

Article 6. Road Specifications

Sec. 9-4.601. Public and Private Road Specifications.

- (a) Public and private roads shall be built or improved to the specifications set forth in this Article.
- (b) Any developer, person, or organization that offers for dedication to the public any road shall first improve the road according to these specifications. If new road specifications are enacted after approval of a development, those specifications in effect at the time of approval of the development shall apply.
- (c) Roads within or required to serve any development which are not offered for dedication to the public shall be improved by the developer according to the standards for their class and to these specifications. If new road specifications are enacted after approval of a development, those specifications in effect at the time of approval of the development shall apply.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.602. Right-of-way.

The width of right-of-way of all roads outside of the incorporated limits of any city in the County shall be as set forth in Article 5 of this chapter. Additional width may be required to accommodate cuts and fills.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.603. Clearing of the right-of-way.

The width of clearing of the right-of-way shall be the width of the roadbed plus the width of cuts and fills plus the clearing limit, all as set forth in Article 5 of this chapter, except that public safety may require the removal of dead or dying trees beyond the limits of construction. The minimum clearing limit may be waived for the preservation of individual trees that are of exceptional size or beauty, but under no circumstance will any trees be allowed within three (3') feet of the edge of traveled way. All due consideration shall be given to the protection of trees from damage during construction. In flat land, the clearing limit shall be measured from the bottom of the ditch. Disposal of flammable vegetation and fuels removed during road construction shall be completed before completion of road construction.

(§ 1, Ord. 87-662, eff. June 4, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.604. Design standards.

- (a) The widths of roadbeds, shoulders, pavement and clearing limits shall be set forth in Article 5 of this chapter, dependent upon the classification of the road and projected ADT.
- (b) In addition, the requirements set forth in this section shall be met.
- (c) The roadbed shall be in the center of the right-of-way except where excess width of right-of-way is required to accommodate cuts or fills, or where in the opinion of the Director of Public Works topography precludes the desirability of the required coincidence, or where it is desirable to preserve individual trees of exceptional size or beauty.
- (d) The geometric design of roadbeds shall be such as to accommodate a minimum speed of twenty-five (25) miles per hour, except the minimum design speed for rocked surfacing shall be fifteen (15) miles per hour and the minimum design speed for major thoroughfares shall be thirty to fifty (30-50) miles per hour, in accordance with

engineering practice. An additional surface width of four (4') feet shall be added to curves of fifty to one hundred (50-100') feet radius, and two (2') feet shall be added to curves of 100 to 200 feet radius.

- (e) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet.
- (f) Roadway grades shall not exceed seven (7%) percent for public roadways and thirteen (13%) percent for private roadways, except with written permission of the Director of Public Works and either the chief of the appropriate structural fire protection agency or, if the roadway is not within the boundaries of such an agency, the County Fire Warden. Roadway grades shall not exceed sixteen (16%) percent.
- (g) All gutters, drains, culverts and bridges shall be installed as shown on the approved plans. All bridges shall be built with an 80,000 pound H2O design load on the approved plans. All drainage facilities shall have a minimum longitudinal grade of one-quarter (0.25%) percent.
- (h) Cut sections shall have a three to one (3:1) side slope between the outer shoulder edge and flow line of the side ditch, and cut and fill slopes shall be two to one (2:1) except where the condition of a cut in rock can be shown to be stable at steeper slopes, in which case the approval of the Director of Public Works shall be required.
- (i) The maximum length of dead-end roads, including all dead-end roads accessed from that dead-end, 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

- (1) All lengths shall be measured from the edge of the roadway 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.
 - (2) Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
 - (3) Each dead-end road shall have a turnaround constructed at its terminus.
- (j) The roadbed shall have the necessary base material placed and compacted for the full roadbed width, and shall be surfaced for the entire length of the road for a width as set forth in Article 5 of this chapter.
 - (k) All Class 8 Roads shall connect to a two-lane roadway at both ends, shall not exceed 2,640 feet in length, and shall have a turnout constructed at the approximate midpoint.
 - (l) Class 11 Driveways exceeding 150 feet, but no more than 800 feet, shall provide a turnout near the midpoint of the driveway. Where a Class 11 Road exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. A turnaround shall be provided at all building sites on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (§ 1, Ord. 87-662, eff. June 4, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991; § 1, Ord. 92-783, eff. July 9, 1992, and § 2, Ord. 02-975, eff. October 2, 2002)

Sec. 9-4.605. Inspection.

Each phase of construction must be inspected by a representative of the Department of Public Works. The phases of construction are: Clearing, grading, subbase, base and paving or surfacing. When the contractor or developer requires such inspection, he shall notify the Department of Public Works of his requirement in writing or by telephone call not less than five (5) working days prior to the time that he would like to have the inspection made, and in advance of starting his next phase of construction. Inspection will be made within three (3) working days after completion of the construction phase requiring inspection.

Written reports on the results of the inspection will be available to all parties concerned within thirty-six (36) hours after the field inspection is made. The contents of the report shall be defined by the Engineering Station, or relationship to street or highway intersections if stationing is not available.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.606. Construction standards.

The structural section of the roadbed shall conform to the following thicknesses, or alternative thicknesses, utilizing the California Design Method (R values) and approved by the Director of Public Works:

- (a) **Clearing of the right-of-way.** All objectionable material shall be removed from that portion of the right-of-way to be utilized for construction, including but not exceeding the clearing width set forth in Article 5 of this chapter.
- (b) **Subgrade.** Fill shall be placed and compacted in layers not to exceed eight (8") inches thick. Large boulders, lumps of earth, and other unsuitable materials that will interfere with proper grading and compaction shall be removed and disposed of. Fill material shall be moistened so that a relative compaction of at least ninety (90%) percent is attained. The subgrade shall be crowned two (2%) percent for cross drainage, or as directed by the Director of Public Works.
- (c) **Culverts.** Necessary culverts shall be installed before applying subbase or base rocks, and the backfill shall be compacted to a relative compaction of at least ninety (90%) percent. The minimum size of culvert shall be eighteen (18") inch by eleven (11") inch arch, or fifteen (15") inch round. If concrete culvert pipe is used, that part under the roadbed must be the reinforced heavy wall type. Culverts shall have a minimum cover of twelve (12") inches below the surface. Culverts shall be located and sized in conformance with an engineered drainage plan for the road.
- (d) **Subbase course.** The subbase course shall be not less than six (6") inches thick and shall extend for the full graded width of the roadbed and for the entire length of the road. It shall consist of aggregate that meets the following specifications and shall be compacted (rolled) to ninety-five (95%) percent relative compaction.

<u>Size</u>	<u>Percentage of Passing</u>
3 inches	90-100
1-1/2 inches	85-100
3/4 inches	50-85
No. 200	2-9

If preliminary tests show an absence of any rock larger than one and one-half (1-1/2") inches in the subbase material, the full eight (8") inches of aggregate may be constructed of the one and one-half (1-1/2") inch material.

- (e) **Base course.** The course shall have a minimum thickness of two (2") inches and shall extend for the full graded width of the roadbed and for the entire length of the street or highway. It shall consist of aggregate that meets the following specifications, and shall be compacted (rolled) to ninety-five (95%) percent relative compaction.

<u>Size</u>	<u>Percentage of Passing</u>
1 in.	100
3/4 in.	87-100
No. 4	30-60
No. 30	5-35
No. 200	2-9

The base course may be eliminated if the subbase course is eight (8") inches thick and is composed of minus one and one-half (1 1/2") inches aggregate.

