



**Siskiyou County**  
**Planning Commission Staff Report**  
**February 17, 2021**

**New Business Agenda Item No. 4**  
**Miller Telecommunications Facility Use Permit (UP20-13)**

**Applicant:** Cal-ORE Communications  
Keith Neilson  
719 W. 3<sup>rd</sup> Street  
Dorris, CA 96023

**Property Owners:** Robert Miller  
17914 Big Springs Road  
Weed, CA 96094

**Project Summary:** The project is requesting Use Permit approval to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities within the AG-2-B-40 zoning district. The project would include a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area.

**Location:** The project site is located at 17914 Big Springs Rd., west of the community of Lake Shastina on APN 109-160-010; Township 42N, Range 4W, Section 12, MDB&M; Latitude 41.508°, Longitude -122.362°.

**General Plan:** Soils Erosion Hazard, High; Building Foundation Limitations, Severe Pressure Limitation Soils; Deer Wintering area, 10-acre minimum parcel size; and Wildfire Hazard, High

**Zoning:** Non-Prime Agricultural, 40-acre minimum parcel size (AG-2-B-40)

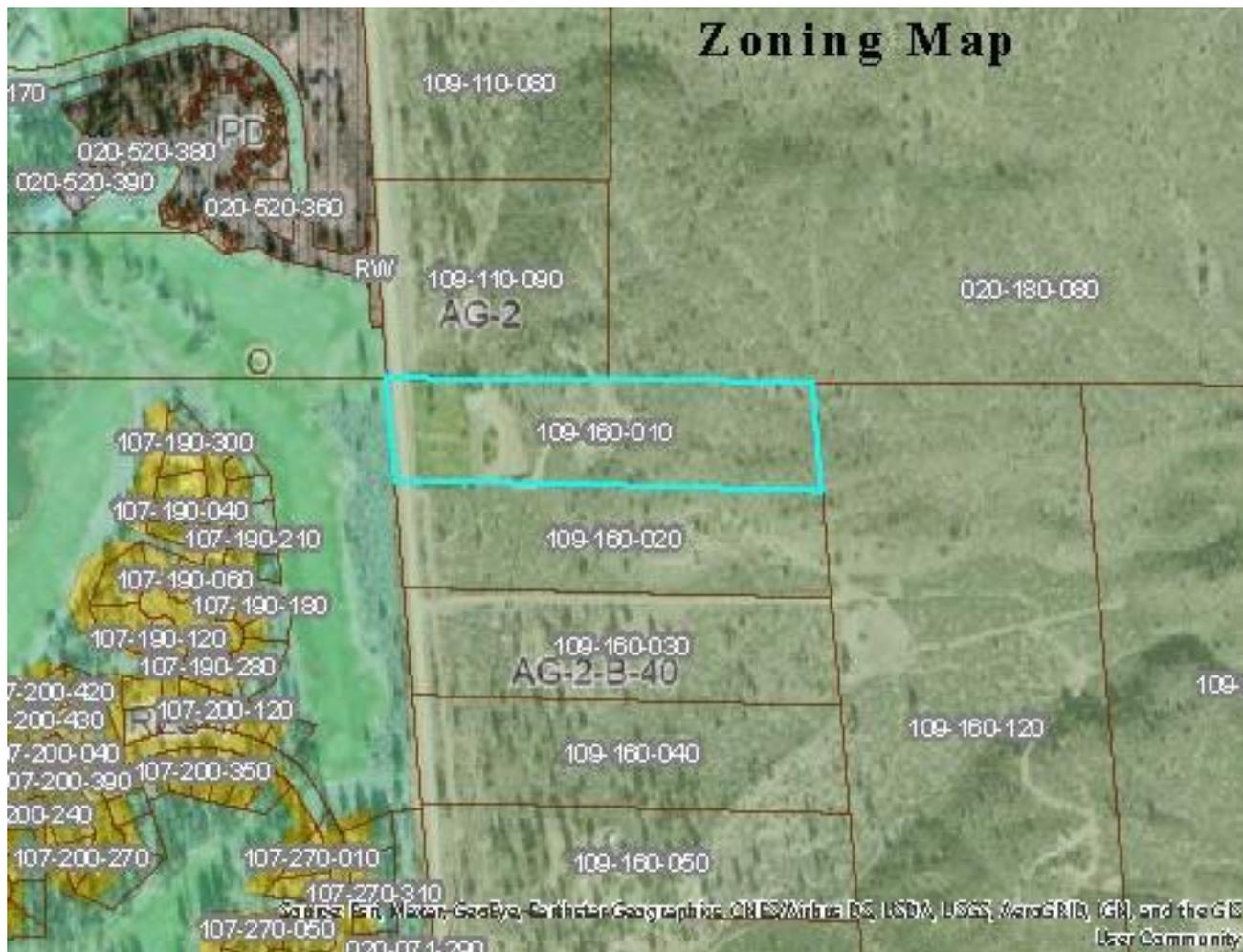
- Attachments:**
1. Resolution PC-2021-003
    - a. Exhibit A within Resolution PC-2021-003: Site Plan
    - b. Exhibit B within Resolution PC-2021-003: Conditions of Approval
    - c. Exhibit C within Resolution PC-2021-003: Findings
  2. Comments

### Background

In today's society, wireless access has become critical to many facets of everyday life such as safety, recreation, and commerce. To respond to this demand, wireless carriers deploy new wireless facilities in a specific area to provide signal coverage of sufficient strength to ensure reliable service is available to customers. New telecommunication facilities provide additional system capacity to the wireless network thereby ensuring that reliable service is available. The proposed project would allow current and future wireless customers to have increased and enhanced wireless services in the project vicinity. Further, the project location would help provide improved wireless communications, which may be utilized by first responders, area residents and individuals commuting along county road A-12 and US Highway 97.

It should be noted that this Use Permit application includes the property owner's name in the title. However, the telecommunication facilities are owned and operated by Cal-Ore Communications.

