed: Document No. 944960, MCOR.
(6) Deed: Document No. 1991635, MCOR.
(7) Parcel Map Book 22, Page 1, MCR.
(8) Parcel Map Book 26, page 41, MCR
(9) Declaration of Road Maintenance Association: Document No._____, MCOR.
(10) Covenant of Non-Protest: Document No. _____, MCOR
(11) State Fire Safe Regulations Declaration (SEE SHEET 10)
(12) On-Site Septic Declaration for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22 & 23 (SEE SHEET 10)
(13) On-Site Septic Declaration for Lots 10 and 15 (SEE SHEET 10)
(14) Water Disclosure Statement (SEE SHEET 10)
(15) Vernal Pool Open Space Setback Declaration (SEE SHEET 10)
(16) Seasonal Wetland and Ephemeral Drainage Open Space Setback Declaration (SEE SHEET 10)
(17) 15% Slope Declaration (SEE SHEET 10)
(18) Historic Preservation Declaration (SEE SHEET 10)
(19) Soils Report Declaration (SEE SHEET 10)
(20) Offer of Dedication: Document No. _____, MCOR
(21) Deed: Document No. 20194190, MCOR
(22) Declaration of Covenants, Conditions, and Restrictions for Lots 1-23: Document No. _____, MCOR

FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
(209) 966-3926

RAS 4/21/2021
200107FM.crd/200107FM2.dwg

Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY CALIFORNIA
APRIL 2021
MS NO. 2012-042
SCALE: 1" = 100'

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 3 OF 10 SHEETS

REFERENCES
SEE SHEET 2

LEGEND
SEE SHEET 2

CATHEYS VALLEY DRIVE PROPERTY LINE DATA

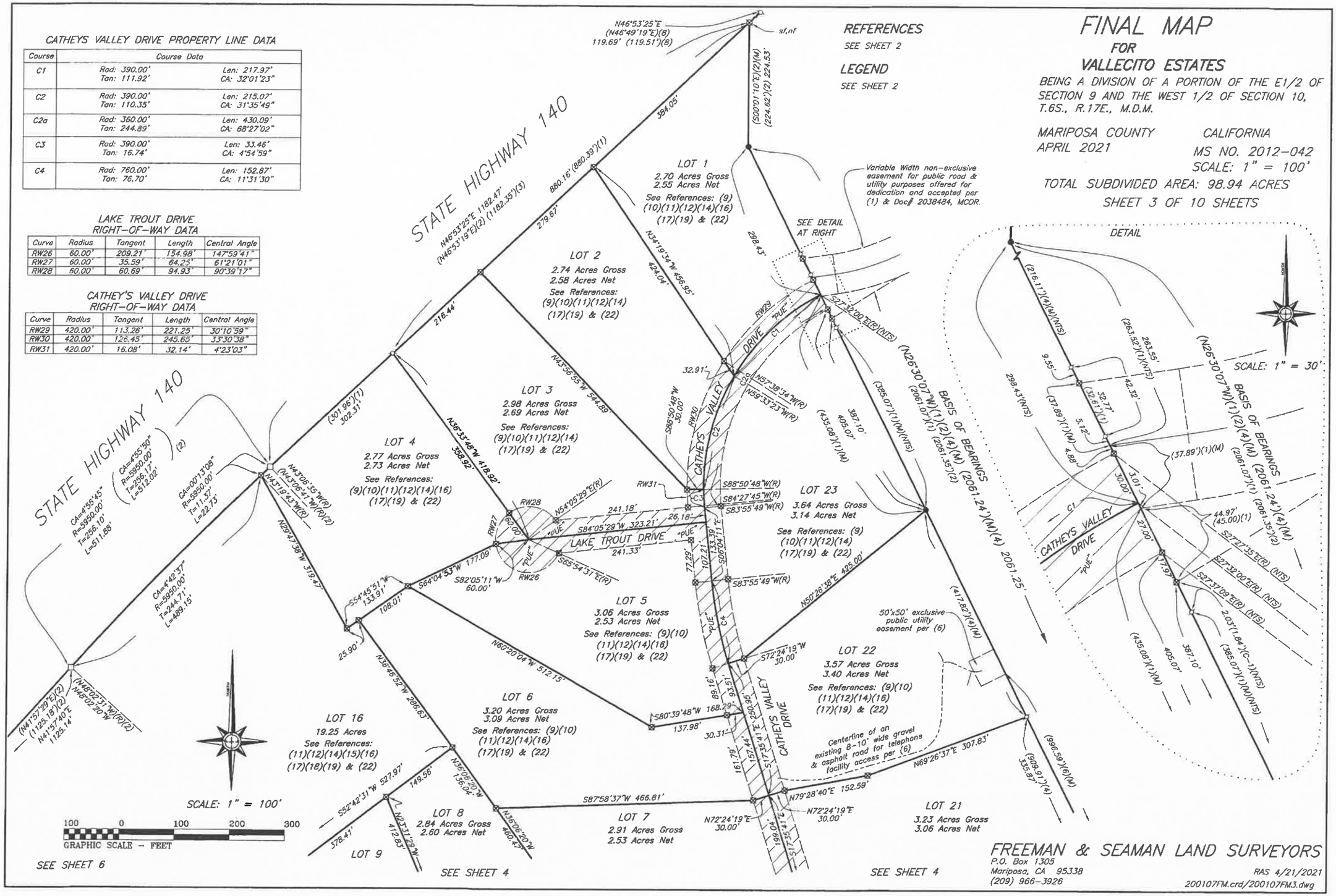
Course	Course Data	
C1	Rad: 390.00' Tan: 111.92'	Len: 217.97' CA: 32°01'23"
C2	Rad: 390.00' Tan: 110.35'	Len: 215.07' CA: 31°35'49"
C2a	Rad: 360.00' Tan: 244.89'	Len: 430.09' CA: 68°27'02"
C3	Rad: 390.00' Tan: 16.74'	Len: 33.46' CA: 4°54'59"
C4	Rad: 760.00' Tan: 76.70'	Len: 152.87' CA: 11°31'30"

LAKE TROUT DRIVE RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Central Angle
RW26	60.00'	209.21'	154.98'	147°59'41"
RW27	60.00'	35.59'	64.23'	61°21'01"
RW28	60.00'	60.69'	94.93'	90°39'17"

CATHEY'S VALLEY DRIVE RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Central Angle
RW29	420.00'	113.26'	221.25'	30°10'59"
RW30	420.00'	126.45'	245.65'	33°30'38"
RW31	420.00'	16.08'	32.14'	4°23'03"



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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY
APRIL 2021

CALIFORNIA
MS NO. 2012-042
SCALE: 1" = 100'

TOTAL SUBDIVIDED AREA: 98.94 ACRES
SHEET 4 OF 10 SHEETS

VIA PADRE PROPERTY LINE DATA

Course	Course Data	
C8	Rad: 85.00' Tan: 46.09'	Len: 84.47' CA: 56°56'10"
C9	Rad: 60.00' Tan: 25.69'	Len: 48.55' CA: 46°21'28"
C10	Rad: 80.00' Tan: 28.30'	Len: 54.40' CA: 38°57'41"
C11	Rad: 80.00' Tan: 17.48'	Len: 34.41' CA: 24°38'52"
C12	Rad: 60.00' Tan: 42.99'	Len: 74.60' CA: 71°14'26"
C13	Rad: 100.00' Tan: 55.34'	Len: 101.09' CA: 57°55'18"
C14	Rad: 100.00' Tan: 38.34'	Len: 73.23' CA: 41°57'26"
C15	Rad: 100.00' Tan: 14.02'	Len: 27.86' CA: 15°57'52"

CATHEYS VALLEY DRIVE PROPERTY LINE DATA

Course	Course Data	
C4	Rad: 760.00' Tan: 76.70'	Len: 152.87' CA: 11°31'30"
C5	Rad: 80.00' Tan: 14.73'	Len: 29.13' CA: 20°51'55"
C6	Rad: 100.00' Tan: 38.10'	Len: 72.81' CA: 41°42'57"
C7	Rad: 100.00' Tan: 105.31'	Len: 162.25' CA: 92°57'38"

REFERENCES
SEE SHEET 2

LEGEND
SEE SHEET 2

SEE SHEET 3

SEE SHEET 3

SEE SHEET 6

SEE SHEET 5

LOT 5
3.06 Acres Gross
2.53 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 6
3.20 Acres Gross
3.09 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 7
2.91 Acres Gross
2.53 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 8
2.84 Acres Gross
2.60 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 9
2.67 Acres Gross
2.50 Acres Net
See References: (9)(10) (11)(12)(14)(16) (17)(19) & (22)

LOT 10
2.66 Acres Gross
2.55 Acres Net
See References: (9)(10) (11)(13)(14)(16) (17)(19) & (22)

LOT 11
7.89 Acres Gross
7.83 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 12
5.91 Acres Gross
5.84 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 13
3.19 Acres Gross
2.82 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 14
4.48 Acres Gross
3.64 Acres Net
See References (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 15
3.17 Acres Gross
3.04 Acres Net
See References: (9) (10)(11)(13)(14)(16) (17)(19) & (22)

LOT 16
19.25 Acres
See References: (11)(12)(14)(15)(16) (17)(18)(19) & (22)

LOT 17

LOT 18
5.04 Acres Gross
4.42 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 19
5.12 Acres Gross
4.95 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 20
3.23 Acres Gross
3.10 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 21
3.23 Acres Gross
3.06 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 22
3.57 Acres
3.40 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

CATHEYS VALLEY DRIVE

VIA PADRE

SEE DETAIL A SHEET 8

SEE DETAIL B SHEET 8

SEE DETAIL C SHEET 8

50'x50' exclusive public utility easement per (6)

Existing 8-10' wide gravel & asphalt road for telephone facility access per (6)

BASIS OF BEARINGS (N26°30'07"W)(1)(2)(4)(M) (2061.24')(4) 2061.25'

SCALE: 1" = 100'

100 0 100 200 300
GRAPHIC SCALE - FEET

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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY — CALIFORNIA
APRIL 2021 — MS NO. 2012-042
SCALE: 1" = 100'

TOTAL SUBDIVIDED AREA: 98.94 ACRES
SHEET 5 OF 10 SHEETS

SEE SHEET 6

SEE SHEET 4

VIA PADRE PROPERTY LINE DATA

Course	Course Data	
C8	Rad: 85.00' Tan: 46.09'	Len: 84.47' CA: 56°56'10"
C9	Rad: 60.00' Tan: 25.69'	Len: 48.55' CA: 46°21'28"
C10	Rad: 80.00' Tan: 28.30'	Len: 54.40' CA: 38°57'41"
C11	Rad: 80.00' Tan: 17.48'	Len: 34.41' CA: 24°38'52"
C12	Rad: 60.00' Tan: 42.99'	Len: 74.60' CA: 71°14'26"
C13	Rad: 100.00' Tan: 55.34'	Len: 101.09' CA: 57°55'18"
C14	Rad: 100.00' Tan: 38.34'	Len: 73.23' CA: 41°57'26"
C15	Rad: 100.00' Tan: 14.02'	Len: 27.86' CA: 15°57'52"

CATHEYS VALLEY DRIVE PROPERTY LINE DATA

Course	Course Data	
C6	Rad: 100.00' Tan: 38.10'	Len: 72.81' CA: 41°42'57"
C7	Rad: 100.00' Tan: 105.31'	Len: 162.25' CA: 92°57'38"
C16	Rad: 60.00' Tan: 18.62'	Len: 36.10' CA: 34°28'36"

CATHEYS VALLEY DRIVE RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Cetral Angle
RW24	60.00'	245.78'	159.76'	152°33'43"
RW25	60.00'	50.86'	84.37'	80°34'11"

LOT 9
2.67 Acres Gross
2.50 Acres Net
See References: (9)(10) (11)(12)(14)(16) (17)(19) & (22)

LOT 8
2.84 Acres Gross
2.60 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 7
2.91 Acres Gross
2.53 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 10
2.66 Acres Gross
2.55 Acres Net
See References: (9)(10) (11)(13)(14)(16) (17)(19) & (22)

See Sheet 6 for Detail per (18)

LOT 16
19.25 Acres
See References: (11) (12)(14)(15)(16)(17) (18)(19) & (22)

LOT 11
7.89 Acres Gross
7.83 Acres Net
See References: (9)(10) (11)(12)(14)(16) (17)(19) & (22)

LOT 13
3.19 Acres Gross
2.82 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

LOT 14
4.48 Acres Gross
3.64 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 19
5.12 Acres Gross
4.95 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 18
5.04 Acres Gross
4.42 Acres Net
See References: (9) (10)(11)(12)(14)(16) (17)(19) & (22)

LOT 12
5.91 Acres Gross
5.84 Acres Net
See References: (9)(10) (11)(12)(14)(16) (17)(19) & (22)

LOT 15
3.17 Acres Gross
3.04 Acres Net
See References: (9) (10)(11)(13)(14)(16) (17)(19) & (22)

LOT 17
2.69 Acres Gross
2.56 Acres Net
See References: (9) (10)(11)(12)(14) (17)(19) & (22)

VIA PADRE

CATHEYS VALLEY DRIVE

SEE DETAIL A SHEET 8

SEE DETAIL B SHEET 8

SEE DETAIL C SHEET 8

SEE DETAIL THIS SHEET

DETAIL

Found 1/2" iron road per (2), no tag

Found 1-1/4" IP per (2), no tag

Found center of dead 36" White Oak (24" White Oak)(2)

Found & accepted a strong metal reading under pavement, not uncovered.

NE corner (Parcel A)(7) no cap

to SE corner (Parcel A)(7)

bent, no cap

See Sheet 7 of 10 sheets for off-site easement for road and emergency exit purposes to Schoolhousse Road

centerline offsite easement

Scale: 1" = 40'

SCALE: 1" = 100'

GRAPHIC SCALE - FEET

REFERENCES
SEE SHEET 2

LEGEND
SEE SHEET 2

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RAS 4/21/2021
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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY
APRIL 2021

CALIFORNIA
MS NO. 2012-042
SCALE: 1" = 100'

TOTAL SUBDIVIDED AREA: 98.94 ACRES
SHEET 6 OF 10 SHEETS

REFERENCES
SEE SHEET 2

LEGEND
SEE SHEET 2

VIA PADRE PROPERTY LINE DATA

Course	Course Data	
C8	Rad: 85.00' Tan: 46.09'	Len: 84.47' CA: 56°56'10"
C9	Rad: 60.00' Tan: 25.69'	Len: 48.55' CA: 46°21'28"
C10	Rad: 80.00' Tan: 28.30'	Len: 54.40' CA: 38°57'41"
C11	Rad: 80.00' Tan: 17.48'	Len: 34.41' CA: 24°38'52"
C12	Rad: 60.00' Tan: 42.99'	Len: 74.60' CA: 71°14'26"
C13	Rad: 100.00' Tan: 55.34'	Len: 101.09' CA: 57°55'18"
C14	Rad: 100.00' Tan: 38.34'	Len: 73.23' CA: 41°57'26"
C15	Rad: 100.00' Tan: 14.02'	Len: 27.86' CA: 15°57'52"

STATE HIGHWAY 140
N41°57'40"E 1125.14'
(N41°57'29"E)(2)(1125.18')(2)

SCALE: 1" = 100'

100 0 100 200 300
GRAPHIC SCALE - FEET

Found 3/4" IP, no tag (2) N46°52'31"W (0.38')(2)(M) (N46°50'51"W)(2) from the calculated position

N41°57'40"E (N41°57'29"E)(2) (39.87')(2) 39.91'

Found 1-1/4" IP with plug LS4079 N48°02'45"W 0.13' (N48°02'44"W)(2) (0.19')(2) from the calculated position

(N48°06'56"W)(2) (208.25')(2)
N48°05'42"W 208.31'

no cap

S48°02'45"E (10.00')(M)(2)
(S48°02'44"E)(2)
208.63'
(208.80')(2)

S46°52'31"E 134.42'
(S46°50'51"E)(2)
(134.38')(2)

(20')(2)

N41°57'51"E 22.67'
(N41°57'16"E)(2)
(22.68')(2)

(N41°53'04"E)(2)(C-2)
N41°53'12"E 276.30'
266.30'
(276.33')

266.43'

2.00'(NTS)

28.00' (NTS)

80.01'

(N41°53'04"E)(5)
(296.43')(5)(M)
N41°53'39"E

154.31'
(S46°02'44"E)(2)(5)(340.80')(2)
S46°02'09"E 340.83'

SCHOOLHOUSE ROAD

Variable width non-exclusive right-of-way along Schoolhouse Road offered for dedication per (3), accepted for County Road purposes by Document No. 911747, MCOR.