- (f) **Prime coat.** The grading plane after proper preparation shall be primed with at least one coat of MC-250 or SC-70, as approved by the Director of Public Works, or equivalent unless waived by the Director of Public Works. Application shall be at one-quarter (0.25 gal/sq yard) gallons per square yard, applied at a minimum temperature of 150 degrees F and an air temperature of not less than 65 degrees F. The prime coat shall be let penetrate until the surface is dry.
- (g) **Paving.** Asphalt concrete material shall be applied in two separate equal depth lifts. Each lift shall be to a compacted depth of 0.13 feet (0.0396 meters). The total depth of asphalt concrete shall be a minimum of 0.26 feet (3.12 inches or 0.0792 meters) when compacted to 95% relative compaction. The paving material shall consist of Type B three-fourths inch (3/4") maximum medium aggregate, with AR2000 Grade paving asphalt. All material and application shall conform to Section 39 of the California Standard Specifications for Highways. Any variation of these requirements must be approved by the Public Works Director.
- (h) **Class 9 Roads.**
- (1) For roads of Class 9, rock base material for construction shall be of Class 2 aggregate base as established by the State of California, Department of Transportation specifications.
 - (2) Road compaction shall be accomplished by wetting and rolling the surface course to obtain a dense smooth surface. Where the natural road material and subgrade is of a structural or quality which essentially conforms to the above specifications, the Director of Public Works or his designated representative may allow the construction with local natural materials. In all cases the roadway shall be graded, compacted and built up to provide positive drainage off the roadway with necessary ditches and with engineered culverts at low points to carry storm water along and under the road.
 - (3) Other than as set forth in (1) and (2) above, the standards as set forth for other road classes shall be met.
- (i) **Field testing costs.** Field testing costs which arise from construction or improvements resulting from a development shall be borne by the developer.

- (j) **Conformance with State specifications.** Unless otherwise noted in these specifications, all materials and construction methods shall conform to the current California State standard specifications for highways.

(§ 1, Ord. 87-662, eff. June 4, 1987; as amended by § 1, Ord. 96-874, eff. December 5, 1996)

Sec. 9-4.607. Improvements to existing roads.

- (a) All developments directly benefited by a precise planned road other than a major thoroughfare must:
 - (1) Dedicate right-of-way on-site as necessary to conform to the appropriate standard; and
 - (2) Pay into the County Road Fund a sum of money equal to the prorated share of the benefit received by the road; or
 - (3) Construct a portion or all of the road; or
 - (4) A combination of (2) and (3) above.
- (b) The prorated share of the benefit received by the road shall be calculated in one of the following ways:
 - (1) The prorated share shall equal the predicted traffic volume on the road arising from the development divided by the projected traffic volume for the road and multiplied by the cost of improvement of the road to the standards for its class, as set forth in Article 5 of this chapter.
 - (2) The prorated share shall equal the predicted traffic volume on the road arising from the development divided by the existing traffic volume for the road and multiplied by the cost of improvement of the road to the minimum standards for its class, as set forth in Article 5 of this chapter.
 - (3) The prorated share for development in Commercial, Industrial or Recreation Areas shall equal the acreage of the development divided by the Commercial, Industrial and Recreation Area acreage served by the road multiplied by the cost of improvement of the road to the minimum standards for its class, as set forth in Article 5 of this chapter, after the cost of improving the road to the minimum standards for the class it would be if it did not serve any Commercial, Industrial or Recreation Areas is subtracted from the cost of improving the road to the minimum standards for its class. This hypothetical classification shall be based upon the projected traffic volume for the road and the provisions of Article 4 of this chapter.
 - (4) The prorated share shall equal the predicted traffic volume on the road arising from the development divided by the projected traffic volume for the road and multiplied by the cost of improvement of the road to the minimum standards for its class, as set forth in Article 5 of this chapter, based upon a specific traffic analysis for the development and roads in the area.
- (c) The method used to calculate the prorated share of the benefit received by a road shall be determined by the person or body approving the development. The Director of Public Works shall recommend the method to be used to calculate the prorated share of the benefit received by a road and shall calculate that share.
- (d) The cost of improvement shall be based on a cost estimate prepared by the developer's engineer and mutually agreed upon by the developer and the Director of Public Works. The cost estimate shall be provided with the project application.

- (e) Predicted traffic volume, projected traffic volume and the Commercial, Industrial and Recreation Area acreage served by a road shall be determined as set forth in Article 7 of this chapter.
 - (f) In the event the developer's prorated share exceeds fifty (50%) percent of the total cost of improvement, the required improvements shall be completed for the subject portion of the road.
 - (g) It shall be the County's prerogative that whenever any work on an existing County road is to be partially financed by the County, the County may elect to do the work with its own forces. Otherwise the improvement work within a development shall be done by the developer's contractor.
 - (h) All developments directly benefited by a private road shall make whatever improvements are necessary to bring the road into conformance with the class necessary to serve such developments.
- (§ 1, Ord. 87-662, eff. June 4, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Article 7. Traffic Volume

Sec. 9-4.701. Traffic volume.

Traffic volume shall be expressed in ADT. (Average Daily Traffic).
(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.702. Existing traffic volume.

The existing traffic volume for a road shall be the higher of the actual summer ADT. and the estimated winter ADT. listed for that road in General Plan Appendix III, County Road Condition Status Report.
(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.703. Projected traffic volume.

The projected traffic volume for a road shall be:

- (a) Based on the maximum potential number of dwelling units served by that road based on the planned density of development of the areas to be served as determined by the General Plan designation of areas to be served. The projected traffic volume from areas to be served shall be calculated as follows:
 - (1) The maximum potential number of dwelling units within two (2) road miles of a United States Post Office shall be multiplied by eight (8).
 - (2) The maximum potential number of dwelling units between two (2) and four (4) road miles of a United States Post Office shall be multiplied by five (5).
 - (3) The maximum potential number of dwelling units more than four (4) road miles from a United States Post Office shall be multiplied by two (2).
 - (4) The figures resulting from the above procedure shall be added and shall be the projected traffic volume for the road in ADT.
- (b) The predicted traffic volume arising from a development shall be calculated as follows:
 - (1) If any portion of development is within two (2) road miles of a United States Post Office, the traffic volume arising from the development equals the proposed number of lots or dwelling units times eight (8).
 - (2) If all of the development is more than two (2) road miles from a United States Office and if any portion of the development is within (4) road miles of a United States Post Office, the traffic volume arising from the development equals the proposed number of lots or dwelling units times five (5).
 - (3) If all of the development is more than four (4) road miles from a United States Post Office, the traffic volume arising from the development equals the proposed number of lots or dwelling units times two (2).
 - (4) The figures resulting from the above procedure shall be the predicted traffic volume arising from the development in ADT.
- (c) The Commercial, Industrial and Recreation Area acreage served by a road shall be that listed for that road in General Plan Appendix III, County Road Condition Status Report.
- (d) The projected traffic volumes calculated by the above methods may be adjusted in specific cases where actual traffic count or analyses or both of comparable traffic situations yield alternative values.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Article 8. Private Roads

Sec. 9-4.801. Private Roads.

Private roads are those not dedicated to and not accepted by the public.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.802. Maintenance.

- (a) In all developments created either by parcel map, subdivision map, planned development permit, court order, or by other operation of law, the maintenance of private roads shall be the responsibility of the developer or the subsequent lot owners or both.
- (b) The responsibility and obligation shall be enumerated in one or more of the following manners:
 - (1) An incorporated entity, such as a homeowners association; or
 - (2) Another unincorporated business entity, such as an association, partnership, or recorded agreement; or,
 - (3) By a recorded restrictive covenant, containing language, binding the subsequent owners, other than the developer such as a covenant or restriction running with the land; or,
- (c) The advisory agency shall have the authority to approve the appropriate type of entity or document required, at the time of subdivision approval. The approval shall be based on the size, the location of the development and other topographical and environmental considerations.
- (d) In cases of disagreement in the aforementioned selection process, between the subdivider and the advisory agency, the Board of Supervisors shall make the final decision, upon application of the subdivider, in accordance with Plumas County Code Section 9-3.605.
- (e) Any and all documents, be they corporate, agreement, covenant or otherwise, shall contain the language of the California Civil Code Section 845 and shall contain specific language placing the owners on notice that the County of Plumas disclaims any and all responsibility for the construction or maintenance or both of roads not dedicated to the public.
- (f) The enabling document of the entity, corporation, agreement or covenant shall be approved by the County Engineer or the County Counsel or both prior to the recording of final map, parcel map, or other development document.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.803. Rights-of-way.

