



# Siskiyou County Planning Commission Staff Report December 20, 2023

## New Business Agenda Item No. 1 McCloud Partners LLC Zone Change (Z-23-02) Tentative Parcel Map (TPM-23-02)

<b>Applicant:</b>	Terry Curry, Curry Land Surveying PO Box 151 Montague, CA 96064
<b>Property Owners:</b>	McCloud Partners LLC 29 Shell Road Mill Valley CA 94941
<b>Project Summary</b>	The applicant is requesting approval of the following: <ul style="list-style-type: none"><li>• Rezone of approximately 23.8 acres from Heavy Industrial District (M-H) to Rural Residential Agricultural, 2.5-acre minimum parcel size (R-R-B-2.5),</li><li>• Tentative Parcel Map application proposing the creation of four new parcels including the following parcel sizes: 6.79 acres, 6.57 acres, 3.95 acres, 3.75 acres and a remainder parcel of 2.72 acres.</li></ul>
<b>Location:</b>	The project site is located southeast of the community of McCloud, off Mill Rd on APN 028-530-070; Township 39N, Range 2W, Section 1 & 6, M.D.M; Latitude 41.257°, Longitude -122.133°.
<b>General Plan:</b>	Erosion Hazards, Building Foundation Limitations, Soils: Severe Septic Tank Limitations, Flood Hazard, Wildfire Hazard, Woodland Productivity
<b>Existing Zoning:</b>	Heavy Industrial District (M-H)
<b>Proposed Zoning:</b>	Rural Residential Agricultural, 2.5-acre minimum parcel size (R-R-B-2.5)
<b>Exhibits:</b>	A. Draft Resolution PC 2023-024 A Resolution of the Planning Commission of the County of Siskiyou, State of California, conditionally approving the McCloud Partners LLC Tentative Parcel Map (TPM-23-02) and recommending that the Siskiyou County Board of Supervisors determine the Project exempt from the California Environmental Quality Act and approve the McCloud Partners LLC Zone Change (Z-23-02) by adopting a draft Ordinance, rezoning 23.8 acres (APN 028-530-070) from M-H to R-R-B-2.5 A-1. Notations and Recommended Conditions of Approval A-2. Recommended Findings B. Comments C. Zone Change and Tentative Parcel Map Exhibit Map

## **Background**

The project site is located in the unincorporated community of McCloud. It is bounded by Mill Road on the north and East Colombero Drive to the south. The subject parcel is a legal parcel that was legally created as Parcel 4 of Parcel Map Book 7 at Page 192 for Champion International Corporation. The parcel was subsequently modified by Boundary Line Adjustment, which was recorded August 25, 1986, as Document No. 1986-0010050 in Siskiyou County Official Records.

Property owners McCloud Partners LLC have applied for a tentative parcel map to subdivide a 23.8-acre, currently undeveloped, parcel into four parcels and a remainder parcel. Parcel sizes are as follows: Parcel A, 6.57 acres; Parcel B, 6.79 acres; Parcel C, 3.95 acres; Parcel D, 3.75 acres, and a remainder parcel of 2.72 acres. In order to facilitate the tentative parcel map, the property owners have applied for a zone change to replace the current Heavy Industrial (M-H) zone district with the Rural Residential Agricultural, 2.5-acre minimum parcel size to facilitate the development of the project site in a manner that would be consistent and compatible with the uses to the west, south and east of the project site.

As shown in Exhibit C, Tentative Parcel Map (TPM-23-02) for McCloud Partners LLC, is a currently undeveloped project site. The project site has been reviewed by Environmental Health. A determination has been made that all lots conform to Environmental Health's density standards. Individual lots may require alternative engineered leach fields depending on the ground water which will be determined when the wells are drilled as determined by the Siskiyou County Environmental Health Department. A requirement that the approved locations for on-site disposal systems be identified on a recorded map has been included as Condition of Approval number 8.