(186.52')(5)(M)

30'

(552°08'44"E)(2)(5) (254.43')(2)(5)
552°10'13"E 254.68'

(30.00')(2)(M)

(N37°51'16"E)(2)(5) (432.86')(2)(5)
N37°49'57"E 432.73'

402.73' (402.86')(2)

N39°54'51"E
(N39°54'16"E)(2)
(30.02')(2)(M)

NOT A PART

sf,nf

251.41'
(S68°35'11"E)(5)(437.54')(5)(M)
S68°34'36"E

186.13'

S45°32'11"W 543.35'

S55°05'24"E 682.45'
(S55°04'59"E)(2) (682.49')(2)

510.31'
(580.35')(2) 580.33'

70.02'

N74°50'06"W 483.89'

S14°09'36"W 105.68'

S10°10'39"E 174.37'

S88°40'47"W 193.95'

N44°15'45"W 358.10' 192.41'

S52°42'31"W 527.97'

378.41'

N36°46'52"W 286.63'

149.56'

LOT 16
19.25 Acres
See References:
(11)(12)(14)(15)(16)
(17)(18)(19) & (22)

LOT 9
2.67 Acres Gross
2.50 Acres Net
See References: (9)
(10)(11)(12)(14)(16)
(17)(19) & (22)

LOT 10
2.66 Acres Gross
2.55 Acres Net
See References: (9)
(10)(11)(13)(14)(16)
(17)(19) & (22)

LOT 11
7.89 Acres Gross
7.83 Acres Net
See References: (9)
(10)(11)(12)(14)(16)
(17)(19) & (22)

LOT 12
5.91 Acres Gross
5.84 Acres Net
See References: (9)
(10)(11)(12)(14)(16)
(17)(19) & (22)

LOT 13
3.19 Acres Gross
2.82 Acres Net
See References: (9)
(10)(11)(12)(14)
(17)(19) & (22)

LOT 8
2.84 Acres Gross
2.60 Acres Net
See References: (9)
(10)(11)(12)(14)(16)
(17)(19) & (22)

LOT 7
2.91 Acres Gross
2.53 Acres Net
See References: (9)
(10)(11)(12)(14)
(17)(19) & (22)

LOT 14
4.48 Acres Gross
3.64 Acres Net
See References: (9)
(10)(11)(12)(14)(16)
(17)(19) & (22)

LOT 15
3.17 Acres Gross
3.04 Acres Net
See References: (9)
(10)(11)(13)(14)(16)
(17)(19) & (22)

LOT 17
2.69 Acres Gross
2.56 Acres Net
See References: (9)
(10)(11)(12)(14)
(17)(19) & (22)

Lot 18

N23°31'29"W 412.83'

N36°06'20"W 626.80'

460.47'

N35°26'10"E 30.00'

N54°33'50"W 65.43'

VIA PADRE

"PUE"

S54°11'44"W 80.69'

C12

C14

C13

C15

34.31'

96.63'

S03°43'34"E

S67°42'10"E 60.00'

60.00

80.00

"PUE"

N79°12'42"W 110.72'

C11 42.21 67.91

C10

56.14 53.98

33.08'

SEE DETAIL A SHEET 8

SEE DETAIL B SHEET 8

S15°28'19"W 26.12'

30.29'

71.47'

67.29'

103.95'

108.13'

S61°49'37"W 175.42'

VIA PADRE

S14°07'44"E 406.42'

373.34'

S30°05'46"E 391.49'

S25°06'13"W 513.52'

453.52'

N64°58'55"E 191.91'
(N65°00'48"E)(2)
(192.04')(2)

110.00'

N17°04'49"W

Found 1/2" iron rood per (2), no tag

Found 1-1/4" IP per (2), no tag

(N27°30'08"W)(2)
(161.89')(2) 161.83'
N27°31'02"W 141.83

(169.11')(2)
(N17°06'32"W)(2)

Found dead 36" White Oak Tree (24" White Oak)(2)

20.00'
20.00'

S22°29'08"E 298.58'

75.48'

N45°52'31"E 484.01'

200.47'

208.06'

S51°24'24"W 73.57'

S62°25'01"E 129.73'

N38°35'36"W 30.00'

"PUE"

SEE DETAIL C SHEET 8

SEE DETAIL SHEET 5

S48°26'46"W 30.00'

S41°33'14"E 199.40'

179.91'

180.30'

CATHEYS VALLEY DRIVE

S42°17'46"W 493.39'

212.13'

S29°36'41"W

SEE SHEET 4

SEE SHEET 5

FREEMAN & SEAMAN LAND SURVEYORS
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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY CALIFORNIA

APRIL 2021 MS NO. 2012-042

TOTAL SUBDIVIDED AREA: 98.95 ACRES

SHEET 7 OF 10 SHEETS

REFERENCES

SEE SHEET 2

LEGEND

SEE SHEET 2

OFF-SITE EASEMENT ROAD SLOPE EASEMENT DATA

Course	Bearing	Distance
SE20	S53°50'58"W	11.98'
SE21	S46°24'13"E	20.03'
SE22	N30°49'41"E	10.73'
SE23	S28°35'55"E	216.77'
SE24	S45°54'31"E	16.71'
SE25	S17°40'22"E	105.31'
SE26	S03°53'53"E	22.40'
SE27	S13°49'09"E	51.10'
SE28	S21°41'57"E	36.03'
SE29	S26°31'21"E	151.91'
SE30	S10°18'15"E	165.70'
SE31	S44°40'22"E	9.53'
SE32	S36°18'30"W	16.26'
SE33	N71°05'39"W	8.62'

OFF-SITE EASEMENT ROAD CENTERLINE CURVE DATA

Curve	Radius	Tangent	Length	Central Angle
C17	300.00'	49.59'	98.30'	18°46'25"
C18	400.00'	29.89'	59.68'	8°32'45"
C19	800.00'	54.51'	108.85'	7°47'45"
C20	140.00'	73.01'	134.60'	55°05'06"
C21	170.00'	61.36'	117.77'	39°41'27"
C22	320.00'	48.59'	92.52'	16°33'59"

OFF-SITE EASEMENT ROAD RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Central Angle
RW1	270.00'	44.63'	88.47'	18°46'25"
RW2	370.00'	27.64'	55.19'	8°32'45"
RW3	430.00'	32.13'	64.14'	8°32'45"
RW4	830.00'	10.98'	21.96'	1°30'58"
RW5	830.00'	45.53'	90.97'	6°16'47"
RW6	170.00'	84.09'	156.18'	52°38'14"
RW7	170.00'	3.63'	7.26'	2°26'52"
RW8	200.00'	3.43'	6.86'	1°58'00"
RW9	200.00'	68.33'	131.68'	37°43'27"

SCALE: 1" = 60'

GRAPHIC SCALE - FEET (60 0 60 120 180)

SCALE: 1" = 20'

SCALE: 1" = 20'

SCALE: 1" = 20'

SCHOOLHOUSE ROAD

FREEMAN & SEAMAN LAND SURVEYORS
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(209) 966-3926

RAS: 4/21/2021

200107FM.crd/200107FM7.dwg

Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

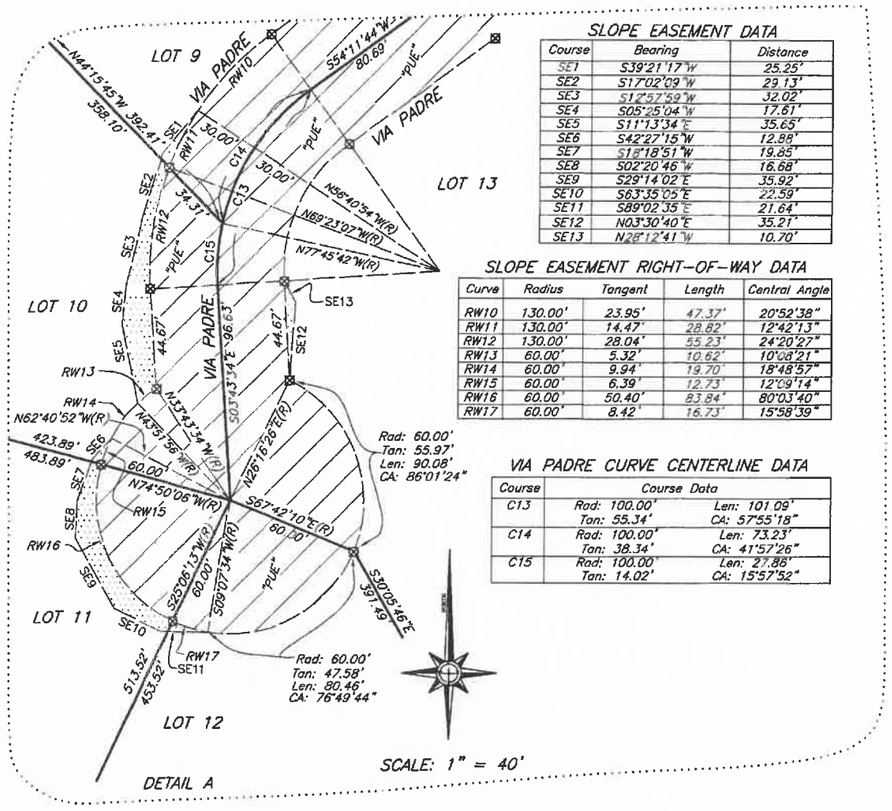
BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY — CALIFORNIA
APRIL 2021 — MS NO. 2012-042

TOTAL SUBDIVIDED AREA: 98.94 ACRES
SHEET 8 OF 10 SHEETS

REFERENCES
SEE SHEET 2

LEGEND
SEE SHEET 2



SLOPE EASEMENT DATA

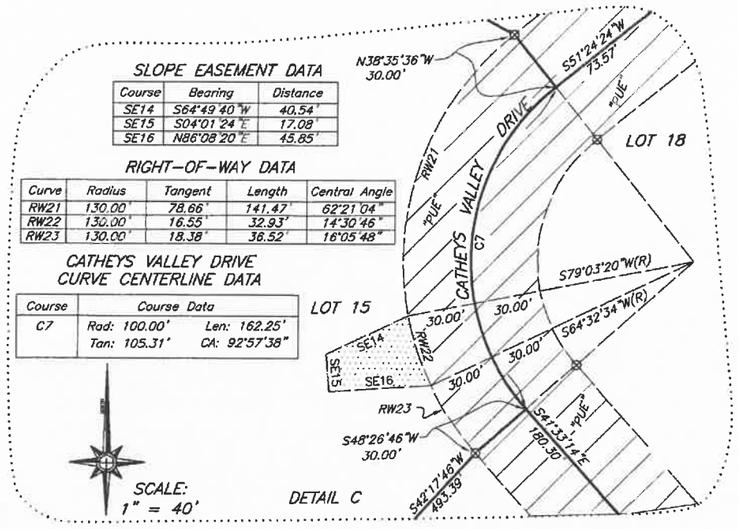
Course	Bearing	Distance
SE1	S39°21'17"W	25.25'
SE2	S17°02'09"W	29.13'
SE3	S12°57'59"W	32.02'
SE4	S05°25'04"W	17.61'
SE5	S11°13'34"E	35.65'
SE6	S42°27'15"W	12.88'
SE7	S18°18'51"W	19.85'
SE8	S02°20'46"W	16.68'
SE9	S29°14'02"E	35.92'
SE10	S63°35'05"E	22.59'
SE11	S89°02'35"E	21.64'
SE12	N03°30'40"E	35.21'
SE13	N28°12'41"W	10.70'

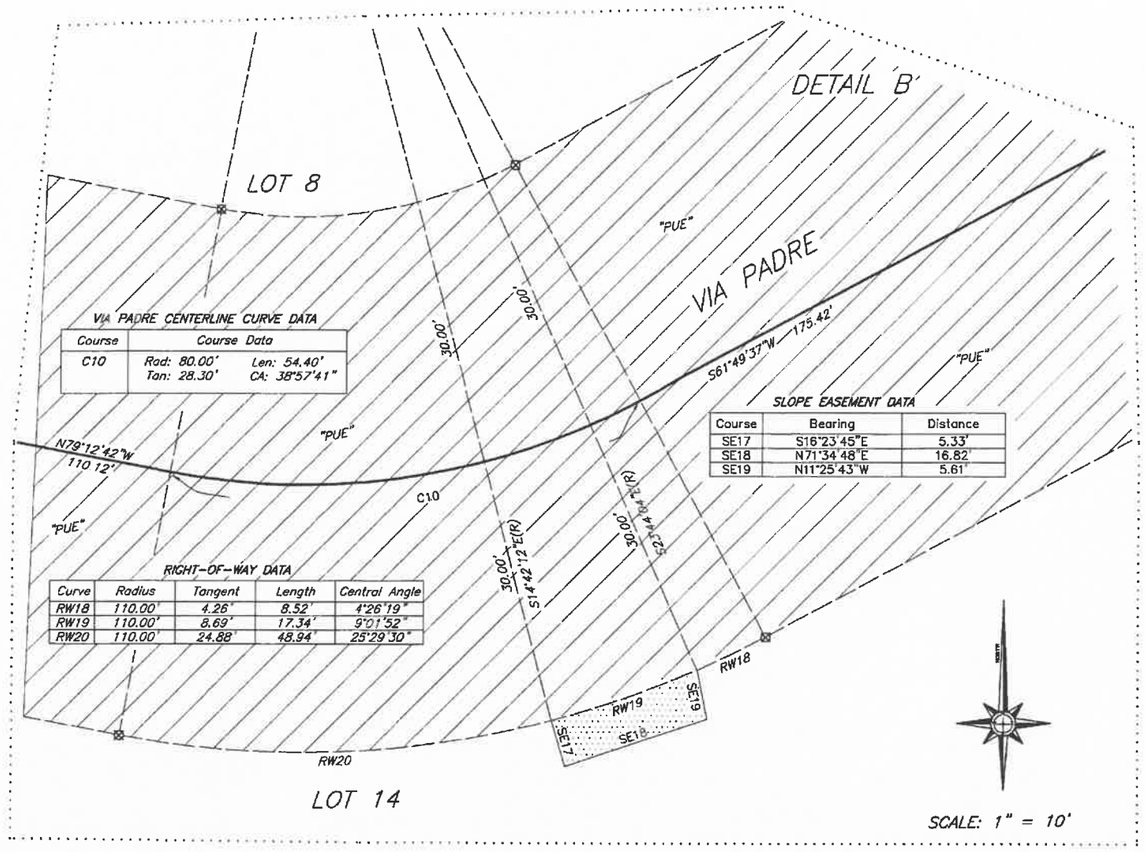
SLOPE EASEMENT RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Central Angle
RW10	130.00'	23.95'	47.37'	20°52'38"
RW11	130.00'	14.47'	28.82'	12°42'13"
RW12	130.00'	28.04'	55.23'	24°20'27"
RW13	60.00'	5.32'	10.62'	10°08'21"
RW14	60.00'	9.94'	19.70'	18°48'57"
RW15	60.00'	6.39'	12.73'	12°09'14"
RW16	60.00'	50.40'	83.84'	80°03'40"
RW17	60.00'	8.42'	16.73'	15°58'39"

VIA PADRE CURVE CENTERLINE DATA

Course	Course Data	
C13	Rad: 100.00'	Len: 101.09'
	Tan: 55.34'	CA: 57°55'18"
C14	Rad: 100.00'	Len: 73.23'
	Tan: 38.34'	CA: 41°57'26"
C15	Rad: 100.00'	Len: 27.88'
	Tan: 14.02'	CA: 15°57'52"





VIA PADRE CENTERLINE CURVE DATA

Course	Course Data	
C10	Rad: 80.00'	Len: 54.40'
	Tan: 28.30'	CA: 38°57'41"

SLOPE EASEMENT DATA

Course	Bearing	Distance
SE17	S16°23'45"E	5.33'
SE18	N71°34'48"E	16.82'
SE19	N11°25'43"W	5.61'

RIGHT-OF-WAY DATA

Curve	Radius	Tangent	Length	Central Angle
RW18	110.00'	4.26'	8.52'	4°26'19"
RW19	110.00'	8.69'	17.34'	9°01'52"
RW20	110.00'	24.88'	48.94'	25°29'30"

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(209) 966-3926

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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

LEGEND

- ○ Found 5/8" steel bar with plastic cap stamped LS 4079 per (2) and/or (3) unless otherwise noted.
- ⊙ Found 5/8" steel bar with plastic cap stamped LS 5339 per (2) and/or (7) unless otherwise noted.
- ● Found monument as described hereon.
- ⌀ Found 1/2" bar with plastic cap stamped LS 3812 per (1) and/or (8) unless otherwise noted.
- ⊠ Set 5/8" steel bar with plastic cap stamped LS 5339.
- □ Found Cal Trans standard 6"x6" concrete highway monument per (2) and/or (3).

