



Siskiyou County
Planning Commission Staff Report
August 16, 2023

New Business Agenda Item No. 1:
Block-Skelton Boundary Line Adjustment (BLA-23-05)

Applicant: Clay J. Skelton

Property Owners: Margaret L. Block and Clay J. Skelton, Trustees
6 Creeping Bend Court
Henderson, NV 89052

Representative: Gregg Neitsch, PLS
North State Land Surveying
4631 North Old Stage Road
Mount Shasta, CA 96067

Project Summary The applicant is requesting approval of the following:

- Boundary line adjustment to merge two existing legal parcels creating a single parcel with double frontage.

Location: The project site is located between Glacier Drive and Widow Springs Drive, in the Mt. Shasta McCloud Subdivision northeast of the unincorporated community of McCloud on APNs 101-061-030 and 101-061-060; T40N, R2W, S15, MDB&M; 41.3151°, -122.0647°.

General Plan: Building Foundation Limitations: Severe Pressure Limitations Soils, Wildfire Hazard, Woodland Productivity

Zoning: Rural Residential Agricultural, 2.5-acre minimum parcel size (R-R-B-2.5)

Current Use: Residential

Exhibits:

- A. Draft Resolution PC 2023-011
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 Block-Skelton Boundary Line Adjustment (BLA-23-05)
 - A-1. Notations and Recording Requirements
 - A-2. Findings
- B. Exhibit Map
- C. Comments

Background

In 2021, Siskiyou County Code Enforcement officers received multiple complaints regarding the Block-Skelton properties in the Mt. Shasta McCloud Subdivision, which is also known as Mt. Shasta Forest. Upon investigation, it was discovered that the two subject properties had been developed with interconnecting driveways, groundwater well, septic system, water storage tank, generator room, CONEX box, two single-family dwellings, and multiple other accessory structures. Only the well and septic system were permitted.

Clay Skelton has applied for a minor boundary line adjustment to merge two existing parcels in the Mt. Shasta McCloud Subdivision. The proposed boundary line adjustment is a step towards bringing the existing development of the property into compliance with County Code. As the septic system is on a separate legal parcel from the dwellings it is connected to, it is necessary to merge the two parcels to create a single legal parcel.

The project site is slightly sloped from the northwest and is vegetated with evergreen trees and shrubs. The subject property and surrounding parcels are zoned Rural Residential Agricultural (R-R-B-2.5) and are similar in size. Adjacent properties are primarily vacant with a few that are developed with single-family dwellings.

Owner	APN	Original Acreage	Adjustment	Final Acreage
The Block-Skelton Revocable Trust, Margaret L. Block and Clay J. Skelton, Trustees	101-061-030	2.5	-2.5	0.0
The Block-Skelton Revocable Trust, Margaret L. Block and Clay J. Skelton, Trustees	101-061-060	2.51	+2.5	5.01