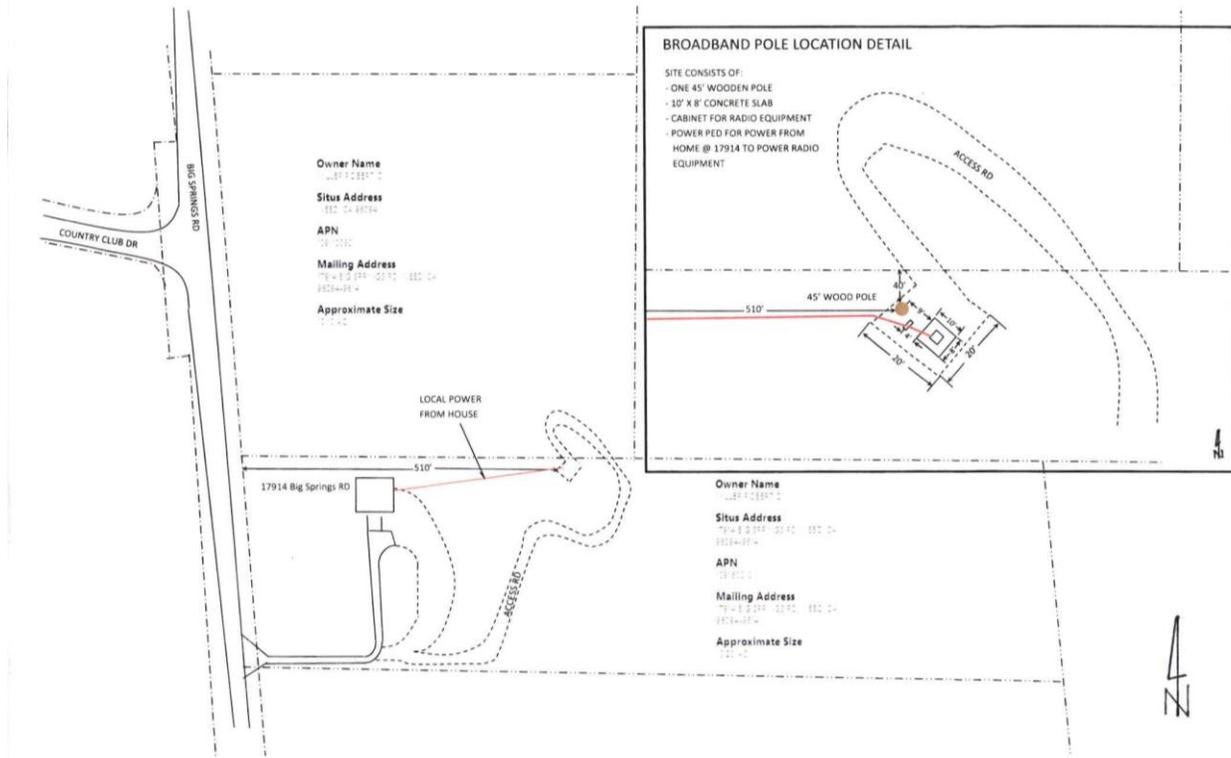
Figure-1 Project Location



## Discussion

The project is requesting Use Permit approval to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities within the AG-2-B-40 zoning district. The project would include a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area. See Figure-2 below for the Site Plan.

Figure-2 Site Plan



### Federal Communications Commission/Regulation of Telecommunication Facilities

Regulation of wireless telecommunication facilities, including towers and antennae, is largely governed by the federal Telecommunications Act of 1996 (Act). The Act provides certain exceptions to the authority of a state or local government to regulate wireless telecommunication facilities. The Act and Federal Communications Commission (FCC) rules have significantly constrained local regulatory authority regarding these facilities. The limitations on state or local authority as cited in the Act (47 U.S.C Section 332(c)(7)(B)) are articulated below (and reiterated at Siskiyou County Code Section 10-6.1518(j)):

1. The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof
  - a. Shall not unreasonably discriminate among providers of functionally equivalent services; and

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- b. Shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
2. A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
3. Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.
4. No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

Section 704 of the Act (codified at 47 USC Section 332(c)) governs federal, state, and local government oversight of siting of "personal wireless service" facilities. The Act establishes a comprehensive framework for the exercise of jurisdiction by state and local zoning authorities over the construction, modification, and placement of facilities such as towers for cellular, personal communications service, and specialized mobile radio transmitters:

1. Section 704 prohibits any action that would discriminate between different providers of personal wireless services, such as cellular, wide-area specialized mobile radio transmitters and broadband personal communications service. It also prohibits any action that would ban altogether the construction, modifications, or placement of these kinds of facilities in a particular area; and
2. The Act specifies procedures which must be followed for action on a request to place these kinds of facilities and provides for review in the court system if a decision by a zoning authority is inconsistent with Section 704.

In summary, the County's authority to regulate and permit telecommunication facilities is established through the Telecommunications Act of 1996, zoning regulations, court rulings and FCC declaratory rulings. While the Telecommunications Act of 1996 nominally preserves local zoning authority, the County of Siskiyou actually has limited regulatory authority over telecommunication facilities. The County may not impose any requirements, regardless of the Use Permit's required findings or the requirements of the Zoning Ordinance that would prohibit or have the effect of prohibiting the provision of personal wireless services. This has been interpreted by the courts to mean that if a wireless carrier has a significant gap in coverage in a particular area, and has demonstrated that a facility in a particular location is both necessary to fill the coverage gap and is the least intrusive means of doing so, a local government may not deny the application for the facility. In this respect, the County's land use authority is partially preempted by federal law. It should also be noted that both federal and state law prohibits the County from even considering health effects or concerns of radio frequency emissions if the facilities comply with the FCC's radio frequency emission standards.

**Land Use Approvals**

Telecommunication facilities are permitted outright within the C-C (Town Center), C-H (Highway

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Commercial), M-L (Limited Industrial), and M-H (Heavy Industrial), and permitted in all remaining zoning districts with Use Permit approval. The project site is zoned AG-2-B-40 (Non-Prime Agricultural District, 40-acre minimum parcel size) which, under Siskiyou County Code Section 10-6.4903(i) requires Use Permit approval to allow telecommunication facilities/uses.

Use Permits

In evaluating a Use Permit request, the primary focus is compatibility of the proposed telecommunication facility with the site and surrounding uses to determine if the proposed project should be allowed and to review the configuration, design, location, and potential impact(s) of the proposed project by comparing it to established General Plan polices and zoning regulations. The Planning Commission may approve the Use Permit application, with or without conditions, only if the project can be found in compliance with the General Plan Policy findings, Zoning Consistency/Use Permit Findings, and California Environmental Quality Act Findings. These findings are listed in Exhibit "C" of PC Resolution 2021-003.

The proposed telecommunications project includes the siting of a new 45' wooden telecommunications pole and facilities within the AG-2-B-40 zoning district (after-the-fact). The project would include a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area that would be located on a developed property consisting of a single-family residence. The surrounding areas east of A-12 are largely undeveloped parcels zoned Non-Prime Agriculture. The Lake Shastina subdivision and golf course is located west of A-12. The telecommunications facility would be unmanned and include minimal maintenance of the facility, approximately one site visit per month. In addition to limited traffic trips generated by the operations of the facility, the facility would generate a minimal amount of noise. The main source of noise generated from the telecommunications facility would be from the use of the HVAC and occasional use of the backup generator, which is anticipated to occur minimally and not generate as much noise as the existing agricultural operations.

**Zoning and General Plan Consistency**

The project site is zoned AG-2-B-40. The AG-2 zoning district is intended to provide an area where general agricultural activities and agriculturally related activities can occur.