25' Seasonal wetland with 25' setback (16)

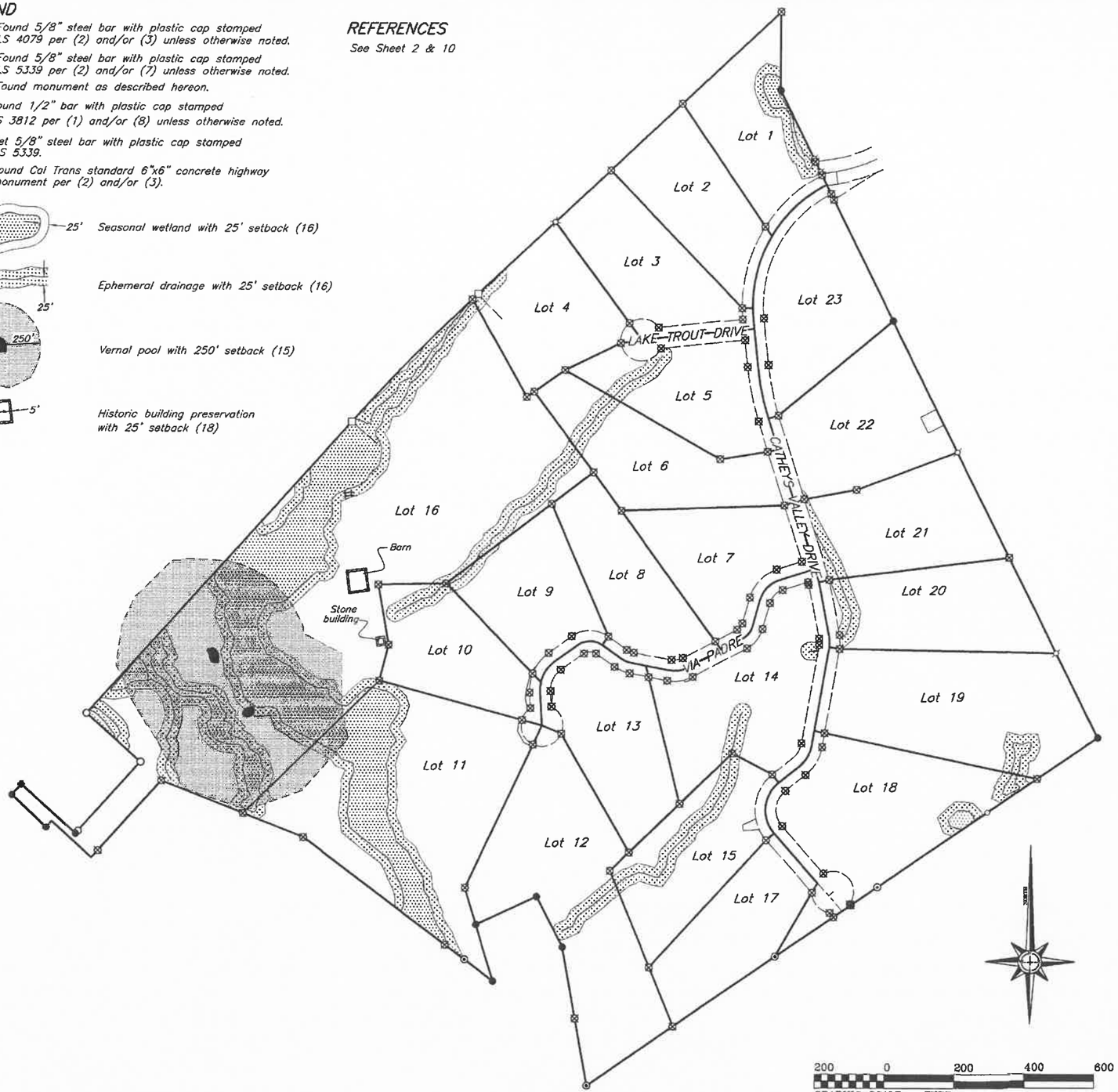
Ephemeral drainage with 25' setback (16)

250' Vernal pool with 250' setback (15)

5' Historic building preservation with 25' setback (18)

REFERENCES

See Sheet 2 & 10



FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY
APRIL 2021

CALIFORNIA
MS NO. 2012-042
SCALE: 1" = 200'

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 9 OF 10 SHEETS

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(209) 966-3926

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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

FINAL MAP
FOR
VALLECITO ESTATES

BEING A DIVISION OF A PORTION OF THE E1/2 OF SECTION 9 AND THE WEST 1/2 OF SECTION 10, T.6S., R.17E., M.D.M.

MARIPOSA COUNTY — CALIFORNIA
APRIL 2021 — MS NO. 2012-042

TOTAL SUBDIVIDED AREA: 98.94 ACRES

SHEET 10 OF 10 SHEETS

This additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. By the signatures of the owner on Sheet 1 of 10 sheets of this Final Map the owner acknowledges the following declarations:

State Fire Safe Regulations Declaration (11)
"Future residential development on Lots 1 through 23 as shown hereon this map shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resources Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291, including the requirements to maintain fire protection or fire breaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by CalFire at the time of issuance of a residential building permit."

On Site Septic Declaration (12)
"Approved percolation tests and soils analysis tests ave been performed on Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, and 23 as shown hereon this map to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a lot that has not had an approved percolation test, additional percolation tests and design recommendations may be required."

"Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Lots 10 and 15 as shown hereon this map based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing statewide on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding State or local regulation changes that could affect the installation of an on-site sewage disposal system on this lot."

Lots 10 and 15 On Site Septic Declaration (13)
"The properties described as Lots 10 and 15 as shown on this map, are required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternative location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Deportment prior the the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation tests and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Heath Department Policy 03-01 which states, " A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal system prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soil requirements of Health Department Policy 03-01 as a newly created parcel."

Water Disclosure Statement (14)
"Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map."

Vernal Pool Open Space Setback Declaration (15)
"There are open space setbacks on Lot 11 and Lot 16 as shown hereon this map. The setback is two hundred fifty (250) feet from the edge of the vernal pools. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commission) shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of construction, grading or disturbance within the setback area, the parcel owner may be required to obtain a permit from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required."

Seasonal Wetland & Ephemeral Drainage Open Space Setback Declaration (16)
"There are open space setbacks on Lots 1, 4, 5, 6, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, and 22 as shown hereon this map. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and from the centerline of the ephemeral drainages. No structure or improvements shall be constructed within the open space setback except as provided below. Access to Lots 20, 21 and 22, a well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commission) shall be allowed within the open space setback, except as determined necessary by CalFire, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.

Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Game to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.

Depending upon the location and nature of construction, grading or disturbance within the setback area, the parcel owner may be required to obtain a permit from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required."

15% Slope Declaration (17)
"The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% shall be exempt from the standards. A map delineating all required setbacks (from property lines, drainages, seasonal wetlands, and vernal pools), sewage reserve areas as approved by the Health Department, and the approximate location of slopes greater than 15% is on file with the Planning Department in Major Subdivision No. 2012-042's application file."

Historic Preservation Declaration (18)
"There are historic preservation setbacks on Lot 16 as shown hereon this map. The setback is five (5) feet from the outer walls/foundation of the barn and wooden structure with stone foundation. The structures shall not be altered, disturbed, removed or destroyed without review and approval of the Planning Director pursuant to review criteria in Section 17.67.020.B, County Code. Any maintenance or relocation shall be approved by the Planning Director and consultation with a qualified individual (at the owner's expense) may be required."

Soils Report Declaration (19)
"A soils investigation report has been prepared for Lots 1 through 23 as shown hereon this map. The report should be reviewed and the recommendations incorporated into the construction of any buildings including mobile home foundations. A copy of the report is available for review at the Mariposa County Planning Department."

Declaration of Covenants, Conditions, and Restrictions (22)
"All Lots, Lots 1-23, are subject to Covenants, Conditions, and Restrictions recorded in Mariposa County Records."

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Attachment: VEFinalMap (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Department of Public Works
County of Mariposa
4639 Ben Hur Road
Mariposa, California 95338

A.P.N. 016-110-031

NON-EXCLUSIVE, NON-REVOCABLE AND PERPETUAL OFFER OF DEDICATION OF PUBLIC ROAD AND PUBLIC UTILITY EASEMENT RIGHT-OF-WAY TO THE COUNTY OF MARIPOSA

This Declaration is made this 22nd day of April, 2021 by Frank Rose Construction, Inc., hereinafter referred to as "Offeror" and affects that certain real property described as PARCEL TWO in Grant Deed recorded December 4, 2019 as Document Number 20194190, Mariposa County Official Records.

WITNESSETH;

WHEREAS, said Offeror desires to make a non-revocable offer of dedication to the public of a non-exclusive easement for road and emergency exit purposes and incidental uses, together with the right to trim necessary trees and vegetation, which offer may be accepted at any time by any governmental entity which has the power to establish, construct and maintain roads.

NOW, THEREFORE, said Offeror covenants, promises and grants as follows:

1. That said Offeror is the fee owner of that certain real property described as PARCEL TWO in Grant Deed recorded December 4, 2019 as Document Number 20194190, Mariposa County Official Records, said certain real property being described in said Document as follows:

All that portion of Section 10, Township 6 South, Range 17 East, M.D.B. & M., described as follows:

Parcel "D" map for Shan King, recorded May 23, 1985 in Book 22 of Parcel Map at page 1, Mariposa County Records.

Excepting therefrom rights as reserved in the Deed from Bank of California, N.A. as trustee of the Estate of Louis T. Kraemer, also known as L.T. Kraemer, deceased, to Louis S. King, ET UX, recorded July 6, 1984 in Vol. 262 of Official Records at page 118, more particularly described as follows:

Attachment: OfferDedication (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

"50% of all oil, gas, minerals and other hydrocarbon substances on or under said land without right of surface entry."

Also excepting therefrom all that portion of Parcel "D" as shown on Parcel Map Book 22 of Parcel Maps at page 1, as described in the Deed from Robert L. Stark, ET UX, to Bjame Kjaer, ET UX, recorded November 27, 1990 as document no. 907319, Mariposa County Records, described as follows:
All that portion of Parcel "D" as shown on Parcel Map Book 22 Mariposa County Records at Page 1, situated in Section 10, T.6S., R.17E., M.D.B. & M. described as follows:

Beginning at the northeast corner of Parcel "C" as shown on parcel Map Book 22 Mariposa County Records at Page 21; said point of beginning being also on the south line of Parcel "D" Parcel Map Book 22 Page 1; thence N.85°43'32"W. along sad South line of Parcel "D" 553.50 feet, thence leaving said south line of Parcel "D" N.15°51'23"E. 278.67 feet; thence S.72°04'22"E. 191.67 feet to a point in a small creek; thence S.49°32'15"E. 385.74 feet to the point of beginning.

2. That said Offeror does hereby non-revocably and in perpetuity offer to such governmental entity a dedication of a non-exclusive easement for road and emergency exit purposes and incidental uses upon the following described property:

All that portion of a strip of land having a uniform width of 60.00 feet and including the adjacent slope easement areas, and also including all that portion of the adjacent variable width non-exclusive public road & utility easement as Delineated on said Parcel Map Book 22 at Page 1 lying within said Parcel "D", all as delineated on Sheet 7 of 10 Sheets of that certain map entitled "Final Map for Vallecito Estates" filed _____, 20___, in the Book of Maps at page _____, MCR, and all lying within the bounds of said PARCEL TWO.

3. That the Offeror agrees that the above offer of dedication shall be non-revocable and non-exclusive and such government entity may, at any time in the future accept said offer of dedication of the easement for road and emergency exit purposes.

4. That the Offeror agrees that this non-revocable and perpetual offer of dedication is and shall be binding on his heirs, assigns, and successors in interest.

IN WITNESS WHEREOF, this offer of dedication is executed and made by the Offeror on the day and year first above written.

OFFEROR

_____ Date: 4-22-2021
Frank Rose Construction, Inc.
By Frank Rose, President

Attachment: OfferDedication (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Mariposa

On 4-22-2021 before me, T. Lindsey, a Notary Public, personally appeared Frank Rose, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity), and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature T. Lindsey

T. LINDSEY
Notary Public – California
Mariposa County
Commission # 2197712
My Comm. Expires May 18, 2021

CERTIFICATE OF ACCEPTANCE BY MARIPOSA COUNTY

This is to certify that the interest in real property conveyed by this Offer of Dedication dated _____, from Frank Rose Construction, Inc. to the County of Mariposa a political subdivision of the State of California, is hereby accepted by Marshall Long, Chairman of the Board of behalf of the Board of Supervisors of Mariposa County, pursuant by Resolution #_____ adopted on_____ and the grantee hereby consents to the recordation thereof by its duly authorized officer.

Date _____

_____
Marshall Long
Chairman
Board of Supervisors
Mariposa County

T. LINDSEY
Notary Public – California
Mariposa County
Commission # 2197712
My Comm. Expires May 18, 2021

Attachment: OfferDedication (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

16.20.232 Action By The Board Of Supervisors

A. Following a determination by the director of public works that the final map is in substar conformance with the approved tentative, that compliance with all conditions has been completed, a that all other provisions of this title and the government code have been satisfied, the map shall be f with the clerk of the board of supervisors. The clerk shall schedule the map for consideration by board of supervisors, at which time the map shall be approved if it is determined to be in conforma with the requirements of this title and the Subdivision Map Act.

B. The board of supervisors shall also consider offers of dedication and easements. Acceptance of s dedications shall be in accordance with the provisions of this title and policies established by the bc of supervisors.

1. Public utility easements shall be accepted on behalf of the county and the public. Acceptal shall be solely for the purpose of permitting development of necessary public utilities, and s not obligate the county to assume any responsibility or liability related to the easements.
2. Offers of dedication shall be accepted, accepted subject to improvement, or rejected. Offers dedication for road right-of-way shall be accepted by the county for purposes of acce circulation, and public utility purposes within the subdivision and for use by the public. Ro accepted for access may be accepted into the county road system for maintenance at direction of the board of supervisors providing it has been constructed to an accepta improvement standard.
3. Offers of dedication for road rights-of-way accepted for public access and circulation but not maintenance, shall not obligate the county to assume any liability or responsibility related to right-of-way.
4. Any offers of dedication which are rejected shall remain open and may be accepted at any la date based on specific direction by the board of supervisors.

C. The clerk of the board of supervisors upon the approval of the final map, and after the signatures a seals have been affixed, shall transmit the map to the county recorder who shall certify and file same as prescribed by this title and the Subdivision Map Act.

HISTORY
Adopted by Ord. 688 on 8/11/1987

Attachment: CoCode (RES-2021-286 : Approve the Vallecito Estates Subdivision Final Map)

MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2021-287

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Approve the Submittal of a Grant Application for FLAP Grant for Greeley Hill Rd

---

RECOMMENDATION AND JUSTIFICATION:
Authorize the Public Works and Transportation Director to Submit an Application for the Federal Land Access Program (FLAP) Grant for Improvements to Greeley Hill Road; and Authorize the Public Works and Transportation Director to Sign Any Documents Necessary to Obtain to This Grant (Subject to Approval as to Legal Form by County Counsel).

This grant proposes to reconstruct 2.4 miles of Greeley Hill Road and construct a Diana Fall/Bower Cave trailhead parking area at the N. Fork Merced River bridge. Stanislaus National Forest is supportive of this grant effort.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has been supportive of Grant Submissions in the past. This grant is specifically for transportation projects that provide access to, are adjacent to, or are located within Federal lands.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve, this opportunity will be lost.

ATTACHMENTS:
CA Fed Lands Access Program Grant Ap (PDF)
PUBLIC INPUT - Email from Fran Powell regarding I.3 (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Tom Sweeney, District II Supervisors
SECONDER: Wayne Forsythe, District IV Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

REF ID# 11784

California Federal Lands Access Program: Proposed Project General Information

GENERAL INFORMATION

Project Points of Contact (POC): POCs listed will receive project selection notification from the PDC.

	Applying Agency	Supporting Federal Land Management Agency(s)	
Agency Name:	Mariposa County	Stanislaus National Forest	
POC Name:	Mike Healy	Jason Kuiken	
POC Title:	Director, Public Works & Transportation	Forest Supervisor	
Address Line 1:	4639 Ben Hur Rd.	19777 Greenley Road	
Address Line 2:	Mariposa, CA 95338	Sonora, CA 95370	
E-mail:	mhealy@mariposacounty.org	jason.kuiken@usda.gov	
Phone #:	2099665356	2095330765	
Additional Key Project Stakeholders:			

Project Identification:

Project Title:	Greeley Hill Road Reconstruction
Federal Lands Access Transportation Facility (FLATF) Name / Number:	Greeley Hill Rd terminating @ Trail 18e71 | N. Fork Merced River

Federal Land Management Agency (FLMA) Accessed:

a. List all FLMA site(s) and/or major destination(s) that are accessed by the identified transportation facility. Provide annual visitation for all those FLMA sites and/or major destinations.

Name of the Federal Land Management Agency	FLMA Unit Name	Site(s) or Major Destination(s) Accessed	Distance from Project (miles)	Current Annual Visitation
USFS	California National Forest	Diana Falls Trailhead	0	
USFS	California National Forest	Linkletter Ranch	0	
USFS	California National Forest	Bower Cave	0.05	

b. Identify source(s) for all annual visitation values listed. If using estimated annual visitation (because actual values are unknown or unavailable), then include the estimating methodology used.

	Project Terminus Start	Project Terminus End
Landmark, Milepost, Cross Roads:	Greeley Hill Rd. PM 20+25	Greeley Hill Rd. PM 22+65
Latitude Coordinates: (Decimal Degrees to 6 decimals)	37.75537	37.74709
Longitude Coordinates: (Decimal Degrees to 6 decimals)	-120.07578	-120.03752

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Background

BACKGROUND DATA

1. Agency with Title to Facility: USFS

2a) Agency with Maintenance Responsibility Mariposa County

2b) Describe how the maintenance responsibility is provisioned.
Include details for each portion of the project (e.g. roadways, parking lots).

Maintenance Agreement between National Forest & County

☑ Attach available ROW documentation and/or maintenance agreements.

3. Project Length:
Provide length in miles: 2.4

4. Existing Roadway Width (outside shoulder to shoulder) :
Provide average width in feet: 30

5. Existing Posted Speed Limit: 5 5

6. Existing Bridge Information:
Provide known data for all bridge structures within the project limits.
Refer to the link below for guidance:
http://www.fhwa.dot.gov/bridge/nbi.cfm

☐ Attach inspection reports if available.