Rights-of-way for private roads and streets in developments may be easements recorded for the benefit and enjoyment of the lot owners or effective within, or adjoining the development or both, as specified in the County Subdivision Ordinance. Such easements shall be delineated on the map. The following note shall be placed on an Additional Information Map or Additional Information Document for any map using private roads for access:

Roads shown hereon are private easements not subject to improvement or maintenance by Plumas County. Such easements will not become effective unless and until reservations and grants are included in the respective deeds.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.804. Forest Service roads.

If a development is using Forest Service roads for access, the following note shall be placed on an Additional Information Map or Additional Information Document for the respective map:

Access to the property shown hereon is over a Forest Service road which is subject to the jurisdiction of the U. S. Department of Agriculture and could be subject to closures. Maintenance is not guaranteed.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Article 9. Access

Sec. 9-4.901. Access.

All developments must have access as required by the General Plan.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.902. Prime Opportunity.

- (a) All developments in Prime Opportunity Areas shall have access by a paved roadway maintained year-round by the State, County or a private association.
- (b) All internal roadway systems in developments shall be paved and improved to the standards for their class.
- (c) Parking lots, whether providing on-site parking or independent of other uses, shall be paved.
- (d) All developments shall make provisions for access to any adjacent lands which are not served by or shown on a planned roadway alignment to be served by another paved public roadway.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.903. Moderate Opportunity.

- (a) Roads serving Commercial and Industrial parcels shall be paved before issuance of building permits for those parcels.
- (b) All developments in Prime Expansion Areas shall have access by roads with grades and rights-of-way conforming to standards applied to roads within Prime Opportunity Areas.
- (c)
 - (1) All parcels within developments in Suburban Areas shall be served by paved maintained roads designed and constructed to County Public Road Standards.
 - (2) In all developments in Suburban Areas, provision shall be made for future access to roads from adjacent Prime and Moderate Opportunity Areas.
- (d) All parcels within developments in Agricultural Buffer Areas shall be served by a public or private road connecting to a paved, maintained County road or State highway.
- (e) All parcels within developments in Secondary Suburban Areas shall be served by a paved, maintained County road or State highway or by a public or private road connected to a paved, maintained County road or State highway.
- (f) All parcels within developments in Rural Areas shall be served by a public or private road connecting to a paved maintained County road or State highway.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.904. Limited Opportunity.

- (a) All developments shall have legal access by means of Forest Service roads, private road easements or public roads.
- (b) All parcels within developments shall be provided access by a roadway.
- (c) If roads are not in existence, they shall be provided before development.
- (d) Legal access by means of Forest Service roads is:
 - (1) Access by a Forest Development Transportation System Road if rights-of way exist across all private lands to a County Road or a State Highway.
 - (2) Access by a non-system road of National Forest Lands if a use permit is issued by the Forest Service.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.905. Forest Service roads.

Forest Service roads do not satisfy access requirements for developments outside Limited Opportunity Areas except where a development has an irrevocable right to use the road.

(§ 1, Ord. 87-662, eff. June 4, 1987)

Sec. 9-4.906. Identification.

- (a) All access roads shall be marked with a sign approved by the Director of Public Works.
- (b) All lots shall be identified by a street address assigned by the Planning Director.
- (c) Road signs shall be located at intersections of roads.
- (d) Signs identifying traffic access or flow limitations shall be placed:
 - (1) At the intersection preceding the traffic access limitation; and
 - (2) No more than 100 feet before the traffic access limitation.

(§ 1, Ord. 87-662, eff. June 4, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.907. Bridges.

- (a) The traveled way of bridges shall be the same as the traveled way of the road serving each end, except as set forth in (b) below.
- (b) The traveled way of bridges may be the same as one traffic lane of the road serving each end if:
 - (1) The road is a Class 7, 9, 10 or 11 Road, with an ADT of less than 200; and
 - (2) The bridge is no longer than 330 feet; and
 - (3) The entire bridge and the road at both ends are visible from on the bridge and both ends in a manner which would permit a driver to ascertain whether or not the bridge can be safely entered and crossed.
 - (4) Warning signs reading "One-Lane Bridge 90 Feet" shall be installed thirty (30) yards from each end of the bridge.
 - (5) Turnouts shall be provided at both ends of the bridge.
- (c) Bridges shall have signs providing the weight and vertical clearance limitations of the bridge. The signs shall be clearly visible and be installed thirty (30) yards from each end of the bridge.

(§ 1, Ord. 87-662, eff. June 4, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Article 10. Emergency Water for Fire Protection

Sec. 9-4.1001. Application.

- (a) When a community water system is required for land division, the requirements of this article shall be satisfied before completion of road construction
- (b) When individual water systems are required for land division, the requirements of this article shall be satisfied before final inspection for building construction.
- (c) Provisions of this article shall not apply to construction within land divisions approved before adoption of this article.

(§1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.1002. Water

- (a) Developments in Prime Opportunity Areas shall be served by a community water system with adequate water, volume, pressure and storage capacity which provides a two (2) hour fireflow plus eight (8) hour average domestic needs. Fireflow requirements shall be 750 gallons per minute for areas zoned for two (2) dwelling units per acres; and 1,000 gallons per minute for areas zoned for more than two (2) dwelling units per acre, and areas zoned commercial and industrial.
- (b) Developments outside of Prime Opportunity Areas shall provide 2,500 gallons of water for emergency fire protection per dwelling unit, with approved provisions for fire engine filling or an approved water system of equal capacity immediately available.
- (c) Developments outside of Prime Opportunity Areas may provide water systems that meet or exceed the standards set forth in Section 1275.10 of the SRA Fire Safe Regulations in lieu of the requirements set forth in subsection (b) of this section.

(§1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.1003. Hydrants.

- (a) Where hydrants or fire valves are required, they shall be located eighteen (18") inches above grade, eight (8') feet from flammable vegetation, no closer than four (4') feet nor farther than twelve (12') feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
- (b) Hydrants serving buildings shall not be less than fifty (50') feet nor more than one-half (1/2) mile by road from the building served and shall be located at a turnout or turnaround along the driveway of the building served or along the road that intersects with that driveway.
- (c) Hydrant heads shall be brass with two and one-half (2-1/2") inch National Hose male thread with cap for pressure or gravity flow systems and four and one-half (4-1/2") inch for draft systems. Hydrants shall be wet or dry barrel as required by the delivery system. Hydrants shall have crash protection as required by the local fire protection entity.

(§1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.1004. Signing of water sources.

- (a) Hydrants and fire valves and access to water located along a driveway shall be identified by a reflectorized blue marker with a minimum dimension of three (3") inches on the street address sign, mounted on a fire retardant post.

- (b) Hydrants and fire valves and access to water located along a road shall be identified by a reflectorized blue marker with a minimum dimension of three (3") inches, mounted on a fire retardant post. The sign post shall be within three (3') feet of the hydrant or fire valve. The sign shall be no fewer than three (3') feet nor more than five (5') feet above ground. The sign shall be horizontal and visible from the driveway.
- (c) Hydrants and fire valves and access to water may be identified as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988, in lieu of the methods described above.

(§1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.1005. Accessibility.

Emergency water for fire protection shall be available for use within twelve (12') feet of a driveway or road.

(§1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-4.1006. Inspection.

Inspection of community water systems shall be made by a representative of the Department of Public Works. Inspections of individual water systems shall be made by a representative of the Building Official. When the contractor or developer requires such inspection, he shall notify the appropriate department in writing or by telephone call not less than five (5) working days prior to the time that he would like to have the inspection made, and in advance of starting his next phase of construction. Inspection will be made within three (3) working days after completion of the construction phase requiring inspection.

Written reports on the results of the inspection will be available to all parties concerned within thirty-six (36) hours after the field inspection is made.

(§1, Ord. 91-762, eff. December 13, 1991)

CHAPTER 5. PERMIT TO MINE & RECLAMATION

Section 9-5.01. Purpose and Intent.

The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

- (a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- (b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment as set forth in the County General Plan.
- (c) Residual hazards to the public health and safety are eliminated.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.02. Definitions.

Borrow Pits shall mean excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

Exploration or Prospecting shall mean the search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling assaying, drilling, or any surface or underground work needed to determine the type, extent, or quantity of the minerals present.

Haul Road shall mean a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle shall mean surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mined Lands shall mean the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Minerals shall mean any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Mining Permit shall mean any formal authorization from, or approved by, the County, the absence of which would preclude surface mining operations.

