

Siskiyou County Planning Commission Staff Report November 20, 2024

New Business Agenda Item No. 2 Jochim Use Permit (UP-24-13)

Applicant: Dustin Jochim

Property Owners: Dustin and Hanna Jochim

PO Box 2132

Weaverville, CA 96093

Project Summary The applicant is requesting use permit approval for:

timber processing by portable facilities;

construction and occupancy of a pole barn for storage of lumber

and a portable sawmill; and

occupancy of a cabin, corrals, and a Quonset hut, consistent with

the uses permitted in the TPZ District.

Location: The project is located at 4381 Scott River Road, approximately 3.86

miles northwest of the city of Fort Jones; APN: 014-370-030; Township 44N, Range 9W, Section 29, MDB&M; Latitude 41.637°, Longitude

-122.906°.

General Plan: Soils: Erosion Hazard; Slope; Critical Deer Wintering Area; Wildfire

Hazard

Zoning: Timberland Production (TP), Timberland Production, 80-acre minimum

parcel size (TP-B-80)

Scott Valley Area Plan: Prime Agricultural Land; Deer Wintering Range; Excessive Slope Area

Exhibits: A. Draft Resolution PC-2024-027

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 Jochim Use Permit (UP-

24-13)

A-1. Notations and Recommended Conditions of Approval

A-2. Recommended Findings

B. Comments

Background

Parcel Creation

The subject property (APN 014-370-030) consists of one legal parcel originally created by Grant Deed filed in the Siskiyou County Recorder's Office on March 10, 1952, in Volume 310 at Page 253, which was later included in a Boundary Line Adjustment (BLA-13-19) filed in the Siskiyou County Recorder's Office on February 7, 2014, as Document No. 14-0001135. The BLA did not modify the boundary lines for this parcel, but instead served to confirm the disputed boundary line between neighboring parcels.

Project Description

The proposed project is a use permit to allow for timber processing by portable facilities and construction of a pole barn (40' x 56') for storage of lumber and a portable sawmill. The barn will be located on a level area about 230 feet from Scott River Road in the southwest corner of the property. The project would also permit occupancy of a small cabin, corrals, and Quonset hut, consistent with the uses permitted in the TPZ district. No trees are proposed to be removed as part of this project.



The project is located at 4381 Scott River Road, approximately 3.86 miles northwest of the city of Fort Jones. The property is comprised of 140.8 acres within the Timber Production District (TPZ). The property is presently developed with a small cabin, Quonset hut, water well, and septic system. The Quonset Hut was built in 1957 (Permit 1435). The cabin appears to have been constructed between

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April 2015 and August 2016. No development permits were found for the cabin. In 2013, there was a pump service reconnection (permit number 45219). In 2013, the property was part of a boundary line adjustment (BLA-13-19), which noted that the property was undeveloped, except for a well and Quonset hut.



The majority of the property consists of low-lying hills covered with Ponderosa pine, Douglas fir, sugar pine, and white oak. Soils in the hills consists of Marpa-Kinkel-Boomer, cool complex, 15 to 50 percent slopes and Duzel-Jilson-Facey complex, 15 to 50 percent slopes, which are not prime farmland. The southwestern corner of the property, along Scott River Road, is comprised of open and gently sloping terrain and is adjacent to neighboring agricultural uses, consisting primarily of alfalfa fields. Soils adjacent to Scott River Road consist of Stoner gravelly sandy loam, 2 to 5 percent slopes, which is considered prime farmland only if irrigated.

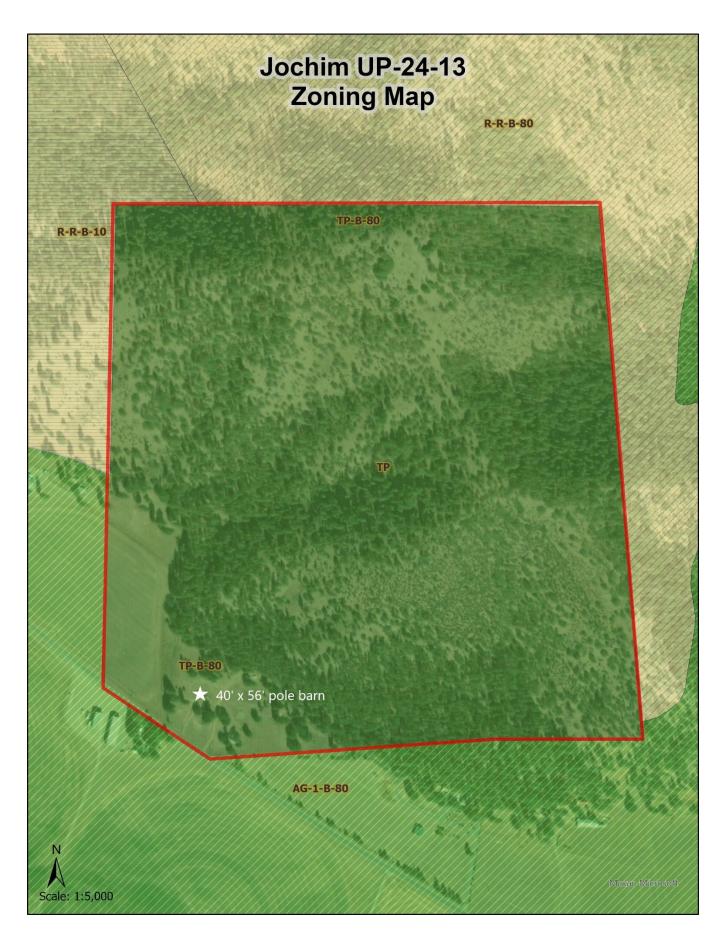
Directly north of the property is land owned by the U.S. Klamath National Forest and all parcels within a one-half mile radius of the project site are zoned Prime Agricultural, Non-Prime Agricultural or Rural Residential Agricultural.