National Bridge Inventory Structure #	Bridge Length (ft.)	Bridge Width (ft.)	Bridge Area (Sq. Ft)	Bridge Sufficiency Rating

7. Functional Classification:
Check those that apply.

☐ National Highway System ☐ Arterial ☐ Local Road
☐ Major Collector ☑ Minor Collector

Refer to the link for guidance: http://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/

8. Traffic Volumes:
Provide any available traffic data from recent counts or other documented sources.
Note: If no data (i.e., counts) are available, please estimate range (< 200, 200 - 500, 500, 500 - 1000, > 1000 vehicles per day)

	Current	20-Year Projection	Data Source / Methodology
Average Daily Traffic (ADT)	100		
Seasonal Average Daily Traffic	150		
Estimate % of above ADT that accesses the Federal lands	100		

9. Safety History:
Describe site(s) including the number, rate and type of crash as well as the user type(s) that have occurred within the project limits and the source of this information (reports or anecdotal). If available provide site specific crash data for last three years.

Greeley Hill Road has extreme pavement deterioration. The edges have unraveled creating a single-lane road in many locations. There are no shoulders or clear recovery zones. Multiple culverts are crushed and blocked. The pavement edge drop offs will lead to vehicular loss of control. Skidding out of control or turning over are not uncommon accidents as a result of loose gravel and soft shoulders.

10. Projects in Proximity:
Describe other current or previously funded Federal Lands project(s) adjacent to or in proximity to this project.

There are no FLTP projects near this project.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Description

PROPOSED PROJECT

1. Purpose and Need:
Describe the need for the project including but not limited to who the project will serve, conditions requiring relief, and anticipated changes in use due to the proposed project.

The purpose and need for this project is to address the severe pavement and safety concerns for 2.4 miles of Greeley Hill Road providing primary access to the Jordan Creek/Bower Cave Special Interest Area within the Stanislaus National Forest.

2. Proposed Design Standards:
Project will be designed to the following standards. Check the standard that best applies to this project.

☑ AASHTO ☐ State DOT ☐ Local Government ☐ FLMA

3. Proposed Roadway (shoulder to shoulder) Width (feet):
Proposed width should be in accordance with the proposed design standards.

30

4. Proposed Speed Limit:

5 | 5

5. Description of Proposed Work*:
a) Provide a description of all proposed work including project phase(s) and major construction work items.

Work includes reconstructing 2.4 miles of Greeley Hill Road. Asphalt will be removed and the roadway excavated to accommodate 3 in. of new AC over 6 in. of base. The County references AASHTO's Guidelines for Geometric Design of Low-Volume Roads. The preferred typical cross section is (2) ten ft paved lanes, (2) two ft based shoulders, and (2) three ft wide ditches for a total width of 30 ft. Several CMP culvert replacements will be needed at select locations to resolve periodic roadway flooding being caused by existing crushed pipes. Trailhead improvements include a paved parking area, fences, gates and interpretive signs.

b) Describe how the proposed project will address the identified purpose and need.

The proposed project will improve accessibility and safety to the Jordan Creek/Bower Cave Special Interest Area within the Stanislaus National Forest. These improvements are consistent with the Forest Plan and will improve access for cultural visitors, outdoor enthusiast and resource users. An improved parking area, trailhead and interpretive signage will lead to an enhanced visitor experience. Both the National Forest and Mariposa County are interested in developing this area and reconstructing the road is a critical first step.

c) Describe if the project is a segment of a larger project/route or if this project is/ can be phased. Include any known alternatives that should be reviewed as part of this project.

The project is not a part of a larger phased development. There are no environmental consequences beyond this 2.4 miles of rehabilitation. The County's maintenance responsibilities terminate approximately 0.30 miles further east from the project terminus (N. Fork Merced River bridge) at the Bull Creek/Old Yosemite fork. The project's purpose is to create access to Diana Falls and Bower Cave, subsequently, it would be difficult to further reduce the scope.

*Note: The Programming Decsion Committee has final approval for all proposed project phases and reserves right to reduce scope of work.

6. Key Items of Work: Check all that apply. Refer to link for guidance: http://www.fhwa.dot.gov/planning/css/

New Construction / Reconstruction (4R):

- ☐ Earthwork/Grading
- ☑ Road base
- ☐ Major Drainage (>48")
- ☐ Minor Drainage (<48")
- ☐ Retaining Walls
- ☐ ROW Acquisition
- ☐ Utility Relocations

Recycling (3R):

- ☑ Existing Asphalt / Base Recycling (Ex: Pulverization)
- ☐ Overlay
- ☑ Milling
- ☐ Minor Widening (< 5 ft.)
- ☐ Major Widening (> 5 ft.)

Bridge:

- ☐ New / Replacement
- ☐ Rehabilitation or Repair

Surfacing:

- ☑ Asphalt
- ☐ Concrete
- ☐ Gravel
- ☑ Parking

Safety Improvements:

- ☐ Intersection / Traffic Controls
- ☐ Guardrail
- ☐ Sight Distance Improvements
- ☐ Roadside Hazard Improvements

Bicycle / Pedestrian:

- ☐ Bicycle and Pedestrian facility
- ☐ Bicycle facility (e.g. bike lane)

****Non-Infrastructure:**

- ☐ Transit
- ☐ Planning Study
- ☐ Planning-Environmental Linkage (PEL) Study
- ☐ Research

****Note: Applications that include non-construction or elements including transit, planning, and/or research, please fill out the supplemental worksheet for alternative transportation that can be found at: https://highways.dot.gov/federal-lands/programs-access/ca/

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Acquisition and Impacts

7. Right of Way Acquisition: All Right-of-way (ROW) property (acquisition costs) to be part of the project costs should be detailed in the project estimate page. All acquisition support costs are non-participating and will be borne by the applicant.

7a) Is ROW acquisition required? (yes /no) No

7b). Existing ROW Width (feet):

7c) Describe the anticipated ROW acquisition needed to construct project. Include the proposed ROW width (ft) including formalization of all ROW on FLMA lands.

No ROW is required. The project is fully within the Stanislaus National Forest.

8. Utility Impacts: All utility relocation costs must be accounted for by the applicant whether borne by the applicant or included as project cost. Utility relocation costs should be detailed in the project cost estimate.

8a) List any known utility conflicts within the project ROW and describe any anticipated utility impacts and proposed relocations:

There are no known utility conflicts.

8b) Will relocation of utilities be required? (yes /no) No

9. Environmental Impacts / Resource Protection: Identify and describe known or anticipated impacts, positive or negative, to biological, cultural, wetlands or water resources, or any other environmental areas.

Native American areas / concerns	Unknown
Historic & archaeological resources	Unknown
Wetlands / Water Resources	Unknown
Threatened & Endangered Species	Unknown

Describe all those impacts identified:

The NEPA document is anticipated to be a Categorical Exclusion w/ technical studies. The trailhead parking improvements will trigger both biological and cultural impacts requiring studies. There will be biological impacts due to the N. Fork Merced River and there will be Native American concerns due to the proximity of 'Oo-tin' (Bower Cave). However, the trailhead improvements are occurring in previously disturbed area.

10. Proposed Lead Agency: Identify the agency that is proposed to lead delivery of this project. It is typical for the CFLHD to act as the lead agency for duration of the project, from award through project completion. However, If the applicant plans to have a different agency act as lead for the project, the applicant must provide justification for this position, previous experience in delivering Federal Aid (Title 23) funded projects, and ability to satisfy FHWA project delivery requirements in accordance with Caltrans Local Assistance Procedures Manual. The final decision for project delivery resides with CFLHD. If delivered by another Agency, FHWA California Division Office and the California DOT will have Stewardship and Oversight responsibility where all costs and overruns will be borne by the applicant.

The project is expected to be performed by CFLHD. In the event that they are unable to perform the work, the County with Caltrans as Lead Agency w/ Oversight responsibilities may complete the project. The County is familiar with the LAPM and able to satisfy all of FHWA's requirements.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Funding

Applicants are required to attach a detailed estimate to support costs referenced below. A Sample FLAP Project Cost Estimate Form is available for use on the California FLAP web page (link will take you to the page; scroll down to find the excel document). Project cost estimates must include all project costs including Preliminary Engineering and Construction Engineering costs, Contingency, ROW, utility relocation, etc.

1. Cost Estimate for Proposed Project (From developed Cost Estimate attached): $3,400,000.00

2. Federal Lands Access Program Funds Requested (Cannot exceed 88.53%): $3,010,020.00 = 88.53 %

3. Project Funds Leveraged: List and provide detail of all non-FLAP match funding sources that will be furnished, using this table.

a) Sources eligible for Minimum Match (11.47%) and/or Overmatch:

Local, State, and/or Other non-federal Sources (Cash match only) :	$389,980.00	=	11.47 %
Right of Way (Acquisition costs only. Supporting costs borne by Applicant) :		=	%
Utility Relocation (Construction costs only. Supporting costs borne by Applicant) :		=	%
Authorized Title 23 (FLTP, TTP), Title 49 Sources (w/Agency Approval), or other authorized Federal Sources :		=	%
In-Kind Matching Contributions (at the discretion of the CA Programming Decision Committee) :		=	%
Sub-Total (minimum required 11.47%):	$389,980.00	=	11.47 %

b) Sources only eligible for Overmatch:

Other Federal Sources (e.g. Federal-Aid Highway Programs)		=	%

c) Total Matching Contribution: $389,980.00 = 11.47 % **Total Percent Overmatch:** = %

NOTE: Total Matching Contribution and FLAP Funds Requested should total (and not exceed) Cost Estimate for Proposed Project

d. Request to use Toll Credits

Certain qualifying Local Public Agencies (LPA) may request the CA Programming Decisions Committee and Caltrans to allow toll credits to be used in lieu of the minimum cash match. Please prepare and include the Toll Credit Supplemental Worksheet, located on the California FLAP web page, in your submittal, and check the box below.

☑ **Toll Credit Match Request**: Applicant understands toll credits are not guaranteed, and is committing other match sources under Section 3a above to satisfy 100% of match requirements.

4. List and provide detail on all match funding source(s) identified above including funding source description, restriction(s), and timing availability of funds and associated partnerships.

Mariposa County will request toll credits. In the event toll credits are unavailable, SB1 funds will be programmed for the local match.

5. If using authorized Title 23 or Title 49 sources, or other authorized federal sources, please provide further detail on the funds/project, and confirmation of authorization from the supporting agency. Attach letters of support if necessary.

No additional Federal funds are proposed.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Qualifications

1 - Project Fit to Program Vision

A. How does the project align with the goals of this funding program?

Greeley Hill Road is one of the original stagecoach roads leading to Yosemite. Bower Cave has been a rest stop and point of interest longer than the road itself. Maps such as the 1872 USGS Map identified the cave and John Muir commented on it in his writing. Approximately 400 ft from the cave is the Diana Falls trailhead, a popular swimming location on the North Fork Merced River. Mariposa County is seeking to reconstruct 2.4 miles of Greeley Hill Rd and improve a trailhead area. The road is a Minor Collector between Smith Station Rd. and Buck Meadows Rd. This is the primary road into a vast area of National Forest between the HWY120 Groveland and HWY140 Merced River

B. Describe why the Federal Lands Access Program is the most appropriate funding source for the proposed project as opposed to other funding sources eligible.

The FLAP program is intended to supplement locally-owned transportation facilities that provide access to or are within federal lands. The proposed Greeley Hill Road Reconstruction is 100% within the Stanislaus NF and maintained by the County. Limited local transportation funds must be directed to the town centers. Using FLAP to improve Greeley Hill Rd supports the County's outdoor recreation economic goals that would otherwise be neglected through other funding sources.

2 - Federal Lands Access Improvement

A. What is the proximity of the project to the Federal lands? What is the significance if access through the project area was lost or not provided? Is the FLATF (project area) the only access to the federal lands?

The portion of road proposed for reconstruction is 100% within the Stanislaus NF. There are no adjacent property owners other than the federal government. Greeley Hill Rd. is the only paved, all-season road within the area. Smith Station Rd. and Buck Meadows Rd. are the only county-maintained roads that connect to HWY120. Buck Meadows is unpaved and seasonal only. The easiest way out of Bull Creek and Old Coulterville-Yosemite is via Greeley Hill Rd. Without additional support, the County may have no choice but to revert the surface back to gravel. That outcome would be damaging to Forest Service operation, Fire, local residents and tourism. The County wishes to create a trailhead, a picnic day-use area, installation of information and education signage, and study re-opening Bower Cave all in order to boost spending in the local communities.

B. Describe how access to these Federal Lands will be improved as result of this project. If applicable, address improvements to all transportation modes (vehicular, pedestrian, bicycle, transit, emergency, etc.). If applicable, include how the project will improve access management (e.g. reduction in traffic congestion, size/load limits, etc.).

The existing road is in a mountainous area with loose gravel, soft shoulders and winter weather conditions. The roadway reconstruction will ensure a safe all-weather road for access into an area that lacks a sufficient number of improved trailheads to support demand and promote recreation for locals and tourists. Greeley Hill Road is an important connector for hikers, trail runners, bikers, and equestrians to extend their recreational opportunities. A Diana Fall / Bower Cave trailhead parking area will become an anchor point. In addition to recreational opportunities, improvements to the roadway will support grazing, timber harvesting, watershed and forest management.

3 - High Use Recreation Site and Economic Generator

A. Describe how the Federal Lands, listed on page 1 of the Proposal (*FLMA Unit(s) Name*) are considered high use recreation site(s) and/or economic generator(s)* for the local or regional economy. Explain if/how the local or regional community is economically dependent on the access to the federal land and the proposed transportation facility.

The 2017 Mariposa County Economic Vitality Study identified Bower Cave as a place of interest and recommend initiate discussions and work with the U.S. Forest Service to re-open Bower Cave to the public. In July of 2019, 81,000 vehicles drove through the Big Oak Flat Yosemite Park entrance. The County wishes to expand and diversify its outdoor recreational opportunities and encourage these Yosemite travelers to visit Bower Cave and then visit Coulterville's historic town center for lunch and shopping. There is an opportunity to enhance trailheads, signage, guides, and maps in the area to encourage visitors, however the road must be reconstructed.

*Note: *Federal economic generator* refers to any use of/on Federal lands that results in economic generation for the local community and/or region.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Qualifications

4 - Safety

A. Describe all existing safety conditions (e.g. below standard sight distances, roadside hazards, below standard lane and shoulder widths, etc.). How proposed project countermeasure(s) will address these safety conditions, and for what user groups?

This project will address safety concerns by construction of a 20 ft wide pavement section with stabilized shoulders and ditches. Several countermeasures may be implemented including safety edges, enhanced delineation, increased pavement friction at curves, slope flattening and creation of clear recovery zones. During design, the curves and slopes will need to be evaluated according to AASHTO guidelines.

5 - Preservation

A. Describe the condition of the FLATF, including surface condition, age,pavement condition ratings (PCI), bridge sufficiency ratings, etc. Describe how the proposed project will improve the condition of the FLATF, including extending service life, and impacts to O&M costs.

The roadway is exhibiting severe raveling, edge failures and distortions for a PCI of 0. There is no life in the AC. There is approximately 1-inch of AC on a fill material. The AC must be removed prior to the new section being constructed. A new pavement section, stabilized shoulders and ditches will allow for continuous all weather access into Stanisalus NF.

B. Describe how the FLATF will be maintained after construction. Be specific as to what maintenance activities would occur, the frequency, and funding sources.

Mariposa County Public Works – Roads Division handles roadway maintenance. The department owns equipment to conduct all necessary roadway maintenance of the improvements made. The anticipated annual maintenance for the improved Greeley Hill Rd will be fully covered by this budget. The County relies on Streetsaver to identify low cost pavement maintenance and prevent distress rather than repairing future pavement failures.

6 - Sustainability and Environmental Quality Benefits

A. Describe if and how the proposed project contributes to the environmental goals and objectives of the local, State, and/or Federal Land Management Agency (e.g. reducing erosion or dust, improving wildlife connectivity, habitat, aquatic organism passage, reduction of noise/water/air/ pollution, etc.).

Development of an area for parking, restrooms, trash, and recycling will reduce the human impacts in the area.

7 - Coordination

A. Summarize any stakeholder or public involvement conducted to date. Summarize feedback, support, and/or objections identified. Describe any known or potential controversy and/or support for the project. (NOTE: Projects that have not initiated public involvement or anticipate controversy should still apply. Just state what is known or anticipated.)

Mariposa County has been discussing development of the Jordan Creek/Bower Cave Special Interest Area(SIA) since the National Forest acquired the property in December 1990. Development concepts include enhancing Bower Cave access, creating Day Use and Overnight Camping, enhancing Miwuk history and culture within the SIA date back decades but have all been limited due to funding. All the right-of-way is controlled by the National Forest. The parking lot/trailhead terminating at the North Fork Merced River will required biological and cultural technical studies including AB52/Section 106 consultation, however, the project is not expected to have any controversy. Reconstruction of Greely Hill Rd. will strengthen trail development and local purchasing.

B. Describe how the Federal Lands, will support or connect to the improved access explained in 2B. For example, if building a new bicycle facility does the FLMA allow bicycles and where to/from?

Stanislaus National Forest fully supports the improvements to Greeley Hill Road. Roadway improvements will encourage updates to the outdated 1993 SIA. The roadway reconstruction will improve the area's ranking for recreational improvements within the Groveland Ranger Area. The 2017 Forest Plan Direction includes 1) development of a campground (100 PAOT maximum); day use sites (150 PAOT maximum) and interpretive sites. 2) Develop a stairway and viewing platform part way down into Bower Cave 3) Secure the cave rim with chain link fencing or similar structure 4) Install interpretive signs in the cave.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

California Federal Lands Access Program: Proposed Project Qualifications

Submittal Instructions:

1. Save your form as PDF to your computer, with file name similar to: CALIFORNIA FLAP APP 2021 <PROJECT NAME>
   a. Check that all fields have been completed and that all your work has saved properly prior to e-mailing your application.