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped overlay area for Soils Erosion Hazard, High; Building Foundation Limitations, Severe Pressure Limitation Soils; Deer Wintering area, 10-acre minimum parcel size; and Wildfire Hazard, High. In addition, staff has identified that Composite Overall Policies 41.3(b), 41.3(e), 41.3(f), 41.5, 41.9, 41.18, and 41.19(b) all apply to the proposed project. As detailed in the findings contained in Exhibit "C" of PC Resolution 2021-003, this project is consistent with the Siskiyou County General Plan.

It is staff's opinion that the proposed project is consistent with the applicable General Plan policies governing the subject site. The General Plan and County Code encourages the expansion of telecommunications infrastructure throughout the county, including adoption of new technologies as they are developed in the future. Additionally, the proposed project would not impact the existing or future uses of the property or surrounding areas. The General Plan strives to preserve and enhance agricultural uses along with utilizing physical and environmental constraints to dictate appropriate land use development. The proposed project has been designed and/or conditioned to minimize any potential concerns to area resources or hazardous conditions. In addition, the use (as designed and conditioned) would be compatible with the surrounding land uses, has adequate roadway access for transportation and public health and safety provisions, and would not create environmental impacts to on- or off-site resources. These findings are detailed in the General Plan Consistency Findings Section Miller Telecommunications Facility Use Permit (UP20-13)

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of Exhibit "C" of PC Resolution 2021-003 attached to this staff report and are submitted for the Commission's review, consideration, and approval. Therefore, it is staff's opinion that the proposed project meets the County's Zoning requirements and the County's General Plan goals and policies.

**Environmental Analysis**

Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, 15303(d) and Section 15304. Section 15301 exempts the permitting, leasing, repair/maintenance of existing facilities with negligible or no expansion of existing or former use. Section 15303 exempts the construction and location of a limited number of new small facilities or structures. Section 15304 exempts minor alterations in the condition of land, water, and/or vegetation that do not involve the removal of healthy, mature, scenic trees except for forestry or agricultural purposes including grading on slopes of less than ten percent, landscaping, and minor trenching and backfilling where the surface is restored. The project consists of the use of a new (after-the-fact) unmanned telecommunications facility within a 400 square foot lease area with a 10' x 8' concrete slab, equipment cabinet, and power pedestal.

There is no substantial evidence that the proposed project involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment.

**Public Comments**

The public hearing notice was published in the Siskiyou Daily News on February 3, 2021 and mailed on February 1, 2021 to all property owners within 300 feet of the project site, as shown on the latest current tax roll of Siskiyou County. As of February 12, 2021, no public comments have been submitted on the proposed project.

**Agency Comments**

Environmental Health - September 10, 2020:

Comments were received identifying that the storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of solid, or 200 cubic feet of a compressed gas requires the submittal and approval of a Hazardous Materials Business Plan.

*A condition related to the need for a Hazardous Materials Business Plan was added as Condition of Approval #22.*

Siskiyou County Treasury-Tax Collector Office – October 8, 2020

The Treasury-Tax Collector Office identified that the current year property taxes are due on APN: 109-160-010.

Cal Fire – June 9, 2019

Comments were received related to compliance with the Cal Fire 4290 requirements.

*A condition to ensure compliance with Cal Fire 4290 requirements was added as Condition of Approval #23.*

**Recommended Motion**

Staff is recommending approval of the proposed Miller Telecommunications Facility Use Permit project (UP20-13), and have provided the below motion for consideration:

I move to adopt Resolution PC 2021-003 hereby taking the following actions:

Miller Telecommunications Facility Use Permit (UP20-13)

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1. Approve the Miller Telecommunications Facility project (UP20-13) to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities including a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area subject to the Conditions of Approval and based on the Findings; and
2. Determine the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines.

**Preparation**

Prepared by the Siskiyou County Planning Division.

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

Kirk Skierski, Planning Director  
Siskiyou County Planning Division  
806 S. Main Street  
Yreka, California 96097

## Resolution PC 2021-003

### **A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Miller Telecommunications Use Permit Project (UP20-13)**

**Whereas**, the County of Siskiyou received an application (UP20-13) requesting approval of a Use Permit to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities including a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area within the AG-2-B-40 (Non-Prime Agricultural, 40-acre minimum parcel size) zoning district located at 17914 Big Springs Road Weed, CA (APN: 109-160-010); and

**Whereas**, Section 10-6.4903(i) of the Siskiyou County Code permits public utilities and associated improvements within the AG-2 zoning district, subject to approval of a Use Permit and Section 10-6.1518 provides a uniform and comprehensive set of standards for the orderly development, operation, and maintenance of wireless communication facilities; and

**Whereas**, the a 10-day public review period was provided to allow Federal, State, and local agencies, interested persons and organization, and other members of the public to review and comment on the project; and

**Whereas**, a Notice of Public Hearing was published in the Siskiyou Daily News on February 2, 2021, and mailed to property owners within 300 feet of the project site informing the public of the date, time, and location of the public hearing for consideration of the approval or denial of the Use Permit; 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 Miller Telecommunications Facility Use Permit (UP20-13) at a regular meeting of the Planning Commission on February 17, 2021; and

**Whereas**, on February 17, 2021, the chair of the Planning Commission opened the duly noticed public hearing on the Miller Telecommunications Facility Use Permit project (UP20-13) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project prior to reaching its decision.

**Now, therefore be it resolved**, the Planning Commission hereby takes the following actions on the Miller Telecommunication Facility Use Permit project (UP20-13):

1. Determines the project to be categorially exempt from further environmental review in accordance with Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines; and
2. Approves the Use Permit to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities including a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area as shown by the approved plan set shown in Exhibit "A" attached hereto and incorporated herein, subject to the conditions of approval set forth in Exhibit "B" attached hereto and incorporated herein.

**Be It Further Resolved** that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit "C" attached hereto and incorporated herein, determines the project categorially exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and approves the Miller Telecommunications Facility Use Permit (UP20-13) subject to the notations and conditions of approval contained in Exhibit "B" to this resolution referenced hereto and incorporated herein.