Mining Waste shall mean the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property resulting from, or displaced by surface mining operations.

Operator shall mean any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden shall mean soil, rock, or other materials which lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

Person shall mean any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state, or any department or agency thereof.

Reclamation shall mean the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

Stream Bed Skimming shall mean excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operations shall mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

(§1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.03. Incorporation by Reference.

The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and State regulations CCR §3500 et seq., as those provisions and regulations may be amended from time to time, shall govern matters as set forth therein.

(§1, Ord. 96-871, eff. October 10, 1996, as amended by §1, Ord. 97-889, eff. November 13, 1997)

Section 9-5.04. Scope.

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the County.

The application of the provisions of this chapter shall be held to be only the minimum requirements for the promotion of the public health, safety or general welfare and to protect property owners' rights to develop consistent with the General Plan. The provisions of this chapter are not intended to repeal or in any way interfere with other existing laws, ordinances, regulations, or permits.

This Chapter shall not apply to the following activities:

- (a) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- (b) Onsite excavation and onsite earth moving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading compaction, or the creating of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - (1) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.).
 - (2) The County's approval of the construction project included consideration of the onsite excavation and onsite earth moving activities pursuant to CEQA.
 - (3) The approved construction project is consistent with the general plan or zoning of the site.
 - (4) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- (c) Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
 - (1) The plant site is located on lands designated for industrial or commercial uses in the County's general plan.
 - (2) The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the County.
 - (3) None of the minerals being processed are being extracted onsite.
 - (4) All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.
- (d) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

- (e) Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- (f) Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- (g) Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- (h) Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with the Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

(§1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.05. Vested Rights.

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations.

(§1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.06. Process.

- (a) **Applications.** Any person seeking the issuance of a mining permit or reclamation plan shall file an application with the Planning and Development Agency, and shall provide evidence that each of the elements required by SMARA (PRC § 2772-2773) have been satisfied. In addition, a financial assurance mechanism shall be prepared in conformance with PRC §2773.1.
- (b) **Processing Time.** The Planning Director shall determine if an application is incomplete within thirty (30) days after receipt of the application.

If an application is determined to be incomplete, the applicant shall make the application complete within one year from the date on which the application was determined to not be complete, or the application shall be considered withdrawn.

Within thirty (30) days of acceptance of an application for a surface mining operation and/or a Reclamation Plan as complete, the Planning Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.

Pursuant to PRC §2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Zoning Administrator shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Zoning Administrator's approval. In particular, when the Zoning Administrator's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Zoning Administrator shall be promptly forwarded to the operator/applicant.

Upon completion of the appropriate environmental review, an application shall be scheduled for the next regularly scheduled public hearing for which an application can be scheduled while meeting all requirements of this notice.

The Zoning Administrator shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).

- (c) *Environmental Review.* The Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the County's environmental review guidelines.

(§1, Ord. 96-871, eff. October 10, 1996, as amended by §1, Ord. 97-889, eff. November 13, 1997)

Section 9-5.07. Findings for Approval.

In approving an application for a mining permit or reclamation plan, the following findings shall be made:

- (a) That the project conforms with SMARA and State Regulations.
- (b) That the project conforms to the General Plan and the Planning and Zoning Code.
- (c) That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conversation, said response addresses in detail, why specific comments and suggestions were not accepted.

(§1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.08. Standards for Reclamation.

- (a) All Reclamation Plans shall comply with the provisions of SMARA (§2772 and §2773) and State regulations (CCR §3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §3700-3713).
- (b) Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.09. Statement of Responsibility.

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.10. Financial Assurances.

- (a) To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the County shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the County of Plumas and the State Department of Conservation.
- (b) Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- (c) Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment

within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

- (d) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs.

Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances.

- (e) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- (f) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
- (g) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- (h) Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurances shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.11. Interim Management Plans.

- (a) Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan. The proposed Interim Management Plan shall fully comply with the requirements of SMARA, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The Interim Management Plan shall be processed as an amendment to the Reclamation Plan. Interim Management Plans shall not be considered a project for the purposes of environmental review.
- (b) Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's Interim Management Plan.
- (c) Upon receipt of a complete proposed Interim Management Plan, the Planning Department shall forward the Interim Management Plan to the State Department of Conservation for review. The Interim Management Plan shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Zoning Administrator.
- (d) Within 60 days of receipt of the proposed Interim Management Plan, or a longer period mutually agreed upon by the Planning Director and the operator, the Zoning Administrator shall review and approve or deny the Interim Management Plan in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised Interim Management Plan. The Zoning Administrator shall approve or deny the revised Interim Management Plan within sixty (60) days of receipt.
- (e) The Interim Management Plan may remain in effect for a period not to exceed five years, at which time the Zoning Administrator may renew the Interim Management Plan for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.12. Annual Report Requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

(S 1, Ord. 96-871, eff. October 10, 1996)

Section 9-5.13. Inspections.

The Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 12, to determine whether the surface mining operation is in compliance with the approved mining Permit and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall fewer than one inspection be conducted in any calendar year.

The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice, a copy of the inspection report, and any supporting documentation to the mining operator and the State Department of Conservation. The operator shall be solely responsible for the reasonable cost of such inspection.

(§1, Ord. 96-871, eff. October 10, 1996, as amended by §1, Ord. 97-889, eff. November 13, 1997)

Section 9-5.14. Violations and Penalties.

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the County shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties. In addition, the violation of any conditions of a mining permit shall be a violation of the provisions of this chapter and shall be punishable as set forth in Article 12 of Chapter 2 of this Title.

(§1, Ord. 96-871, eff. October 10, 1996; as amended by §2, Ord. 98-895, eff. May 21, 1998)

Section 9-5.15. Revocation.

- (a) **Institution.** Failure to comply with any condition imposed or misrepresentation by the applicant in the issuance of a permit to mine and reclamation plan shall result in the institution of revocation procedures by the Planning Director.
- (b) **Hearings.**
 - (1) **Notices.** The Planning Director shall schedule a public hearing before the Board with notice given as set forth in Article 11.5 of Chapter 2 of this Title, and given by certified mail to the person to whom the permit to mine and reclamation plan was issued.
 - (2) **Revocation.** The Board may revoke such permit or modify the original conditions for failure to comply with any of the conditions imposed or upon evidence of misrepresentation in the issuance of the permit to mine and reclamation plan.
 - (3) **Reclamation.** Revocation of the permit to mine and reclamation plan shall result in the immediate commencement of reclamation.

(§1, Ord. 98-895, eff. May 21, 1998)

CHAPTER 6. OPEN RANGES

Sec. 9-6.01. Open range areas declared.

All lands of any character not enclosed by a lawful fence, which lands lie within the boundaries of the areas designated in Section 9-6.05 of this chapter, are declared to be areas devoted chiefly to grazing pursuant to the authority vested in the Board by the provisions of Section 17124 of the Food and Agricultural Code of the State.

(§ 1, Ord. 82-490, eff. April 1, 1982)

Sec. 9-6.02. Lawful fences defined.

For the purposes of this chapter, "lawful fence" shall mean any fence which is good, strong, substantial, and sufficient to prevent the ingress and egress of livestock. No wire fence shall be a lawful fence unless it has three (3) tightly-stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four (4) feet above the surface of the ground. Any kind of wire or other fence of height, strength, and capacity equal to or greater than the wire fence described in this section shall be a lawful fence. The term "lawful fence" shall include cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

(§ 1, Ord. 82-490, eff. April 1, 1982)

Sec. 9-6.03. Liability.

Any person pasturing livestock which break through a lawful fence shall be responsible for all damage proximately caused thereby. (If there is difficulty in determining the owner of the animal, it is suggested that the Forest Service be contacted.)

(§ 1, Ord. 82-490, eff. April 1, 1982)

Sec. 9-6.05. Rental fees.