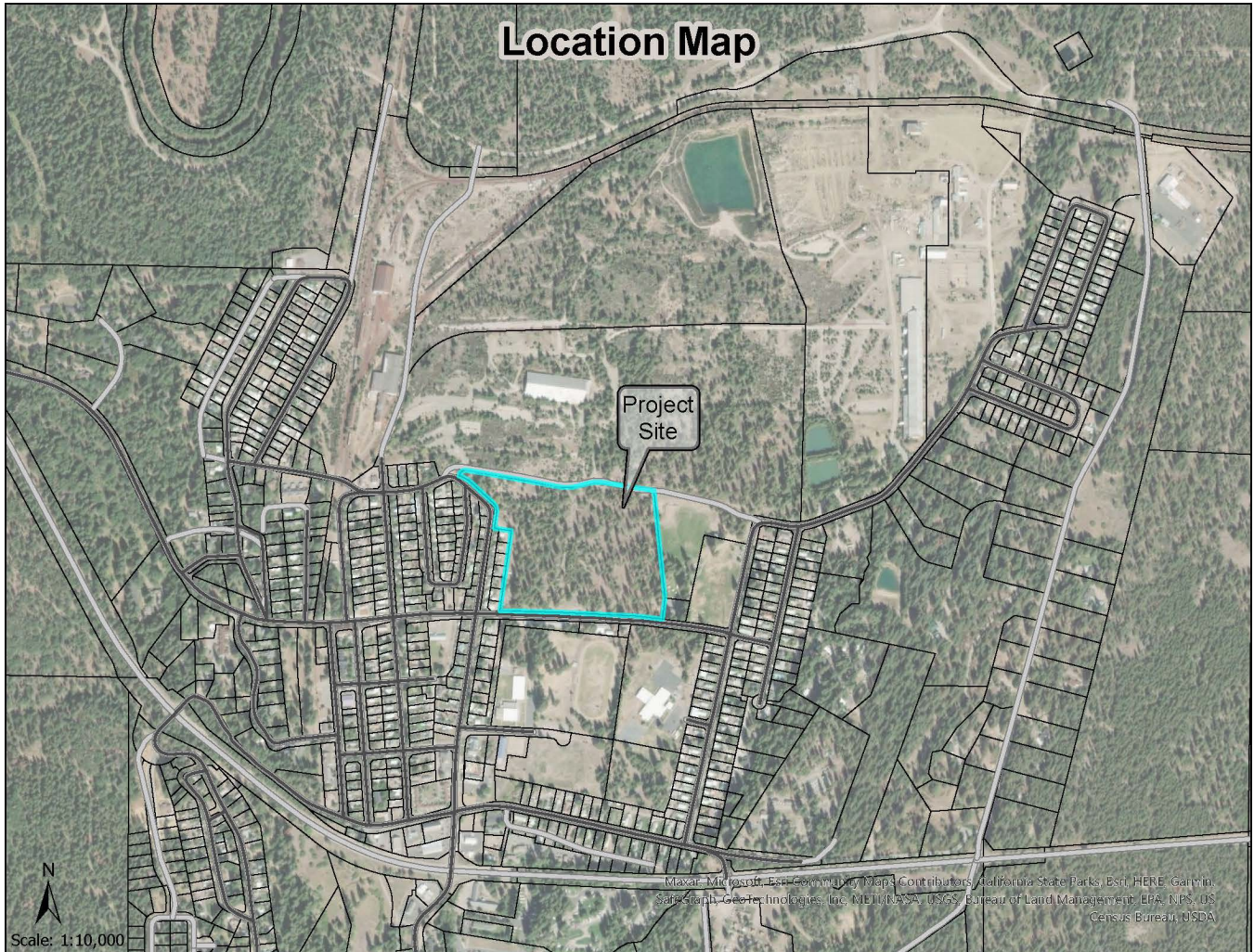


Figure 1: Project Location Map

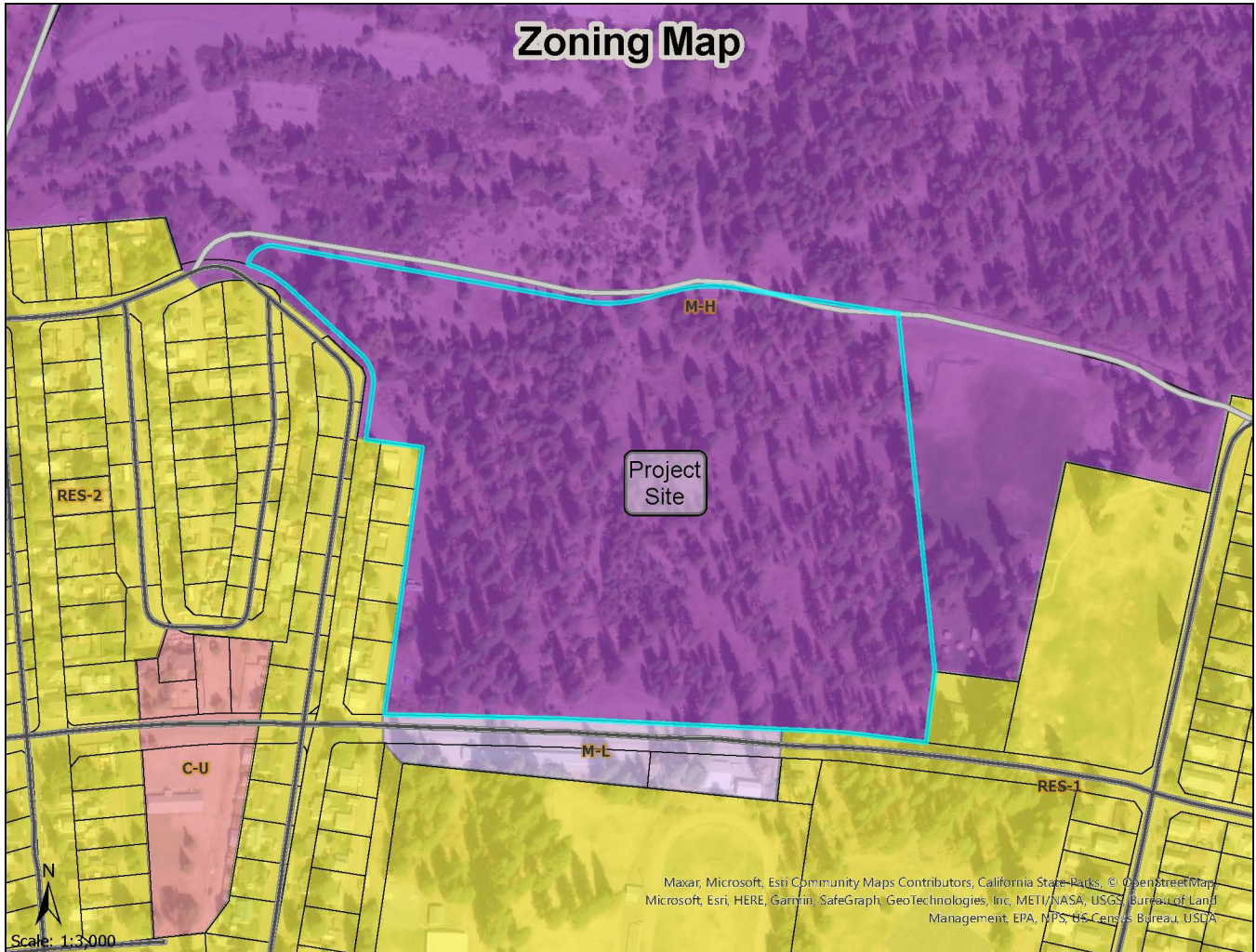


Figure 2: Zoning Map

## Analysis

### General Plan Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being with the mapped resource overlay areas for Building Foundation Limitation, Soils: Severe Septic Tank Limitations, Flood Hazard, Wildfire Hazard, and Woodland Productivity. Planning staff has identified that Composite Overall Policies 41.3(e), 41.3(f), 41.5 through 41.9, and 41.18 apply to the proposed project.

Staff has conducted a detailed analysis of each of the required findings and found that the proposed project is consistent with the applicable General Plan policies governing the subject site. Additionally, the use of the property would be compatible with the surrounding land uses, would have 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 sections of Exhibit A-2 attached to this staff report and are submitted for the Commission's review, consideration, and approval.

**Subdivision and Zoning Consistency**

Pursuant to Siskiyou County Code Section 10-4.105.3 and 10-6.5501, the proposed lots are consistent with all County lot design standards. The proposed subdivision of the existing parcel is compatible with the surrounding area. The neighboring parcels are a combination of residentially zoned subdivisions with parcel sizes of approximately 7,000 square feet, a public park and elementary school. The proposed parcel sizes ranging between 3.75 acres and 6.79 acres fit within that range and provide a lower density buffer to the Heavy Industrial uses to the north of the project site.

The existing parcel has double frontage to both East Colombero Drive and Mill Road. A parcel with “double frontage” is defined as a “lot which fronts upon two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.” This project proposes a non-exclusive easement for ingress, egress, and utilities that would create a parallel street to both East Colombero Drive and Mill Road creating double frontage for all the proposed parcels. New subdivisions are required to be designed to only have one roadway frontage for each newly created lot. However, Siskiyou County Code Section 10-4.105.3 allows for the Planning Commission to approve new subdivisions with more than one frontage. Roadway and access standards generally recommend limiting the number and distance of driveways/access points for vehicle safety. Due to the proposed subdivision configuration, the double frontage is not likely to create any vehicle access or safety impacts.