Table 1: Proposed Boundary Line Adjustment

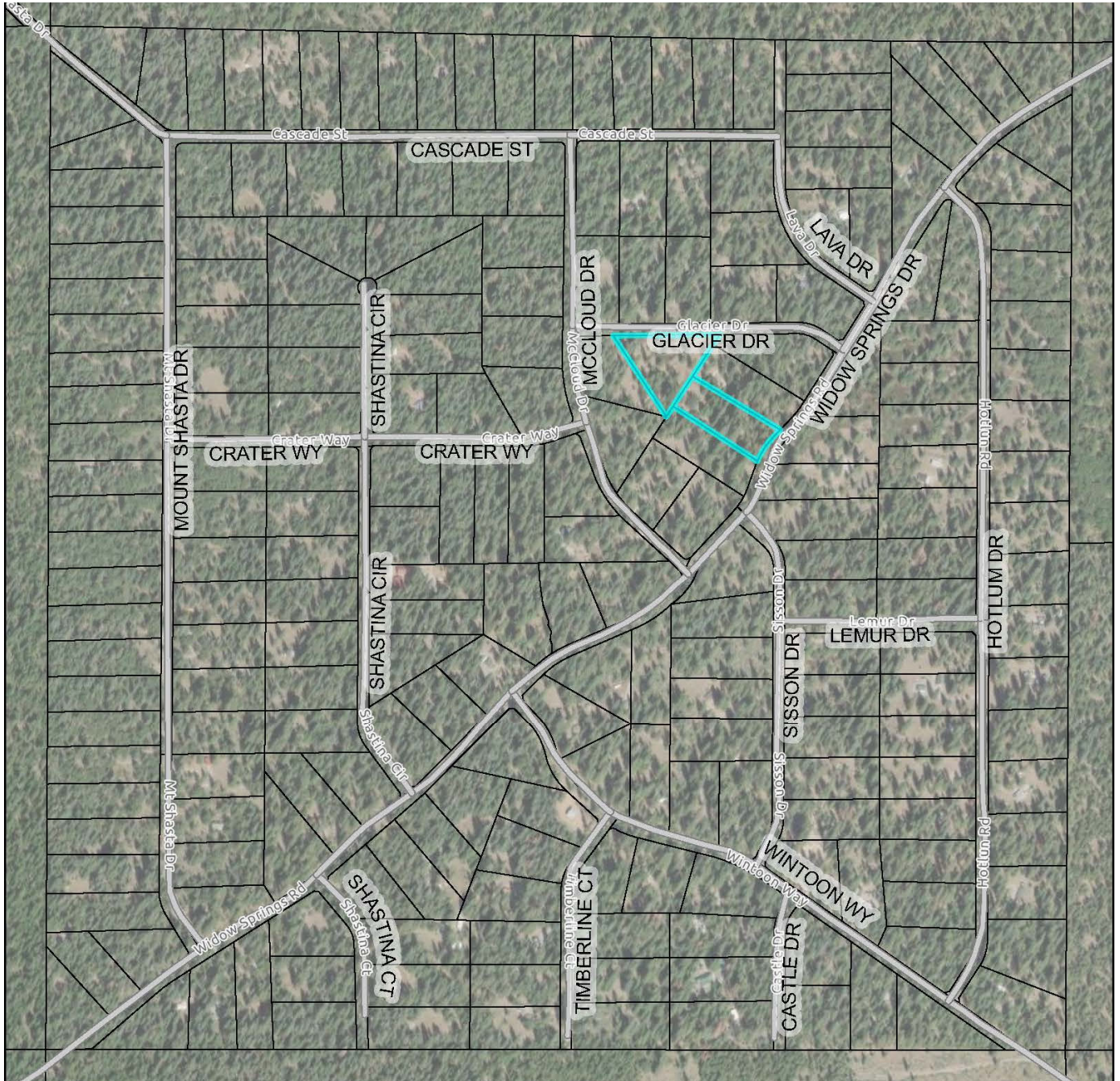


Figure 1: Project Location

Analysis

Approval of the Block-Skelton Boundary Line Adjustment (BLA-23-05) would merge two parcels and result in one 5.01-acre parcel with double frontage, with access to both Glacier Drive and Widow Springs Drive.

Pursuant with Section 10-4.105.3(e) of the Siskiyou County Code (SCC), no lot shall have double frontage unless otherwise approved by the Planning Commission. Therefore, should the Commission approve the project, the proposed parcel merger would not conflict with the Siskiyou Subdivision Ordinance.

**Planning Commission Staff Report
August 16, 2023**

Additionally, the proposed resultant parcel would meet other SCC lot design requirements for minimum parcel size, width to depth ratio, side lot line design, and will not be divided by a taxing agency line. Required setbacks (SCC §10-6.5501) would not be affected other than the elimination of a rear setback between the two original parcels.

Parcels in Mt. Shasta Forest typically range in size from 2.50 acres to 2.78 acres, with 2.52 being the median for the block that the subject parcels are in. Upon recordation of the merger, the resultant parcel will be the fifth legally merged parcel in this subdivision. The resultant parcel will be compliant with the minimum parcel size requirement of the R-R-B-2.5 district.

Currently, each subject parcel has the potential to be developed with a single-family dwelling and an accessory dwelling for a total of four units. The merger of these two parcels would lower the density of potential dwelling units from four to two, as a single parcel in the Rural Residential Agricultural district can only be developed with two dwelling units.

Access to the property is currently via Glacier Drive and no change is proposed as part of this project.

Parcel Creation

APN 101-061-030 is one legal parcel, originally created as Lot 3 of Block I, as shown on the map entitled "*Mt Shasta McCloud Subdivision Unit No. 1*", which map was filed for record in Siskiyou County on September 15, 1966, in Town Parcel Map Book 4, at pages 30 through 34, inclusive.

APN 101-061-060 is one legal parcel, originally created as Lot 6 of Block I, as shown on the map entitled "*Mt Shasta McCloud Subdivision Unit No. 1*", which map was filed for record in Siskiyou County on September 15, 1966, in Town Parcel Map Book 4, at pages 30 through 34, inclusive.

The subject parcels have not been subsequently modified.