**It is Hereby Certified** that the foregoing Resolution PC-2021-003 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 17<sup>th</sup> day of February 2021 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

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Tony Melo, Chair

Witness, my hand and seal this 17<sup>th</sup> day of February 2021

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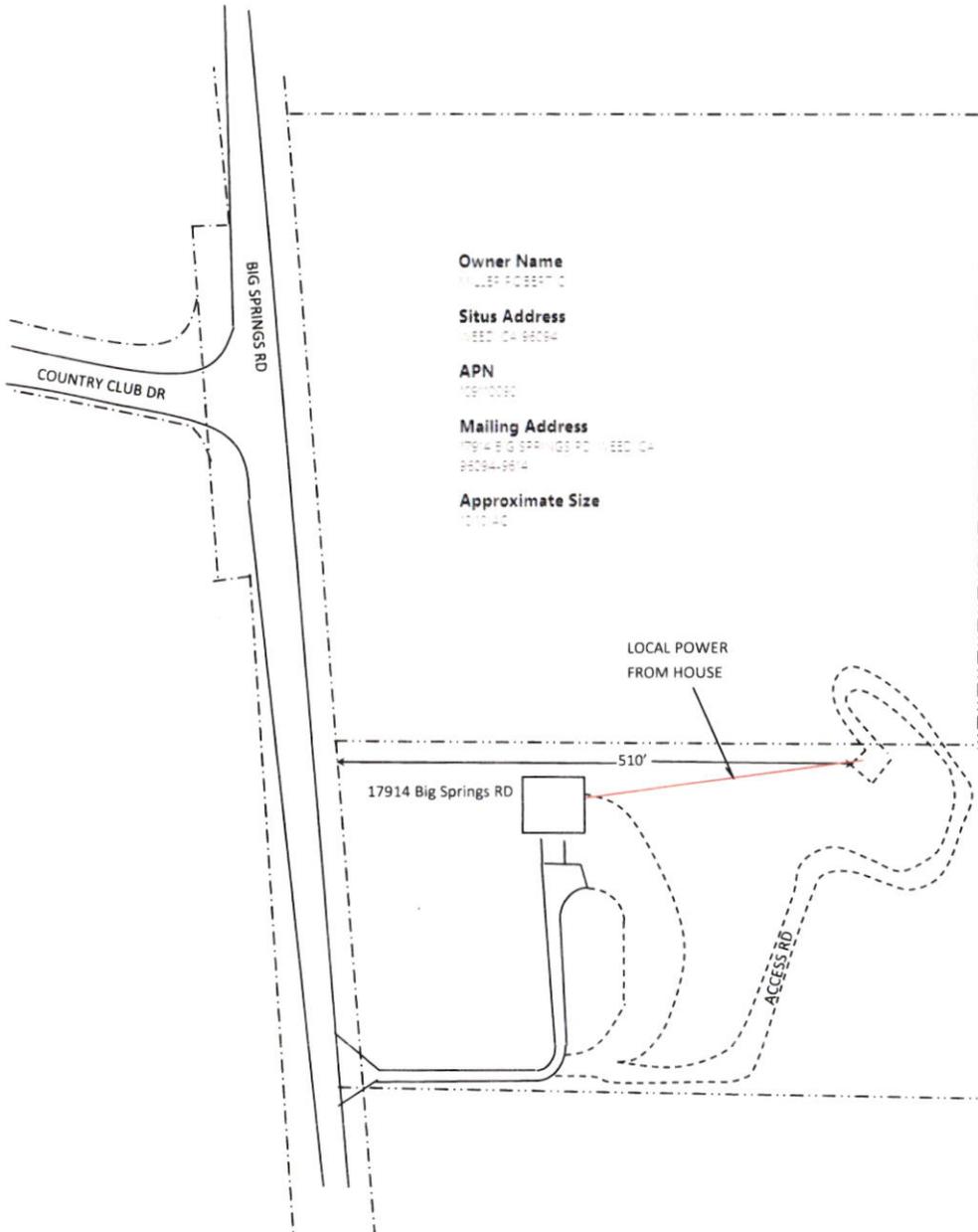
Kirk Skierski, Secretary of the Commission

Attachments:

Exhibit A: Site Plan

Exhibit B: Notations and Recommended Conditions of Approval

Exhibit C: Findings



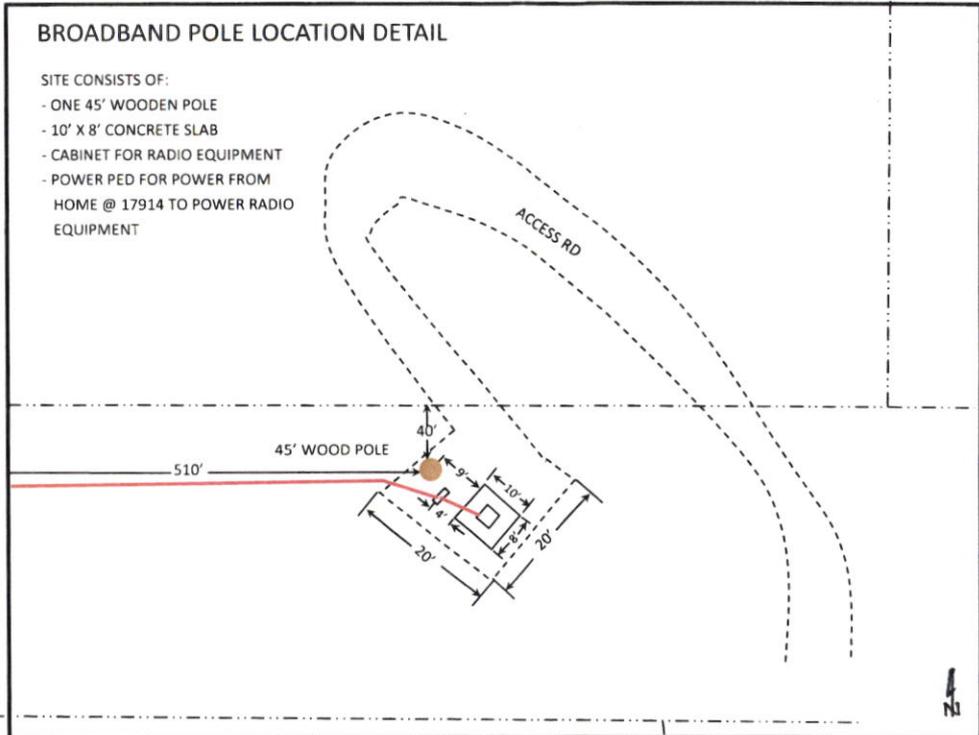
**Owner Name**  
MULLER ROBERT D

**Situs Address**  
17914 BIG SPRINGS RD WOOD CA 95094

**APN**  
109100000

**Mailing Address**  
17914 BIG SPRINGS RD WOOD CA 95094-9914

**Approximate Size**  
10.10 AC



**BROADBAND POLE LOCATION DETAIL**

- SITE CONSISTS OF:
- ONE 45' WOODEN POLE
  - 10' X 8' CONCRETE SLAB
  - CABINET FOR RADIO EQUIPMENT
  - POWER PED FOR POWER FROM HOME @ 17914 TO POWER RADIO EQUIPMENT

**Owner Name**  
MULLER ROBERT D

**Situs Address**  
17914 BIG SPRINGS RD WOOD CA 95094-9914

**APN**  
109100000

**Mailing Address**  
17914 BIG SPRINGS RD WOOD CA 95094-9914

**Approximate Size**  
10.10 AC



Exhibit "B"  
Resolution PC-2021-003  
Conditions of Approval UP20-13 – February 17, 2021