With the approval of Zone Change (Z-23-02) from Heavy Industrial (M-H) Rural Residential Agricultural, 2.5-acre minimum parcel size the primary use of the land will be residential which will be consistent with surrounding uses and as such will clearly not be disruptive or destroy the intent of protecting each mapped resource.

Based on staff’s analysis of the proposed project, staff believes that the necessary findings can be made for approval of this application.

**Environmental Review**

Staff evaluated the project’s potential for environmental impacts by reviewing the project relative to Appendix G of the CEQA Guidelines. Based on this review, it was determined that the subdivision of the property, as proposed, would not adversely impact the environment.

The proposed tentative parcel map would potentially result in four additional single-family primary dwellings, accessory structures on the proposed parcels with the potential to construct additional Accessory Dwelling Units in the future.

Because there is not substantial evidence, in light of the whole record before the County, that the proposed vesting tentative parcel map may have a significant effect on the environment, staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Sections 15061(b)(3). CEQA Section 15061(b)(3) states that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

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**Comments**

A Preliminary Project Review was circulated to Siskiyou County Reviewing Agencies and State Responsible Agencies. A Notice of Public Hearing was published in the Siskiyou Daily News on December 6, 2023, and mailed to property owners within 300 feet of the applicant’s property. No public comments were received at the time this staff report was published.

**Agency Comments**

**Siskiyou County Environmental Health Division – July 25, 2023**

Onsite sewage disposal has been evaluated. Individual lots may require alternative engineered leach fields depending on the depth of the ground water which will be determined at the time the wells are drilled. All parcels conform to Environmental Health’s density standard.

Planning Response: A requirement that the approved locations for on-site disposal systems be identified on a recorded map has been included as Condition of Approval number 8.

**California Department of Forestry and Fire Protection (Cal Fire) – August 8, 2023**

Cal Fire provided comments regarding Public Resources Code 4290 as it relates to this project.