- (a) The person having the ownership or rightful possession of such unfenced land in the areas described in Section 9-6.05 of this chapter shall be entitled to a reasonable rental fee from any person who pastures livestock thereon. "Reasonable rental" is defined as at least AUM (values used for Williamson Act contracts in the area) or Forest Service lease fees in the allotment area, whichever is higher.
- (b) Within the areas described in Section 9-6.05 of this chapter, no person shall have the right to take up an estray animal found upon his premises, or upon premises to which he has the right of possession, nor shall he have a lien thereon, unless the premises are entirely enclosed with a lawful fence.

(§ 1, Ord. 82-490, eff. April 1, 1982)

Sec. 9-6.05. Boundaries.

- (a) There is hereby created the Bucks Lake Area Open Range. It shall have the following boundaries:

Beginning at a point where the Plumas-Butte County boundary intersects the south township line of Township 23 North, Range 6 East, M.D.B.& M.; thence east on said township line for approximately 10 miles to the southeast corner of Township 23 North, Range 7 East, which is approximately 1 1/2 miles south of Mt. Ararat; thence north along said township line between Range 7 East and Range 8 East approximately 12 miles to the northeast corner of Township 24 North, Range 7 East; thence west on said township line

approximately 7 1/2 miles to the Feather River; thence southwesterly along the easterly right-of-way of Highway 70 to the Plumas Butte County line; thence southeasterly along said County line approximately 8 miles to the point of beginning; excluding therefrom Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 23 North, Range 7 East, M.D.B. & M.

- (b) There is hereby created the Last Chance Creek Open Range. It shall have the following boundaries:

Beginning at a point common to Lassen County and Plumas County on the Plumas National Forest boundary described as follows: the common corner of Sections 19, 20, 29, and 30, Township 23 North, Range 17 East, M.D.B. & M.; thence west on the Plumas National forest boundary to a point on the road to Davis Lake at the common corner of Sections 8, 9, 16, and 17, Township 23 North, Range 14 East, M.D.B. & M.; thence north on the section line between Sections 8 and 9, Township 23 North, Range 14 East, M.D.B. & M., to the north corner of said sections, thence west on the section line between Sections 5 and 8, Township 23 North, Range 14 East; thence north on the section line between Sections 5 and 6, Township 23 North, Range 24 East, to the corner; thence west on the section line to the northwest corner of Section 6, Township 23 North, Range 14 East; thence north on the township line between Range 13 East and Range 14 East to the southeast corner of Section 36, Township 24 North, Range 13 East; thence west on the south township line of Township 24 North, Range 13 East, to the southwest corner of the said township and range in the vicinity of Three Mile Rock; thence continuing west along the south side of Township 24 North, Range 12 East, to the southwest corner of said township and range in the Little Long Valley Creek drainage; thence north on the township line between Range 11 East and Range 12 East for approximately 22 miles to the northwest corner of Section 18, Township 27 North, Range 12 East; thence west approximately 3 miles to the southwest corner of Section 10, Township 27 North, Range 11 East; thence north approximately 2 miles to the northwest corner of Section 3, Township 27 North, Range 11 East; thence west on the township line to the northwest corner of Township 27 North, Range 11 East; thence north on the range line approximately 4 1/2 miles to the Lassen County-Plumas County line at the west quarter corner of Section 7, Township 28 North, Range 11 East; thence following the County line in a southeasterly direction to the point of beginning.

(§ 1, Ord. 82-490, eff. April 1, 1982)

CHAPTER 7. DEVELOPMENT AGREEMENTS*

Article 1. Authority

Sec. 9-7.101. Authority for adoption.

This chapter is adopted under the authority of Sections 65864 through 65869.5, inclusive, of the Government Code of the State and any amendments which may be enacted by the Legislature after the adoption of this chapter.

(§ 2, Ord. 82-512, eff. August 12, 1982)

*Chapter 7 consisting of Article 1 entitled "Applications", consisting of Sections 9-7.101 through 9-7.105, Article 2 entitled "Notices and Hearings", consisting of Sections 9-7.201 through 9-7.204, Article 3 entitled "Standards of Review: Findings and Decisions", consisting of Sections 9-7.301 through 9-7.303, Article 4 entitled "Amendment and Cancellation of Agreements by Mutual Consent", consisting of Sections 9-7.401 and 9-7.402, Article 5 entitled "Recordation", consisting of Section 9-7.501, Article 6 entitled "Periodic Reviews", consisting of Sections 9-7.601 through 9-7.606, and Article 7 entitled "Unilateral Modifications or Terminations", consisting of Section 9-7.701, as added by Ordinance No. 82-493, effective April 1, 1982, repealed by Ordinance No. 82-512, effective August 12, 1982.

Article 2. Applications

Sec. 9-7.201. Filing of applications.

The consideration of a development agreement shall be initiated by filing an application for such consideration with the Planning Department. The application shall be filed by, or on behalf of, the property owner or other person having a legal or equitable interest in the property.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.202. Contents of applications.

The application shall include the following:

- (a) The proposed terms of the development agreement, including:
 - (1) The legal description of the property sought to be covered by the agreement;
 - (2) A description of the proposed uses, height and size of buildings, density or intensity of use, and provisions for reservations or dedications of land for public purposes;
 - (3) All conditions, terms, restrictions, and requirements for subsequent County discretionary actions;
 - (4) The proposed time when construction would be commenced and completed, both as to the entire project and as to all phases thereof; and
 - (5) The termination date for the agreement.
- (b) Sufficient information to enable the Planning Department to perform an initial study pursuant to Section 21160 of the Public Resources Code of the State;
- (c) Sufficient information to establish that the project is consistent with the County General Plan; and
- (d) Such other information as the County may deem to be useful or as may be requested to satisfy other requirements of law.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.203. Applications considered as development projects.

The application shall be considered an application for a "development project" as such term is used in Chapter 4.5 of Title 7 of the Government Code of the State (commencing with Section 65920).

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.204. Determinations of completeness of applications.

Not later than thirty (30) calendar days after the receipt of an application, the Planning Department shall determine in writing whether or not the application is complete and shall transmit such determination to the applicant. If an application is determined to not be complete, the applicant shall make the application complete within one year from the date on which the application was determined to not be complete or the application shall be considered withdrawn.

(§ 2, Ord. 82-512, eff. August 12, 1982, as amended by § 1, Ord. 89-719, eff. November 2, 1989)

Sec. 9-7.205. Environmental review: Transmittal to the Board of Supervisors

The Planning Department, at the applicant's expense and in accordance with adopted County procedures for the implementation of the California Environmental Quality Act (Sections 21000 *et seq.* of the Public Resources Code of the State), shall accomplish appropriate environmental investigations and, upon the completion of such investigations, transmit the application, the results of the environmental review, and the recommendation of the Planning Department thereon to the Board. (§ 2, Ord. 82-512, eff. August 12, 1982)

Article 3. Board of Supervisors: Action

Sec. 9-7.301. Notice requirements.

Upon the receipt of an application, the results of the environmental investigations, and the recommendations of the Planning Department, the Board shall schedule a public hearing to consider the application. Notice of intention to consider the adoption of a development agreement shall be given as provided in Sections 65854, 65854.5, and 65856 of the Government Code of the State, in addition to such other notice as may be required by law for other actions to be considered concurrently with the development agreement.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.302. General Plan and Specific Plan consistency.

A development agreement shall not be approved unless the Board finds that the provisions of the agreement are consistent with the County General Plan and any applicable Specific Plans.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.303. Action by the Board of Supervisors on applications: Approval by ordinance.

Following the public hearing, the Board shall either approve, conditionally approve, approve as modified, or disapprove the application. If the application is approved, conditionally approved, or approved as modified, the Board shall authorize the Chairman of the Board to execute the development agreement on behalf of the County. The formal approval of a development agreement shall be accomplished by ordinance.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.304. Execution of agreements.

- (a) No development agreement shall be executed until the ordinance specified in Section 9-7.303 of this article is in force and effect.
- (b) The development agreement shall be executed by the property owner and not by any agent or representative of the property owner.
- (c) No agreement shall be executed by the Chairman of the Board until it has been executed by the property owner. If the property owner has not executed the agreement and returned it to the Chairman of the Board or the County Clerk within thirty (30) days after the date the ordinance specified in Section 9-7.303 of this article becomes effective, the application shall be deemed by operation of law to have been withdrawn, and the County shall not execute the agreement.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Article 4. Recordation

Sec. 9-7.401. Recordation by the County Clerk.