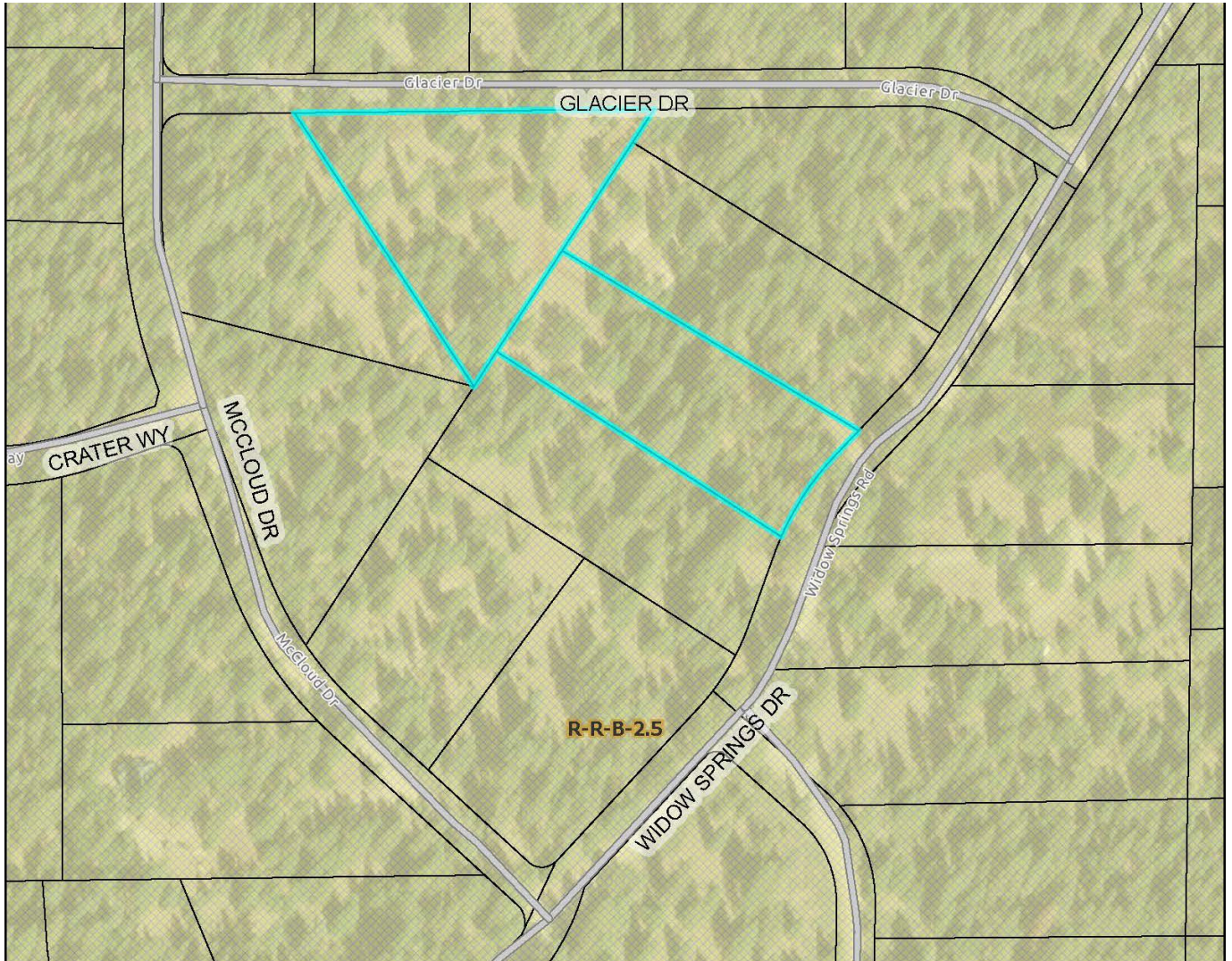


Figure 2: Zoning Map

Environmental Review

Staff recommends that the proposed project be determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a), *Minor Alterations in Land Use Limitations*, as 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.

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
August 16, 2023**

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on August 2, 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 – April 26, 2023

Environmental Health has no objection to the proposed BLA. APN 101-061-060 is developed with a septic system (PN 02-143) that is adequate for a 3-bedroom dwelling. APN 101-061-030 has a groundwater well with adequate production for single-family residential development.

Planning Response: No response necessary.

California Department of Forestry and Fire Protection (CAL FIRE) – May 11, 2023

CAL FIRE 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 of the proposed resultant parcel would not encroach upon any previously permitted structures or roadways.

Planning Staff Recommendations

- Adopt Resolution PC 2023-011 taking the following actions:
 - Approve the Block-Skelton Boundary Line Adjustment (BLA-23-05) 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 2023-011, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Block-Skelton Boundary Line Adjustment (BLA-23-05) 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:

Rachel Jereb, Senior Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2023-011

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Block-Skelton Boundary Line Adjustment (BLA-23-05) Exempt from the California Environmental Quality Act and Approving the Project

Whereas, Clay J. Skelton applied for a boundary line adjustment to merge two existing parcels (APNs: 101-061-030 and 101-061-060); and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on August 2, 2023; and

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

Whereas, the Planning Division presented its oral and written staff report on the Block-Skelton Boundary Line Adjustment (BLA-23-05) at a regular meeting of the Planning Commission on August 16, 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 Block-Skelton Boundary Line Adjustment (BLA-23-05) subject to the recording requirements included in Attachment A-1 to this resolution; and

Whereas, on August 16, 2023, the chair of the Planning Commission opened the duly noticed public hearing on the Block-Skelton Boundary Line Adjustment (BLA-23-05) 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 Block-Skelton Boundary Line Adjustment (BLA-23-05):

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 2023-011 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 16th day of August 2023 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Danielle Lindler, Chair

Witness, my hand and seal this 16th day of August 2023

Hailey Lang, Secretary of the Commission

**Exhibit A-1 to Resolution PC 2023-011
Notations and Recording Requirements**

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.

Recording Requirements

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

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 Block-Skelton Boundary Line Adjustment (BLA-23-05) 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 Glacier Drive and Widow Springs Drive, private roads.
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.
6. Approval of the proposed project, which is a minor lot line adjustment between properties with an average slope of less than 20 percent that will not result in a change in land use or density, presents no possible significant impacts to the environment and is, therefore, exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Section 15305(a), *Minor Alterations in Land Use Limitations*.
7. 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.
8. 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.