The comment specifically mentioned Road and Street Networks, Road Signing, and Fuel Modification. In addition, Cal Fire noted that if timber is to be commercially harvested, the conditions set forth in the Z’berg-Nejedly Forest Practice Act of 1973 must be adhered to. During subsequent building permit applications, the following additional requirements must be met: Driveway Design and Surface Requirements, Addresses for Building, and Fuel Modification and Standards.

Planning Response: Condition of Approval number 5 has been added that requires the applicant to comply with, and provide verification of compliance, with all applicable statutory requirements of the Public Resources Code 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Division.

**California Department of Fish and Wildlife (CDFW) -August 10, 2023**

The California Department of Fish and Wildlife (CDFW) offered comments and recommendations on the proposed development in the role as trustee and responsible agency. The comments were related to conducting biological surveys of the project site.

Planning Response: There is currently no development proposal as part of this project, therefore staff does not feel that it is necessary to require any biological surveys. Should a development be proposed, staff may require surveys prior to development occurring.

**Planning Staff Recommendations**

- Adopt Resolution PC 2023-024 taking the following actions:
  - Conditionally approve Tentative Parcel Map (TPM-23-02) based on the recommended findings and subject to the recommended conditions of approval contained in the Attachment A-1 to this resolution; and

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- Recommend that the Board of Supervisors of Siskiyou County determine the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) of the CEQA Guidelines; and
- Recommend that the Board of Supervisors of Siskiyou County approve Zone Change (Z-23-02), subject to the conditions of approval contained in Attachment A-1 to this resolution.

**Suggested Motion**

I move that we adopt Resolution PC 2023-024, A Resolution of the Planning Commission of the County of Siskiyou, State of California, conditionally approving the McCloud Partners LLC Tentative Parcel Map (TPM-23-02) and recommending that the Siskiyou County Board of Supervisors determine the Project exempt from the California Environmental Quality Act and approve the McCloud Partners LLC Zone Change (Z-23-02) by adopting a draft Ordinance, rezoning 23.8 acres (APN 028-530-070) from M-H to R-R-B-2.5

**Preparation**

Prepared by the Siskiyou County Planning Division.

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

Hailey Lang, Planning Director  
Siskiyou County Planning Division  
806 S. Main Street  
Yreka, California 96097





**Resolution PC 2023-024**

**A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the McCloud Partners LLC Tentative Parcel Map (TPM-23-02) and recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the McCloud Zone Change (Z-23-02) by Adopting a Draft Ordinance Rezoning 23.8 acres (APN 028-530-070) from M-H to R-R-B-2.5**

**Whereas**, an application has been received from McCloud Partners LLC for a zone change and tentative parcel map to subdivide a 23.8-acre legal parcel into four new parcels ranging in size from 6.79 acres, 6.57 acres, 3.95 acres, 3.75 acres and a remainder parcel of 2.72 acres and change the zone district from Heavy Commercial (M-H) to Rural Residential Agriculture combined with a 2.5-acre minimum parcel size (R-R-B-2.5); and

**Whereas**, the current zone district is Heavy Commercial (M-H) and to facilitate the development of a four-parcel and remainder, residential subdivision, a zone change to Rural Residential Agriculture combined with a 2.5-acre minimum parcel size (R-R-B-2.5) is necessary; and

**Whereas**, a tentative parcel map was prepared for the project as required by Section 10-4.501.1 of the Siskiyou County Code; and

**Whereas**, a Notice of Public Hearing was published in the Siskiyou Daily News on December 6, 2023; and

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

**Whereas**, the Planning Division presented its oral and written staff report on Zone Change (Z-23-02) and Tentative Parcel Map (TPM-23-02) at a regular meeting of the Planning Commission on December 20, 2023; and

**Whereas**, there is no substantial evidence, in light of the whole record before the County, that the proposed zone change and tentative parcel map would have a significant effect on the environment; and

**Whereas**, the Planning Division recommends approval of the Tentative Parcel Map (TPM-23-02) subject to the conditions of approval included in Attachment A-1 to this resolution; and

**Whereas**, the Planning Division recommended that the project be determined exempt from the California Environmental Quality Act (CEQA) based on the “common sense” that CEQA only applies to projects with the potential to result in a significant impact on the environment in accordance with CEQA Guidelines Section 15061(b)(3); and

**Whereas**, the Planning Division Recommends approval of Resolution PC 2023-024 and recommends the Board of Supervisors of Siskiyou County approve Zone Change (Z-23-02), subject to the conditions of approval contained in Attachment A-1 to this resolution.

**Whereas**, on December 20, 2023, the Chair of the Planning Commission opened the duly noticed public hearing on Zone Change (Z-23-02) and Tentative Parcel Map (TPM-23-02) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project; and

**Whereas**, on December 20, 2023, the Commission discussed Z-23-02 and TPM-23-02 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; and

**Be It Further Resolved** that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-2, hereby takes the following actions on Zone Change (Z-23-02) and Tentative Parcel Map (TPM-23-02):


1. Conditionally approves Tentative Parcel Map (TPM-23-02), subject to the notations and conditions of approval contained in Exhibit A-1 to this resolution referenced hereto and incorporated herein; and
2. Recommends the Board of Supervisors of Siskiyou County determine the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)
3. Recommends the Board of Supervisors of Siskiyou County approve Zone Change (Z-23-02), subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC 2023-024 was duly adopted on a motion by Commissioner Hart and seconded by Commissioner Fowler at a regular meeting of the Siskiyou County Planning Commission held on the 20<sup>th</sup> day of December 2023 by the following voice vote:

Siskiyou County Planning Commission

  
\_\_\_\_\_  
Danielle Lindler, Chair

Witness, my hand and seal this 20<sup>th</sup> day of December 2023

  
\_\_\_\_\_  
Hailey Lang, Secretary of the Commission



**Exhibit A-1 to Resolution PC 2023-024**  
**Notations and Recommended Conditions of Approval**

**Notations**

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. A building permit must be obtained prior to any future development or placement of structures on the property. This requirement includes, but is not limited to, any enlargement, alteration, replacement, repair, or improvement of any existing structures.
3. 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.
4. If timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by Cal Fire prior to undertaking operations. Further, a Timber Harvest Plan (THP) and/or Timber Conversion Permit (TCP) may be required.
5. If a proposed project will result in the conversion of greater than three (3) acres of timberland to non-timber use, a TCP will be required prior to undertaking any conversion operations. Provisions and procedures for filing an application for a TCP are found in Article 9, Division 4, Chapter 8 of the Public Resources Code. If the area to be converted is less than three acres, the project may qualify for a "Less Than 3-acre Conversion Exemption" under 14 CCR 1104.
6. Section PRC 1104.2 (Exemption for Conversion of Non-TPZ Land for Subdivision Development) allows exemption from the TCP rules if timber operations are conducted as a means to convert Non-TPZ land, three acres or larger, to subdivision development. A Notice of Exemption from the Timber Conversion Permit for Subdivision form will be required. Please reference this section of code for the particulars of the exemption.

## Conditions of Approval

1. The project shall substantially conform to the project description, zone change, and tentative parcel map received April 13, 2023, reviewed by the Planning Commission on December 20, 2023, and subsequently approved by the Siskiyou County Board of Supervisors. Any proposed amendment(s) 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. A Taxes and Assessments Certificate shall be obtained from the County Assessor's Office, signed by the County Tax Collector, and submitted with the legal descriptions for recording.
3. The engineer or surveyor for the applicant shall submit two copies of the map to the Planning Division to the satisfaction of the Planning Director for review and processing along with the applicable review fees as required by the adopted fee schedule.
4. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Community Development Department, and all other local and state regulatory agencies.
5. The applicant shall comply with, and provide verification of compliance, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Division.
6. The following notation shall be shown on an additional Notation and Disclosure Map for the Parcel Map: "Pursuant to Siskiyou County Ordinance (No. 90-28), this land division is subject to an Agricultural Operations Notice Policy (Right to Farm Ordinance)."
7. The following notation shall be placed on the face of the additional Notation and Disclosure Exhibit Map for the Parcel Map: "If any potential prehistoric, ethnographic, and/or historic cultural resource(s) or material(s) be discovered on or below the surface during any phase of future development, all work shall stop, archaeological consultation shall be sought immediately, and the Siskiyou County Planning Division shall be notified. If the findings are deemed significant by the Siskiyou County Planning Division, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project."

8. The following notation shall be placed on the face of the additional Notation and Disclosure Exhibit Map for the Parcel Map: “Encroachment Permits are required for any work or encroachment within the County road right-of-way. Work may include, but is not limited to: driveways, mailboxes, underground utilities, culverts, maintenance of existing improvements, and removal of vegetation adjacent to driveways.”
9. Areas approved for on-site sewage disposal systems shall be shown on the face of an additional Notation and Disclosure Exhibit Map for the Parcel Map, to the satisfaction of the Siskiyou County Public Health Department.
10. Prior to recordation, the Parcel Map shall be reviewed and approved by the Siskiyou County Public Health Department.
11. Final Map shall be recorded within 24 months of the date of approval unless a request for a time extension is made prior to the expiration date pursuant to Section 10-4.401.8.2 of the Siskiyou County Code.
12. Flood hazard areas: In accordance with Siskiyou County Code Section 10-10.07.1, a development permit shall be obtained before construction or development begins within any area of special flood hazard established by Section 10-10.06.2 of this chapter. A development permit shall be required to be issued prior to any construction activities on the project site.
13. 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), 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 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.





# Findings

## Zoning Consistency Findings

1. The proposed zone change is consistent with the applicable elements and policies of the Siskiyou County General Plan, as documented herein.
2. The proposed zone change is consistent with Siskiyou County Code, Title 10, Chapter 6, Article 28.
3. The proposed zone change from Heavy Industrial (M-H) to Rural Residential Agriculture combined with a minimum parcel size of 2.5 acres (R-R-B-2.5) is consistent with permitted land uses surrounding the project site on the west, south and east.
4. The proposed zone change is compatible with the surrounding zoning of Single-Family Residential (RES-1) on the west and east and the mini-storage usage of the Light Industrial (M-L) property to the south. The property to the north remains Heavy Industrial (M-H)
5. The Planning Commission has considered all written and oral comments received and based on its analysis of the public testimony and staff's analysis, the Commission has determined that the project as designed and conditioned would be compatible with existing and planned uses of the area.

