



Siskiyou County
Planning Commission Staff Report
April 19, 2023

New Business Agenda Item No. 1:
Rutherford Boundary Line Adjustment (BLA-23-01)

Applicant: Robert Rutherford

Property Owners: Robert & Ylonda Rutherford
5916 Shastina Place
Weed, CA 96097

Representatives: Robert I. Martin
Robert I. Martin, Professional Land Surveying
P.O. Box 111
Montague, CA 96064

Project Summary The applicant requests approval of a minor boundary line adjustment to merge three existing legal parcels creating a single parcel with double frontage.

Location: The project site is located on 5916 Shastina Place, in the community of Lake Shastina, on the APNs listed in the table on page 3; T43N, R5W, S36, MDB&M; 41.524°, -122.368°.

General Plan: High Erosion Hazard; Deer Wintering Area; and Wildfire Hazard

Zoning: Single-Family Residential (RES-1)

Current Use: Residential

Exhibits:

- A. Draft Resolution PC 2023-009
A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act and Approving the Rutherford Boundary Line Adjustment (BLA-23-01)
 - A-1. Notations and Recommended Conditions of Approval
 - A-2. BLA Findings
- B. Exhibit Map
- C. Comments

Background

Robert Rutherford has applied for a minor boundary line adjustment to merge three existing parcels in the Lake Shastina subdivision. The project site is relatively flat with a single-family dwelling on one of the parcels.

The surrounding parcels are zoned Single-Family Residential (RES-1) and are similar in size, all being less than 0.5 acres. Adjacent properties to the east are developed with single-family dwellings.



Figure 1: Project Location

Analysis

Approval of the Rutherford Boundary Line Adjustment (BLA-23-01) would merge three parcels and result in one 0.81-acre parcel with double frontage, having access to both Gallop Road and Shastina Place.

Pursuant with Section 10-4.105.3 of the Siskiyou County Code, lot sizes shall be approved for sanitary consideration by the County Health Officer but in no case shall be less than the following:

(e) No lot shall have double frontage unless otherwise approved by the Planning Commission.

As such, the proposed parcel merger would not conflict with the Siskiyou Subdivision Ordinance, should the Commission approve the project.

| Owner | APN | Original Acreage | Adjustment | Final Acreage |
|----------------------------|-------------|------------------|------------|---------------|
| Robert & Ylonda Rutherford | 106-280-320 | 0.28 +/- | +0.53 | 0.81 +/- |
| Robert & Ylonda Rutherford | 106-240-300 | 0.25 +/- | -0.25 | 0.00 |
| Robert & Ylonda Rutherford | 106-280-330 | 0.28 +/- | -.028 | 0.00 |

Table 1: Proposed Boundary Line Adjustment

Parcel Creation

APN 106-280-320 is one legal parcel, originally created as Lot 629, as shown on the map entitled “*Lake Shastina Unit No 4*”, which map was filed for record in Siskiyou County on September 15, 1969, on Town Parcel Map Book 5, at pages 18 through 28, exclusively.

APN 106-240-300 is one legal parcel, originally created as Lot 628, as shown on the map entitled “*Lake Shastina Units No 4*”, which map was filed for record in Siskiyou County on September 15, 1969, on Town Parcel Map Book 5, at pages 18 through 28, exclusively.

APN 106-280-330 is one legal parcel, originally created as Lot 632, as shown on the map entitled “*Lake Shastina Unit No 4*”, which map was filed for record in Siskiyou County on September 15, 1969, on Town Parcel Map Book 5, at pages 18 through 28, exclusively.

Improvements

APN 106-280-320 is developed with a single-family dwelling and accessory structures.

APN 106-280-330 and 106-240-300 are undeveloped.

Zoning Consistency

Approval of the Rutherford Boundary Line Adjustment (BLA-23-01) would merge three legal parcels, resulting in one .81-acre parcel. Subsequent to the boundary line adjustment, the resultant parcel would be compliant with the minimum parcel size requirement of the RES-1 district.