On January 10, 1978, the subject property was placed into the Timber Production (TPZ) zoning district. However, in 1986, due to an administrative error, the property was mistakenly mapped as Rural Residential Agricultural (R-R) and Prime Agricultural (AG-1) during the adoption of the Scott Valley Zone Plan. In 1988, the Board of Supervisors corrected the error and initiated a zone plan modification placing the property back into the TP zoning district.

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Analysis

General Plan Consistency

The Land Use Element of the Siskiyou County General Plan identified the project site as being within the mapped overlay area for Soils: Erosion Hazard; Slope; Critical Deer Wintering Area; and Wildfire Hazard. In addition, Planning staff has identified that Composite Overall Policies 41.3(e), 41.3(f), 41.5, 41.7, 41.8, 41.9, and 41.18 all apply to the proposed project.

Staff has conducted a detailed analysis of each of the required findings and has found that the proposed project is consistent with the applicable General Plan policies governing the location. In addition, the use, as 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. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit A-2 attached to this staff report, and are submitted for the Commission's review, consideration, and approval.

Zoning Consistency

The property is zoned Timber Production (TP, TP-B-80) and is not proposed to be changed as part of this project. The project proponent seeks to convert existing small structures from one use to another (Quonset hut converted from storage of agricultural equipment to storage of timber harvesting equipment; small cabin and corrals converted from general occupancy to occupancy in support of timber operations) and construction of a new structure (pole barn) that is accessory to the existing use of the land, namely timber production and harvesting of timber. Pursuant to SCC Section 10-6.5103(a) and (g), the project, consisting of timber processing by portable facilities and construction and/or occupancy of structures consistent with permitted uses, are allowable uses in the TPZ district.

Neighboring parcels adjacent to the project site are zoned Prime Agricultural (AG-1-B-80) and Rural Residential (R-R-B-80). The recommended findings are detailed in the Zoning Consistency Findings section of Exhibit A-2 attached to this staff report.

Scott Valley Area Plan Consistency

The Scott Valley Area Plan identifies portions of the property site as being within the mapped natural resources and physical hazard areas for Critical Deer Wintering Areas and Excessive Slope. Planning staff has identified that Comprehensive – Composite Plan Policies 34, 35, 36 and 41, also apply to the proposed project. The recommended findings are detailed in the Scott Valley Area Plan Consistency Findings section of Exhibit A-2 attached to this staff report.

Environmental Review

The California Environmental Quality Act ("CEQA") Guidelines identify classes of projects that have been determined not to have a significant impact on the environment and as a result are exempt from review. Based on staff's analysis, it was determined that the proposed project would not have a significant impact on the environment and is exempt pursuant to CEQA Section 15303(c) and (e). Staff's analysis included an evaluation of the project in light of CEQA Section 15300.2 Exceptions as described below.

CEQA Section 15303 – New Construction or Conversion of Small Structures

The Class 3 categorical exemption applies to construction of new small structures; installation of new equipment in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Per paragraph (c) of Section 15303, the Class 3 categorical exemption applies to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. Paragraph (c) applies to this project. The (40' x 56') pole barn to be built involves construction of a new small structure not involving the use of significant amounts of hazardous substances and not exceeding 2500 square feet in floor area. The conversion of the (20' x 24') small cabin from general occupancy to occupancy in support of timber operations is a conversion of an existing small structure from one use to another which does not involve use of significant amounts of hazardous substances and does not exceed 2500 square feet in floor area.

Per paragraph (e) of Section 15303, the Class 3 categorical exemption applies to accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences. Paragraph (e) applies to this project. The pole barn, corrals, and Quonset hut are all considered accessory or appurtenant structures to the existing small cabin already on the property. The conversion of the corrals and Quonset hut from general occupancy to occupancy in support of timber operations is an allowable conversion of an existing small structure from one use to another.

After determining that a project falls within a categorical exemption, the County needs to consider whether any exceptions to the exemptions apply pursuant to CEQA Guidelines Section 15300.2. Pursuant to Section 15300.2, a categorical exemption may not be used if any of the following six exceptions apply: location, cumulative impact, significant effect, scenic highways, hazardous waste sites, and/or historical resources. Given that none of the exceptions apply, the Class 3 categorical exemption still stands.