BOUNDARY LINE ADJUSTMENT

FOR

BLOCK & SKELTON, TRUSTEES

BEING A MERGER OF LOTS 3 & 6, BLOCK I,
MT. SHASTA McCLOUD SUBD., PER TMB 4, PAGE 30,
LOCATED IN SECTION 15,
T.40N., R.2W., M.D.B. & M.,
SISKIYOU COUNTY, CALIFORNIA

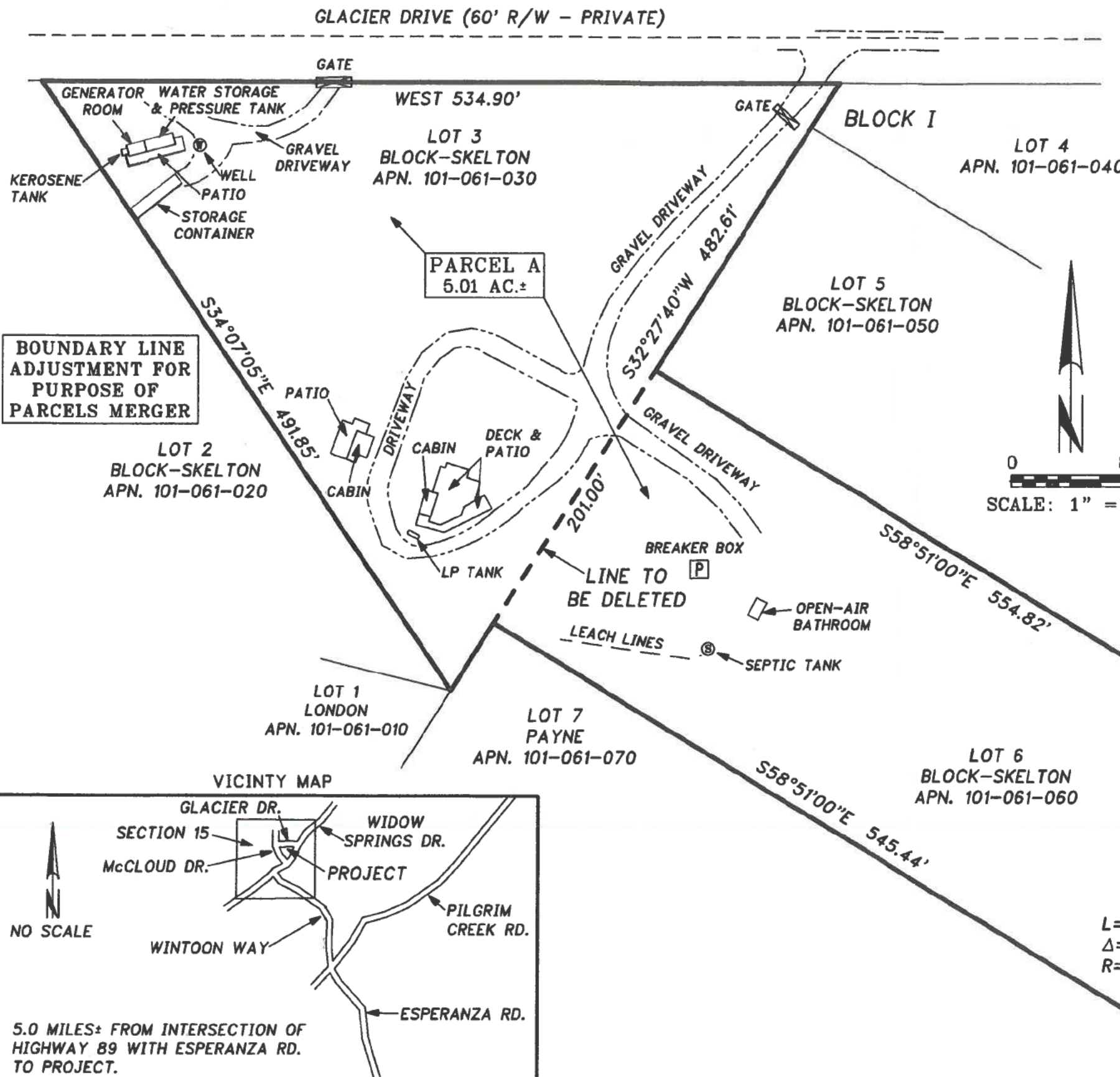
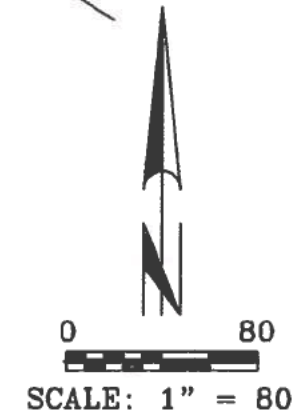
MARCH 2023 SCALE: 1" = 80' SHEET 1 OF 1
SKELTON BLA.gxd JOB NO. 724 MSF15.ASC DB: GN

GENERAL NOTES:

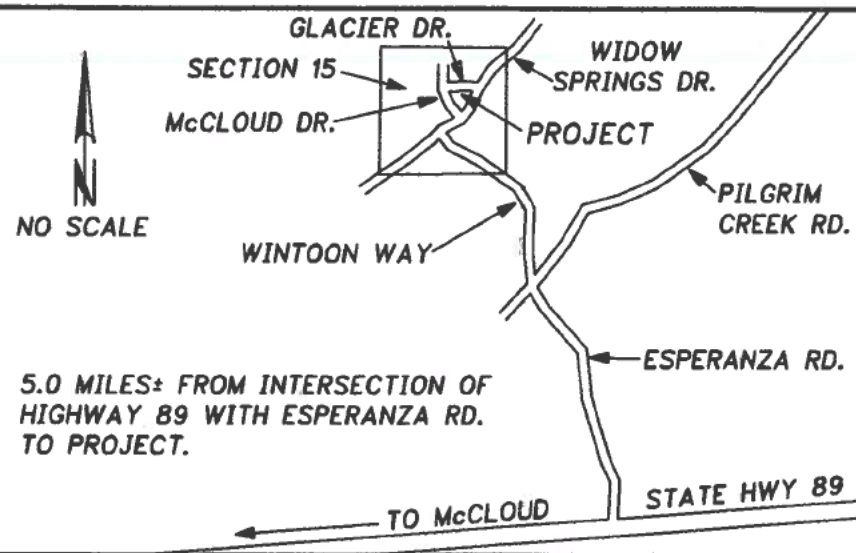
1. APN.'S 101-061-030 & 060
2. EXISTING ZONING: R-R-B-2.5
3. TAX AREA CODE: 99-03
4. WATER BY PRIVATE WELL.
5. SEWAGE BY PRIVATE SEPTIC SYSTEM.
6. VESTING DEED: DN. 07-0013629
7. ACREAGES:
APN. 101-061-030 = 2.50 AC.+/- EXISTING.
APN. 106-061-060 = 2.51 AC.+/- EXISTING.
NOTE: BOTH EXISTING PARCELS ARE TO BE MERGED TOGETHER INTO ONE NEW PARCEL A OF 5.01 AC.±.
8. THE SHOWN BOUNDARIES ARE BASED ON RECORD DATA PER TMB 4, PAGE 30.
9. IT IS NOT THE PURPOSE OF THIS BOUNDARY LINE ADJUSTMENT TO LOCATE EASEMENTS, ROADS, ENCROACHMENTS, IMPROVEMENTS, DRAINAGES, FENCES, OR ANY OTHER NATURAL OR MAN-MADE FEATURES ON OR NEAR THESE PARCELS EXCEPT THOSE SHOWN ON THIS MAP.



DATE: 3-6-23



VICINITY MAP



NORTH STATE LAND SURVEYING



MOUNT SHASTA, CA
(530) 340-3991
nslsurvey.com

APPLICANT, OWNER, AND PROPONENT

Margaret L. Block, & Clay J. Skelton, Trustees
8 Creeping Bend Court
Henderson, NV 89052

DO NOT RECORD THIS MAP OR ANY COPIES OF THIS MAP

EASEMENT NOTES AND EXCEPTIONS ARE LISTED IN FIRST AMERICAN TITLE INSURANCE COMPANY CONDITION OF TITLE GUARANTEE 5026900-6955380-BOUNDARY LINE ADJUSTMENT BY MT. SHASTA TITLE AND ESCROW COMPANY, DATED FEBRUARY 23, 2023. SAID REPORT IS MADE PART OF THIS BOUNDARY LINE ADJUSTMENT MAP AND APPLICATION. SEE REFERENCED REPORT FOR DETAILS.

Exhibit B - Exhibit Map

SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
LAND DEVELOPMENT REVIEW

OWNER SKELTON, CLAY

FILE # 101-061-030, -060

LOCATION GLACIER DRIVE
MCCLLOUD, CA

T 42N , R 2W , SEC. 15

PD# BLA-2305

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 _____

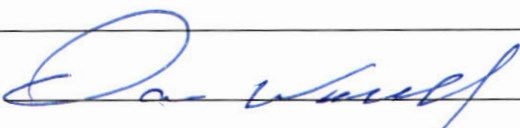
Comments/Conditions:

Environmental Health has no objection to this BLA merger.

Lot 6, APN 101-061-060 is developed with a septic system (PN 02-143). Lot 3, APN 101-061-030 has a groundwater well (PN 3155) with adequate production for single family residential development.

The existing septic system (issued under Incremental Development) is adequate for a 3 bedroom S.F.D.

REHS



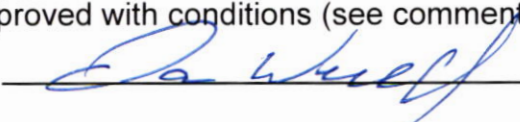
DATE 4/26/23

ENVIRONMENTAL HEALTH ACTION

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

- (x) Approved () Recommended for Denial
- () Approved with conditions (see comments)

REHS



DATE 4/26/23

Date sent to Planning:

**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: 5/11/2023

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

Attention: Dianne Johnson

Subject: Boundary Line Adjustment (BLA-2305)

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.

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

BLA2305
Date:5/11/2023
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 Ernie Curran, or Tyler Bushey at (530) 842-3516.