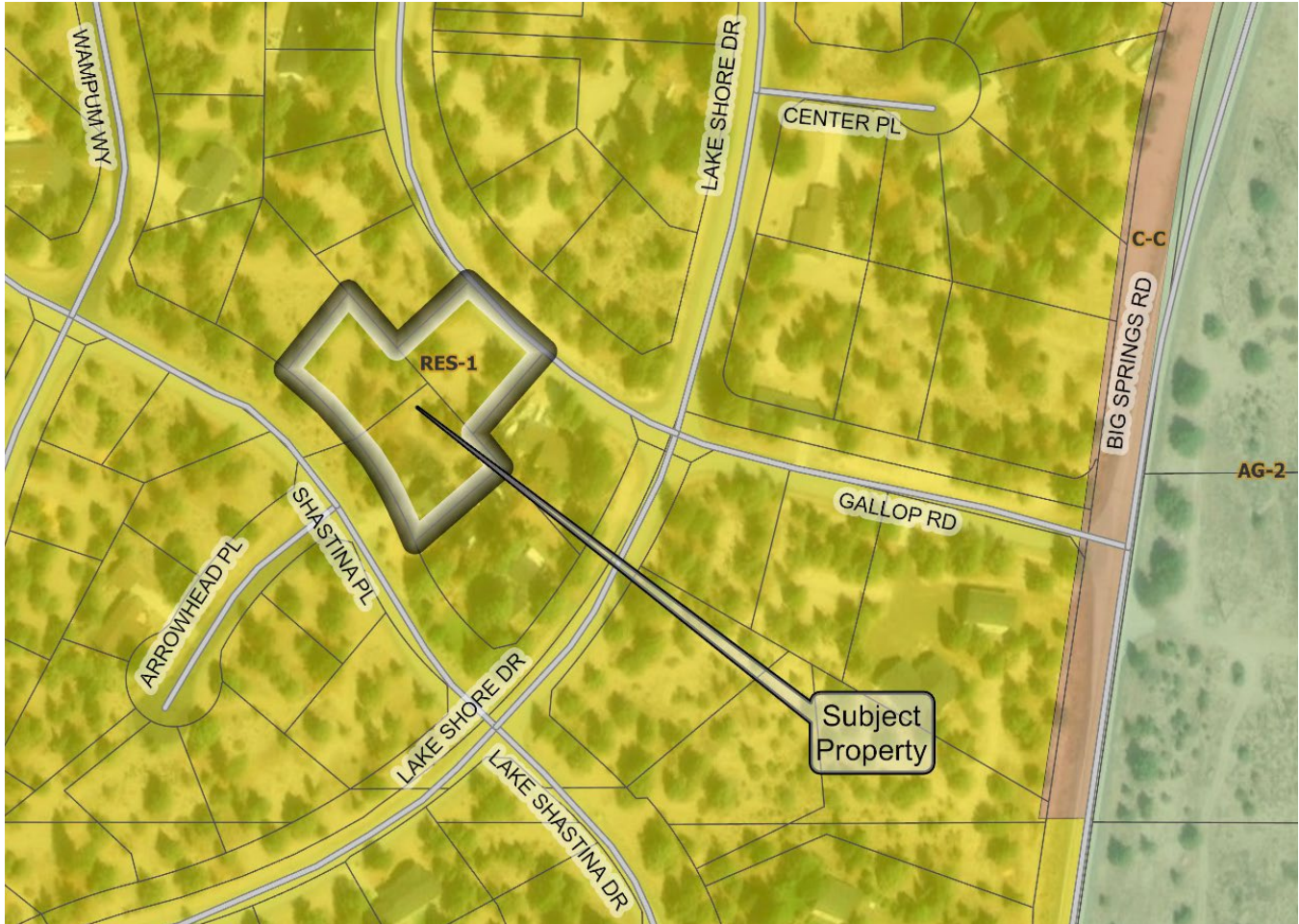


Figure 2: Zoning Map

Environmental Review

Staff recommends that the proposed project be determined to be categorically exempt from the California Environmental Quality Act (CEQA) because the project is a minor lot line adjustment involving properties with an average slope of less than 20 percent and will not result in a change in land use or density, pursuant to CEQA Guidelines Section 15305(a), Minor Alterations in Land Use Limitations.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Furthermore, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities), which might reasonably result in the project having a significant effect on the environment.

**Planning Commission Staff Report
April 19, 2023**

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on April 5, 2023 and mailed to property owners within 300 feet of the subject property. No public comments have been received at the time this staff report was written.

Siskiyou County Environmental Health Division – February 15, 2023

Environmental Health has reviewed the proposed BLA and has no objections as it is submitted. Water and sewer are provided by the Lake Shastina Community Service District.

Planning Response: No response necessary.

Siskiyou County Department of Public Works – February 16, 2023

Public Works has reviewed the proposed BLA and find it acceptable.

Planning Response: No response necessary.