The Planning Commission must consider the proposed CEQA exemptions together with any comments received during the public review process. Further, the exemptions can only be approved if the Commission finds, based on the whole record before it, that there is no substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

Comments

Public Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on November 6, 2024, and mailed to property owners within 300 feet of the applicant's property. No comments have been received at the time this staff report was written.

Agency Comments

Siskiyou County Environmental Health Department - September 19, 2024

Environmental Health has no objections to this project. No septic or well records exist for this parcel. The proposed pole barn will not adversely affect potential buildability of this parcel with regards to onsite sewage disposal or water supply.

<u>Planning Response</u>: No response necessary.

Siskiyou County Air Pollution Control District (APCD) - October 3, 2024

The Siskiyou County APCD commented that if the portable sawmill is powered by a diesel engine greater than 50-horsepower then either an air district permit or a California Air Resources Board Portable Equipment Registration would be required.

<u>Planning Response</u>: The project proponent has stated that the diesel engine powering the sawmill is less than 50-horsepower. As a condition of approval, if a diesel engine greater than 50-horsepower is to be used, an air district permit or a California Air Resources Board Portable Equipment Registration will be required.

Department of Forestry and Fire Protection (CAL FIRE) - October 3, 2024

CAL FIRE commented that the property is not compliant with Public Resources Code 4291 requirements and will need to become compliant before CAL FIRE can approve the project.

<u>Planning Response</u>: Compliance with Public Resources Code 4290 and 4291 are included as conditions of approval. PRC 4291 requires

California Department of Fish and Wildlife (CDFW) - October 8, 2024

Potential impacts to biological resources are not anticipated since the project does not include the removal of trees or other habitat, the sawmill is a portable machine, and the pole barn is consistent with existing uses, However, if the project changes, CDFW requests re-consultation.

Planning Response: No response necessary.

Siskiyou County Public Works Department - October 14, 2024

Public Works commented that the application stated that this project is not a commercial enterprise. If it is or becomes a commercial enterprise, a commercial driveway will be required which must be constructed in accordance with an approved encroachment permit.

<u>Planning Response</u>: Acquisition of a commercial encroachment permit to the satisfaction of Public Works is included as a condition of approval if the project is or will be a commercial enterprise.

Planning Staff Recommendations

- Adopt Resolution PC-2024-027 taking the following actions:
 - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303(c) and (e), Class 3, New Construction or Conversion of Small Structures, and
 - Approve the Use Permit (UP-24-13) request based on the recommended findings and subject to the recommended conditions of approval.

Suggested Motion

I move that we adopt Resolution PC-2024-027, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Jochim Use Permit (UP-24-13) and Determining the Project Exempt from CEQA.

Preparation

Prepared by the Siskiyou County Planning Division.
For project specific information or to obtain copies for your review, please contact:
James V. Phelps
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2024-027

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 Jochim Use Permit (UP-24-13)

Whereas, Siskiyou County Code Section 10-6.5103(a) allows for timber processing by portable facilities within the Timber Production zoning district (TPZ), subject to obtaining a use permit; and

Whereas, Siskiyou County Code Section 10-6.5103(g) allows for construction and/or occupancy of any building, structure, or other facility constructed and/or occupied consistent with and pursuant to the uses permitted in the TPZ District, subject to obtaining a use permit; and

Whereas, Dustin Jochim applied for a use permit (UP-24-13) to allow for timber processing by portable facilities, construction of a pole barn for lumber and portable sawmill storage, and occupancy of an existing cabin and accessory structures, consistent with the uses permitted in the TPZ District; and

Whereas, the Planning Division presented its oral and written staff report on proposed Use Permit UP-24-13 at the Planning Commission's regularly scheduled meeting on November 20, 2024; and

Whereas, the Planning Division recommended Use Permit UP-24-13 be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines because it can be seen with certainty that there would not be any significant impacts to the environment resulting from the project; and

Whereas, the Planning Division recommended approval of Use Permit UP-24-13 subject to the conditions of approval provided in Exhibit A-1 to this resolution referenced hereto and incorporated herein; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on November 6, 2024; and

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

Whereas, on November 20, 2024, the Chair of the Planning Commission opened the duly noticed public hearing on Use Permit UP-24-13 to receive testimony, both oral

and written, following which the Chair closed the public hearing, and the Commission discussed Use Permit UP-24-13 prior to reaching its decision.

Now, therefore be it resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report referenced hereto and incorporated herein; and

Be it further resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A, determines the project categorically exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines and approves Use Permit UP-24-13 subject to the notations and conditions of approval contained in Exhibit A-1 to this resolution referenced hereto and incorporated herein.