Within ten (10) days after a development agreement is fully executed, the Clerk of the Board shall cause a copy of the ordinance effecting the change to be recorded within ten (10) days after the date such ordinance becomes effective.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Article 5. Annual Reviews

Sec. 9-7.501. Reviews by the Planning Director

All development agreements shall be reviewed by the Planning Director or his designee at least once every twelve (12) months, unless the agreement provides for more frequent reviews.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.502. Purpose of reviews.

The purpose of the review shall be to inquire into the good faith compliance of the applicant with the terms of the agreement and for any other purpose which may be specified in the agreement. The burden of demonstrating good faith compliance shall rest with the applicant.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.503. Determinations by the Planning Director.

Following the review by the Planning Director or his designee, the Planning Director shall determine in writing, based on substantial evidence, whether or not the applicant is in good faith compliance with the terms of the agreement and whether any further discretionary action needs to be considered pursuant to the conditions, terms, restrictions, and requirements set forth in the agreement.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.504. Referral to the Board of Supervisors.

- (a) If the Planning Director determines that the applicant is not in good faith compliance with the terms of the agreement, he shall refer the matter to the Board for consideration of termination or modification.
- (b) If the Planning Director determines that further discretionary action needs to be considered pursuant to the conditions, terms, restrictions, and requirements set forth in the agreement, he shall refer the matter to the Board for consideration of such action.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Sec. 9-7.505. Action by the Board of Supervisors.

- (a) If the Board finds and determines, on the basis of substantial evidence, that the applicant or his successor in interest has not complied in good faith with the terms and conditions of the agreement, the Board may unilaterally terminate or modify the agreement.
- (b) The Board shall consider, and may take, any proposed discretionary action pursuant to the conditions, terms, restrictions, and requirements set forth in the agreement.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Article 6. Bilateral Amendments to Development Agreements

Sec. 9-7.601. Termination, cancellation, modification, and amendment of development agreements.

Any development agreement may be canceled or amended by the mutual consent of the applicant (or his successor in interest) and the County in the same manner as set forth in this chapter for entering into such agreements.

(§ 2, Ord. 82-512, eff. August 12, 1982)

Article 7. Statute of Limitations

Sec. 9-7.701. Statute of limitations.

- (a) Any court action seeking to set aside, annul, modify, or in any way challenge any County decision regarding a development agreement shall be commenced within ninety (90) days of the date the applicable ordinance is recorded pursuant to Section 9-7.401 of Article 4 of this chapter. Any action not so commenced shall be barred.
- (b) Any court action seeking to set aside, annul, modify, or in any way challenge a determination by the Planning Director that, pursuant to Section 9-7.503 of Article 5 of this chapter, the applicant is in good faith compliance or that no further discretionary action needs to be considered shall be commenced within ninety (90) days of the date of such determination. Any action not so commenced shall be barred.

(§ 2, Ord. 82-512, eff. August 12, 1982)

CHAPTER 8. STREET ADDRESS SYSTEM

Article 1. Purposes and Application

Sec. 9-8.101. Purposes.

The provisions of this chapter are adopted to implement the General Plan by providing for the identification of all lots by an address and to thereby facilitate provision of emergency services and utilities, thus promoting the public health, safety and general welfare.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.102. Application.

The application of the provisions of this chapter shall be held to be only the minimum requirements for the promotion of the public health, safety and general welfare.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Article 2. Definitions.

Sec. 9-8.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.201.5. Dead-end road.

"Dead-end road" shall mean a road that has only one point of vehicular access to a State highway or major thoroughfare; and shall include looped roads which have only one point of access, immediately or ultimately, to a State highway or major thoroughfare.

(§ 1, Ord. 91-762, eff. October 3, 1991)

Sec. 9-8.202. Internal roadway.

"Internal roadway" shall mean a roadway within a property which is not a street and which provides access to functionally independent units of a residential, commercial, industrial or other complex.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.202.5. Roadway.

"Roadway" shall mean any surface designed, improved, or ordinarily used for vehicle travel including appurtenant structures.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-8.203. Street.

"Street" shall mean any legally established access easement which provides a primary means of access to property or a County road, a State highway or a Forest Service System road.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.204. Street address.

"Street address" shall mean a locational identification comprised of a systematically determined number, a road identification, and a locality identification.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.205. Street address system.

"Street address system" shall mean a method for the logical allocation of the numerical component of a street address and may include provisions for the determination of road identification or locality identification or both.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Article 3. Street Address System

Sec. 9-8.301. Establishment.

The Planning Director shall establish a street address system for the County which may include independent street address systems for specific localities.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.302. Establishment by ordinance.

The Board may establish by ordinance individual street address systems for specific localities.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.303. Allocation of street addresses.

Within any street address system, the allocation of street addresses to properties, portions of properties, buildings, portions of buildings or as otherwise may be determined necessary shall be made by the Planning and Development Agency.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.304. Locality identification.

- (a) The Planning Director shall identify the locality for the street addresses within each street address system he establishes.
- (b) An ordinance establishing a street address system shall identify the locality for the street addresses within such system.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Article 4. Posting

Sec. 9-8.401. Required.

Where a street address system has been established, the placement of numbers shall be required as provided for by this article.

(§ 1, Ord. 87-674, eff. October 8, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-8.402. Notices.

Upon adoption of an ordinance establishing a street address system, the Planning Director shall notify by mail the owners of all properties within the street address system of a street address allocated to each property, of the possibility of the allocation of additional street addresses if needed, and of the requirements for the placement of numbers.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.403. Placement of numbers.

- (a) The numbers of a street address shall be affixed to the building to which allocated.
- (b) The numbers of an allocated street address which are affixed to a building shall be clearly visible and legible from the street which provides access to the property, except that, if the building is provided access by an internal roadway, the numbers shall be clearly visible and legible from the internal roadway.
- (c) The numbers of an allocated street address which are affixed to a building or to a street address sign shall be in Arabic numerals.
- (d) It shall be the responsibility of the property owner to affix the numbers of an allocated street address.
- (e) The numbers of a street address shall be affixed within ninety (90) days after the mailing of the notice provided for in Section 9-8.402 of this article.
- (f) The numbers of a street address need not be affixed for a property which is unimproved and for which no use has been established.
- (g) Street addresses shall be affixed to buildings before January 1, 1992.
- (h) Street addresses shall be affixed to buildings before final inspection.

(§ 1 Ord. 87-674, eff. October 8, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-8.404. Street address signs.

- (a) A street address sign is a display of the numbers of an allocated street address by means other than affixture to a building.
- (b) The numbers of a street address shall be affixed to street address sign.
- (c) It shall be the responsibility of the property owner to affix the numbers of an allocated street address.
- (d) Street address signs shall be subject to the provisions of Section 9-2.416 of Article 4 of Chapter 2 of this title.
- (e) *Design.*
 - (1) The face area of a street address sign shall be that area within the boundary of a simple plane which encompasses all characters and intervening voids.
 - (2) The face area of a street address sign shall not exceed six (6) square feet except when it is necessary to accommodate additional minimum signage.

- (3) Size of letters, numbers, and symbols for street address signs shall be a minimum three (3") inch letter height, three-eighths (3/8") inch stroke, reflectorized, contrasting with the background color of the sign.
- (4) The numbers for street address signs shall be in Arabic numerals.
- (5) Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

(f) ***Location.***

- (1) All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road.
- (2) Addresses shall be visible and legible from the road on which the address is located.
- (3) Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.
- (4) Where a roadway 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.

(g) The street address sign shall be placed within fifteen (15) days after issuance of a building permit for a building.

(h) Street address signs shall be placed for all improved properties before January 1, 1992.

(§ 1, Ord. 87-674, eff. October 8, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-8.405. Uniform Fire Code.

(§ 1, Ord. 87-674, eff. October 8, 1987, repealed § 1, Ord. 91-762, eff. December 13, 1991)

Article 5. Ordinances

Sec. 9-8.501. Initiation.

The Planning Director may recommend to the Board the adoption of ordinances establishing street address systems.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.502. Preparation.

The Planning Director shall prepare the ordinances for the establishment of street address systems.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.503. Referral.