California Department of Forestry and Fire Protection (CalFire) – February 16, 2023

CalFire has reviewed the proposed BLA and would only object to the adjustment if the new boundary line encroaches on previously permitted structures or roadways approved under the following requirements of the Public Resources Code 4290.

Planning Response: The proposed boundary line between the proposed resultant parcels would not encroach upon any previously permitted structures or roadways.

Lake Shastina Property Owners Association – March 27, 2023

The Property Owners Association has no objection to the BLA (Unit 4, Lots 629, 632 & 628).

Planning Response: No response necessary.

**Planning Commission Staff Report
April 19, 2023**

Planning Staff Recommendations

- Adopt Resolution PC 2023-009 taking the following actions:
 - Approve the Rutherford Boundary Line Adjustment (BLA-23-01) request based on the recommended findings; and
 - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15305(a), *Minor Alterations in Land Use Limitations*.

Suggested Motion

I move that we adopt Resolution PC 2023-009, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Rutherford Boundary Line Adjustment (BLA-23-01). Exempt from the California Environmental Quality Act and Approving the Project.

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Bernadette Cizin, Assistant Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2023-009

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Rutherford Boundary Line Adjustment (BLA-23-01) Exempt from the California Environmental Quality Act and Approving the Project

Whereas, Robert Rutherford applied for a boundary line adjustment to merge three existing parcels (APNs: 106-240-300, 106-280-320, 106-280-330); and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on April 5, 2023; and

Whereas, public hearing notices were provided pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, comments received on the project resulted in conditions of approval being recommended by staff; and

Whereas, the Planning Division presented its oral and written staff report on the Rutherford Boundary Line Adjustment (BLA-23-01) at a regular meeting of the Planning Commission on April 19, 2023; and

Whereas, the Planning Division recommended that the project be determined exempt from CEQA pursuant to *Minor Alterations in Land Use Limitations* (Section 15305(a)), which consists of Minor lot line adjustments; and

Whereas, the Planning Division recommended approval of the Rutherford Boundary Line Adjustment (BLA-23-01) subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, on April 19, 2023, the chair of the Planning Commission opened the duly noticed public hearing on the Rutherford Boundary Line Adjustment (BLA-23-01) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project; and

Whereas, there is no substantial evidence, in light of the whole record before the County, that the proposed boundary line adjustment would have a significant effect on the environment; and

Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report; and

Be It Further Resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-2, hereby takes the following actions on the Rutherford Boundary Line Adjustment (BLA-23-01):

1. Determines the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305(a); and
2. Approves the proposed Boundary Line Adjustment based on the recommended findings and subject to the recommended conditions of approval contained in Exhibit A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC 2023-009 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____ at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of April 2023 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Danielle Lindler, Chair

Witness, my hand and seal this 19th day of April 2023

Hailey Lang, Secretary of the Commission

Exhibit A-1 to Resolution PC 2023-009
Notations and Recommended Conditions of Approval

Notations

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. Upon adoption of the categorical exemption, a check in the amount of \$50 made payable to the Siskiyou County Clerk and submitted to the Siskiyou County Planning Division is necessary in order to file the Notice of Exemption. Failure to file the Notice of Exemption extends the statute of limitations for legal challenges to the categorical exemption from 35 days to 180 days.

Conditions of Approval – Boundary Line Adjustment

1. The applicant shall provide a legal description of the parcel that is to exist. The legal description must be typed on plain white paper with one-inch borders. The legal description must be prepared and submitted by either a Registered Civil Engineer that is licensed to practice land surveying (registered in California prior to 1982) or a Licensed Land Surveyor and be accompanied by a map showing the parcel as depicted by the legal description. The legal description shall be made to the satisfaction of the Deputy Director of Planning, whereupon the legal description shall be recorded along with the other required boundary line adjustment documents.
2. The applicant shall provide the Planning Division with the name of the local title company that will complete all title documents and record the final approval. Upon recordation, the Planning Division shall be provided with copies of all documents including a "dated down" title report reflecting completion of all requirements.
3. A notation shall be included on the recorded boundary line adjustment stating as follows:
"This approved boundary line adjustment relates only to issues of compliance or non-compliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinances enacted pursuant thereto. Development of the parcels may require issuance of a permit or permits, or other grant or grants of approval."
4. The boundary line adjustment shall become null and void if the boundary line adjustment documents and any required deed(s) have not been recorded within one (1) year of the date of approval. A twelve (12) month extension of the expiration date may be obtained upon the submittal of a written application and fee to the Planning Division, prior to the expiration of the approved boundary line adjustment.
5. The approval of the boundary line adjustment does not guarantee that said parcel: (1) can be built upon; (2) has legal access; (3) has water and sewer to support development; or (4) there is the ability to obtain the necessary permits or other grant or grants of approval to allow development.