2. Attach all additional files:
   a. Review the checklist you completed and attach all photos, maps project estimates, and forms requiring signatures.
   b. Please do not use a zip application to reduce and send large files. The submittal email address will not accept zipped attachments. To accommodate large attachment sizes, we encourage sending multiple emails referencing the volume of the email(s) in the subject line, labeling them '1 of 2,' '2 of 2,' or similar. It is the responsibility of the sending party to ensure their file has successfully transmitted (not getting stuck in the e-mail "outbox").
   c. **ATTENTION:** DO NOT USE YOUR PDF SOFTWARE TO ATTACH DOCUMENTS INTO THE PDF DOCUMENT AS ALL YOUR FORM FIELDS WILL BE INVALID. ALL ATTACHED PHOTOS AND FILES SHOULD BE SEPARATE FILES.

3. Save a copy for your records

4. E-mail your completed form to **cfl.planning@dot.gov**, using the subject: CALIFORNIA FLAP APP 2021 <PROJECT NAME>

5. Check your e-mail's "sent box" to ensure that your file was sent. Larger files may take longer to send.
   a. You should receive confirmation of receipt of your submission within 3 working days of the call closing date.

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley



Greeley Hill Road - Typical Pavement Condition

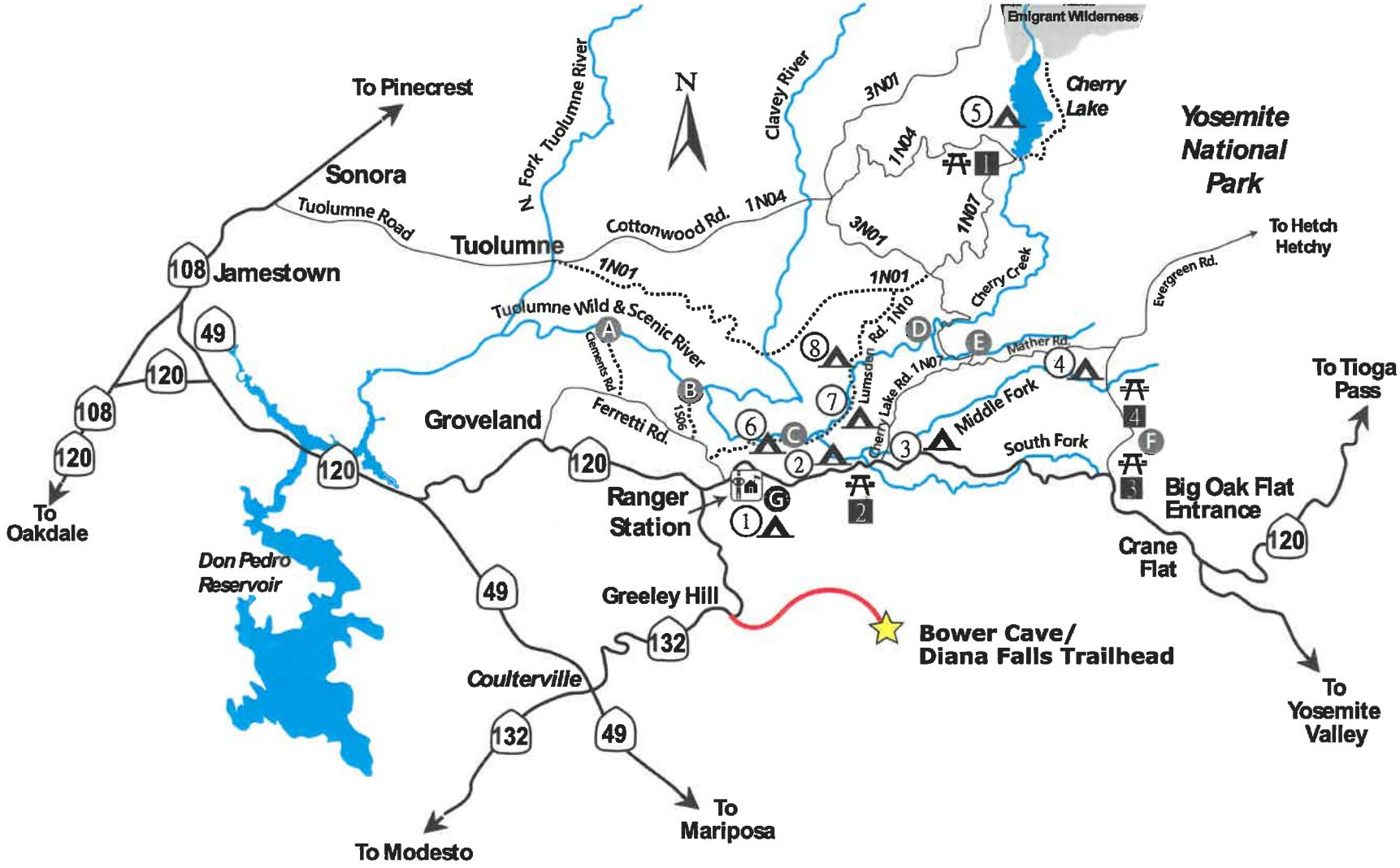


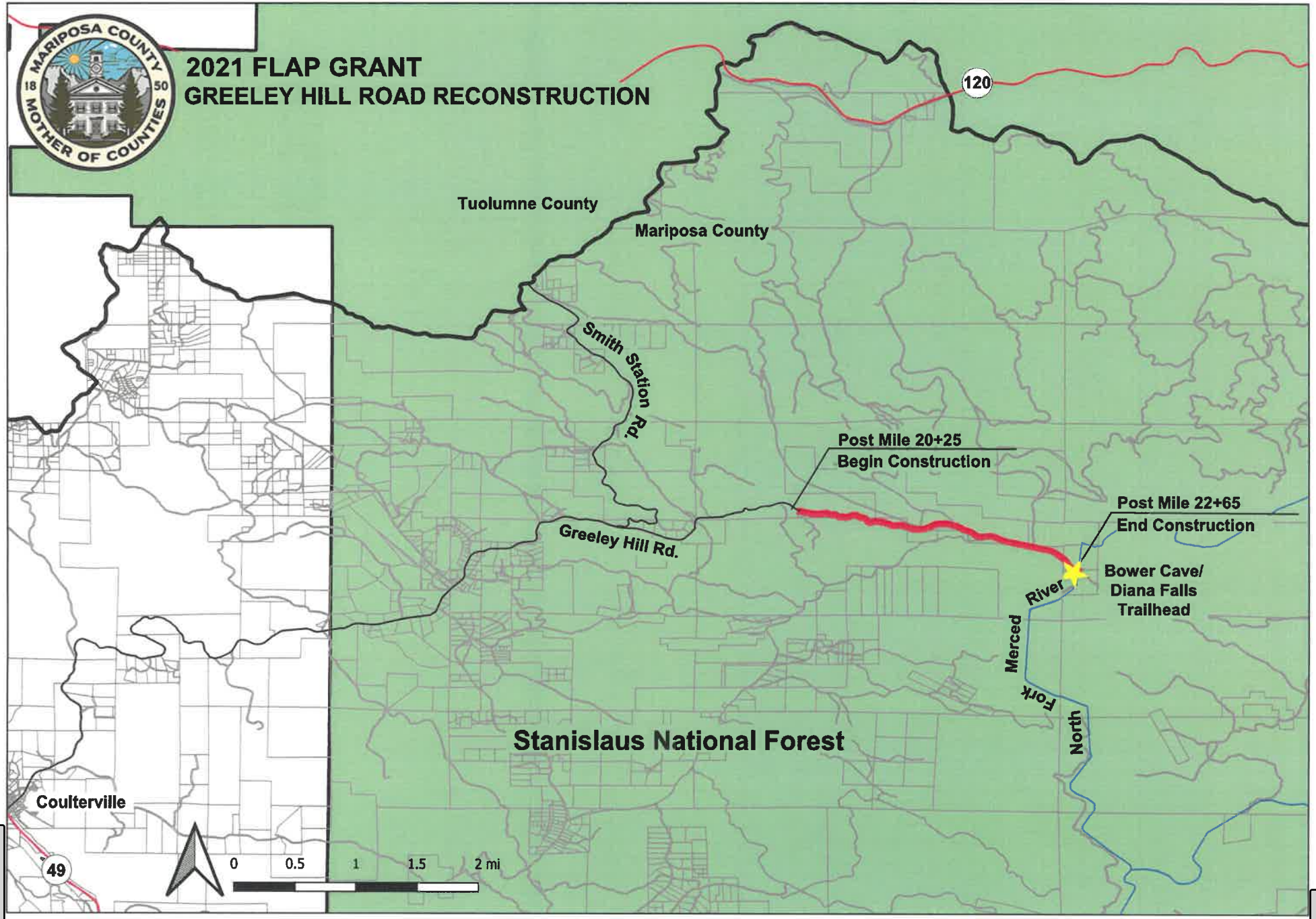
Diana Falls Trailhead on the right / Parking on the left / Bower Cave across the bridge

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

Map Excerpt from the "Stanislaus National Forest Visitor's Guide"

This map illustrates a void in recreational opportunities between the SR120 Groveland Corridor and the SR140 Merced River Corridor. Roadway Improvements on Greeley Hill Road to the Diana Falls Trailhead and the Bower Cave opens recreational opportunities to federal lands that were previously isolated and difficult to access.




2021 FLAP GRANT
GREELEY HILL ROAD RECONSTRUCTION
MARIPOSA COUNTY
18 50
MOTHER OF COUNTIES
120
Tuolumne County
Mariposa County
Smith Station Rd.
Post Mile 20+25
Begin Construction
Post Mile 22+65
End Construction
Greeley Hill Rd.
Bower Cave/
Diana Falls
Trailhead
Merced River
Fork
North
Stanislaus National Forest
Coulterville
49
0
0.5
1
1.5
2 mi

SCHEDULE A

FOREST DEVELOPMENT ROAD COOPERATIVE AGREEMENT

COUNTY OF MARIPOSA, STATE OF CALIFORNIA

A. Roads on which all maintenance will be the responsibility of the Cooperator.

1. Greeley Hill Road, County Road No. 1 and No. 1A, paved surface, 8.2 miles from National Forest Boundary in Section 30, T.2S., R.17E., to County Road 50 in Section 19, T.2S., R.18E..

2. Smith Station Road, County Road No. 3, paved surface, 4.0 miles from Greeley Hill Road north to county line.

B. Roads on which all maintenance will be the responsibility of the Forest Service.

None.

C. Roads on which maintenance responsibility will be shared by both parties.

1. Moore Creek Road, County Road No. 2, 6.0 miles from Greeley Hill Road (1) in Section 24, T.2S., R.17E. to County Road No. 160 in Section 36, T.1S., R.17E..

2. Jordan Creek Road, County Road No. 8029, 4.9 miles from Greeley Hill Road (1) in Section 23, T.2S., R.17E. north to Smith Station Road (3) in Section 5, T.2S., R.17E..

3. Fiske Road, County Road No. 42, approximately 2 miles beginning at Forest Land going east in Section 18, T2S., R.17E. and ending at Greeley Hill Road (1) in Section 20, T.2S., R.17E..

4. Haltzell Road, County Road No. 43, 2.8 miles from Greeley Hill Road (1) in Section 30, T.2S., R.17E. to County Road No. 46 in Section 34, T.2S., R.17E..

5. Wagner Road, County Road No. 44, 1.5 miles from County Road No. 46 in Section 5, T.2S., R.17E. to County Road No. 45 in Section 5, T.2S., R.17E..

6. Ernst Road, County Road No. 45, 3.0 miles from County Road No. 46 in Section 33, T.2S., R.17E. to County Road No. 43 in Section 29, T.2S., R.17E..

7. Dogtown Road, County Road No. 46, 9.3 miles from Section 6, T.2S., R.17E. to Section 27, T.2S., R.17E..

8. Bondurant Road, County Road No. 49, 2.3 miles from County Road No. 46 in Section 27, T.2S., R.17E. to Section 25, T.2S., R.17E..

9. Bull Creek Road, County Road No. 50, 8.8 miles from Greeley Hill Road (1) in Section 19, T.2S., R.18E. to Forest Boundary in Section 22, T.3S., R.18E, also known as Forest Road No. 2S05.

STANISLAUS N.F.
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Super
Secretary
Deputy
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FILE

Attachment: CA Fed Lands Access Program Grant Ap (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP Grant for Greeley

I.3

Danielle Wardle

Subject: FW: Item 1.3 for May 18 mtg.

From: Fran Powell horn [redacted]
Date: 5/16/21 9:08 PM (GMT-08:00)
To: Rene LaRoche <rlaroche@mariposacounty.org>
Subject: Item 1.3 for May 18 mtg.

Hello, Ms LaRoche,
I am concerned about improving the road and trailheads to Diana Falls and Bower Cave. The trash, litter and filth on the trails are getting worse and worse. If we make the area more accessible to the public, then we also should be providing trash receptacles and personnel to keep it cleaned up. Will there be provisions for this included in this grant?

Sent from my iPhone

Attachment: PUBLIC INPUT - Email from Fran Powell regarding I.3 (RES-2021-287 : Approve the Submittal of a Grant Application for FLAP

MARIPOSA COUNTY

Public Works · 209 966 5356

RESOLUTION - ACTION REQUESTED 2021-303

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Mike Healy,

RE: Purchase Permanent Easement for a Downtown Parking Purpose

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RECOMMENDATION AND JUSTIFICATION:
Purchase a Permanent Easement from the Mariposa United Methodist Church, Assessor's Parcel Number 013-183-0150 for Purposes of Public Parking in the Amount of $3,900, Including All Associated Fees; and Authorize the Board of Supervisors Chair to Sign the Agreement and Any Documents Necessary for This Transaction (Subject to Approval as to Legal Form by County Counsel).

This is a parking lot easement which needs to be accomplished in order to perform Parking Lot Rehabilitation work as part of the Downtown Revitalization Project.

Per previous Board Action this parcel easement was appraised and successful negotiations pursued on behalf of the County by Willdan.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board hired Willdan to appraise and negotiate with various property owners in order to secure permanent easements for public parking in the downtown Central Business District. The acquisition of Permanent Easements is a requirement of the Federal Grant which is funding the Downtown Revitalization Project.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Should this not be approved and permanent easements not secured no Federal Project Grant funds can be used to make improvements to parking lots.

FINANCIAL IMPACT:
None, the Board has appropriated funds from the MID Settlement to fund these easement procurements.

ATTACHMENTS:
Parking Easement Procurement Mariposa United Methodist Church (PDF)

RESULT: WITHDRAWN AND RESCHEDULED Next: 5/25/2021 9:00 AM

REF ID# 11796

BENDER ROSENTHAL INCORPORATED

TRANSMITTAL

Date: April 27, 2021 **Via:** USPS

To: Mike Healy, Director, Public Works & Transportation

From: Betsey Cline

RE: Mariposa Parking Rehabilitation Project -Mariposa United Methodist (APN: 013-183-0150)

Hi Mike,

Enclosed you will find the signed documents as detailed below for the Mariposa United Methodist Church parcel for your review and execution. The documents have "sign and date here" tabs where signatures are required.

- Purchase and Sale Agreement (3) originals
- Easement Deed
- W-9
- Check Request

Please return all executed documents to me for further processing to escrow. If you have any comments or items of specific concern you would like to discuss, please call me at (916) 978-4900, ext. 2078 or email b.cline@benderrosenthal.com.

Thank you,

Betsey Cline
Senior Project Coordinator

Enclosures

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement ("Agreement") is made and entered into as of _____ ("Effective Date") by and between the County of Mariposa, a political subdivision of the State of California ("Grantee") and Mariposa United Methodist Church, a Corporation ("Grantor"). Grantee and Grantor are sometimes individually referred to as "Party" and collectively as "Parties."

RECITALS

A. Grantor is the owner of certain real property located at 4993 State Highway 140, Mariposa, County of Mariposa, State of California, designated as Assessor's Parcel Number 013-183-0150 ("Property").

B. Grantee desires to acquire a portion of the Property which is necessary for the Mariposa County Parking District Rehabilitation Project ("Project"), a public use for which Grantee has the authority to exercise the power of eminent domain. The Parties acknowledge that this Agreement is made and entered into under threat of eminent domain. The Parties further desire to fully and finally resolve all claims, rights, interests and/or disputes relating to Grantee's construction and operation of the Project in the manner proposed as well as the acquisition, possession and/or use of the Acquisition Area (defined below).

The interest in the Property to be acquired pursuant to this Agreement (collectively, the "Acquisition Area") is 2,476± sf of Permanent Easement Interest as more fully described in Exhibit A and depicted in Exhibit B to the Easement Deed attached hereto as Exhibit 1 and incorporated herein by this reference.

C. The Parties acknowledge and agree that the Acquisition Area is (i) being acquired for a public use; (ii) necessary for the construction, operation and/or maintenance of the Project; and (iii) being acquired pursuant to this Agreement in lieu of a condemnation action or proceeding.

NOW, THEREFORE, in consideration of the foregoing facts and circumstances, the covenants, agreements, representations and/or warranties contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the Parties, the Parties hereto do hereby agree as follows:

AGREEMENT

1. PURCHASE AND SALE; GRANTEE'S ADDITIONAL WORK.

a. Grantor agrees to sell, and Grantee agrees to purchase the Acquisition Area upon and subject to the terms and conditions set forth herein.

b. The purchase price for the Acquisition Area shall be TWO THOUSAND EIGHT HUNDRED DOLLARS AND NO CENTS ($2,800.00) ("Purchase Price").

c. The Purchase Price reflects the fair market value of the Acquisition Area without the presence of contamination. If the property being acquired is found to be contaminated by the presence of Hazardous Waste which requires mitigation under Federal or State law, Grantee may elect to recover its cleanup costs as allowed by law.

