

State of California
Office of Administrative Law

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In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 1265.03

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

BOARD OF FORESTRY AND FIRE PROTECTION

Government Code Section 11349.3

OAL Matter Number: 2019-0904-03

OAL Matter Type: Regular (S)

The Board of Forestry and Fire Protection (Board) proposed this action to amend a section of the Board's Safety Element Review regulations. The amendments include a Board option for a consultation with a local jurisdiction's board of supervisors or city council members if the local jurisdiction did not accept the Board's recommendations to improve wildland fire risk reduction or mitigation in the jurisdiction's adoption or amendment of its general plan safety element.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2020.

Date: October 16, 2019

Richard L. Smith

Richard L. Smith
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Matt Dias, Executive Officer

Copy: Edith Hannigan

1 **Board of Forestry and Fire Protection**
2 **Title 14 of the California Code of Regulations (14 CCR),**
3 **Division 1.5, Chapter 7, Article 6.**
4 **Safety Element Review**

5
6 § 1265.03. Safety Element Review Response.

7 (a) Prior to the adoption of its draft of or draft amendment to,
8 or annexation of or appendix to, a local jurisdiction's safety
9 element, the board of supervisors of a county or the city
10 council of a city shall consider the recommendations, if any,
11 made by the Board and any local agency that provides fire
12 protection to the territory in the city or county.

13 (b) If the board of supervisors or city council determines not
14 to accept all or some of the recommendations, if any, made by
15 the Board or local fire agency, the board of supervisors or city
16 council shall communicate in writing to the Board and/or the
17 local fire agency its reasons for not accepting the
18 recommendations to the postal or email address stated in section
19 1265.01, subdivision (c).

20 (c) The Board, within fifteen (15) business days of receipt of
21 the board of supervisors' or city council's written response,
22 may request in writing a consultation with the board of
23 supervisors or city council to discuss the Board's
24 recommendations and the board of supervisors' or city council's
25 response.

1 (1) This consultation shall occur no later than thirty (30)
2 business days after the Board's request.

3 (2) The consultation may be conducted in person,
4 electronically, or telephonically.

5 (3) If a consultation is requested by the Board, the board
6 of supervisors or city council shall not approve the draft
7 element or draft amendment until after the consultation takes
8 place.

9 ~~(e)~~(d) If the Board's or local fire agency's recommendations are
10 not available within the time limits required by section
11 1265.02, subdivision (a), the board of supervisors or city
12 council may act without those recommendations. The board of
13 supervisors or city council shall take the recommendations into
14 consideration the next time it considers amendments to the
15 safety element.

16 Note: Authority cited: Section 65302.5, Government Code; and
17 Section 4111, Public Resources Code. Reference: Section 65302.5,
18 Government Code.