Findings

Boundary Line Adjustment Findings

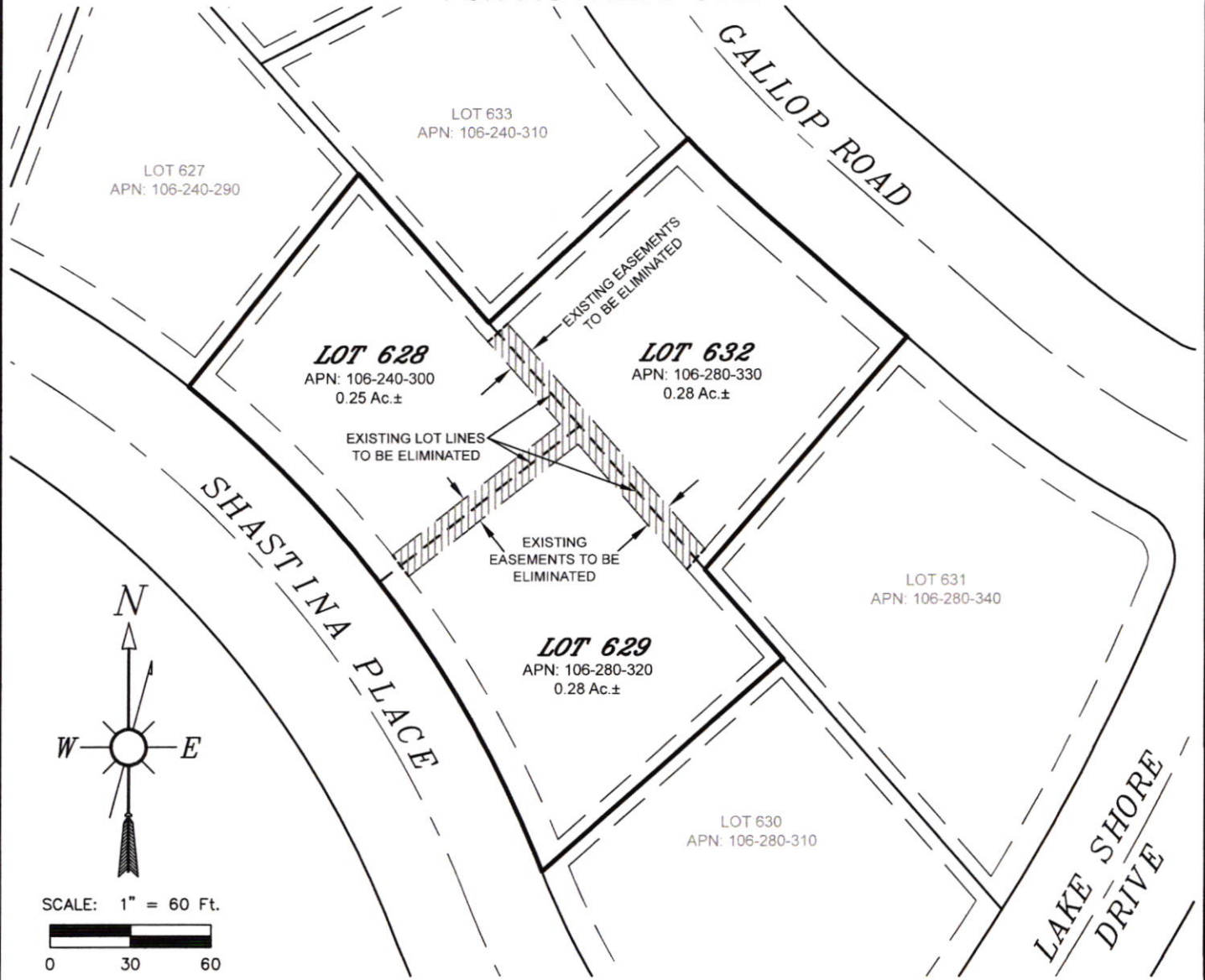
1. Because the proposed boundary line adjustment involves four or fewer existing adjoining parcels, where the land taken from one parcel would be added to an adjoining parcel, and because a greater number of parcels than originally existed would not be created, the proposed boundary line adjustment is exempt from the requirements of the Subdivision Map Act pursuant to Government Code Section 66412(d).
2. Pursuant to Government Code Section 66412(d), the Siskiyou County Planning Commission has limited its review and approval of the Rutherford Boundary Line Adjustment (BLA-23-01) to a determination of whether or not the parcels resulting from the proposed boundary line adjustment will conform to the Siskiyou County General Plan, Zoning Ordinance, and California Building Code.
3. The proposed project is consistent with zoning designations and the applicable policies of the Siskiyou County General Plan.
4. Access to the parcels is via Gallop Road and Shastina Place, private roads, and is consistent with the applicable access policies of the Siskiyou County General Plan.
5. The resulting lots of record, as designed, will not result in a significant change in the existing environment that would in any way threaten the public health, safety, peace, morals, comfort, convenience, or general welfare.