## Tentative Parcel Map

In accordance with Government Code Section 66473.5, the Planning Commission finds:

1. The subdivision is consistent with the General Plan

*The subdivision is consistent with all General Plan policies as set forth in the section titled General Plan Consistency Findings below.*

In accordance with Government Code Sections 66412.3, the Planning Commission finds:

2. Local agencies shall consider the effect of the approval or denial on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

*One single-family dwelling unit with one accessory dwelling unit is allowed per parcel. Therefore, the proposed subdivision will potentially have a positive net effect on the local housing supply by potentially adding four dwelling units. Adequate groundwater exists in the area for the new dwelling units, and the sites have approved septic sites identified. Fire and police service are within one mile of the project site and the project will not detrimentally impact available fiscal resources.*

3. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

*The proposed subdivision includes parcel sizes sufficient to orient structures to feasibly allow design options that would feasibly allow the use of future solar passive heating and cooling.*

In accordance with Government Code Section 66474, the Planning Commission finds:

4. That the proposed map is consistent with applicable general and specific plans.

*The map and project are consistent with the General Plan as set forth in the section titled General Plan Consistency Findings below. There are no specific plans that are applicable to this project site.*

5. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

*The subdivision does not include new improvements which are inconsistent with the General Plan. There are no specific plans that are applicable to this project site.*

6. That the site is physically suitable for the type of development.

*The project is designed within the density limits of the R-R-B-2.5 zoning district, which allows for parcels with a minimum of 2.5 acres. The property has limited slope southeast. It is not within a geologic landslide area and is not near an active fault. Therefore, the site is physically suitable for this type of development.*

7. That the site is physically suitable for the proposed density of development.

*There are no existing physical conditions on the site that appear to prohibit the development rural residential 2.5-acre density and development including a single-family residence and accessory structures.*

8. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*The subdivision proposes to create four new parcels and a remainder parcel on a project site located between existing residential development to the west, a public park and residences to the east, and elementary school to the south. The project proposes a 60-foot easement for access to Broadway to provide access for proposed parcels C and D and the remainder parcel. Proposed Parcels A and B have access to East Colombero Drive. The continued development of the property for the permitted uses is not likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat due to the size, scale, and intensity of this project.*

9. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

*The subdivision will not cause serious public health problems in that any future development will be served by private wells and on-site septic, the access to the site meets the requirements of the Department of Forestry and Fire Protection (Cal Fire), and any future development will be required to comply with the California Building Code.*

10. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*This subsection shall apply only to easements of record or to the easement established by judgment of a court of competent jurisdiction.*

In accordance with Siskiyou County Code Section 10-4.105.3 and Section 10-6.5501, the Planning Commission finds:

11. That the minimum lot size shall be two and one-half acres when water from an approved system is provided and on-site sewage disposal systems are required.

*The proposed parcels are designed with parcel sizes ranging from 3.75 and 6.79 acres. All proposed parcels and the remainder parcel (2.72 acres) exceed the 2.5-acre minimum parcel size.*

12. That the depth of any lot shall not exceed three (3) times the width on lots of 300 feet or less in width nor exceed four (4) times the width on lots exceeding 300 feet in width.

*All the proposed parcels meet the required depth to width ratio.*

13. That the lot side lines shall be at approximately right angles or radial to street or road lines.

*All proposed lot side lines are at approximately right angles to Mill Road (private), East Colombero Drive (County Road 1N06), and the proposed private road.*

14. That no lot shall have double frontage unless otherwise approved by the Planning Commission.

*Currently, the existing parcel has double frontage on East Colombero Drive to the south and Mill Road to the north. This project proposes to add an additional access easement from Broadway (County Road 1N014). The proposed parcel configuration would result in Proposed Parcels A and B having double frontage to East Colombero Drive and the proposed access easement. Proposed Parcels B and C and the proposed Remainder Parcel would have double frontage to Mill Road and the proposed access easement. Therefore, the approval of this project by the Planning Commission also approves the double frontage as required by Siskiyou County Code.*

15. That no lot shall be divided by city, county, school district, or other taxing agency lines.

*The proposed parcels will not be divided by any county, school district or taxing agency line.*

## **General Plan Consistency Findings**

### **Composite Overall Policies**

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 subdivision of the existing parcel is compatible with the surrounding area. The neighboring parcels are a combination of residentially zoned subdivisions with parcel sizes of approximately 7,000 square feet, a public park, and elementary school. The proposed parcel sizes ranging between 3.75 acres and 6.79 acres fit within that range and provide a lower density buffer to the Heavy Industrial uses to the north of the project site.*

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.

*With the approval of the zone change to R-R-B-2.5, the primary use of the land will be residential which will be consistent with surrounding uses and as such will clearly not be disruptive or destroy the intent of protecting each mapped resource.*

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 site is currently undeveloped. Adjacent wells in the area indicate that water supply in the area is adequate for single-family residential development. Any future development is required to meet Building Code requirements for erosion and runoff. The project site has access to East Colombero Drive (County Road 1N06) and Mill Road, which is a private road extension of Mill Road (County Road 1P004). Additionally, the project proposes a new non-exclusive easement for ingress, egress, and utilities. Private roads that are required to meet fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning.*

Policy 41.6 There shall be a demonstration to the satisfaction of the Siskiyou County Health Department and/or the California Regional Water Quality Control Board that sewage disposal from all proposed development will not contaminate ground water.