**General Conditions of Approval:**

1. A Use Permit to allow an after-the-fact siting of a new 45' wooden telecommunications pole and facilities including a 10' x 8' concrete slab, equipment cabinet, and power pedestal within a 400 square foot lease area within the AG-2-B-40 (Non-Prime Agricultural, 40-acre minimum parcel size) zoning district located at 17914 Big Springs Road Weed, CA (APN: 109-160-010) as approved by the Planning Commission on February 17, 2021 on file in the Community Development Department. The applicant is responsible for complying with all conditions of approval and providing evidence to the Community Development Director of compliance with each condition. (***Planning Division***)
2. Any proposed amendment shall be submitted to the Community Development Department for consideration by the Director to determine the review process pursuant to the Siskiyou County Code. (***Planning Division***)
3. All proposals of the applicant shall be conditions of approval if not mentioned herein. (***Planning Division***)
4. The effective date of approval shall be March 2, 2021, unless the approval is appealed to the Board of Supervisors by 5:00pm on March 1, 2021. The appeal shall be filed with the Clerk of the Board of Supervisors. In accordance with Siskiyou County Code Section 10-6.1401, the approval of the Use Permit shall be valid for 24 months after its effective date. At the end of that time, the approval shall expire and become null and void unless use under the permit is commenced or the time limits of the land use permit is extended per Section 10-6.1401(b). A Use Permit involving construction shall lapse and shall become null and void two (2) years following the date that the Use Permit became effective, unless prior to the expiration of two (2) years a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site that was subject of the Use Permit application. A Use Permit may be renewed for additional periods of time, if an application (by letter) for renewal of the Use Permit is filed with the Planning Commission prior to the permit's expiration date. Should the use be discontinued for a period of one-year or more the use shall only resume under the condition that the Community Development Director has made a written determination that the use has not been willingly discontinued and that the circumstances and findings under which the Use Permit was granted are still valid. Should the Community Development Director be unable to make these required findings, the use shall not recommence without approval of a new use permit by the Planning Commission (***Planning Division***)
5. Any fees due to the County of Siskiyou for processing this project shall be paid to the County within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees are paid to the County. (***Planning Division***)
6. The applicant, and their successors and assigns, shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the Approvals, or any part thereof, or any decision, determination, or action, made or taken approving, supplementing, or sustaining, the Project or any part thereof, or any related approvals or Project conditions imposed by the County or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the Project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the Project, which Action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any

Exhibit "B"  
Resolution PC-2021-003  
Conditions of Approval UP20-13 – February 17, 2021

party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project. (***Planning Division***)

7. If artifacts, paleontological or cultural, or unusual amounts of stone, bone, or shells are uncovered during construction activity, all construction activities shall cease within a 200-foot radius of the find unless a lesser distance is approved by the Community Development Director. The Community Development Director shall be notified of the find, and an archaeologist shall investigate the find and determine the extent and location of the discovered materials. The Community Development Director shall be notified so that the extent and location of discovered materials may be recorded in a written report prepared by a qualified archaeologist, and disposition of discovered materials may occur in compliance with State and Federal law. Construction shall not recommence until the Community Development Director authorizes construction to begin screening vegetation near the proposed facility and associated access roads shall be protected from damage during and after construction. All vegetation disturbed during project construction shall be replanted with compatible vegetation native to the surrounding area. Soils disturbed by development shall be reseeded to prevent soil erosion. No vegetation shall be removed after project completion except to comply with local and State fire safety regulations or to prevent safety hazards to people and damage to property or operational impairment. (***Planning Division***)

**Other Conditions of Approval:**

8. The carrier and/or successor in interest shall properly maintain and ultimately remove the approved wireless communications facilities if the facility becomes obsolete or is otherwise no longer needed. All related facilities shall be removed within one year of cessation of operation or upon expiration of the permit at the owner's expense. The carrier shall post a financial security, such as a bond or Certificate of Deposit, acceptable to the Siskiyou County Treasurer to ensure that the approved facilities are properly maintained and to guarantee that the facility is dismantled and removed from the premises and the site reclaimed. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the Director of Community Development, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations. The financial assurance document shall contain the current property owner name, use permit number, and APN. The financial assurance mechanism shall be in place prior to the issuance of building permit final occupancy (temporary or final). (***Siskiyou County Code Section 10-6.1518(b)(1)***)
9. The tower and project area shall be designed and sited to support wireless telecommunication equipment for additional carriers and shall be made available for lease to other carriers. Prior to building permit issuance of final occupancy (temporary or final), the applicant shall provide legal documentation that allows other utility providers to co-locate based on engineering specifications for co-location on the proposed tower. (***Siskiyou County Code Section 10-6.1518(a)(4)***)
10. No advertising signage or identifying logos shall be placed on any facility, except small identification plates used for emergency notification. (***Siskiyou County Code Section 10-6.1518(i)(4)***)
11. Pursuant to Section 10-11.01 of the *Siskiyou County Code*, a "Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of

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Siskiyou" shall be signed, notarized, and recorded prior to the use commencing. (***Siskiyou County Code Section 10-11.01***)

12. Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period, in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that the project is approved by the Planning Commission. (***Government Code Section 66020(d)(1)***)
13. Back-up generators shall only be operated in emergencies or for routine and maintenance. Normal maintenance shall occur between the hours of 7 A.M. and 6 P.M., excluding emergencies. (***Planning Division***)
14. An after-the-fact building permit shall be obtained from the Building Division of the Siskiyou County Community Development Department. The applicant is responsible for obtaining all necessary permits for any future development and/or modifications to the existing facilities. (***Planning Division***)
15. The proposed telecommunications tower (45' wooden pole), equipment cabinet, power pedestal and associated equipment shall be painted an earth tone color with a matte or non-glossy/non-reflective finish to help blend with the surrounding natural or built environment. Prior to the issuance of building permit final occupancy (temporary or final), the applicant shall submit color samples to the Community Development Director for review and approval. The County reserves the right to require the tower and associated equipment be repainted at any time to ensure the proposed project does not have any aesthetic impacts on the surrounding areas. (***Planning Division***)
16. All antennae and dishes attached to the tower shall be flush-mounted, to the extent it is feasible to do so, as a means of reducing the visual impacts of the structure and communication equipment. (***Planning Division***)
17. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Public Health and Community Development Department, and all other local and state regulatory agencies. (***Planning Division***)
18. The applicant shall comply with Federal Communications Commission requirements, including but not limited to, lighting and signage for telecommunications towers. (***Planning Division***)
19. Prior to the issuance of building permit final occupancy (temporary or final), the applicant shall provide third party documentation demonstrating that the telecommunication facility complies with FCC's regulations for radio frequency emissions. New telecommunication equipment and/or co-locating of additional providers shall be required to provide third party documentation demonstrating that the new telecommunication equipment and/or co-locating provider complies with FCC's regulations for radio frequency emissions. (***Planning Division***)
20. Unused or obsolete equipment or towers shall be removed from the site within six months after their need has ceased. (***Planning Division***)
21. Prior to issuance of final occupancy (temporary or final), the applicant shall provide verification that all proposed utility and access easements, including access on the adjacent parcel, APN: 109-110-090, have been recorded against all properties (APN: 109-160-010 and 109-110-090). (***Planning Division***)