<u> </u>	regoing Resolution PC 2024-027	•
adopted on a motion by Commissioner by Commissioner	at a regular meeting	and seconded
County Planning Commission held on t voice vote:	the 20th day of November 2024, b	by the following
Ayes:		
Noes:		
Absent:		
Abstain:		
	Siskiyou County Planning Comm	nission
	Jeff Fowle, Chair	
Witness, my hand and seal this	20th day of November 2024.	
Hailey Lang, Secretary of the Co	ommission	

Exhibit A-1 to Resolution PC-2024-027 Notations and Recommended Conditions of Approval

Notations

- 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 determination of the categorical exemption(s), 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.
- 3. Pursuant to Public Resources Code (PRC) 4593.3, if any timber operations for commercial purposes, as defined in PRC 4527, are to occur on the property, a nonindustrial timber management plan (NTMP), prepared by a registered professional forester, may be filed with the Department of Forestry and Fire Protection (CAL FIRE). A NTMP does not expire but may be withdrawn by the applicant. If a NTMP is filed with CAL FIRE, a separate Timber Harvest Plan (THP) is not required for each successive commercial harvest. If there is no NTMP on file with CAL FIRE, the applicant must file a THP for each commercial harvest. Regardless of whether a NTMP or THP is utilized, CAL FIRE must be notified prior to commencing timber operations for commercial purposes, as defined in PRC 4527.
- 4. Pursuant to Siskiyou County Code 10-6.5102(e), a structure within the TPZ district, may not be used as a single-family residence unless a Timber Management Plan for the property has been prepared. As such, the existing cabin may not be used as a single-family residence unless a nonindustrial timber management plan for the property has been prepared.

Conditions of Approval

1. The project shall substantially conform to the application submitted August 27, 2024, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning Commission on November 20, 2024. Any proposed amendment shall be submitted to the Deputy Director of Planning. Minor amendments shall be considered by the Community Development Director. Major amendments shall be considered by the Planning Commission.

- 2. Prior to use permit issuance, pursuant to SCC 9-1.03, all necessary building permits shall be obtained from the Siskiyou County Building Division and all inspections approved for any existing structures, plumbing, electrical, or mechanical work, located on the property that requires such a permit. This requirement includes, but is not limited to, the existing cabin and any accessory structures or improvements, including the Quonset hut.
- 3. All necessary building permits shall be obtained for future structures or facilities that are to be located on the property from the Siskiyou County Building Division in compliance with the current California Building Code and California Code of Regulations. This requirement includes, but is not limited to, construction of the pole barn.
- 4. Specific mitigation measures that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project time (where feasible) to lessen the effect of seasonal factors (rainfall and wind), shall be implemented for all development, including but not limited to, construction of the new pole barn and the existing cabin, as required by the Siskiyou County Building Division.
- Prior to use permit issuance, the property shall be in compliance with Public Resources Code Section 4290 and 4291, as determined by CAL FIRE, with written verification from CAL FIRE submitted to the Siskiyou County Planning Department.
- 6. If the portable sawmill is powered by a diesel engine that is greater than 50-horsepower, the applicant shall obtain either an air district permit from the Siskiyou County Air Pollution Control District or a California Air Resources Board Portable Equipment Registration.
- 7. If timber operations or other activities occurring on the property are part of a commercial enterprise, a commercial driveway may be required which must be constructed in accordance with an approved encroachment permit issued by the Siskiyou County Public Works Department.
- 8. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Code, and all other local and state regulatory agencies.
- 9. The applicant 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), officer 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 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 approvals.

SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT LAND DEVELOPMENT REVIEW

OWNER JOCHIM, DUSTIN FILE # 014-370-030
LOCATION 4381 SCOTT RIVER ROAD T 44N , R 9W , SEC. 29 PD# UP-24-13
ECCATION 4381 SCOTT RIVER NOAD
REQUIREMENTS:
Sewage Disposal Test/Information:
 () None Required: Connection to Approved Sewage System () Engineered Percolation Tests –
() 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
roject Information:
() Location Map () Mark Project Area () Contour Map
() Food Establishment Plans () Swim Pool/Spa Plans
() Waste Information (Non-Sewage)
() Other
Gomments/Conditions:
Environmental Health has no objections to this project.
No septic or well records exist for this parcel. Proposed barn will not adversely effect potential buildability of this parcel
with regards to onsite sewage disposal or water supply.
REHS DATE 9/19/24
(x) Application Accepted () Application Rejected as Incomplete (see comments)
~~~~~~ <del>*******************************</del>
(x) Approved () Recommended for Denial
( ) Approved with conditions (see comments)
DATE 9/1 924
Date sent to Planning:

From: Eric Olson

To: Dianne Johnson; Wildlife R1 CEQA Redding; Boyl, Heather@CALFIRE; Ray Haupt; Craig Kay; Darin Weeks; Jeff

Clausen; Jennifer Taylor; Jeremy Lipke; Monique George; Terry E. Smith; Thomas Deany

Cc: <u>Dustin Jochim</u>; <u>reesegomes@icloud.com</u>; <u>andieg73@live.com</u>

 Subject:
 RE: UP-24-13 15 DAY REVIEW

 Date:
 Thursday, October 3, 2024 1:14:10 PM

#### Hi Dianne,

If the portable saw mile is powered by a diesel engine greater than 50-horsepower then either an air district permit to operate or a California Air Resources Board Portable Equipment Registration will be required.

Please contact the air district if you have any questions.

Best regards,

Eric

Eric Olson Air Pollution Specialist III Siskiyou County APCD 525 S. Foothill Dr. Yreka, CA 96097 530-841-4031

From: Dianne Johnson <a href="mailto:dmjohnson@co.siskiyou.ca.us">dmjohnson@co.siskiyou.ca.us</a>

Sent: Wednesday, October 2, 2024 2:46 PM

**To:** Wildlife R1 CEQA Redding <R1CEQARedding@wildlife.ca.gov>; Boyl, Heather@CALFIRE <Heather.Boyl@fire.ca.gov>; Ray Haupt <rhaupt@co.siskiyou.ca.us>; Craig Kay <ckay@co.siskiyou.ca.us>; Darin Weeks <dweeks@co.siskiyou.ca.us>; Eric Olson <eolson@co.siskiyou.ca.us>; Jeff Clausen <jclausen@co.siskiyou.ca.us>; Jennifer Taylor <jtaylor@co.siskiyou.ca.us>; Jeremy Lipke <jlipke@co.siskiyou.ca.us>; Monique George <mgeorge@co.siskiyou.ca.us>; Terry E. Smith <tesmith@co.siskiyou.ca.us>; Thomas Deany <tdeany@co.siskiyou.ca.us>

Cc: Dustin Jochim <dustinjochim@live.com>; reesegomes@icloud.com; andieg73@live.com

**Subject:** UP-24-13 15 DAY REVIEW

#### Good afternoon,

Attached is the 15 day review for application UP-24-13. Please note, all responses to the application must be received by October 16, 2024.

Thank you,

#### Díanne Johnson

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



#### DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



October 3, 2024

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

Attention: Dianne Johnson, Permit Technician

Subject: Project Application Review: (UP 24-13)

 Our records show this parcel is not compliant with Public Resource Code 4291 requirements, and will need to become compliant before we can approve this project.

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):

#### **EMERGENCY ACCESS AND EGRESS**

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

#### SIGNING AND BUILDING NUMBERING

1274.01, 1274.02, 1274.03, 1274.04

#### **FUEL MODIFICATION AND STANDARDS**

1276.01, 1276.02, 1276.03, 1276.04, 1276.05

SEE THE ATTACHED "4290 SRA FIRE SAFE REGULATIONS" FOR SPECIFIC CODE REQUIREMENTS.

California Forest Practice Rules (Title 14, CCR Ch. 4, 4.5, 10) and Act (Z'Berg-Nejedly Forest Practice Act) that may apply to your project:

"CAL FIRE enforces the Forest Practice Rules on Timberland ("Timberland" PRC § 4526) other than land owned by the federal government and land designated by the board as experimental forest land. If you plan to cut or remove commercial tree species ("Commercial Species" 14 CCR § 895.1) for the purpose of converting timberland to land uses other than the growing of timber, it is considered Timber Operations ("Timber

Operations; commercial purposes; criteria" PRC § 4527) and the property owner shall file an application for conversion with CAL FIRE per PRC § 4621 (a). A harvest document is required for conversion of timberland even if no sale, barter, exchange or trade of timber or other solid wood forest products occurs. Property owners may be eligible for a Conversion Exemption per Title 14, California Code of Regulations 14 CCR § 1104.1 if certain criteria are met. If you intend to convert timberland to land uses other than the growing of timber, contact a Registered Professional Forester for consultation."

If you have any questions please call me at (530) 598-2676.

Heather Boyl Forestry Technician CAL FIRE

For:

Greg Roath Unit Chief

# 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

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#### **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) <u>Agriculture:</u> Land used for agricultural purposes as defined in a Local Jurisdiction's zoning ordinances.