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

2. FULL AND COMPLETE SETTLEMENT IN LIEU OF CONDEMNATION.

a. Grantor acknowledges and agrees that payment and receipt of the Purchase Price includes, without limitation, full payment of just compensation for Grantee's acquisition of the Acquisition Area and/or construction and operation of the Project in the manner proposed, including, without limitation, claims for lease bonus value, lost rents, damage to improvements, severance damages, business goodwill, furniture, fixtures and equipment, pre-condemnation damages, claims of inverse condemnation, attorneys' fees, costs, interest, and any and all other damages, causes of action and demands of Grantor against Grantee because of Grantee's purchase of the Acquisition Area and for any and all claims (known and unknown) arising from or relating to the purchase and sale which is the subject of this Agreement. Consistent with the foregoing, Grantor, on behalf of itself and its heirs, executors, administrators, successors and assigns, acknowledges that Grantee's performance under this Agreement constitutes full and complete satisfaction of Grantee's obligations to compensate Grantor not only for the purchase of the Acquisition Area, but also for construction and/or operation of the Project.

b. Grantor expressly acknowledges that execution of this Agreement does not constitute a waiver or other limitation on Grantee's constitutional and/or statutory right to commence an eminent domain proceeding in Superior Court to either (1) acquire the Acquisition Area to address a defect in Grantor's ability to convey clear and unencumbered title to Grantee; or (2) to clear any additional recorded or unrecorded encumbrances that impact Grantee's ability to own and possess the Acquisition Area free of any encumbrance, license, easement, property right and/or lien.

3. GRANTOR'S WARRANTIES, REPRESENTATIONS AND COVENANTS.

Grantor hereby warrants, represents and/or covenants to Grantee that:

a. Grantor owns the Property in fee simple and has full power and authority to sell, transfer and/or otherwise convey the Acquisition Area to Grantee and to perform its obligations pursuant to this Agreement.

b. To the best of Grantor's knowledge, there are no action, suits, material claims, mechanics or materialmen liens, legal proceedings or any other proceedings or claims affecting the Property or any portion thereof, at law or in equity before any court or governmental agency, domestic or foreign.

c. Grantor shall not do anything which would impair Grantor's title to any of the Acquisition Area during the completion of the acquisition process contemplated in this Agreement.

d. To the best of Grantor's knowledge, neither the execution of this Agreement nor the performance of the obligations herein will conflict with or breach any of the provisions of any bond, note, evidence of indebtedness, contract, lease or other agreement or instrument to which the Acquisition Area may be bound.

e. Other than as is disclosed or covered in this Agreement, there are no agreements for occupancy in effect for the Acquisition Area, and no unrecorded possessory interests or unrecorded agreements that would adversely affect Grantee's use of the Acquisition Area. Grantor will not enter into any agreements or undertake any obligations prior to Closing which will in any way burden, encumber or otherwise affect the Acquisition Area without the prior written consent of Grantee, including, without limitation, any agreements for occupancy or use of the Acquisition Area.

f. Grantor is aware of and shall comply with its obligation under California Health and Safety Code Section 25359.7 to disclose information to Grantee regarding the environmental status of the Property. To Grantor's knowledge, the Property and any contiguous real property owned by Grantor is not in violation of any federal, state or local statute, regulation or ordinance relating to industrial hygiene or to environmental conditions on, under or about the Property, including, without limitation, soil and groundwater conditions underlying the Property which could affect the Property, including, without limitation, the Acquisition Area, or its use.

g. Until the close of escrow, Grantor shall upon learning of any fact or condition which would cause any of Grantor's warranties and representations in this Agreement not to be true as of closing, immediately give written notice of such fact or condition to Grantee.

h. Grantor shall maintain the Acquisition Area in good condition and shall perform all of its obligations under any service contracts or other contracts affecting the Acquisition Area until the Effective Date.

i. Each of the above warranties and representation is material and is relied upon by Grantee separately and collectively. Each of the above representations and warranties shall be deemed to have been made as of the date of execution of this Agreement and shall survive the recording of the deeds for the Acquisition Area.

4. POSSESSION.

Upon execution of this Agreement by Grantee and Grantor, and deposit of funds in the amount of the Purchase Price into Escrow, Grantee shall have the right of possession and use of the Acquisition Area, including, without limitation, the right to remove and dispose of improvements thereon, thereat and/or thereto and construct the Project.

5. DAMAGE OR DESTRUCTION OF PROPERTY.

Prior to the transfer of title, should the Acquisition Area or any improvements thereon be materially damaged or destroyed by fire, earthquake or other calamity without the fault of Grantee, Grantee may elect to terminate this Agreement by written notice to Grantor. Such termination shall relieve the Parties of their obligations under this Agreement. Grantee, in its sole discretion may elect to reappraise the Property and make an offer to purchase the Property.

6. GRANTEE REPRESENTATION.

Grantee makes no representation, warranty, covenant or agreement that the Project shall be constructed or operated; and Grantor acknowledges and agrees that no obligation, liability or duty whatsoever shall exist or be incurred by Grantee or any other person or entity to Grantor or any other person or entity as a result of any failure to construct or operate the Project for any reason. The foregoing agreement of Grantor shall survive the Closing, or the termination of this Agreement by either party (whether Grantor or Grantee) for any reason, including a breach by the other party.

7. TIME OF ESSENCE.

Time is of the essence of each and every term, condition, obligation and provision of this Agreement.

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

8. ENTIRE AGREEMENT; WAIVER AND MODIFICATION.

This Agreement is the entire Agreement between the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to matters contained in this Agreement. Any waiver, modification, consent or acquiescence with respect to any provision of this Agreement shall be set forth in writing and duly executed by or on behalf of the Party to be bound thereby. No waiver by any Party of any breach hereunder shall be deemed a waiver of any other or subsequent breach.

9. COUNTERPARTS; COPIES.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument. Except as required for recordation, the parties as well as Escrow Holder and Title Company shall accept copies of signatures, including, without limitation, electronically transmitted (for example, by e-mail, facsimile, PDF or otherwise) signatures.

10. CAPTIONS.

Any captions to, or headings of, the articles, sections, subsections, paragraphs, or subparagraphs or other provisions of this Agreement are solely for the convenience of the Parties, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision of this Agreement.

11. NO OBLIGATIONS TO THIRD PARTIES.

Except as otherwise expressly provided in this Agreement, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the Parties to, any person or entity other than the Parties.

12. EXHIBITS.

The Exhibits attached to this Agreement are hereby incorporated into this Agreement by this reference.

13. NOTICES.

All notices and other communications hereunder shall be in writing and shall be deemed to have been duly given as of the date of mailing when delivered in person or sent by registered or certified mail return receipt requested), postage prepaid, or Federal Express, UPS or other overnight mail carrier, addressed as follows:

To Grantor: Mariposa United Methodist Church
P.O. Box 248
Mariposa, CA 95338

To Grantee: Public Works & Transportation
4639 Ben Hur Road
Mariposa, CA 95338

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

14. GOVERNING LAW; VENUE.

This Agreement shall be construed in accordance with the laws of the State of California. Any and all legal actions brought to enforce or interpret the terms and provisions of this Agreement shall be commenced exclusively in a court of competent jurisdiction in the County of Mariposa.

15. SUCCESSORS AND ASSIGNS.

This Agreement as well as the deed attached as Exhibit 1 shall be binding upon and shall inure to the benefit of the successors and assigns of the Parties.

16. RATIFICATION.

This Agreement is subject to the approval and ratification by the Grantee's governing body or its delegated representative.

17. SEVERABILITY.

If any term or provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

GRANTOR: Mariposa United Methodist Church, a Corporation

By: _____ Apr 20, 2021
Date

Name: Stephen H. Smallcombe

Its: Chair Board of Trustees

COUNTY OF MARIPOSA

By: _____ _____
Marshall Long, Chair, Date
Board of Supervisors

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

EXHIBIT 1

Recorded at the request of
County of Mariposa

When Recorded Mail to:
Bender Rosenthal, Inc.
Attn: Betsey Cline
2825 Watt Avenue, Suite 200
Sacramento, California 95821

Space above this line for Recorder's Use

This document is recorded for the benefit of the County of Mariposa and is therefore exempt from the payment of a recording fee pursuant to Government Code Section 27383 or filing fee pursuant to Government Code Section 6103, and from the payment of the documentary transfer tax pursuant to Revenue and Taxation Code Section 11922.

013-183-0150
APN

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **MARIPOSA UNITED METHODIST CHURCH,** a Corporation ("GRANTOR") hereby grants to the **COUNTY OF MARIPOSA,** a political subdivision of the State of California ("GRANTEE"), an EASEMENT for public ingress and egress, public parking, public utility, and appurtenant uses upon, over and across that certain real property in the County of Mariposa, State of California, described as:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B"
ATTACHED HERETO AND MADE A PART HEREOF.

Dated this___day of _____, 20__

GRANTOR:
Mariposa United Methodist Church, a Corporation

By: _____

Name: _____

Its: _____

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

Exhibit "A"

United Methodist Church – Portion of APN 013-183-15

A non-exclusive easement for public ingress, egress, and public parking lot, public utility and appurtenant uses, situated in a portion of Block 22 of the Town of Mariposa, as said Block 22 is delineated on that certain map entitled Town of Mariposa as surveyed by R. Thomas, C.E. for J.F. Johnson, Esq. 1860 (Copy of original Map, March 1906) filed as Map No. 314, Mariposa County Records, also being situated in a portion of Projected Section 23, T. 5 S., R. 18 E., Rancho Las Mariposas, Mariposa California, herein described as follows:

COMMENCING at the Northernmost corner of said Block 22 said corner also being the Northernmost corner of the United Methodist Church parcel (Document 20933599, MCOR); thence S53°51'45"W, along the Southeasterly line of 6th Street, 100 feet to the TRUE POINT OF BEGINNING; thence continuing on said line for 19 feet to the Westernmost corner of the United Methodist Church parcel; thence S35°58'17"W, parallel with Bullion Street, said line also being Southwesterly line of the United Methodist Church parcel for 102.96 feet to a point on the Northwesterly line of that certain real property conveyed to Randy L. Freitas by Grant Deed recorded January 29, 1997 as Document 970346, Mariposa County Official Records, said point also being the Southernmost corner of the United Methodist Church parcel, thence, N53°50'36"E along said Northwesterly line, said line also being the Southeasterly line of the United Methodist Church parcel, a distance of 51 feet; thence Westerly a distance of 42.42 feet more or less to a point 30 feet Northwesterly of the Southeasterly line of the United Methodist Church parcel and 21 feet Northeasterly of the Southwesterly line of the United Methodist Church parcel; thence N35°58'17" W, parallel to Bullion Street, a distance of 5 feet; thence S53°50'36"W a distance of 2 feet; thence N35°58'17'W, parallel to Bullion Street a distance of 67.95 feet more or less to the TRUE POINT OF BEGINNING.

Containing 2,476 square feet more of less.

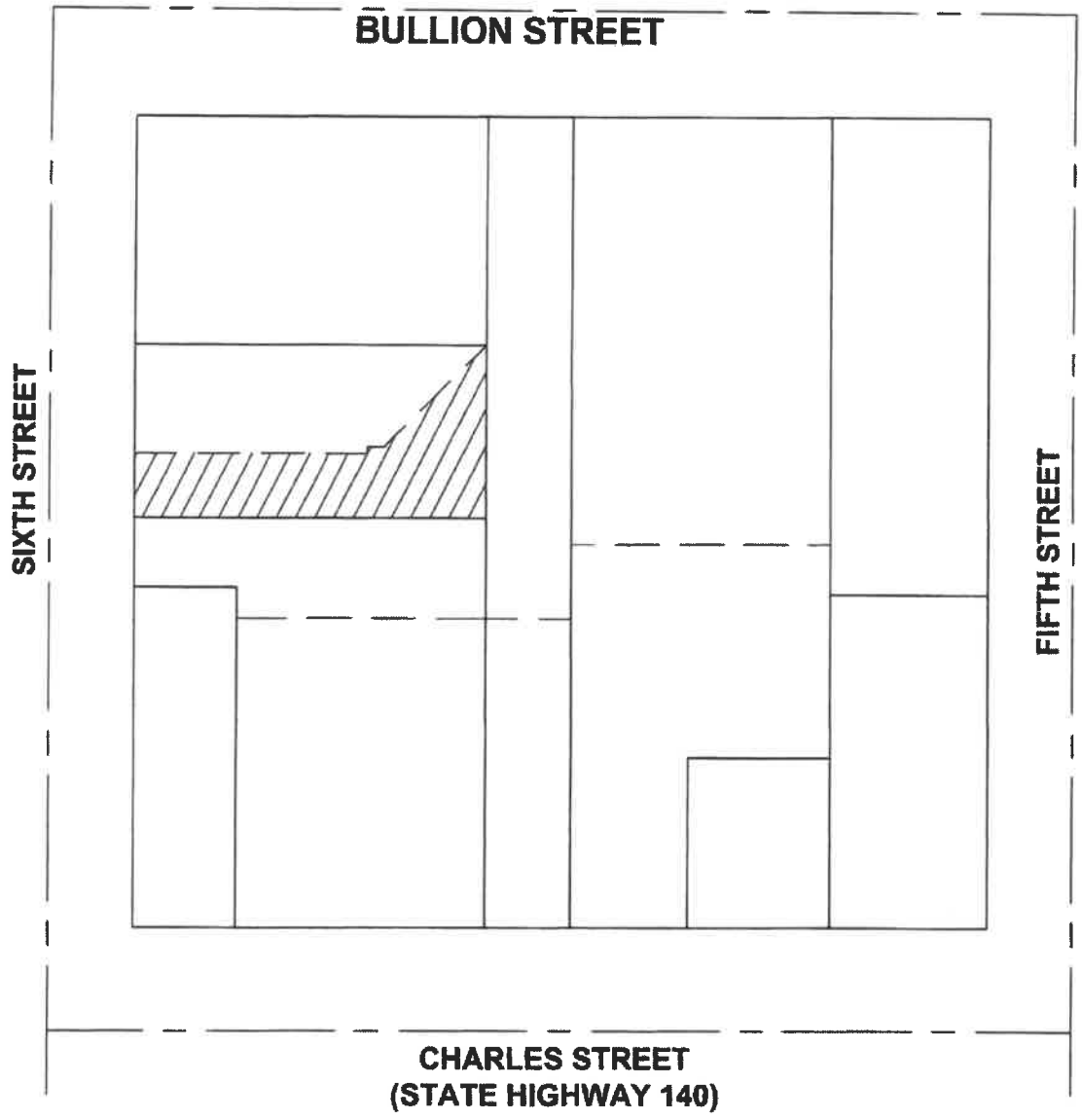
As shown on Exhibit "B" attached hereto and made a part hereof



Date: March 23, 2021

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

EXHIBIT "B"



AREA DESCRIBED IN
EXHIBIT 'A'

WILLDAN Engineering | advancing your reach
13191 CROSSROADS PARKWAY NORTH, SUITE 405
INDUSTRY, CA 91746-3497
(562) 908-6247

SCALE:	1"=50'	DATE: 7-07-2020	
DRAWN BY:	DR	CHECKED BY: PMR	

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

\\ELK-NAS\ELKGROVE\COUNTY OF MARIPOSA\MARIPOSA LEGAL DESCRIPTIONS\07 - OUTSIDE CAD FILES\S01 EXHIBIT B PARCEL 3 AND 4.DWG

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Grant of Easement to the County of Mariposa, a political subdivision of the State of California, by the within instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the County pursuant to authority conferred by the Mariposa County Board of Supervisors Resolution No. _____ adopted on _____, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated _____

_____
Marshall Long, Chair
Mariposa County Board of Supervisors

Recorded at the request of
County of Mariposa

When Recorded Mail to:
Bender Rosenthal, Inc.
Attn: Betsey Cline
2825 Watt Avenue, Suite 200
Sacramento, California 95821

Space above this line for Recorder's Use

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013-183-0150
APN

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **MARIPOSA UNITED METHODIST CHURCH,** a Corporation ("GRANTOR") hereby grants to the **COUNTY OF MARIPOSA,** a political subdivision of the State of California ("GRANTEE"), an EASEMENT for public ingress and egress, public parking, public utility, and appurtenant uses upon, over and across that certain real property in the County of Mariposa, State of California, described as:

FOR LEGAL DESCRIPTION, SEE EXHIBITS "A" AND "B"
ATTACHED HERETO AND MADE A PART HEREOF.