*The project site has been reviewed by Environmental Health. A determination has been made that all lots conform to Environmental Health's density standards.*

Policy 41.7 Evidence of water quality and quantity acceptable to the Siskiyou County Health Department must be submitted prior to development approval.

*Adjacent wells in the area indicate that water supply in the area is adequate for single-family residential development.*

Policy 41.8 All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Environmental Health Department as to the adequacy of on-site sewage disposal or the ability to connect to an existing city or community services district with adequate capacity to accommodate the proposed development. In these cases the minimum parcel sizes and uses of land permitted for all development will be the maximum density and land uses permitted that will meet minimum water quality and quantity requirements, and requirements of the County's flood plain management ordinance.

*Proposed parcels have been reviewed by Environmental Health. Individual lots may require alternative engineered leach fields depending on the depth of ground water, which will be determined by Environmental Health when the wells are drilled. A requirement that the approved locations for on-site disposal systems be identified on a recorded map has been included as Condition of Approval number 8.*

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.

*Proposed Parcels A and B have direct access to East Colombero Drive, a public road that is adequate for the immediate and cumulative traffic impacts of the project. Proposed Parcels C and D have direct access to Mill Road and a new non-exclusive easement which, as a condition of approval, is to be upgraded to comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning. Upon compliance with the condition of approval, access to those parcels will be adequate to accommodate the immediate and cumulative traffic impacts of the project. The proposed Remainder Parcel has direct access to Tucci Avenue, a public road that is adequate for the immediate and cumulative traffic impacts of the project.*

Policy 41.18 Conformance with all policies in the Land Use Element shall be provided, documented, 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 project is consistent with the Siskiyou County General Plan as documented herein.*

## **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 time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

*No new development is proposed as part of this project. However, any future development is required to meet Building Code requirements for erosion and runoff.*

**Map 3: Building Foundation Limitations**

Policy 8 – Enforce building construction standards (uniform building code) and public works requirements.

*Any future development will be required to meet building code standards.*

**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 slope on the project site is less than 15% slope. All of the proposed parcels as well as the remainder parcel will be larger than 2.5 acres. The permitted density will not create erosion or sedimentation problems.*

Policy 10 – Single family residential, heavy or light industrial, heavy or light commercial, open space, non-profit and non-organizational in nature recreation uses, commercial/recreation uses, and public or quasi-public uses only may be permitted. The permitted uses will not create erosion or sedimentation problems.

*Single-family residential uses are permitted uses per Policy 10 and will not create erosion or sedimentation problems.*

**Map 7 Flood Hazard:**

Policy 21 - Primary and secondary floodplains are defined as follows:

1. Primary floodplains are the designated flood ways.
2. Secondary floodplains are the areas located within the 100-year flood hazard boundaries but located outside the designated floodways.

*The project site is located in secondary flood area AO and other flood area, Zone X of FEMA map number 06093C3044D.*

Policy 22 – No development may be allowed within the designated floodways, and any development proven to be outside the designated floodway and within the 100-year flood hazard boundary shall be in accordance with requirements of the County's floodplain management ordinance.

*In accordance with Siskiyou County Code Section 10-10.07.1, a development permit shall be obtained before construction or development begins within any area of special flood hazard established by Section 10-10.06.2 of this chapter. A development permit shall be required to be issued prior to any construction activities on the project site.*

Policy 23 – Proof that land is not within a designated floodway can only be made when so indicated by the County Engineer.

*The project site is located in secondary flood area AO and other flood area, Zone X of FEMA map number 06093C3044D.*

Policy 24 – Single-Family Residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted if the requirements of Policy 22 have been met.

*The project site is located in secondary flood area AO and other flood area, Zone X of FEMA map number 06093C3044D. A development permit shall be required to be issued prior to any construction activities on the project site.*

Policy 25 – A minimum parcel size of one acre on 0-15% slope, and 5 acres on 16-29% slope may be permitted if the requirements of Policy 22 have been met. The permitted density will not create erosion or sedimentation problems.

*The project site is located in secondary flood area AO and other flood area, Zone X of FEMA map number 06093C3044D. A development permit shall be required to be issued prior to any construction activities on the project site. The proposed Single-family residential uses will not create erosion or sedimentation problems.*

Policy 26 – All flood plain requirements of the Federal Government shall take precedence to Policies 21-23.

### **Map 10 Wildfire Hazard:**

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

*The project site is located in a State Responsibility Area designated as High Hazard Severity area. The proposed parcels are to be built to comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning.*

*Proposed Parcels A and B have direct access to East Colombero Drive (County Road 1N06). Proposed Parcels C and D have direct access to Mill Road, a private road. The proposed Remainder Parcel has direct access to Tucci Avenue (County Road 1N007). All five proposed parcels will have direct access to a proposed non-exclusive easement for ingress and egress. The McCloud Fire Department is located approximately 650 feet west of the project site at Tucci Avenue and North Quincy Avenue. Additionally, as a condition of approval, the project and any future development must comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning.*

### **Map 11 Woodland Productivity:**

Policy 31 - The minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

*All proposed parcels and the proposed remainder have minimal areas of slope. The proposed parcel sizes exceed the one acre required for slopes between 0-15%.*

Policy 32 - Single family residential, light commercial, light industrial, 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.