- (b) <u>Board:</u> California Board of Forestry and Fire Protection.
- (c) <u>Building:</u> 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) <u>Dead-end Road:</u> A Road that has only one point of vehicular ingress/egress, including culde-sacs and Roads that loop back on themselves
- (f) <u>Defensible Space:</u> 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) <u>Development:</u> 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) <u>Driveway:</u> 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) <u>Exception:</u> 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) <u>Fire Apparatus:</u> 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.
- (I) <u>Fire Authority:</u> 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) <u>Fire Hydrant:</u> A valved connection on a water supply or storage system for the purpose of providing water for fire protection and suppression operations.
- (n) <u>Fuel Break:</u> 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) <u>Greenbelts:</u> 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) <u>Greenways:</u> Linear open spaces or corridors that link parks and neighborhoods within a community through natural or manmade trails and paths.

- (q) <u>Hammerhead/T:</u> 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) <u>Hazardous Land Use:</u> 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) <u>Local Jurisdiction:</u> Any county, city/county agency or department, or any locally authorized district that approves or has the authority to regulate Development.
- (t) <u>Municipal-Type Water System:</u> 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) <u>Residential Unit:</u> 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) <u>Ridgeline:</u> 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) <u>Road or Driveway Structures:</u> Bridges, culverts, and other appurtenant Structures which supplement the Traffic Lane or Shoulders.
- (aa) <u>Same Practical Effect:</u> 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) <u>State Responsibility Area (SRA):</u> 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) <u>Strategic Ridgeline:</u> 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) <u>Structure:</u> 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) <u>Turnaround:</u> 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.

- (ii) <u>Undeveloped Ridgeline</u>: A Ridgeline with no Buildings.
- (jj) <u>Utility and Miscellaneous Group U:</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) <u>Vertical Clearance:</u> The minimum specified height of a bridge, overhead projection, or vegetation clearance above the Road or Driveway.
- (*II*) <u>Vertical Curve:</u> A curve at a high or low point of a Road that provides a gradual transition between two Road grades or slopes.
- (mm) <u>Very High Fire Hazard Severity Zone (VHFHSZ):</u> 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;

- (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.

- (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.

- (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).

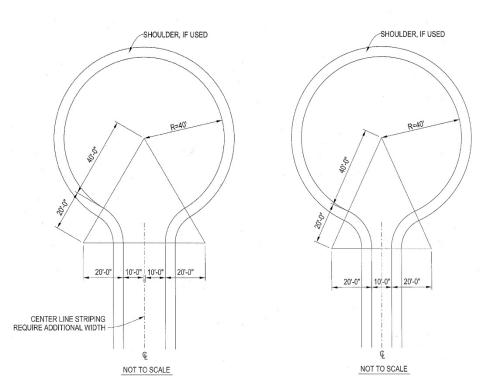


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

#### § 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

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,

- (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;

- (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

WILDFIRE IS COMING.
ARE YOU...

# READYS



DEFENSIBLE SPACE AND HARDENING YOUR HOME.



THOUSANDS OF WILDFIRES STRIKE CALIFORNIA EVERY YEAR. IT'S NOT A MATTER OF IF YOUR HOME IS AT RISK, BUT WHEN.

ReadyForWildfire.org

**EXHIBIT B - COMMENTS** 

## **PLANT AND TREE SPACING**

The spacing between grass, shrubs, and trees is crucial to reduce the spread of wildfire. The spacing needed is determined by the type and size of the shrubs and trees, as well as the slope of the land. For example, a property on a steep slope with larger plant life will require greater spacing between trees and shrubs than a level property that has small, sparse vegetation.

#### **VERTICAL SPACING**

## Remove all tree branches at least 6 feet from the ground.

If shrubs are under trees, additional vertical space is needed. Lack of vertical space can allow a fire to move from the ground to the shrubs to the treetops like a ladder.



#### FIRE-SAFE LANDSCAPING

Fire-safe landscaping isn't necessarily the same thing as a well-maintained yard. Fire-safe landscaping uses fire-resistant plants that are strategically planted to resist the spread of fire to your home.

The good news is that you don't need to spend a lot of money to make your landscape fire-safe. And fire-safe landscaping can increase your property value and conserve water while beautifying your home. For more information on fire-safe landscaping, visit: **ReadyForWildfire.org/landscaping**.

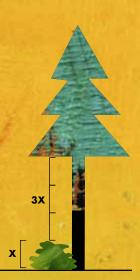
#### MINIMUM VERTICAL SPACING BETWEEN TREES AND SHRUBS

To determine the proper vertical space between shrubs and the lowest branches of trees, use the formula below.

#### **Example:**

A five-foot shrub is growing near a tree.

 $3 \times 5 = 15$  feet of clearance needed between the top of the shrub and the lowest tree branches.



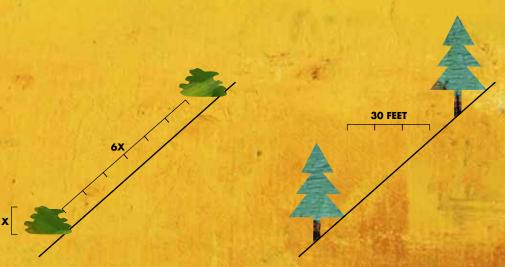