Dated this 2nd day of April, 2021

GRANTOR:
Mariposa United Methodist Church, a Corporation

By: Stephen H. Smallcombe
Name: Stephen H. Smallcombe
Its: Chair Board of Trustees

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Mariposa)

On April 20, 2021 (*Date*) before me, Rhonda Matthews, Notary Public (*Here Insert Name and Title of the Officer*),

personally appeared Stephen H. Smallcombe (*Name(s) of Signer(s)*),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

RHONDA MATTHEWS
Notary Public - California
Mariposa County
Commission # 2261798
My Comm. Expires Nov 4, 2022

Signature Rhonda Matthews
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Easement Deed Document Date: —
Number of Pages: — Signer(s) Other Than Named Above: —

Capacity(ies) Claimed by Signer(s)

Signer's Name:	Signer's Name:
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:

©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

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COMMENCING at the Northernmost corner of said Block 22 said corner also being the Northernmost corner of the United Methodist Church parcel (Document 20933599, MCOR); thence S53°51'45"W, along the Southeasterly line of 6th Street, 100 feet to the TRUE POINT OF BEGINNING; thence continuing on said line for 19 feet to the Westernmost corner of the United Methodist Church parcel; thence S35°58'17"W, parallel with Bullion Street, said line also being Southwesterly line of the United Methodist Church parcel for 102.96 feet to a point on the Northwesterly line of that certain real property conveyed to Randy L. Freitas by Grant Deed recorded January 29, 1997 as Document 970346, Mariposa County Official Records, said point also being the Southernmost corner of the United Methodist Church parcel, thence, N53°50'36"E along said Northwesterly line, said line also being the Southeasterly line of the United Methodist Church parcel, a distance of 51 feet; thence Westerly a distance of 42.42 feet more or less to a point 30 feet Northwesterly of the Southeasterly line of the United Methodist Church parcel and 21 feet Northeasterly of the Southwesterly line of the United Methodist Church parcel; thence N35°58'17" W, parallel to Bullion Street, a distance of 5 feet; thence S53°50'36"W a distance of 2 feet; thence N35°58'17'W, parallel to Bullion Street a distance of 67.95 feet more or less to the TRUE POINT OF BEGINNING.

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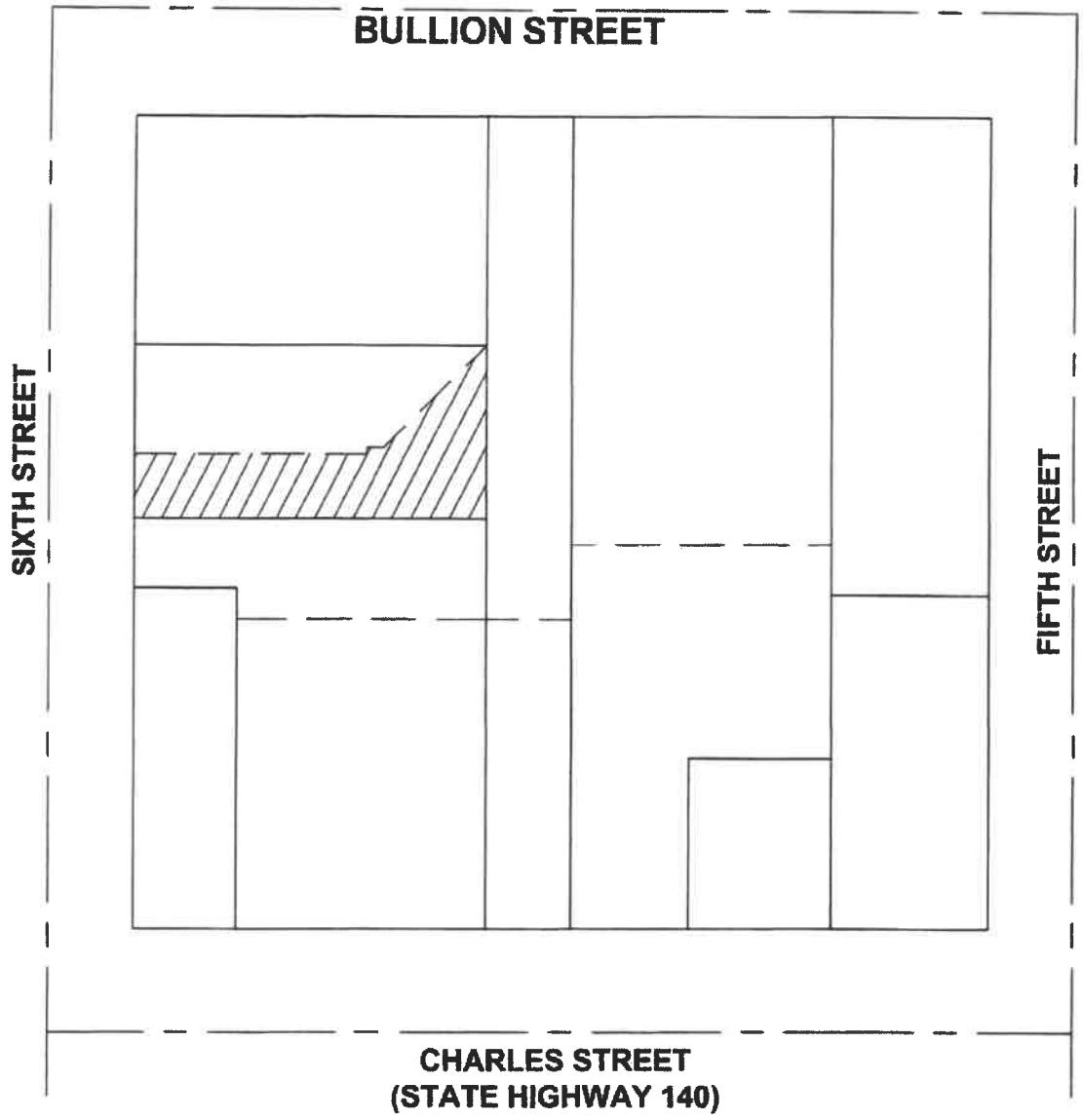
As shown on Exhibit "B" attached hereto and made a part hereof



Date: March 23, 2021

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

EXHIBIT "B"



AREA DESCRIBED IN
EXHIBIT 'A'

WILLDAN Engineering | extending your reach
13191 CROSSROADS PARKWAY NORTH, SUITE 405
INDUSTRY, CA 91748-3467
(562) 908-6247

SCALE:	1"=50'	DATE:	7-07-2020
DRAWN BY:	DR	CHECKED BY:	PMR

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

\\ELK-NAS\ELKGROVE\COUNTY OF MARIPOSA\MARIPOSA LEGAL DESCRIPTIONS\07 - OUTSIDE CAD FILES\SD1 EXHIBIT B PARCEL 3 AND 4.DWG

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Grant of Easement to the County of Mariposa, a political subdivision of the State of California, by the within instrument, the provisions of which are incorporated by this reference as though fully set forth in this Certification, is hereby accepted by the undersigned officer(s) on behalf of the County pursuant to authority conferred by the Mariposa County Board of Supervisors Resolution No. _____ adopted on _____, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated _____

_____

Marshall Long, Chair
Mariposa County Board of Supervisors

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

BRI BENDER ROSENTHAL INCORPORATED

20-041

CHECK REQUEST

Mariposa County Parking District Rehabilitation Project

April 27, 2021

MAIL TO:	**Inter-County Title Co.** Attn: Tonya Lindsey 5160 Bullion Street Mariposa, CA 95338
RE:	Easement Deed
THE SUM OF:	Three Thousand Nine Hundred Dollars and No Cents
TOTAL:	**$3,900.00**
OWNER:	Mariposa United Methodist Church
CHECK PAYABLE TO:	Inter-County Title Company Re: Escrow #M31034
SITE ADDR:	4991 & 4993 6th Street Mariposa, CA 95338
COUNTY:	Mariposa

ALLOCATION(s):		
	Acquisition	$2,800.00
	Escrow Fee	$550.00
	CLTA Policy	$550.00
	Total Due	**$3,900.00**

AUTHORIZED: _____

BY: _____

DATE: _____

PLEASE SEND SIGNED COPY OF FORM VIA EMAIL to b.cline@benderrosenthal.com

Attachment: Parking Easement Procurement Mariposa United Methodist Church (RES-2021-303 : Purchase Permanent Easement for a

MARIPOSA COUNTY

Administration · 966-3222

RESOLUTION - ACTION REQUESTED 2021-288

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: RCRC Broadband Grant

RECOMMENDATION AND JUSTIFICATION:
Approve a Letter of Support for the Golden State Finance Authority's (GSFA) Grant Application to the Economic Development Authority (EDA); Commit to Contribute Approximately $25,000 in Matching Funds; and Commit to Forming a Task Force to Help Develop a Countywide Broadband Plan.

Rural County Representatives of California (RCRC) has proposed to submit a single grant application on behalf of member counties, through GSFA, for the purpose of developing broadband strategic plans for each county (and cities/towns therein). The grant, which would be funded through the U.S. Department of Commerce Economic Development Administration (EDA), would cover 80% of the cost of each countywide broadband plan (approximately $120,000) with the County covering the remaining 20% or approximately $25,000. In this case, the American Rescue Plan Act dollars could be used as match, despite also being federal funds.

Objective 4.3 of the Mariposa County Strategic Plan directs staff to, "work with partners in private industry to expand access to cellular service and business-speed broadband countywide." A countywide broadband strategic plan would enable the County to apply for broadband project implementation funds from various federal agencies including USDA Reconnect and EDA. It could also direct more targeted efforts with private partners interested in particular regions of the County.

Opting in to the grant through RCRC does not prevent the County from participating in the Central Sierra Broadband Roadmap. This project, which covers a five-county region from Alpine to Mariposa, will work as a complement with a countywide broadband strategic plan. Staff understands that other counties working on the Roadmap project, including Tuolumne County, are considering this item today as well.

Participation in this program could limit the impact of individual private companies with interests in Mariposa. The County has been approached by firms interested in designing and building private infrastructure with a combination of public and private funds. These efforts would likely be at least postponed until a plan expressing the

County's priorities and interests could be developed.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Resolution 2020-336 ratified a letter of support for the Central Sierra Broadband Roadmap. Grant funding was later awarded through the federal Economic Development Administration to create a regional plan for five counties from Alpine to Mariposa.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve. Mariposa County will not participate in the RCRC Broadband Planning Grant program.

FINANCIAL IMPACT:
$25,000 would need to be allocated for this project in the FY22 budget

ATTACHMENTS:
2021 Letter of Support for GSFA EDA Broadband Grant Application (PDF)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

Attachment: 2021 Letter of Support for GSFA EDA Broadband Grant Application (RES-2021-288 : RCRC Broadband Grant)

Malinda Matson, Economic Development Representative
U.S. Department of Commerce, Economic Development Administration
915 Second Avenue, Room 1890
Seattle, WA 98174

May 18, 2021

To Whom It May Concern:

The County of Mariposa Board of Supervisors wishes to express its support for the Golden State Financing Authority's grant application for countywide broadband strategic plans. The application meets the EDA's stated desire for programs that create future policies, permitting standards, priorities, business access and social economics for broadband infrastructure and would deliver a valuable guiding document for the County of Mariposa leading to future grants and construction of infrastructure.

Mariposa County has historically lacked affordable, quality, and large-bandwidth internet service. Many households in our region remain completely unserved, while the inconsistency and inequality of services in other areas continue to affect our economy, educational access, social capacity, use of telemedicine, and the safety of our first responders. Additional investment in this area, while desired, has been challenged by long distances, difficult topography and the effects of fifteen (15) local emergencies that have affected our area in the last five years.

Even so, the Mariposa County Board of Supervisors recognizes the importance of broadband infrastructure, and an understanding of the new technologies that may be more accessible for rural areas, to the future of our communities. We are committed to finding the required (20%) match funding for this project and working closely with professionals consulting on the development of a broadband strategic plan.

With appreciation for the EDA's consideration of our application, we join with many of our fellow California counties in supporting this application to fund countywide broadband strategic plans. Thank you for your consideration.

Sincerely,

Marshall Long, Chair

MARIPOSA COUNTY

Administration · 966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: Real Estate Discussion and Direction

RECOMMENDATION AND JUSTIFICATION:

Discussion and direction on real estate status and opportunities.

Staff will present on progress since the last presentation in 2019, current space needs and potential real estate opportunities. Staff is seeking direction from the board of supervisors to know which, if any, should be pursued.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board routinely discusses real estate opportunities as they arise.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A

ATTACHMENTS:
2021 Real Estate Update PowerPoint Presentation(PDF)

RESULT: DIRECTION GIVEN

REAL ESTATE

STATUS OF COUNTY HOLDINGS AND POTENTIAL OPPORTUNITIES

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

FEBRUARY 2019 SPACE NEEDS DISCUSSION

- Eleven (11) offices in rental space
- Medical clinic in an old house
- Need for rapid rehousing facility
- Several offices that weren't ever or no longer were sufficient for staff needs
- Child Support Services, Sheriff, District Attorney, Fire, Human Resources seeking a new location
- Significant deferred maintenance including roofing, HVAC, safety improvements
- 140+ surplus properties (most too small to use)
  - Don Pedro Landfill
  - 300+ acres in Midpines
  - 300+ acres in Hornitos
- Desired land for recreation, development, services

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Purchased the Community Health Center – June 2019



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Remodeled former health clinic for District Attorney and Victim Witness
  - Terminated prior lease for Victim Witness
  - Generated lease revenue from Victim Witness



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Remodeled former District Attorney office for Child Support Services
- Moved CSS out of HHSA facility

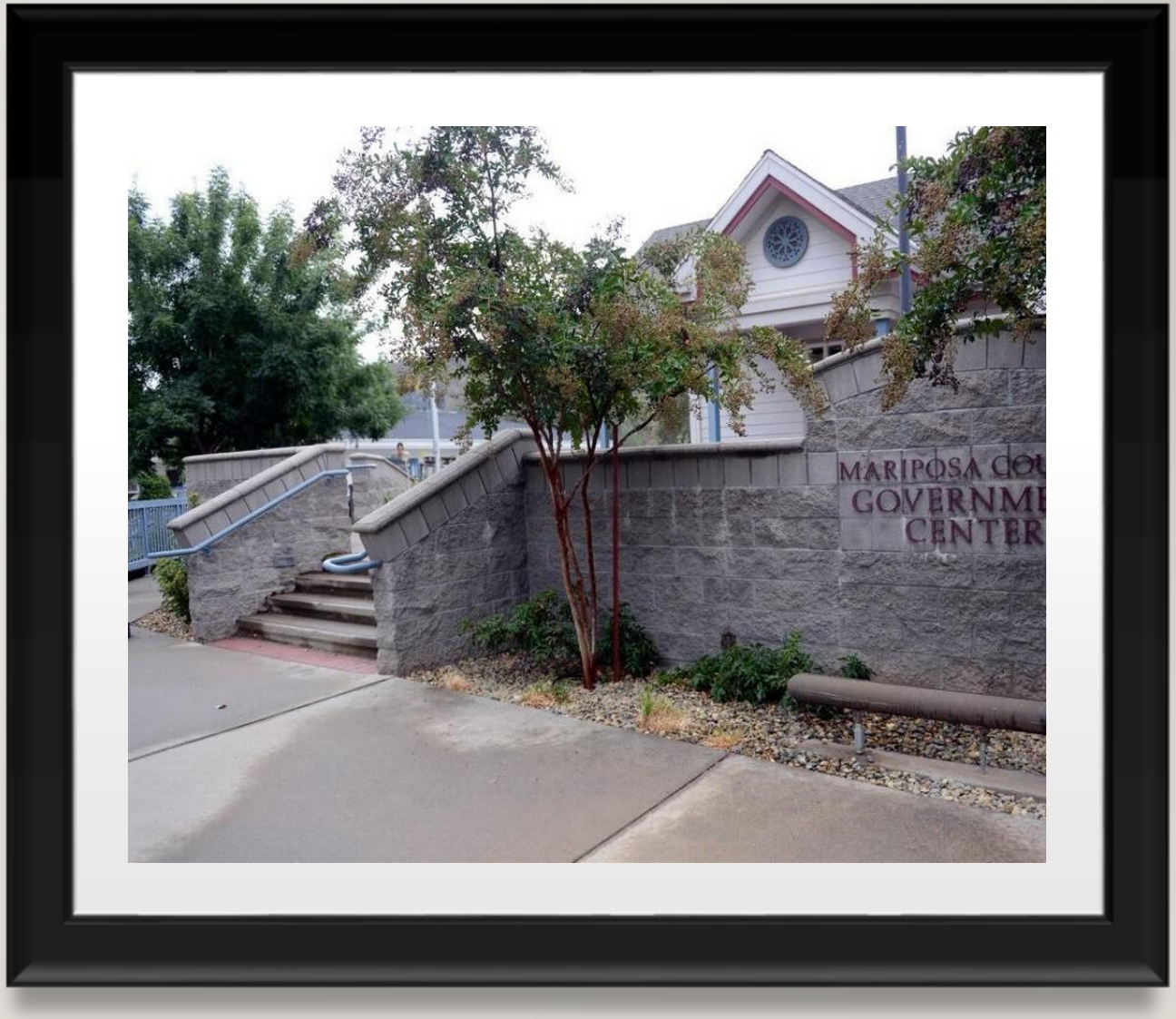




Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Found some space in the Government Center
  - Added an office for assistant county counsel
  - Added small admin conference room
  - Reduced cubicle sizes to fit two additional workstations