Tyler Bushey
Fire Apparatus Engineer
CAL FIRE Siskiyou Unit

For: Darryl Laws
Siskiyou Unit Chief

Attachment

Cc: file

UNOFFICIAL COPY

State Minimum 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 April 1, 2023

California Code of Regulations

Title 14 Natural Resources

Division 1.5 Department of Forestry

Chapter 7 - Fire Protection

Subchapter 2 State Minimum Fire Safe Regulations

Articles 1-5

UNOFFICIAL COPY

Contents

Article 1 Administration3

- § 1270.00. Title3
- § 1270.01. Definitions.....3
- § 1270.02. Purpose.....5
- § 1270.03. Scope5
- § 1270.04. Provisions for Application of these Regulations.....6
- § 1270.05. Local Regulations6
- § 1270.06. Inspections.....6
- § 1270.07. Exceptions to Standards7
- § 1270.08. Distance Measurements.....7

Article 2 Ingress and Egress8

- § 1273.00. Intent8
- § 1273.01. Width8
- § 1273.02. Road Surface.....8
- § 1273.03. Grades.....8
- § 1273.04. Radius8
- § 1273.05. Turnarounds8
- § 1273.06. Turnouts.....9
- § 1273.07. Road and Driveway Structures9
- § 1273.08. Dead-end Roads..... 10
- § 1273.09. Gate Entrances 10

Article 3 Signing and Building Numbering 11

- § 1274.00. Intent 11
- § 1274.01. Road Signs..... 11
- § 1274.02. Road Sign Installation, Location, and Visibility. 11
- § 1274.03. Addresses for Buildings. 11
- § 1274.04. Address Installation, Location, and Visibility. 11

Article 4 Emergency Water Standards..... 12

- § 1275.00. Intent 12
- § 1275.01. Application..... 12
- § 1275.02. Water Supply 12
- § 1275.03. Hydrants and Fire Valves. 12

Article 5 Building Siting, Setbacks, and Fuel Modification..... 13

- § 1276.00 Intent 13
- § 1276.01. Building and Parcel Siting and Setbacks 13
- § 1276.02. Ridgelines..... 14
- § 1276.03. Fuel Breaks..... 14
- § 1276.04 Greenbelts, Greenways, Open Spaces and Parks 15
- § 1276.05 Disposal of Flammable Vegetation and Fuels..... 15

Article 1 Administration

§ 1270.00. Title

Subchapter 2 shall be known as the "State Minimum Fire Safe Regulations," and shall constitute the minimum Wildfire protection standards of the California Board of Forestry and Fire Protection.

§ 1270.01. Definitions

The following definitions are applicable to Subchapter 2.

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

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

(c) Building: Any Structure used or intended for supporting or sheltering any use or Occupancy, except those classified as Utility and Miscellaneous Group U.

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

(e) Dead-end Road: A Road that has only one point of vehicular ingress/egress, including cul-de-sacs and Roads that loop back on themselves

(f) 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.

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

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

(i) Driveway: A vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale.

(j) 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.

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

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

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

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

(o) Greenbelts: open space, parks, wildlands, other areas, or a combination thereof, as designated by Local Jurisdictions, which are in, surround, or are adjacent to a city or urbanized area, that may function as Fuel Breaks and where Building construction is restricted or prohibited.

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

UNOFFICIAL COPY

(q) Hammerhead/T: A "T" shaped, three-point Turnaround space for Fire Apparatus on a Road or Driveway, being no narrower than the Road or Driveway that serves it.

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

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

(t) Municipal-Type Water System: A system having water pipes servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.

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

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

(w) Residential Unit: Any Building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and/or sanitation, for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered Residential Units.

(x) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land; or an area of higher ground separating two adjacent streams or watersheds.

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

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

(aa) 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:

- (1) access for emergency wildland fire equipment,
- (2) safe civilian evacuation,
- (3) signing that avoids delays in emergency equipment response,
- (4) available and accessible water to effectively attack Wildfire or defend a Structure from Wildfire, and

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

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

(cc) 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.

(dd) Strategic Ridgeline: a Ridgeline identified pursuant to § 1276.02(a) that may support fire suppression activities or where the preservation of the Ridgeline as an Undeveloped Ridgeline would reduce fire risk and improve fire protection.

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

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

(gg) Turnaround: An area which allows for a safe opposite change of direction for Fire Apparatus at the end of a Road or Driveway.

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

UNOFFICIAL COPY

- (ii) Undeveloped Ridgeline: A Ridgeline with no Buildings.
- (jj) Utility and Miscellaneous Group U: A Structure of an accessory character or a miscellaneous Structure not classified in any specific Occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.
- (kk) Vertical Clearance: The minimum specified height of a bridge, overhead projection, or vegetation clearance above the Road or Driveway.
- (ll) Vertical Curve: A curve at a high or low point of a Road that provides a gradual transition between two Road grades or slopes.
- (mm) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in Government Code section 51177(i).
- (nn) Wildfire: Has the same meaning as “forest fire” in Public Resources Code Section 4103.