# MINIMUM HORIZONTAL SPACING FOR TREES AND SHRUBS

Horizontal spacing depends on the slope of the land and the height of the shrubs or trees. Check the diagrams below to determine spacing distance.



FLAT TO MILD SLOPE (LESS THAN 20%)





**MODERATE TO STEEP SLOPE (GREATER THAN 40%)** 

**EXHIBIT B - COMMENTS** 

# **DEFENSIBLE SPACE**

Creating and maintaining defensible space is essential for increasing your home's chance of surviving a wildfire. It's the buffer that homeowners are required to create on their property between a structure and the plants, brush and trees or other items surrounding the structure that could catch fire. This space is needed to slow the spread of wildfire and improves the safety of firefighters defending your home.

#### Two zones make up the required 100 feet of defensible space:

### **ZONE 1**—Extends 30 feet out from buildings, decks, and other structures

- Remove all dead plants, grass and weeds.
- 2 Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- 3 Trim trees regularly to keep branches a minimum of 10 feet from other trees.
- 4 Remove dead branches that hang over your roof. And keep branches 10 feet away from your chimney.
- 5 Relocate exposed woodpiles outside of Zone 1 unless they are completely covered in a fire resistant material.
- 6 Remove or prune flammable plants and shrubs near windows.
- 7 Remove vegetation and items that could catch fire from around and under decks.
- 8 Create a separation between trees, shrubs and items that could catch fire, such as patio furniture, swing sets, etc.

### **ZONE 2**—Extends 30 to 100 feet from buildings and other structures

- **9** Cut or mow annual grass down to a maximum height of 4 inches.
- 10 Create horizontal spacing between shrubs and trees. (See diagram)
- 11 Create vertical spacing between grass, shrubs and trees. (See diagram)
- 12 Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of 4 inches if erosion control is an issue.

## **BOTH ZONES**—0 to 100 feet from buildings and other structures

- 13 Mow before 10 a.m., but never when it's windy or excessively dry.
- Protect water quality. Do not clear vegetation near waterways to bare soil. Vegetation removal can cause soil erosion—especially on steep slopes.

#### ARE YOU DOING THE RIGHT THING—THE WRONG WAY?

Each year, CAL FIRE responds to hundreds of fires started by Californians using equipment the wrong way. If you live in a wildland area, all equipment must be used with extreme caution.

Lawn mowers, metal-bladed trimmers, chain saws, grinders, welders, and tractors can all start a wildland fire if not used properly. Do your part to keep your community fire-safe.

### HERE'S HOW TO DO IT THE RIGHT WAY:

#### Mowing

Metal blades striking rocks can create sparks and start fires in dry grass. Use caution.

#### **Spark Arresters**

In wildland areas, spark

arresters are required on all

EXHIBITB - COMMENTS

portable, gasoline-powered equipment. This includes tractors, harvesters, chainsaws, weed-trimmers and mowers.

- Keep the exhaust system, spark arresters and mower in proper working order and free of carbon buildup.
- Use the recommended grade of fuel, and don't top it off.



# KNOW THE LAW BE FIRE SMART

100 FEET OF DEFENSIBLE SPACE IS REQUIRED UNDER THE PUBLIC RESOURCES CODE (PRC) 4291. CALIFORNIA BUILDING CODE CHAPTER 7A REQUIRES CERTAIN CONSTRUCTION MATERIALS AND METHODS FOR HOMES IN WILDLAND AREAS. BE SURE TO CONTACT YOUR LOCAL FIRE DEPARTMENT FOR ADDITIONAL REQUIREMENTS TO ENSURE YOUR HOME IS COMPLIANT WITH THE LAW. READYFORWILDFIRE.ORG/THELAW

ZONE 2

100 FEET

ONE 1

NEIGHBORING PROPERTY

**EXHIBIT B - COMMENTS** 

#### HARDENING YOUR HOME

# FLYING EMBERS CAN DESTROY HOMES UP TO A MILE AHEAD OF A WILDFIRE. PREPARE (HARDEN) YOUR HOME NOW BEFORE FIRE STARTS.

# SOME THINGS YOU CAN DO TO HARDEN YOUR HOME:

**Roof:** Your roof is the most vulnerable part of your home. Homes with wood or shingle roofs are at high risk of being destroyed during a wildfire.

Build your roof or re-roof with materials such as composition, metal or tile. Block any spaces to prevent embers from entering and starting a fire.

**Vents:** Vents on homes create openings for flying embers.

- Cover all vent openings with 1/8-inch to 1/4-inch metal mesh. Do not use fiberglass or plastic mesh because they can melt and burn.
- Protect vents in eaves or cornices with baffles to block embers. (Mesh is not enough.)

#### **Eaves and Soffits:**

Eaves and soffits should be protected with ignitionresistant or non-combustible materials.

Windows: Heat from a wildfire can cause windows to break even before the home ignites. This allows burning embers to enter and start fires inside. Single-paned and large windows are particularly at risk.

- Install dual-paned windows with one pane of tempered glass.
- Consider limiting the size and number of windows that face large areas of vegetation.

**Decks:** Surfaces within 10 feet of the building should be built with ignition-resistant, non-combustible, or other approved materials.

 Remove all combustible items from underneath your deck. Exterior Walls: Wood products such as boards, panels or shingles are common siding materials. However, they are combustible and not good choices for fire-prone areas.

- Build or remodel your walls with ignition-resistant building materials, such as stucco, fiber or cement siding, fire-retardant-treated wood, or other approved materials.