Prior to action by the Board to adopt an ordinance establishing a street address system, the Planning Director shall refer the proposed ordinance to all entities which provide either emergency services or utilities within the subject area. Such entities shall be provided at least thirty (30) days in which to comment on the proposed street address system.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.504. Hearings: Notices.

- (a) The Board shall hold at least one public hearing before adopting an ordinance establishing a street address system.
- (b) Notice of the hearing shall be published in a newspaper of general circulation within the County at least ten (10) days before the hearing.
- (c) The notice shall include the date, time, and place of the hearing, shall identify the Board as the hearing body, and shall provide a general explanation of the matter to be considered and a general description of the area to be affected.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Article 6. Road Identification

Sec. 9-8.601. Road identification.

(a) *State highways.*

- (1) State highways shall be identified by the sign route number, except as otherwise provided in this subsection.
- (2) Where a name is given for a State highway or a portion of a State highway by the exhibits of the most recent resolution establishing the mileage of maintained County roads, the highway or portion of the highway shall be identified by such name.
- (3) Where a name is not given as described in subsection (2) above this subsection, and where a name is given for a State highway or a portion of a State highway in a street address system, the highway shall be identified by such name.

(b) *County roads.*

- (1) County roads shall be identified by the name given by the exhibits of the most recent resolution establishing the mileage of maintained County roads, except as otherwise provided in this subsection.
- (2) Where no name is so given, a County road shall be identified by the sign route number.
- (3) Where no name is so given and there is no sign route number, a County road shall be identified by the road number given by the exhibits of the most recent resolution establishing the mileage of maintained County roads.

(c) *Forest Service roads.*

- (1) Forest Service roads shall be identified by the road number, except as otherwise provided in this subsection.
- (2) Where a name is given for a Forest Service road or a portion of a Forest Service road by the exhibits of the most recent resolution establishing the mileage of maintained County roads, the road or portion of the road shall be identified by such name.
- (3) Where a name is given for a Forest Service road or a portion of a Forest Service road by a recorded subdivision map or planned development permit, the road or portion of the road shall be identified by such name.
- (4) Where a name is not given as described in subsections (2) and (3) of this subsection, and where a name is given for a Forest Service road or a portion of a Forest Service road in a street address system, the road shall be identified by such name.

(d) *Private roads.*

- (1) Where a name is given for a private road or a portion of a private road by a recorded subdivision map or planned development permit, the road or portion of the road shall be identified by such name.
- (2) Where a name is not given for a private road or a portion of a private road by a recorded subdivision map or planned development permit, the road or portion of the road shall be identified by a name given by the Planning Director.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.602. Road signs.

- (a) Before an approved subdivision map or planned development permit may be recorded, the County roads and private roads providing access thereto and therewithin shall be marked with signs which shall give the identification as determined pursuant to subsections (b) and (d) of Section 9-8.601 of this article: (b) identification, County roads, and (d), road identification, private roads.
- (b) State highways and Forest Service roads within the area of an approved subdivision map or planned development permit shall be marked with signs which shall give the identification as determined pursuant to subsections (a) and (c) of Section 9-8.601 of this article before the subdivision map or planned development permit may be recorded.
- (c) When the Public Works Department marks a road with a sign, that sign shall give the identification as determined pursuant to Section 9-8.601 of this article.
- (d) A new or replacement sign marking a road within a street address system adopted by ordinance shall give the street address number of its location and shall indicate the direction in which street address numbers ascend.
- (e) Size of letters, numbers, and symbols for road signs, shall be a minimum three (3") inch letter height, three-eighths (3/8") stroke, reflectorized, contrasting with the background color of the sign.
- (f) Road signs shall be visible and legible from both directions of travel for a distance of at least 100 feet.
- (g) The height of road signs shall be eight and one-half (8-1/2') feet.
- (h) Signs shall be placed at intersections of roads.

(§ 1, Ord. 87-674, eff. October 8, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-8.603. Road names.

- (a) New names for County or private roads shall not duplicate any road name in the County's jurisdiction. The differences in road name suffixes shall not be considered differences in road names.
- (b) A dead-end road less than 200 feet long which has no feasible possibility of future extension or connection may have the same name as the road which provides access to the dead-end road provided the cul-de-sac has a different suffix.
- (c) New names which are phonetic duplications or sound very similar to existing names shall be voided.
- (d) ***Continuity.***
 - (1) The continuation of an existing road shall have the same name.
 - (2) If a road significantly changes direction for a substantial distance, and if the change is readily discernible on the road, the portions may have different names.
- (e) ***Discontinuity.***
 - (1) Discontinuous roads shall have a different name for each portion, except as provided in subsection (2) of this subsection.
 - (2) If it is anticipated and feasible that portions of a discontinuous road may become continuous, the portions may have the same name, to which a locational affix may be appended.
- (f) ***Subdivisions and planned developments.***
 - (1) Any tentative map for a subdivision and any application for a planned development permit shall give the existing identification, as determined by Section 9-9.601 of this article, of every road providing access thereto and therewithin.

- (2) If the Forest Service has given a name to a Forest Service road, such name may be given on any tentative map for subdivision and any application for a planned development permit.
 - (3) Any tentative map for a subdivision and any application for a planned development permit which proposes new roads providing access thereto or therewithin shall propose names for such roads.
 - (4) If access is provided to or within the area of a tentative map for subdivision or an application for a planned development permit by a private road which is not identified by a name pursuant to Section 9-8.601 of this article, the tentative map for the subdivision or application for the planned development permit shall propose a name for such road.
- (g) **Selection.** In the selection of new road names, consideration shall be given to:
- (1) Consistency with the provisions of this section;
 - (2) Existing common usage;
 - (3) Historical associations;
 - (4) Geographic associations;
 - (5) Consistency with any established naming pattern in the vicinity; and
 - (6) Ease of communication, especially under stress.
- (h) **Review.**
- (1) The Planning Director shall review road names proposed by a tentative map for a subdivision or application for a planned development permit application and shall disallow those names which would be contrary to the provisions of this section.
 - (2) If the Planning Director disallows a road name for being contrary to the provisions of this section, he shall propose a road name.
 - (3) The Public Works Department shall submit to the Planning Director for review and a report as to consistency with the provisions of this section any proposed new names for County roads and the proposed names for any new County roads.
- (§ 1, Ord. 87-674, eff. October 8, 1987, as amended by § 1, Ord. 91-762, eff. December 13, 1991)

Article 7. Administration and Enforcement

Sec. 9-8.701. Administration.

It shall be the duty of the Planning Director to administer the provisions of this chapter.
(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.702. Enforcement.

The provisions of this chapter shall be enforced by any peace officer as defined in Chapter 4.5, Title 3 of Part 2 of the California Penal Code, and by employees of the Planning and Development Agency as designated by the Planning Director. Such designated employees are authorized to make arrests and issue citations for violations of this chapter.

(§ 1, Ord. 87-674, eff. October 8, 1987, as amended by § 2, Ord. 90-138, eff. November 1, 1990)

Sec. 9-8.703. Violations: Infractions.

Each violation of this chapter, and each day a violation occurs, shall be a separate offense. Any person, firm, or corporation, or principal, agent, or employee thereof, who violates any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punished as set forth in Chapter 2 of Title 1 of this Code. Any infraction occurring upon or involving a parcel of land shall be deemed an infraction by the legal owners of the parcel and independently shall be deemed an infraction by any person occupying or controlling the portion of the parcel involved in the violation.

(§ 1, Ord. 87-674, eff. October 8, 1987)

Sec. 9-8.704. California Department of Forestry and Fire Protection.

The Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County shall be given reports of violations of this chapter.

(§ 1, Ord. 91-762, eff. December 13, 1991)

CHAPTER 9. SRA FIRE SAFE REGULATIONS

Article 1. Purposes and Application

Sec. 9-9.101. Purposes.

The provisions of this chapter are to complete integration of the SRA Fire Safe Regulations into this Code and to specify those portions of this Code which implement those regulations.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.102. Application.

The application of the provisions of this chapter and those portions of this Code which implement the SRA Fire Safe Regulations shall be held to be only the minimum requirements for the promotion of the public health, safety and general welfare.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.103. Specification.