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22. To minimize the risk of accidental release of hazardous materials into the environment, the property owner will submit a Hazardous Materials Business Plan (HMBP) to the Siskiyou County Environmental Health Division. The HMBP shall be prepared in accordance with the requirements of the California Business Plan Act, and shall be annually updated to reflect the current amount and type of hazardous materials located on the subject property. (***Environmental Health Division***)
  
23. The applicant shall meet all applicable and appropriate Fire Safe Regulations and California Fire Code requirements for the proposed project and any associated uses or development occurring within a State Responsibility Area. The applicant shall obtain verification of compliance with these Fire Safe Regulations from the Director of the California Department of Forestry (Cal Fire), or their assigned designee prior to the final inspection of any project-related improvements or building permit. (***California Department of Forestry and Fire, "Cal Fire"***)

## Findings

### General Plan Consistency Findings

#### **Map 2: Erosion Hazard**

Policy 7 Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project timing (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

*The project is conditioned to require building permit approval of all future development and/or modifications, which would require development to meet California Building Code requirements including applicable erosion control measures.*

#### **Map 3: Soils: Building Foundation Limitations**

Policy 8 Enforce building construction standards (Uniform Building Code) and public works requirements.

*The project is an unmanned facility and does not require a septic tank, nor would the proposed construction and operation impact the existing septic system for the property.*

#### **Map 4: Soils: Severe Septic Tank Limitations**

Policy 9 The minimum parcel size shall be one acre on 0-15% slope and 5 acres on 16-29% slope. The permitted density will not create erosion or sedimentation problems.

*The proposed project would be located on an existing 10-acre parcel. No new parcels are proposed to be created as part of this project. This policy is not applicable to the proposed project.*

Policy 10 Single-family residential, heavy or light industrial, heavy or light commercial, open spaces, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

*The project is considered a "public utility" use and would not create erosion, sedimentation, or septic problems resulting from the operation of the unmanned telecommunications facility. The proposed project would not impact the existing septic system for the property.*

#### **Map 9: Deer Wintering Areas**

Policy 28 Single-family residential, light industrial, light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

*The project is considered a "public utility" use and would not create erosion, sedimentation, or septic problems resulting from the operation of the unmanned*

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*telecommunications facility. The proposed project would not impact the existing septic system for the property.*

Policy 29 The minimum parcel size also permitted shall only be those designated on the critical deer wintering area map.

The permitted uses will not create erosion or sedimentation problems.

*The Deer Wintering area applicable to the project site requires a 10-acre minimum parcel size. The project does not proposed subdivision of the project site or adjustment to the existing parcel size. This policy is not applicable to the proposed project.*

**Map 10: Wildfire Hazard**

Policy 30 All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.

*The 10-acre parcel has sufficient size and space for the operation and maintenance of the telecommunications facility, and the adjacent public road (A-12) is sufficient to accommodate the vehicles and equipment for the operations of the telecommunications facility. The property is accessed by A-12, which is capable of accommodating the minimal traffic associated with the operation and maintenance of the facility. In addition, the project would be required to meet all applicable Cal-Fire conditions of approval including Public Resources Code 4290.*

**Composite Overall Policies**

Policy 41.3(b) All light commercial, light industrial, multiple family residential, and commercial/recreational, public and quasi-public uses must provide or have direct access to a public road capable of accommodating the traffic that could be generated from the proposed use.

*The proposed wireless telecommunications facility is unmanned and requires minimal maintenance that would generate less traffic than a standard residential use. The 10-acre parcel has sufficient size and space for the telecommunications facility, and the adjacent public road (A-12) is sufficient to accommodate the vehicles and equipment for the telecommunications facility. The property is accessed by a public road (A-12) capable of accommodating the minimal traffic associated with the operation and maintenance of the facility.*

Policy 41.3(e) All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

*The proposed wireless telecommunications facility is a conditionally permitted use in the AG-2-B-40 zoning district. The proposed use would require a minimal area (400 sf) of the 10-acre parcel and would not impact the existing residential uses existing on the property. The proposed facility is unmanned, which requires minimal maintenance, and would not impact any of the uses or future uses in the surrounding areas.*

Exhibit "C"  
Resolution PC-2021-003  
Findings UP20-13 – February 17, 2021

Policy 41.3(f) All proposed uses of the land may only be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.

*No mapped resources would be disrupted or destroyed as a result of the proposed use.*

Policy 41.5 All development will be designed so that every proposed use and every individual parcel of land created is a buildable site, and will not create erosion, runoff, access, fire hazard or any other resource or environmentally related problems.

*The project is proposed on an existing 10-acre parcel capable to accommodate the existing residential use and the proposed telecommunications facility. Construction and operation of the telecommunications facility would not generate erosion, runoff, or fire hazard issues.*

Policy 41.9 Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

*The proposed wireless telecommunications facility is unmanned and requires minimal maintenance that would generate less traffic than a standard residential use. The 10-acre parcel has sufficient size and space for the construction of the proposed project, and the adjacent public road (A-12) is sufficient to accommodate the vehicles and equipment for constructing the telecommunications facility. The property is accessed by a public road (A-12) capable of accommodating the minimal traffic associated with the operation and maintenance of the facility following construction.*

Policy 41.18 Conformance with all policies in the Land Use Element shall be provided, documents, and demonstrated before the County may make a decision on any proposed development.

*Staff has reviewed all Land Use Element policies and has determined that the proposed telecommunication facility conforms to the General Plan. This finding is further supported by the discussion contained in the Planning Commission staff report dated February 17, 2021.*

Policy 41.19(b) Ensure compatibility of all land uses.

*The project has been reviewed with all General Plan elements and existing and potential surrounding land uses. The project would not impact the existing or future uses of the parcel or surrounding areas.*

**California Environmental Quality Act Findings**

1. This finding is further supported by the discussion contained in the "Environmental Analysis" section of the Planning Commission staff report dated February 17, 2021. There is no substantial evidence, in light of the whole record before the County, that the project would have a significant effect on the environment. Therefore, staff is recommending that the Planning Commission determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301. The project consists of the after-the-fact use of a new unmanned telecommunications facility (45' wooden pole) including a 10' x 8' concrete slab, equipment cabinet,

Exhibit "C"  
Resolution PC-2021-003  
Findings UP20-13 – February 17, 2021

and power pedestal within a 400 square foot lease area. The project does not require the removal of any healthy, mature trees.