§ 1270.02. Purpose

- (a) Subchapter 2 has been prepared and adopted for the purpose of establishing state minimum Wildfire protection standards in conjunction with Building, construction, and Development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones, as defined in Government Code § 51177(i) (VHFHSZ).
- (b) The future design and construction of Structures, subdivisions and Developments in the SRA and, after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter Wildfire protection measures as specified in the following articles.
- (c) These standards shall provide for emergency access; signing and Building numbering; private water supply reserves for emergency fire use; vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve Undeveloped Ridgelines. Subchapter 2 specifies the minimums for such measures.

§ 1270.03. Scope

- (a) Subchapter 2 shall apply to:
 - (1) the perimeters and access to all residential, commercial, and industrial Building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsection (b).
 - (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;
 - (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) Subchapter 2 does 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) 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 construction not relating to an existing Structure;

UNOFFICIAL COPY

(3) application for a use permit;

(4) Road construction including construction of a Road that does not currently exist, or extension of an existing Road.

(d) The standards in Subchapter 2 applicable to Roads shall not apply to Roads used solely for Agriculture; mining; or the management of timberland or harvesting of forest products.

§ 1270.04. 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, or if after July, 1 2021, the VHFHSZ.

(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.

§ 1270.05. Local Regulations

(a) Subchapter 2 shall serve as the minimum Wildfire protection standards applied in SRA and VHFHSZ. However, Subchapter 2 does not supersede local regulations which equal or exceed the standards of this Subchapter.

(b) A local regulation equals or exceeds a minimum standard of this Subchapter only if, at a minimum, the local regulation also fully complies with the corresponding minimum standard in this Subchapter.

(c) A Local Jurisdiction shall not apply exemptions to Subchapter 2 that are not enumerated in Subchapter 2. Exceptions requested and approved in conformance with § 1270.07 (Exceptions to Standards) may be granted on a case-by-case basis.

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

§ 1270.06. Inspections

Inspections shall conform to the following requirements:

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

(1) the Director, or

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

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

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

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

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

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

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

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

(c) Inspections in the VHFHSZ shall be made by the Local Jurisdiction.

UNOFFICIAL COPY

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

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

(f) 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.

§ 1270.07. Exceptions to Standards

(a) Upon request by the applicant, an Exception to standards within this Subchapter may be allowed by the Inspection entity in accordance with 14 CCR § 1270.06 (Inspections) where the Exceptions provide the Same Practical Effect as these regulations towards providing Defensible Space. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06, shall be made on a case-by-case basis only. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06 shall be forwarded to the appropriate CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located and shall be retained on file at the Unit Office.

(b) Requests for an Exception shall be made in writing to the Local Jurisdiction listed in 14 CCR § 1270.06 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 § 1270.06 (Inspections) 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 inspector 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.

§ 1270.08. Distance Measurements

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

Article 2 Ingress and Egress

§ 1273.00. Intent

Roads, and Driveways, whether public or private, unless exempted under 14 CCR § 1270.03(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 Surface

(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) 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 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 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.

UNOFFICIAL COPY

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

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

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

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

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

Figure A/Image 1 on the left is a visual representation of paragraph (b).

(f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.

Figure B/Image 2 on the right is a visual representation of paragraph (b).

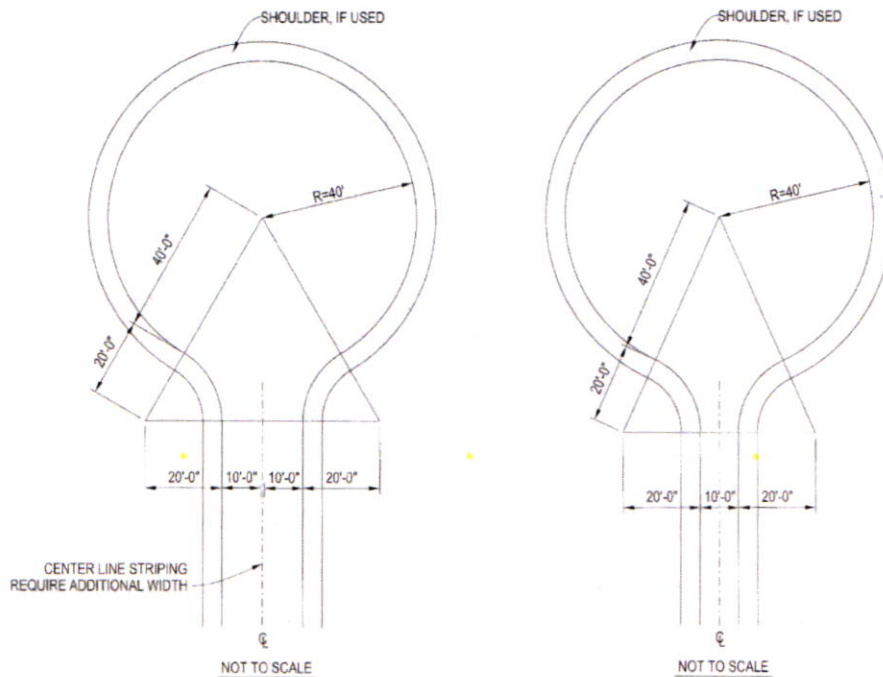


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

§ 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

UNOFFICIAL COPY

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:

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

(2) 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.