The portions of this Code which implement the SRA Fire Safe Regulations are:

1. Chapter 14 of Title 8;
2. Section 9-2.227.5 of Article 2 of Chapter 2 of Title 9;
3. Section 9-2.419 of Article 4 of Chapter 2 of Title 9;
4. Sections 9-2.1205, 9-2.1305, 9-2.1405, 9-2.1505, 9-2.1605, 9-2.1705, 9-2.1805, 9-2.1905, 9-2.2005, 9-2.2105, 9-2.2205, 9-2.2305, 9-2.2405, 9-2.2505, 9-2.2605, 9-2.2905, 9-2.3005, 9-2.3105, 9-2.3207, 9-2.3305, and 9-2.3405 of Chapter 2 of Title 9;
5. Sections 9-3.105 (m), 9-3.105 (n), and 9-3.314 of Article 3 of Chapter 3 of Title 9;
6. Sections 9-4.311.5, 9-4.312.5, 9-4.314.5, 9-4.315.5, 9-4.320.5, and 9-4.332 of Article 3 of Chapter 4 of Title 9;
7. Sections 9-4.403 through 9-4.413, inclusive, of Article 4 of Chapter 4 of Title 9;
8. Sections 9-4.501 through 9-4.503 of Article 5 of Chapter 4 of Title 9;
9. Sections 9-4.601, and Sections 9-4.603 through 9-4.605 of Article 6 of Chapter 4 of Title 9;
10. Section 9-4.906 and 9-4.907 of Article 9 of Chapter 4 of Title 9;
11. Sections 9-4.1001 through 9-4.1006 of Article 10 of Chapter 4 of Title 9;
12. Chapter 8 of Title 9, commencing with Section 9-8.101;
13. Chapter 9 of Title 9, commencing with Section 9-9.101.

(§ 1, Ord. 91-762, eff. December 13, 1991, as amended by § 1, Ord. 92-783, eff. July 9, 1992)

Article 2. Exceptions

Sec. 9-9.201. Purpose.

The purpose of this article is to provide for exceptions from the provisions of this Code which implement the SRA Fire Safe Regulations in a manner consistent with the General Plan and public health, safety, and welfare, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space.

(§ 1, Ord. 92-783, eff. July 9, 1992)

Sec. 9-9.202. Exceptions.

- (a) Exceptions from the provisions of Title 9 of this Code which implement the SRA Fire Safe Regulations may be made through a planned development permit. The provisions of this section shall apply in addition to those of Section 9-2.702 of Article 7 of Chapter 2 of Title 9 of this Code.
- (b) Exceptions from the provisions of Chapter 4 of Title 9 of this Code commencing with Section 9-4.101, which implement the SRA Fire Safe Regulations may be made through a modification permit. The provisions of this section shall apply in addition to those of Section 9-4.202 of Article 2 of Chapter 4 of Title 9 of this Code.
- (c) Exceptions from the provisions of Chapter 2 of Title 9 of this Code commencing with Section 9-2.101, which implement the SRA Fire Safe Regulations may be made through a variance. The provisions of this section shall apply in addition to those of Article 8 of Chapter 2 of Title 9 of this Code, commencing with Section 9-2.801.
- (d) Exceptions from the provisions of Chapter 8 of Title 9 of this Code commencing with Section 9-8.101 may be made by the Planning Director after consultation with the Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County and Fire Protection and the local fire protection entity.
- (e) Exceptions from the provisions of Title 8 of this Code which implement the SRA Fire Safe Regulations may be made by the Building Official after consultation with the Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County the local fire protection entity.
- (f) In addition to what is otherwise required, applications for exceptions from the provisions of this Code which implement the SRA Fire Safe Regulations shall:
 - (1) State the specific sections from which an exception is requested;
 - (2) Provide material facts supporting the exception;
 - (3) State the details of the exception or mitigation proposed as providing the same practical effect as the section from which an exception is requested; and
 - (4) Provide a map showing the proposed location and siting of the exception or mitigation.
- (g) When a hearing is required for an exception, notice of the hearing shall be given to the Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County and to the appropriate local fire protection entity in a manner consistent with the provisions of Article 11.5 of Chapter 2 of Title 9 of this Code, commencing with Section 9-2.1151.

(h) In granting an exception, a finding shall be made that the exception provides the same overall practical effect as the section from which it is granted.
(§ 1, Ord. 91-762, eff. December 13, 1991, as amended by § 1, Ord. 92-783, eff. July 9, 1992)

Article 3. Appeals

Sec. 9-9.301. Authorized.

Decisions on exceptions from the sections of this code which implement the SRA Fire Safe Regulations may be appealed in writing to the Board, within ten (10) days after the decision by:

- (a) The applicant;
- (b) Any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at any hearing held for an exception or who presented written testimony for that hearing, or who may be adversely affected by the decision;
- (c) Such other person whom the Board determines to have been adversely affected by the decision; or
- (d) Any interested County department head, the Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County, local fire protection entity.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.302. Filing: Fees.

Appeals shall be initiated by filing a written notice of appeal with the Clerk of the Board, paying the fee therefore, and stating in the written notice of appeal the reasons why the decision on the exception should be amended, modified, or reversed. Such reasons shall be based upon the evidence presented at the original hearing or upon evidence presented to the Planning Director or Building Official at the time of his decision, or shall be based on evidence of adverse effects on the appellant, if not the applicant, of the decision. The failure of the appellant to present such reasons shall be deemed cause for the denial of the appeal.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.303. Hearings: Notices.

Notices of hearings on appeals from decisions on exceptions from the sections of this Code which implement the SRA Fire Safe Regulations shall be given by the Clerk of the Board, as provided in Article 11.5 of Chapter 2 of Title 9 of this Code, commencing with Section 9-2.1151, with the appellant considered to have filed a written request for notice as provided for in Section 9-2.1153 of that article.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.304. Jurisdiction of the Board of Supervisors.

The Board may assume the jurisdiction of any matter which may be decided by the Zoning Administrator or the Commission by a simple majority vote of the quorum at any time prior to a decision. Upon the assumption of jurisdiction by the Board, a hearing shall be scheduled and notice shall be given by the Clerk of the Board as provided in Article 11.5 of Chapter 2 of this Title. (§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.305. Findings.

If an appeal made under this Article is granted the Board shall make findings that the decision meets the intent of providing defensible space consistent with the SRA Fire Safe Regulations. The findings shall include a statement of reasons for the decision. A written copy of the findings shall be provided to the Headquarters of the Ranger Units of the California Department of Forestry and Fire Protection which administer State Responsibility Area fire protection in Plumas County.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Article 4. Definitions

Sec. 9-9.401. Application.

The words and phrases set forth in this article and used in this title shall be defined as set forth in this article and by common usage and context, except as specifically defined in this title.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.402. Defensible space.

"Defensible space" shall mean the area of a parcel, development, neighborhood or community, exclusive of structures, where emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures are provided in conformance with the SRA Fire Safe Regulations.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.403. Dwelling.

"Dwelling" shall mean a building, or portion of a building, which provides for sleeping, cooking, eating, and sanitation for one family (as defined in Section 9-2.232 of Chapter 2 of this Title); and shall mean any additional quarters and guest house.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.404. Same Practical Effect.

"Same Practical Effect" shall mean 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.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Sec. 9-9.405. SRA Fire Safe Regulations

"SRA Fire Safe Regulations " shall mean the provisions of Section 1270 *et seq.* of Title 14 of the California Code of Regulations.

(§ 1, Ord. 91-762, eff. December 13, 1991)

Article 5. Nonconforming Uses

Sec. 9-9.501. Purpose.

The purpose of this article is to regulate uses which were lawfully established before the adoption of the portions of this Code which implement the SRA Fire Safe Regulations.

(§ 1, Ord. 92-783, eff. July 9, 1992)

Sec. 9-9.502. Application.

The provisions of Article 5 of Chapter 2 of Title 9 of this Code, commencing with Section 9-2.501, shall apply to uses governed by those portions of this Code which implement the SRA Fire Safe Regulations.

(§ 1, Ord. 92-783, eff. July 9, 1992)