**Zoning Consistency/Use Permit Findings**

1. The proposed development is allowed within the AG-2-B-40 zoning district with approval of a Use Permit as identified by Siskiyou County Code Section 10-6.4903(i). In addition, the project complies with all applicable provisions of the Siskiyou County Code and is consistent with the regulations and requirements contained in the Siskiyou County's Wireless Communication Ordinance (SCC Section 10-6.1518). This finding is further supported by the discussion contained in the Planning Commission staff report dated February 17, 2021.
2. The proposed development is consistent with all applicable General Plan policies. The General Plan and County Code encourages the expansion of telecommunications infrastructure throughout the county, including adoption of new technologies as they are developed in the future. Additionally, the proposed project does not conflict with other applicable elements of the General Plan, which encourages preserving and enhancing existing and future uses including ensuring compatible uses that would not impact agricultural operations. This finding is further supported by the discussion contained in the Planning Commission staff report dated February 17, 2021.
3. The proposed design, location, size, and operation characteristics of the proposed development would be compatible with the existing and future uses in the vicinity. The applicant has provided written documentation demonstrating a good faith effort in locating facilities in compliance with Siskiyou County Code Section 10-6.1518(a)(2). Although the existing visual character of the project site would likely see minor change as a result of construction of the tower, such changes would not block any views from the site or surrounding areas. As a result, visual changes to the project site and within the project would not create a significant environmental impact, and is considered a common visual structure throughout rural Siskiyou County due to topography and development patterns. The telecommunications facility is an unmanned tower with minimal construction phase and operational phase traffic generated to the site. This finding is further supported by the discussion contained in the Planning Commission staff report dated February 17, 2021.
4. The proposed development would not be detrimental to the public health, safety or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the property is located. Due to size, scale, intensity and location of the project, the proposed uses 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. All telecommunication facilities are required to comply with FCC's requirements for radio frequency emissions including new/co-locating equipment.
5. Due to the size, scale, intensity and location of the project, the proposed uses will not cause damage or nuisances from noise, smoke, odor, dust, vibration, explosion, contamination, fire or traffic and will be reasonably compatible with the existing and permitted uses in surrounding areas.
6. The Use Permit approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon the environmental quality and natural resources. This finding is further supported by the discussion contained in the Planning Commission staff report dated February 17, 2021 in conjunction with the recommended conditions of approval. The project is categorically exempt pursuant to CEQA Guidelines Section 15301, Existing Facilities. There is no substantial evidence that proposed project

Exhibit "C"  
Resolution PC-2021-003  
Findings UP20-13 – February 17, 2021

involves unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment.

7. The site for the proposed development is physically suitable for the type and density/intensity of development being proposed, adequate in size and shape to accommodate the uses, and is served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development. The project includes minimal development and site disturbance. The proposed project would be located within a 400 square foot lease area on a ten-acre parcel. In addition, the use and maintenance of the telecommunications facility would be minimal requiring service one to two times a month.
8. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. No sanitation or water facilities are required with the proposed project.
9. The proposed development is consistent with all applicable regulations of the Siskiyou County Department of Environmental Health and the California Department of Forestry and Fire Protection (Cal Fire) for the transport, use and disposal of hazardous materials. The Siskiyou County Department of Environmental Health and Cal Fire had no objections to the wireless telecommunication facilities and operations and determined the project to be consistent with their applicable regulations. The project does not propose the storage or use of any hazardous materials, and any future transport, use, or disposal of hazardous materials would require the applicant to obtain the necessary permits from Siskiyou County Department of Environmental Health in compliance with the California Health and Safety Code.

SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
LAND DEVELOPMENT REVIEW

OWNER Miller, Robert

FILE # 109-160-010

LOCATION 17914 Big Springs Rd T 42N , R 5W , SEC. 12 PD# UP2013

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:

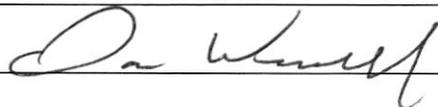
Environmental Health has reviewed this proposed project and has no objections as submitted.

APN 109-160-010 is developed with a Single-family Dwelling, Septic System (PN 01-028) and well (PN 3304).

The location of the proposed Broadband Service Station will have no adverse effect of the existing septic system, septic expansion area or well.

The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of solid, or 200 cubic feet of a compressed gas requires the submittal of a Hazardous Materials Business Plan. A facility may be subject to annual hazardous materials inspections and all applicable laws and regulations regarding hazardous materials handling and storage. Any amount of hazardous waste generated in association with an existing or proposed business is subject to a Business Plan and approval from the County Health Department. The discharge of hazardous waste on-site is prohibited.

REHS \_\_\_\_\_



DATE \_\_\_\_\_

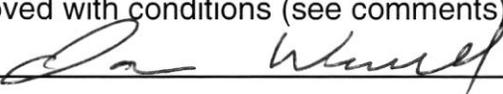
9-10-20

**ENVIRONMENTAL HEALTH ACTION**

- Application Accepted  Application Rejected as Incomplete (see comments)

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

REHS \_\_\_\_\_



DATE \_\_\_\_\_

9-10-20

Date sent to Planning:

# WAYNE HAMMAR

Siskiyou County  
Treasurer-Tax Collector  
311 4th Street, Room 104  
Yreka, California 96097  
Telephone (530) 842-8340  
FAX (530) 842-8344

## MEMORANDUM

**DATE:** October 8, 2020

**TO:** Bernadette Cizin, Planning

**FROM:** Kayla S. Harris

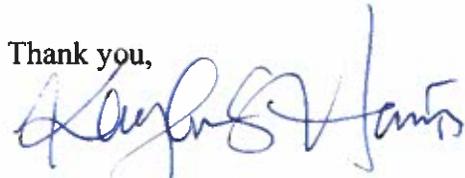
**SUBJECT:** Project Application Review Cal-Ore Communications Use Permit (UP2013)

Please inform Robert C. Miller & Cal-Ore Communications; Keith R. Nelson that the current year property taxes are due on the following parcel, 109-160-010-000.

Please refer to the attached enclosure.

Please contact our office if you have any questions.