California Environmental Quality Act (CEQA) Findings

1. Pursuant to CEQA Guidelines, Section 15305, Class 5 projects consist of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Because subsection (a) allows for minor lot line adjustments not resulting in the creation of any new parcel, this project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305(a).
2. In making its recommendation, the Planning Commission has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
3. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.

LOT MERGER - BOUNDARY LINE ADJUSTMENT EXHIBIT

For: RUTHERFORD



NOTES:

EASEMENTS SHOWN AND NOTED ARE BASED ON CONDITION OF TITLE GUARANTEE, PROVIDED BY MT. SHASTA TITLE & ESCROW COMPANY, GUARANTEE NUMBER 5026900-6929021 DATED: NOVEMBER 24, 2022.

CC&Rs PER DOC. NO. 14-0010940 APPLY TO THE PARCELS SHOWN.



THIS PLAT IS PROVIDED FOR ILLUSTRATION PURPOSES ONLY. THIS PLAT IS NOT A RECORD OF SURVEY, OR A PARCEL MAP, ADDITIONAL EASEMENTS AND UTILITIES MAY EXIST NOT SHOWN HEREON. PROPERTY LINES AND ACREAGES SHOWN ARE APPROXIMATE BASED ON COUNTY ASSESSOR DATA.

LOTS 628, 629 & 632, LAKE SHASTINA UNIT No.4, (TMB 5, PAGE 22), SECTION 36, T 43 N, R 5 W, M.D.M., SISKIYOU COUNTY ----- CALIFORNIA

Robert I. Martin
Professional Land Surveying

P.O. Box 111, Montague, CA 96064
Office: (530)459-4432 Cell: (530) 905-1390
www.rimartin.com email: robert@rimartin.com

SCALE: 1" = 60'
CLIENT FILE: #22076
DATE: JAN., 2023
SHEET 1 OF 1

Robert I. Martin 1-16-2023

ROBERT I. MARTIN, L.S. 8778

SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
LAND DEVELOPMENT REVIEW

OWNER RUTHERFORD, ROBERT

FILE # 106-240-300
106-280-320, -330

LOCATION 5916 Shastina Place, Weed, CA T 43N , R 5W , SEC. 36 PD# BLA-2301

REQUIREMENTS:

Sewage Disposal Test/Information:

- None Required ; Connection to Approved Sewage System
- Engineered Percolation Tests –
Parcels # _____
- Wet Weather Testing
- Engineered Sewage Disposal System
- Other _____

Water Supply Tests/Information:

- None Required ; Connection to Approved Water System
- Well Logs (Existing Wells) () Well Logs for Adjoining Property
- Drilled Well – Parcels # _____ () Spring Source-Verification
- Pump Test (Static Level) _____ Hours
- Bacteriological Analysis () Chemical Analysis () Physical Analysis
- Other _____

Project Information:

- Location Map () Mark Project Area () Contour Map
- Food Establishment Plans () Swim Pool/Spa Plans
- Waste Information (Non-Sewage)
- Other _____

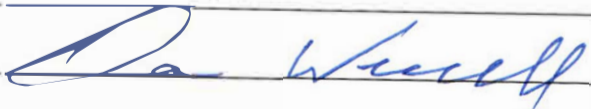
Comments/Conditions:

Environmental Health has no objections to this BLA merger.

Lot 629 contains a SFD. Lots 628 and 638 are undeveloped.

Water and sewer is provided by the Lake Shastina Community Service District.