- Be sure to extend materials from the foundation to the roof.

**Rain Gutters:** Screen or enclose rain gutters to prevent accumulation of plant debris.

**Patio Cover:** Use the same ignition-resistant materials for patio covers as a roof.

**Fences:** Consider using ignition-resistant or non-combustible fence materials to protect your home during a wildfire.

#### **Additional Home Fire Safety Steps:**

Go to ReadyForWildfire.org/hardening for more important information on the following:

- Driveways and Access Road Information
- Garage Safety
- Address Visibility
- Water Supply Access
- Equipment Use Safety
- Ignition-Resistant Materials

# READY, SET, GO! PREPARATION GUIDES

Preparing for a wildfire starts with three simple steps: Ready, Set, Go! Keep all three wildfire preparation guides on hand as a quick reference for helping your family and property be safe in the event of a wildfire.

#### WILDFIRE IS COMING PREPARATION GUIDES:



Step 1: Is Your Home Ready?

Creating defensible space and hardening your home against wildfire.



Step 2: Are You Set?

Developing a Wildfire Action Plan.



Step 3: Are You Ready to Go?

A quick-reference evacuation guide.



Go to ReadyForWildfire.org for more detailed information on all three guides to prepare for and survive a wildfire.

**EXHIBIT B - COMMENTS** 

From: <u>Houtman, Stephanie@Wildlife</u>

To: <u>Dianne Johnson</u>

**Subject:** Early Consultation for Use Permit (UP-24-13) APN 014-370-030

**Date:** Tuesday, October 8, 2024 7:45:28 AM

#### Dear Dianne Johnson,

The California Department of Fish and Wildlife (CDFW) has reviewed the Request for Comment for a special use permit to build a pole barn to store and use a portable sawmill and store lumber on one parcel in Fort Jones, Siskiyou County (Project). As trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources.

Since the Project does not include the removal of trees or other habitat, the sawmill is a portable machine, and the Pole Barn is consistent with existing uses, potential impacts to biological resources are not anticipated. CDFW has no comments at this time. Please note that Siskiyou County is biodiverse and home to many special status biological resources. Therefore, if the status of this Project changes please re-consult with CDFW. CDFW looks forward to future CEQA review for this Projects and others throughout Siskiyou County.

Please send all future consultation request to <a href="mailto:R1CEQARedding@wildlife.ca.gov">R1CEQARedding@wildlife.ca.gov</a> Kind Regards,

Stephanie Houtman
Klamath Watershed Program
California Department of Fish and Wildlife
Northern Region
1625 South Main Street
Yreka, CA 96097
530-806-1522
Stephanie.Houtman@wildlife.ca.gov

**From:** Dianne Johnson < dmjohnson@co.siskiyou.ca.us>

Sent: Wednesday, October 2, 2024 2:46 PM

To: Wildlife R1 CEQA Redding <R1CEQARedding@wildlife.ca.gov>; Boyl, Heather@CALFIRE

< Heather. Boyl@fire.ca.gov >; Ray Haupt < rhaupt@co.siskiyou.ca.us >; Craig Kay

<<u>ckay@co.siskiyou.ca.us</u>>; Darin Weeks <<u>dweeks@co.siskiyou.ca.us</u>>; Eric Olson

<eolson@co.siskiyou.ca.us>; Jeff Clausen <jclausen@co.siskiyou.ca.us>; Jennifer Taylor

<<u>itaylor@co.siskiyou.ca.us</u>>; Jeremy Lipke <<u>ilipke@co.siskiyou.ca.us</u>>; Monique George

<mgeorge@co.siskiyou.ca.us>; Terry E. Smith <tesmith@co.siskiyou.ca.us>; Thomas Deany

<tdeany@co.siskiyou.ca.us>

Cc: Dustin Jochim <<u>dustinjochim@live.com</u>>; <u>reesegomes@icloud.com</u>; <u>ANDIEG73@LIVE.COM</u>

**Subject:** UP-24-13 15 DAY REVIEW

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Good afternoon,

Attached is the 15 day review for application UP-24-13. Please note, all responses to the application must be received by October 16, 2024.

Thank you,

#### Díanne Johnson

Planning Permit Technician Siskiyou County Community Development 806 S. Main Street, Yreka, CA 96097 530-841-2148 
 From:
 Terry E. Smith

 To:
 Dianne Johnson

 Cc:
 Jeremy Lipke; Glenn Njaa

 Subject:
 RE: UP-24-13 15 DAY REVIEW

 Date:
 Monday, October 14, 2024 8:43:12 AM

#### Dianne,

The permit states that this is not a commercial enterprise. If it is or becomes a commercial enterprise, a commercial driveway will be required which must be constructed in accordance with an approved Encroachment Permit.

#### Terry E. Smith P.E.

Senior Engineer County of Siskiyou Department of Public Works 1312 Fairlane Road, Suite 3 Yreka, CA 96097

Office: (530) 842-8278 Fax: (530) 842-8288

tesmith@co.siskiyou.ca.us

From: Dianne Johnson <a href="mailto:dmjohnson@co.siskiyou.ca.us">dmjohnson@co.siskiyou.ca.us</a>

Sent: Wednesday, October 2, 2024 2:46 PM

**To:** Wildlife R1 CEQA Redding <R1CEQARedding@wildlife.ca.gov>; Boyl, Heather@CALFIRE <Heather.Boyl@fire.ca.gov>; Ray Haupt <rhaupt@co.siskiyou.ca.us>; Craig Kay <ckay@co.siskiyou.ca.us>; Darin Weeks <dweeks@co.siskiyou.ca.us>; Eric Olson <eolson@co.siskiyou.ca.us>; Jeff Clausen <jclausen@co.siskiyou.ca.us>; Jennifer Taylor <jtaylor@co.siskiyou.ca.us>; Jeremy Lipke <jlipke@co.siskiyou.ca.us>; Monique George <mgeorge@co.siskiyou.ca.us>; Terry E. Smith <tesmith@co.siskiyou.ca.us>; Thomas Deany <tdeany@co.siskiyou.ca.us>

**Cc:** Dustin Jochim <dustinjochim@live.com>; reesegomes@icloud.com; andieg73@live.com

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