Thank you,



Kayla S. Harris  
Treasury-Tax Collection Specialist

**SISKIYOU COUNTY 2020 - 2021 PROPERTY TAX BILL**  
**WAYNE HAMMAR, TREASURER/TAX COLLECTOR**  
**311 4TH ST ROOM 104 YREKA, CA 96097 530-842-8340**  
**SECURED TAX ROLL FOR FISCAL YEAR JULY1, 2020 - JUNE 30, 2021**

PROPERTY INFORMATION - TAX YEAR: 2020		IMPORTANT MESSAGES
ASMT NUMBER: 109-160-010-000	TAX RATE AREA: 054-002	<h1>2020-2021</h1>
FEE NUMBER: 109-160-010-000	ACRES: 10.20	
LOCATION: 17914 BIG SPRINGS RD		
ASSESSED OWNER: MILLER ROBERT C		
MILLER ROBERT C 17914 BIG SPRINGS RD WEED CA 96094		

COUNTY VALUES, EXEMPTIONS AND TAXES				
PHONE #S	VALUE DESCRIPTION	PRIOR	CURRENT	THIS BILL
VALUATIONS: (530) 842-8036	LAND		25,986	25,986
PAYMENTS: (530) 842-8340	STRUCTURAL IMPROVEMENTS		104,772	104,772
SOLID WASTE (530) 842-8250	HOMEOWNERS EXEMPTION		-7,000	-7,000
EXEMPTIONS (530) 842-8038	NET TAXABLE VALUE			123,758
VALUES X TAX RATE PER \$100 1.000000				1,237.58

VOTER APPROVED TAXES, TAXING AGENCY DIRECT CHARGES AND SPECIAL ASSESSMENTS							
PHONE #S	CODE	DESCRIPTION	ASSESSED VALUES	X	TAX RATE PER \$100	=	AGENCY TAXES
(530) 938-5220	45000	COS BOND, SERIES A-C	123,758		.032100		39.72
(530) 926-3006	46000	SISKIYOU UNION HIGH SCHOOL BOND	123,758		.031000		38.36
PHONE #S	DESCRIPTION	DIR CHRG	PHONE #S	DESCRIPTION	DIR CHRG	PHONE #S	DESCRIPTION
(530) 842-8060	COUNTY SERVICE AREA #3	\$2.00	(530) 842-8220	SOLID WASTE-LAND FILL	\$63.00		

AGENCY TAXES 78.08  
DIRECT CHARGES 65.00  
AGENCY TAXES + DIRECT CHARGES + FEES + PENALTY + COST + DELINQUENT PENALTIES 143.08

<b>1ST INSTALLMENT \$690.33</b> DELINQUENT AFTER 12/10/2020	<b>2ND INSTALLMENT \$690.33</b> DELINQUENT AFTER 4/10/2021	<b>TOTAL TAXES \$1,380.66</b>
--	---	-------------------------------

SISKIYOU COUNTY SECURED PROPERTY TAXES - 2ND INSTALLMENT PAYMENT STUB			
ASMT NUMBER: 109-160-010-000	2020	MAKE CHECK PAYABLE TO:	
ORIG ASMT: 109-160-010-000		Siskiyou County Tax Collector	
FEE NUMBER: 109-160-010-000		311 4th Street - Room 104	
LOCATION: 17914 BIG SPRINGS RD		Yreka, CA 96097-2944	
CURRENT OWNER: MILLER ROBERT C		<h1>2020-2021 2ND</h1>	
17914 BIG SPRINGS RD			
WEED CA 96094			

**IF PAID BY 4/10/2021 \$690.33**

DELINQUENT AFTER 4/10/2021 (INCLUDES 10% PENALTY OF \$69.03 AND \$20.00 COST) \$779.36

SISKIYOU COUNTY SECURED PROPERTY TAXES - 1ST INSTALLMENT PAYMENT STUB			
ASMT NUMBER: 109-160-010-000	2020	MAKE CHECK PAYABLE TO:	
ORIG ASMT: 109-160-010-000		Siskiyou County Tax Collector	
FEE NUMBER: 109-160-010-000		311 4th Street - Room 104	
LOCATION: 17914 BIG SPRINGS RD		Yreka, CA 96097-2944	
CURRENT OWNER: MILLER ROBERT C		<h1>2020-2021 1ST</h1>	
17914 BIG SPRINGS RD			
WEED CA 96094			

**IF PAID BY 12/10/2020 \$690.33**

DELINQUENT AFTER 12/10/2020 (INCLUDES 10% PENALTY OF \$69.03) \$759.36  
TO PAY TOTAL TAXES, RETURN BOTH STUBS BY 12/10/2020 \$1,380.66

**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



October 12, 2020

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

Attention: Bernadette Cizin, Permit Technician

Subject: Project Review Cal-Ore Communications use permit (UP2013)

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 Use Permit and would only object to permit if the new project negatively impacts a previously permitted structures or roadways approved under the following requirements.

**DRIVEWAY DESIGN AND SURFACE REQUIREMENTS**

1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.10, 1273.11

**ADDRESSES FOR BUILDING**

1274.08, 1274.09, 1274.10

**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.

Additional Public Resources Code (PRC) and California Fire Code (CFC) requirements that must be met after construction is completed are as follows:

PRC 4291 – Defensible Space Requirements

PRC 4442 – Spark arrestor requirement for generators

CFC – 6107 – Liquefied Petroleum Gas Safety Precautions

CFC – 6108 – Liquefied Petroleum Gas Fire Protection

SEE THE ATTACHED “4290 CHECKLIST” FOR SPECIFIC CODE REQUIREMENTS.

If you have any questions, please call Nicholas Pisano at (530) 842-3516.



Nicholas Pisano  
Fire Captain Specialist

For: Phillip Anzo  
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](http://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.
- (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.

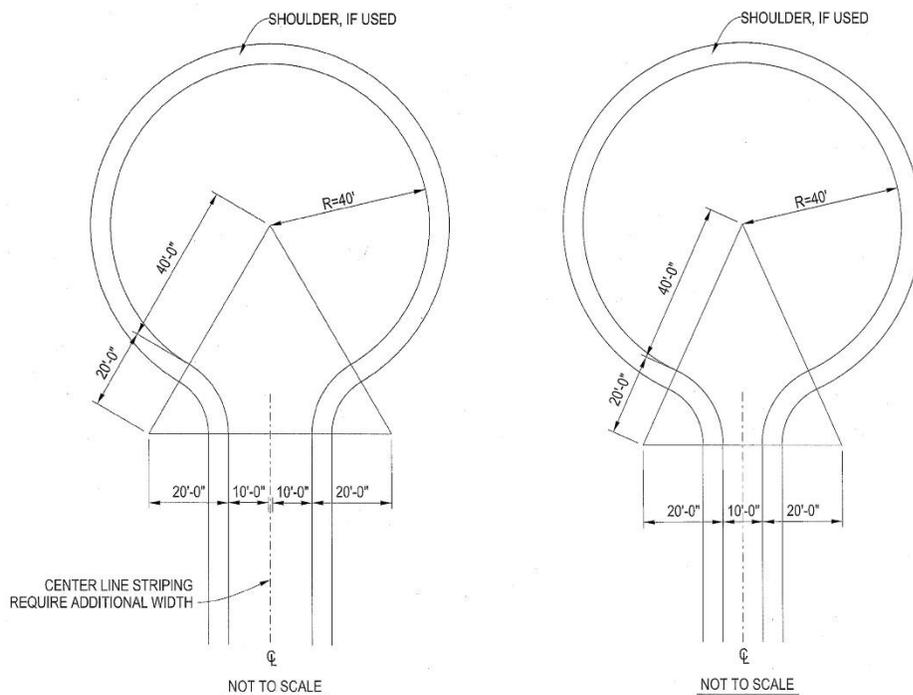


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

### § 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.