§ 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 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, 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,

UNOFFICIAL COPY

- (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.

§ 1275.04. Signing of Water Sources.

- (a) Each Fire Hydrant 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 Fire Hydrant 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 Building Siting, Setbacks, and Fuel Modification

§ 1276.00 Intent

To reduce the intensity of a Wildfire, reducing the volume and density of flammable vegetation around Development through strategic fuel modification, parcel siting and Building setbacks, and the protection of Undeveloped Ridgelines shall provide for increased safety for emergency fire equipment, including evacuating civilians, and a point of attack or defense from a Wildfire.

§ 1276.01. Building and Parcel Siting and Setbacks

- (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, except as provided for in subsection (b).
- (b) A reduction in the minimum setback shall be based upon practical reasons, which may include but are not limited to, parcel dimensions or size, topographic limitations, Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints , and shall provide for an alternative method to reduce Structure-to-Structure ignition by incorporating features such as, but not limited to:
 - (1) non-combustible block walls or fences; or
 - (2) non-combustible material extending five (5) feet horizontally from the furthest extent of the Building; or
 - (3) hardscape landscaping; or
 - (4) a reduction of exposed windows on the side of the Structure with a less than thirty (30) foot setback; or
 - (5) the most protective requirements in the California Building Code, California Code of Regulations Title 24, Part 2, Chapter 7A, as required by the Local Jurisdiction.

§ 1276.02. Ridgelines

(a) The Local Jurisdiction shall identify Strategic Ridgelines, if any, to reduce fire risk and improve fire protection through an assessment of the following factors:

- (1) Topography;
- (2) Vegetation;
- (3) Proximity to any existing or proposed residential, commercial, or industrial land uses;
- (4) Construction where mass grading may significantly alter the topography resulting in the elimination of Ridgeline fire risks;
- (5) Ability to support effective fire suppression; and
- (6) Other factors, if any, deemed relevant by the Local Jurisdiction.

(b) Preservation of Undeveloped Ridgelines identified as strategically important shall be required pursuant to this section.

(c) New Buildings on Undeveloped Ridgelines identified as strategically important are prohibited, as described in subsections (c)(1), (c)(2), and (c)(3).

(1) New Residential Units are prohibited within or at the top of drainages or other topographic features common to Ridgelines that act as chimneys to funnel convective heat from Wildfires.

(2) Nothing in this subsection shall be construed to alter the extent to which utility infrastructure, including but not limited to wireless telecommunications facilities, as defined in Government Code section 65850.6, subdivision (d)(2), or Storage Group S or Utility and Miscellaneous Group U Structures, may be constructed on Undeveloped Ridgelines.

(3) Local Jurisdictions may approve Buildings on Strategic Ridgelines where Development activities such as mass grading will significantly alter the topography that results in the elimination of Ridgeline fire risks.

(d) The Local Jurisdiction may implement further specific requirements to preserve Undeveloped Ridgelines.

§ 1276.03. Fuel Breaks

(a) When Building construction meets the following criteria, the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority:

- (1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or
- (2) an application for a change of zoning increasing zoning intensity or density; or
- (3) an application for a change in use permit increasing use intensity or density.

(b) Fuel Breaks required by the Local Jurisdiction, in consultation with the Fire Authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to Access routes, Buildings, or infrastructure within the Development.

(c) Fuel Breaks shall have, at a minimum, one point of entry for fire fighters and any Fire Apparatus. The specific number of entry points and entry requirements shall be determined by the Local Jurisdiction, in consultation with the Fire Authority.

(d) Fuel Breaks may be required at locations such as, but not limited to:

- (1) Directly adjacent to defensible space as defined by 14 CCR § 1299.02 to reduce radiant and convective heat exposure, ember impacts, or support fire suppression tactics;
- (2) Directly adjacent to Roads to manage radiant and convective heat exposure or ember impacts, increase evacuation safety, or support fire suppression tactics;
- (3) Directly adjacent to a Hazardous Land Use to limit the spread of fire from such uses, reduce radiant and convective heat exposure, or support fire suppression tactics;

UNOFFICIAL COPY

(4) Strategically located along Ridgelines, in Greenbelts, or other locations to reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics.

(e) Fuel Breaks shall be completed prior to the commencement of any permitted construction.

(f) Fuel Breaks shall be constructed using the most ecologically and site appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides.

(g) Where a Local Jurisdiction requires Fuel Breaks, maintenance mechanisms shall be established to ensure the fire behavior objectives and thresholds are maintained over time.

(h) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written legal agreements; permanent fees, taxes, or assessments; assessments through a homeowners' association; or other funding mechanisms.

§ 1276.04 Greenbelts, Greenways, Open Spaces and Parks

(a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.03 (Fuel Breaks).

§ 1276.05 Disposal of Flammable Vegetation and Fuels

The disposal, including burning or removal to a site approved by the Local Jurisdiction, in consultation with the Fire Authority, of flammable vegetation and fuels caused by site construction, Road, and Driveway construction shall be in accordance with all applicable laws and regulations.

FOR INFORMATIONAL USE ONLY

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