



North Tahoe and Meeks Bay Fire Protection Districts



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Michael S. Schwartz, Fire Chief

May 29, 2020

Edith Hannigan, Land Use Planning Program Manager
Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

RE: California Code of Regulations, Title 14

Dear Ms. Hannigan:

As the Fire Marshal for North Tahoe and Meeks Bay Fire Protection Districts, I am writing in regard to our District's responsibility in relation to California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2. Fire Safe Regulations.

As you are aware, on January 1, 2020 Title 14 had some important changes, specifically the 30-foot building setback being imposed on all parcels.

Although Title 14 provides an exception process to meet same practical effect of the setback, many members in the building community have expressed concern over the process. I have been fielding countless inquiries and email communication from both building professionals and the Contractor Association of Truckee Tahoe.

In understanding that Title 14 is adopted by the Board of Forestry and enforced by the local CAL FIRE Unit, we communicated early with Board of Forestry and CAL FIRE staff to determine a process for how to handle project approval. As this process was developed and refined, our District worked cooperatively with CAL FIRE and project applicants to help understand Title 14, the exception process, and have coordinated communication with CALFIRE personnel. This was successful in both El Dorado and Placer Counties with 17 approved projects this year.

After a recent review of Title 14 with our legal counsel, we have now determined that our District does not meet the definition of "Local Jurisdiction" found in Title 14 and therefore has no responsibility to enforce Title 14 or to require a CAL FIRE approval on residential or commercial projects. Our legal

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counsel has determined that Placer and El Dorado Counties meet the definition of “Local Jurisdiction” found in Title 14 CCR § 1271.00. Definitions.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

In closing, we are open to discussing other interpretations by your staff or counsel, but at this time our District will no longer require CALFIRE approval related to Title 14 exceptions.

Sincerely,

Steve McNamara

Division Chief/Fire Marshal

cc: Michael Schwartz, Fire Chief, North Tahoe Fire/Meeks Bay Fire Protection District
Brian Estes, Unit Chief, CAL FIRE Nevada Yuba Placer Unit
Scott Lindgren, Unit Chief, CAL FIRE Amador El Dorado Unit
Carmel Barnhart, Battalion Chief, CAL FIRE, Land Use Planning Program
Tim Wegner, Building Official, Placer County
Tom Burnette, Building Official, El Dorado County