REHS



DATE 2-15-23

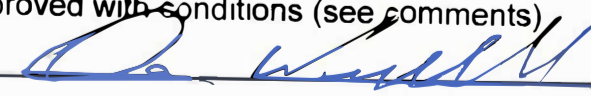
ENVIRONMENTAL HEALTH ACTION

Application Accepted () Application Rejected as Incomplete (see comments)

Approved () Recommended for Denial

Approved with conditions (see comments)

REHS



DATE 2-15-23

Date sent to Planning:

From: [Terry E. Smith](#)
To: [Dianne Johnson](#)
Subject: RE: BLA-2301 15 DAY REVIEW
Date: Thursday, February 16, 2023 12:36:51 PM

Dianne,
We have reviewed the attached BLA and find it acceptable.

Terry E. Smith P.E.
Senior Engineer
Siskiyou County Department of Public Works
tesmith@co.siskiyou.ca.us
OFC: 530 842-8278
CELL: 530 604 8813

From: Dianne Johnson <dmjohnson@co.siskiyou.ca.us>
Sent: Wednesday, February 15, 2023 2:43 PM
To: Jeremy Lipke <jlipke@co.siskiyou.ca.us>; Terry E. Smith <tesmith@co.siskiyou.ca.us>; Tera Guillen <tera@lakeshastina.com>; Bushey, Tyler@CALFIRE <tyler.bushey@fire.ca.gov>; Craig Kay <ckay@co.siskiyou.ca.us>; Eric Olson <eolson@co.siskiyou.ca.us>; Jeff Clausen <jjclausen@co.siskiyou.ca.us>; Jennifer Taylor <jtaylor@co.siskiyou.ca.us>; Thomas Deany <tdeany@co.siskiyou.ca.us>
Cc: Robert Martin <robert@rimartin.com>; lrutherfordsmg@yahoo.com; Bernadette Cizin <bpcizin@co.siskiyou.ca.us>
Subject: BLA-2301 15 DAY REVIEW

Good afternoon,

Attached is the 15 day review for application BLA-2301. Please note, all responses to the application must be received by March 2, 2023.

Thank you,

Dianne Johnson
Planning Permit Technician
Siskiyou County Community Development
806 S. Main Street, Yreka, CA 96097
530-841-2148

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 128
1809 Fairlane Road
YREKA, CA 96097-0128
(530) 842-3516
Website: www.fire.ca.gov



Date: 2/16/2023

Siskiyou County Department of Public
Health and Community Development
806 South Main Street
Yreka, CA 96097-3321

Attention: Dianne Johnson

Subject: Rutherford Boundary Line Adjustment BLA-2301

The California Department of Forestry and Fire Protection has the following Public Resources Code 4290 requirements for the above referenced project (reference Calif. Code of Regulations Title 14, Division 1.5, Chapter 7, Article 5, Subchapter 2, SRA Fire Safe Regulations):

Cal fire has no requirements to the boundary line adjustment and would only object to the adjustment if the new boundary line encroaches on previously permitted structures or roadways approved under the following requirements.

ROAD AND STREET NETWORKS

1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09

ROAD SIGNING

1274.01, 1274.02, 1274.03, 1274.04

FUEL MODIFICATION

1276.02, 1276.03

SEE THE ATTACHED "4290 CHECKLIST" FOR SPECIFIC CODE REQUIREMENTS.

In addition to the Public Resources Code 4290 requirements, if timber is to be commercially harvested as part of this subdivision creation, the conditions set forth in the Z'berg-Nejedly Forest Practice Act of 1973 (California Code of Regulations Title 14, Division 1.5) must be adhered to.

BLA2215
Date:2/16/2023
Page 2

Additional Public Resources Code 4290 requirements that must be met during subsequent building permit applications are as follows:

DRIVEWAY DESIGN AND SURFACE REQUIREMENTS

1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09

ADDRESSES FOR BUILDING

1274.08, 1274.09, 1274.10

FUEL MODIFICATION AND STANDARDS

1276.01, 1276.02, 1276.03,

SEE THE ATTACHED "4290 CHECKLIST" FOR SPECIFIC CODE REQUIREMENTS.

If you have any questions, please call Kieth Dietz, Jake Burgess or Nicholas Pisano at (530) 842-3516.

Tyler Bushey
Fire Apparatus Engineer
CAL FIRE Siskiyou Unit

For: Darryl Laws
Siskiyou Unit Chief

Attachment

Cc: file

SRA Fire Safe Regulations

Board of Forestry and Fire Protection



FOR INFORMATIONAL USE ONLY

View the official California Code of Regulations online at
govt.westlaw.com/calregs

As of July 28, 2020

California Code of Regulations
Title 14 Natural Resources
Division 1.5 Department of Forestry
Chapter 7 - Fire Protection
Subchapter 2 SRA Fire Safe Regulations
Articles 1-5

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Article 1 Administration

§ 1270.00. Title

These regulations shall be known as the "SRA Fire Safe Regulations," and shall constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection.