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

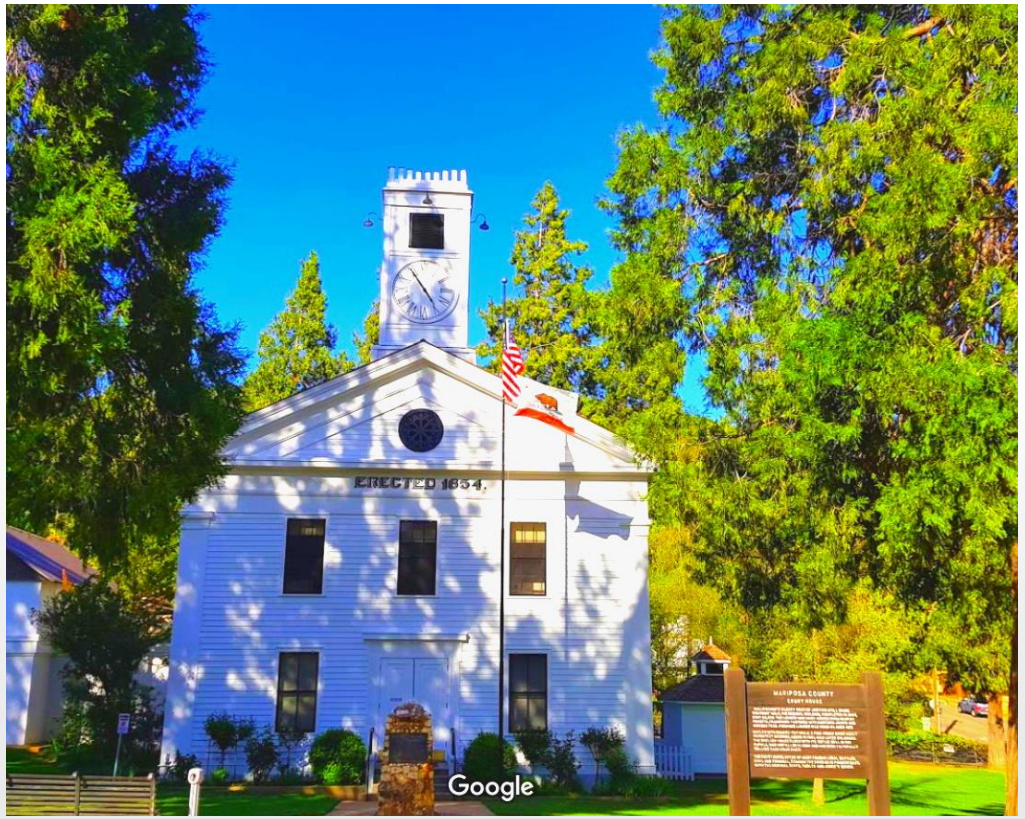
- County Fire moved from Bondshu building to Spring Hill School
  - Structure fire training
  - Wildfire training
  - Multi-agency training



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Spruced up the Courthouse exterior and completed some historic preservation work



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

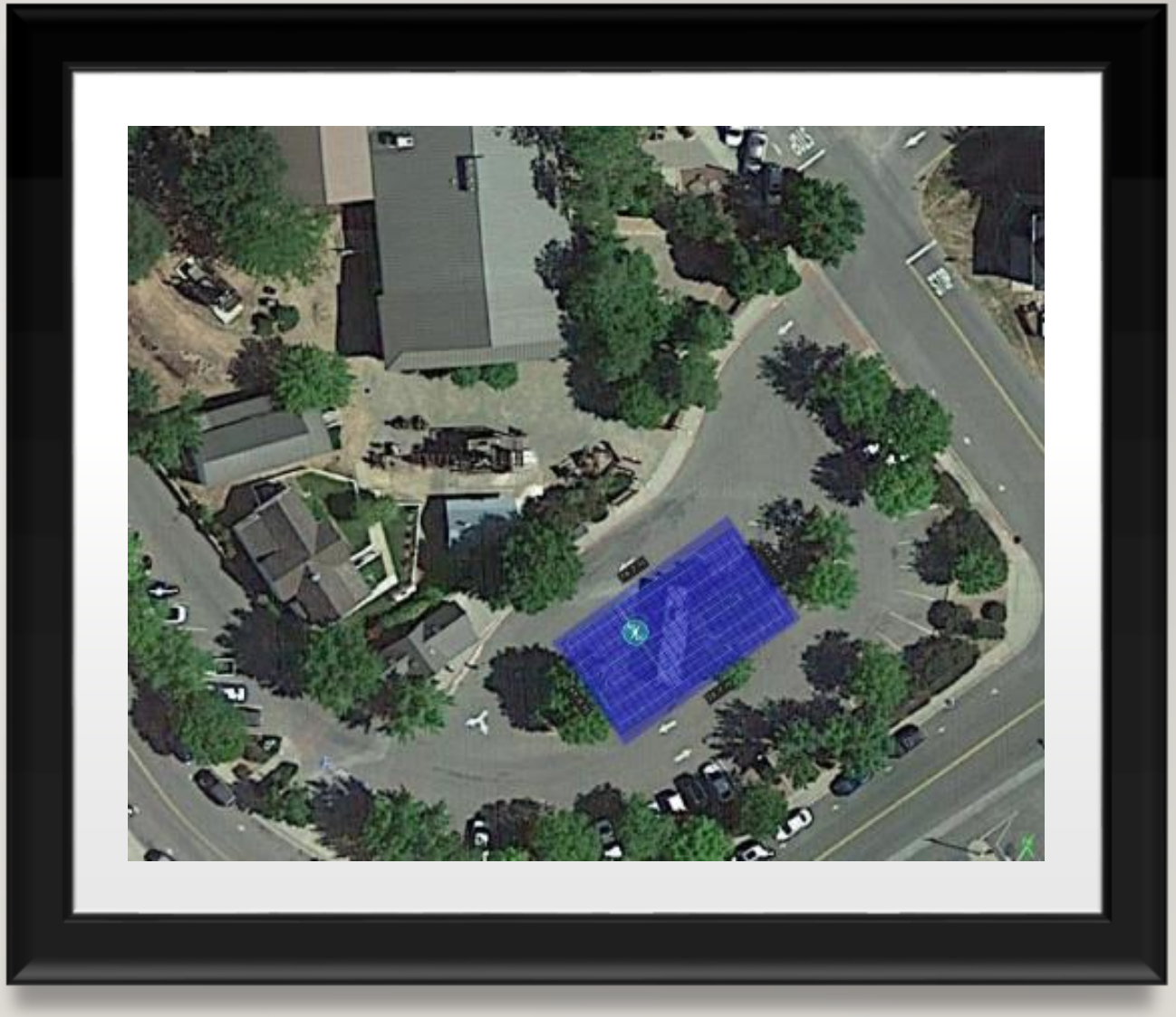
- Acquired 320+ acres for the Mariposa Creek Parkway, mosaic fuel breaks, recreational amenities and other development



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SOME PROGRESS

- Kicked off Energy Savings Pilot Project to create maintenance savings, address HVAC and other issues
- ECAA loan ($3 million at 1% interest) approved May 2021



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

WHERE WE ARE

- Twenty (20) offices in/around the town of Mariposa
- Nine (9) rentals in/around the town of Mariposa
- Two (2) rentals in Coulterville / Greeley Hill
- County owns 140+ surplus parcels
  - Most too small to use
  - Don Pedro Landfill (Tuolumne County)
  - 300+ acres in Hornitos
  - 320 acres in Midpines

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

WHERE WE ARE

- Facilities in need of significant repairs
  - Facilities need roofing, HVAC, safety improvements in excess of $2.8 million
  - Probation housed in old homes that need significant preservation work
  - Sheriff dispatch/evidence and Technical Services building pulling apart
  - Spring Hill School needs more than $750,000 in repairs to electrical, roofing, HVAC, etc.
  - Public Works building needs new septic system
  - Technical equipment is not properly housed (Grand Jury finding)

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

WHERE WE ARE

- Facilities are undersized
  - Government Center was intended to be three stories
  - Sheriff has grown from 64 positions in 2000 to 86 in 2020 (pre-COVID)
    - Includes jail, dispatch, animal control, emergency services, patrol, coroner, strike teams, etc.
  - Health and Human Services has grown from 61 positions in 2000 to 130 in 2016 and 192 in 2020 (pre-COVID)
    - Growth in mandated/funded services related to mental health, social services, public health, etc.
- Impact of telework is not yet completely known
- Impact of new technology (ERP, Office365, etc.) not yet completely known
- Impact of possible organization structure changes not yet known

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Sell surplus property
  - Own more than 1,000 acres
  - Many properties not useable
  - Market is high now
- Need staff time or contracted labor to get properties to market



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

5101 Bullion Street, Mariposa

- Across from Government Center
- Court invested $245,296.74 toward purchase, potential future courthouse
- Courthouse could include space for DA and/or Probation
- Transportation planning
- Temporary park space (?)



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Space behind Probation
  - Room for a consolidated Probation office
  - Could repurpose juvenile hall
  - Implement improved security features and protocols



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

Spring Hill School, Mariposa

- Needs ~$780,000 in repairs
- School district cannot fund repairs
- Space for additional offices
- Space for multiagency training
- Potential agreement for reimbursement of repairs if County Fire leaves site

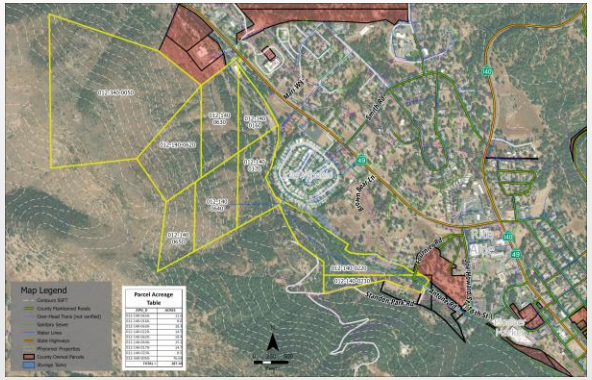


Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Pfremmer Property
  - Includes a warehouse
  - Future site of Mariposa Creek Parkway
  - Potential for housing, new sheriff's office, recreation center/amenities, businesses
  - Needs a road and upgraded utilities

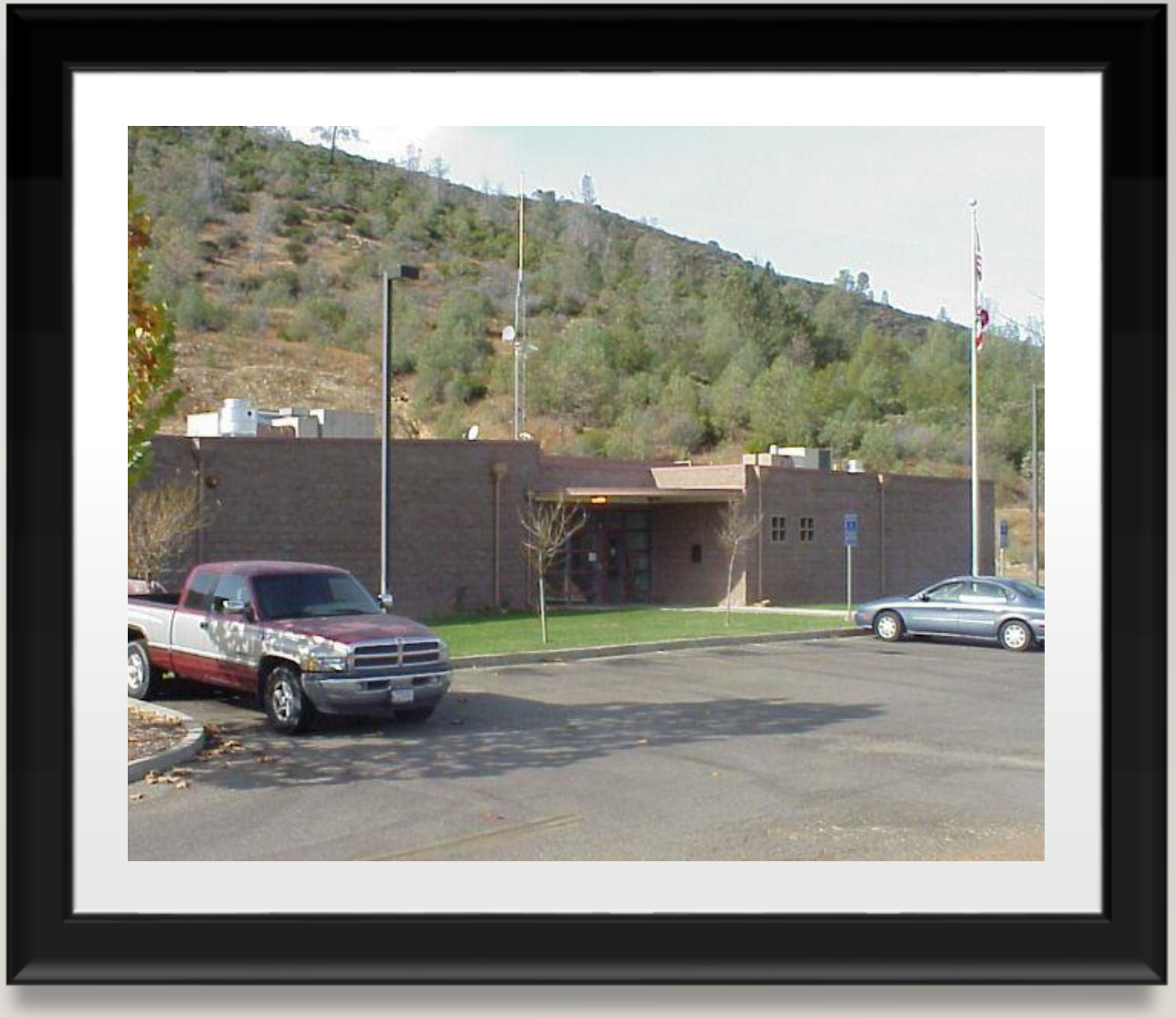




Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- 5379 California 49, Mariposa
  - Five acres adjacent to County Jail (north)
  - Last parcel on MPUD service map
  - Sloped, would need to be leveled



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

5078 Bullion Street

- Home of Emergency Services
- Does not comply with ADA
- Previously offered to County, could not agree on price



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

Field of Dreams, Mariposa

- Acquired with grant requiring recreational use
- Temporary homeless camp
- Recreational use provision expires 2025



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

5087 Saint Andrews Road

- Stanislaus Housing Authority
  - 6 homes for rapid rehousing
- Near hospital, other affordable housing



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Project Homekey II
- Funds available for purchase or construction of housing
- Intended primarily to address homelessness



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Yosemite West Sewer Treatment LLA
  - Increase capacity by ~15%
  - Divert traffic from facility



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

POTENTIAL OPPORTUNITIES

- Satellite Offices
  - Developer approached County about a site in Greeley Hill
  - Need for analysis of service demand
  - Several areas are an hour or more from Mariposa



Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

SEEKING DIRECTION

- Organization study
- Space needs analysis
- Sale of surplus property
- Real estate priorities
- Other direction

Attachment: 2021 Real Estate Update PowerPoint Presentation (11800 : Real Estate

MARIPOSA COUNTY

Board of Supervisors · 209-966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Marshall Long, District III Supervisor

RE: Tourism Bureau Presentation

RECOMMENDATION AND JUSTIFICATION:

Receive an update from the Yosemite Mariposa County Tourism Bureau (YMCTB) Executive Director. (Board Chair)

The presentation is expected to include:

1. A report on completed spending for the 2020/2021 $50,000 Agreement with the Yosemite - Mariposa County Tourism Bureau, and

2. An overview of planned efforts and outline of the YMCTB Draft 2021/2022 Marketing Plan and Budget.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has received similar updates from this and other organizations in the past.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

No action is requested at this time. However, if the Board does not receive the presentation, they will miss the opportunity to be updated by the YMCTB.

RESULT: INFORMATION RECEIVED

MARIPOSA COUNTY

Board of Supervisors · 209-966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Marshall Long, District III Supervisor

RE: Performance Evaluation - Building Director

[ ] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

[ ] Initiating of litigation pursuant to subdivision (c) of Government Code section 54956.9.
Number of cases to be discussed: 1

[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:**
(Government Code Section 54957 (b) (1))
_____

[X] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review: Building Director (Government Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:_____
Agency negotiator: _____
Closed session will concern: ( ) price; ( ) terms of lease/purchase.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

Agenda Item - No Resolution Requested

RESULT: CLOSED SESSION HELD

MARIPOSA COUNTY

Board of Supervisors · 209-966-3222

MEETING: May 18, 2021

TO: The Board of Supervisors

FROM: Marshall Long, District III Supervisor

RE: Performance Evaluation - Health and Human Services Agency Director

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[ ] **CONFERENCE WITH LEGAL COUNSEL**:

[ ] **Existing Litigation:**
[ ] Disclosure will jeopardize existing settlement negotiations.

[ ] **Anticipated Litigation**
[ ] Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9.
Number of cases to be discussed:

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[ ] **CONFERENCE WITH COUNTY LABOR NEGOTIATOR**
Name of Employee Organization:_____
Name of County Designated Representative:_____
Title(s) of unrepresented individuals with whom negotiations are being conducted:_____

[ ] **PUBLIC EMPLOYEE EMPLOYMENT TITLE OR POSITION TO BE FILLED:** _____
(Government Code Section 54957 (b) (1))
_____

[X] **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Position of employee under review: Health and Human Services Agency Director (Gov. Code Section 54954.5)

[ ] **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** (Government Code Section 54954.5)

[ ] **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Description of real property:_____
Agency negotiator: _____
Closed session will concern: ( ) price; ( ) terms of lease/purchase.

[ ] **THREAT TO PUBLIC SERVICE FACILITIES**
Name of law enforcement agency involved:_____
Title of officer of law enforcement agency:_____

[ ] **LICENSE/PERMIT DETERMINATION**
License or Permit applied for:_____
Number of license or permit applicants:_____
Name of applicant(s):_____

Agenda Item - No Resolution Requested

RESULT: CLOSED SESSION HELD