§ 1270.01. Purpose

(a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA).

(b) The future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.

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

§ 1270.02. Scope

(a) These regulations shall apply to:

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

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below; (3) all tentative and parcel maps or other developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or

tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

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

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

(A) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed; or

(B) change the use of the building or buildings that had existed previously; or

(C) construct a new building or buildings that did not previously exist on the site.

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

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local

ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

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

- (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);
- (2) application for a building permit for new building construction;
- (3) application for a use permit; and
- (4) road construction.

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

§ 1270.03. Provisions for Application of These Regulations.

This subchapter shall be applied as follows:

- (a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

§ 1270.04. Local Ordinances.

- (a) Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction provided that such ordinance, rule, or regulation is equal to or exceeds these minimum standards.
- (b) Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.
- (c) When the Board grants certification, the local ordinances, in lieu of these regulations, shall be applied as described in 14 CCR § 1270.02 and used as the basis for inspections performed under 14 CCR § 1270.05.
- (d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

- (a) Inspection shall be made by:
 - (1) the Director, or
 - (2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
 - (3) local jurisdictions where the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

- (b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.
- (c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.
- (d) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

§ 1270.06. Exceptions to Standards.

- (a) Upon request by the applicant, exceptions to standards within this subchapter or to local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR § 1270.05, where the exceptions provide the same practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.
- (b) Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception. Local jurisdictions listed in 14 CCR section 1270.05 may establish additional procedures or requirements for exception requests.
- (c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.
- (d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.
- (e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

§ 1271.00. Definitions

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and Miscellaneous Group U buildings.

CAL FIRE: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and

maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

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

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

Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.

Note: Driveway standard includes up to a total of four (4) residential Units on one (1) parcel- Board of Forestry

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

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

Fire valve: see hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply or storage system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.

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

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Residential unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in 14 CCR § 1270.01(c), unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with 14 CCR § 1270.02(d).

Road: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Road or driveway structures: Bridges, culverts, and other appurtenant structures which supplement the traffic lane or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and

(e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Vehicular access adjacent to the traffic lane.

State Board of Forestry and Fire Protection (Board): As defined in Public Resources Code section 730.

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

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a road or driveway that provides a single line of vehicle travel.

Turnaround: A road or driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a road or driveway to allow vehicles to pass.

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

Vertical clearance: The minimum specified height of a bridge or overhead projection above the road or driveway.

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

Article 2 Emergency Access and Egress

§ 1273.00. Intent

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

§ 1273.01. Width.

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

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

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

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

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

§ 1273.02. Road Surfaces

- (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.
- (b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.
- (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

§ 1273.03. Grades

- (a) At no point shall the grade for all roads and driveways exceed 16 percent.
- (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect.

1273.04. Radius

- (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

§ 1273.05. Turnarounds

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

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

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

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

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

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

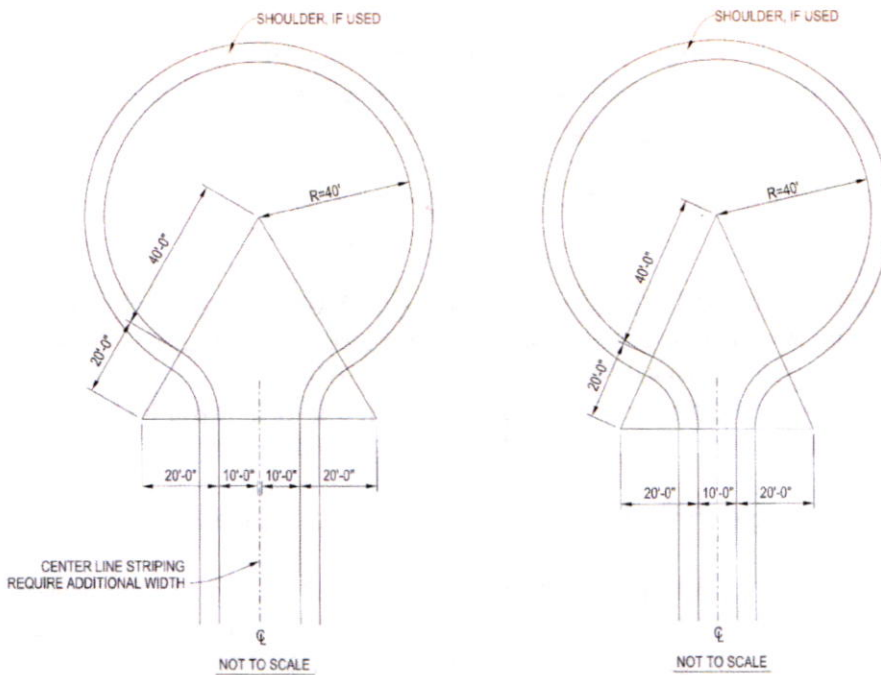


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

§ 1273.06. Turnouts

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

§ 1273.07. Road and Driveway Structures

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

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

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

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

§ 1273.08. Dead-end Roads

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet
parcels zoned for 5 acres to 19.99 acres - 2,640 feet
parcels zoned for 20 acres or larger - 5,280 feet

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

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

§ 1273.09. Gate Entrances

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

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

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

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

Article 3 Signing and Building Numbering

§ 1274.00. Intent

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

§ 1274.01. Road Signs.

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

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

§ 1274.02. Road Sign Installation, Location, and Visibility.

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

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

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

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

- (ii) no more than one hundred (100) feet before such traffic access limitation.
- (d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

§ 1274.03. Addresses for Buildings.

- (a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.
- (b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.
- (c) Addresses for residential buildings shall be reflectorized.

§ 1274.04. Address Installation, Location, and Visibility.

- (a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property.
- (b) Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.
- (c) Address signs along one-way roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

Article 4 Emergency Water Standards

§ 1275.00. Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a wildfire or defend property from a wildfire.

§ 1275.01. Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.

§ 1275.02. Water Supply.

- (a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.
- (b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.

(c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.

§ 1275.03. Hydrants and Fire Valves.

(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

§ 1275.04. Signing of Water Sources.

(a) Each hydrant, fire valve, or access to water shall be identified as follows:

(1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(2) if located along a road,

(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or

(ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Article 5 Fuel Modification Standards

§ 1276.00 Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide for increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways, and a point of attack or defense from a wildfire.

§ 1276.01. Setback for Structure Defensible Space.

(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.

(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.

(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the

structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

§ 1276.02. Maintenance of Defensible Space Measures.

To ensure continued maintenance of commonly owned properties in conformance with these standards and to assure continued availability, access, and utilization of the defensible space provided by these standards during a wildfire, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements.

§ 1276.03 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

§ 1276.04 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

Bernadette Cizin

From: Tera Guillen <tera@lakeshastina.com>
Sent: Monday, March 27, 2023 3:55 PM
To: Dianne Johnson; Jeremy Lipke; Terry E. Smith; Bushey, Tyler@CALFIRE; Craig Kay; Eric Olson; Jeff Clausen; Jennifer Taylor; Thomas Deany
Cc: Robert Martin; lrutherfordsmg@yahoo.com; Bernadette Cizin
Subject: RE: BLA-2301 15 DAY REVIEW

Hi Diane,

The Lake Shastina Property Owners Association has no objection to BLA-2301 (Unit 4, Lots 6229,632 & 628).

Thank you,

From: Dianne Johnson <dmjohnson@co.siskiyou.ca.us>
Sent: Wednesday, February 15, 2023 2:43 PM
To: Jeremy Lipke <jlipke@co.siskiyou.ca.us>; Terry E. Smith <tesmith@co.siskiyou.ca.us>; Tera Guillen <tera@lakeshastina.com>; Bushey, Tyler@CALFIRE <tyler.bushey@fire.ca.gov>; Craig Kay <ckay@co.siskiyou.ca.us>; Eric Olson <eolson@co.siskiyou.ca.us>; Jeff Clausen <jclausen@co.siskiyou.ca.us>; Jennifer Taylor <jtaylor@co.siskiyou.ca.us>; Thomas Deany <tdeany@co.siskiyou.ca.us>
Cc: Robert Martin <robert@rimartin.com>; lrutherfordsmg@yahoo.com; Bernadette Cizin <bpcizin@co.siskiyou.ca.us>
Subject: BLA-2301 15 DAY REVIEW

Good afternoon,

Attached is the 15 day review for application BLA-2301. Please note, all responses to the application must be received by March 2, 2023.

Thank you,

Dianne Johnson
Planning Permit Technician
Siskiyou County Community Development
806 S. Main Street, Yreka, CA 96097
530-841-2148