*Single-family residential uses are permitted uses per Policy 32 and will not create erosion or sedimentation problems.*

Policy 33 - All land uses, and densities shall be designed so as not to destroy timber productivity on large parcels of high suitability woodland soils. (Class I and II.)

*Proposed Zone Change Z-23-02 will amend the current Heavy Industrial (M-H) to Rural Residential Agriculture minimum parcel size 2.5 acres. The proposed parcels range in size from 3.75 acres to 6.79 acres which are large enough to not destroy timber productivity due to the change in density.*

**California Environmental Quality Act (CEQA) Findings**

1. Because there is not substantial evidence, in light of the whole record before the County, that the vesting tentative parcel map would have a significant effect on the environment, Staff is recommending the “common sense exemption” be adopted in accordance with Section 15061(b)(3) of the CEQA Guidelines.
2. In making its recommendation, the Planning Commission has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
3. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.





SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
LAND DEVELOPMENT REVIEW

OWNER MCCLLOUD PARTNERS, LLC

FILE # 028-530-070

LOCATION E COLUMBERO DRIVE  
MCCLLOUD, CA

T 39N , R 2,3W , SEC. 1,6 PD# Z2302/TPM2302

REQUIREMENTS:

Sewage Disposal Test/Information:

- None Required : Connection to Approved Sewage System
- Engineered Percolation Tests –  
Parcels # \_\_\_\_\_
- Wet Weather Testing
- Engineered Sewage Disposal System
- Other \_\_\_\_\_

Water Supply Tests/Information:

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

Project Information:

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

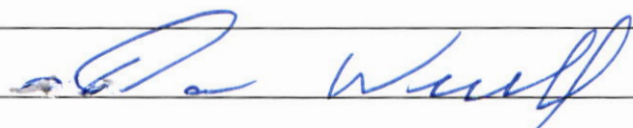
Comments/Conditions:

Environmental Health has no objections to this project that lies within the McCloud Service Boundary.

Onsite sewage disposal has been evaluated. Individual lots may require alternative engineered leach fields depending on depth of the ground water which will be determined at the time the well is drilled.

All lots conform to Environmental Health's density standard.

REHS



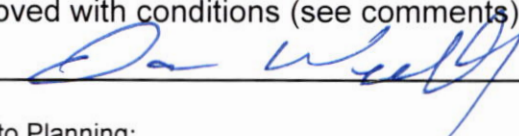
DATE 7/25/23

**ENVIRONMENTAL HEALTH ACTION**

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

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

REHS



DATE 7/25/23

Date sent to Planning:

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Date: 8/3/2023

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

Attention: Dianne Johnson

Subject: McCloud Partners, LLC Zone Change & Parcel Map (Z2302/TPM2302)

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 for the zone change request

**ROAD AND STREET NETWORKS**

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

**ROAD SIGNING**

1274.01, 1274.02, 1274.03, 1274.04

**FUEL MODIFICATION**

1276.02, 1276.03

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

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

Z2302/TPM2302

Date:8/3/2023

Page 2

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

**DRIVEWAY DESIGN AND SURFACE REQUIREMENTS**

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

**ADDRESSES FOR BUILDING**

1274.08, 1274.09, 1274.10

**FUEL MODIFICATION AND STANDARDS**

1276.01, 1276.02, 1276.03,

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

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

Sincerely,

Katie McHenry  
Forestry Technician-Prevention

For: Darryl Laws  
Siskiyou Unit Chief

Attachment

Cc: file

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

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

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

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

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

(f) Defensible Space: The area within the perimeter of a parcel, Development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching Wildfire or defense against encroaching Wildfires or escaping Structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or Development, excluding the physical Structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, Road names and Building identification, and fuel modification measures.

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

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

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

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

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

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

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

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

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

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

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- (q) Hammerhead/T: A "T" shaped, three-point Turnaround space for Fire Apparatus on a Road or Driveway, being no narrower than the Road or Driveway that serves it.
- (r) Hazardous Land Use: A land use that presents a significantly elevated potential for the ignition, prolonged duration, or increased intensity of a Wildfire due to the presence of flammable materials, liquids, or gasses, or other features that initiate or sustain combustion. Such uses are determined by the Local Jurisdiction and may include, but are not limited to, power-generation and distribution facilities; wood processing or storage sites; flammable gas or liquids processing or storage sites; or shooting ranges.
- (s) Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that approves or has the authority to regulate Development.
- (t) Municipal-Type Water System: A system having water pipes servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.
- (u) Occupancy: The purpose for which a Building, or part thereof, is used or intended to be used.
- (v) One-way Road: A Road that provides a minimum of one Traffic Lane width designed for traffic flow in one direction only.
- (w) Residential Unit: Any Building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and/or sanitation, for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered Residential Units.
- (x) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land; or an area of higher ground separating two adjacent streams or watersheds.
- (y) Road: A public or private vehicular pathway to more than four (4) Residential Units, or to any industrial or commercial Occupancy.
- (z) Road or Driveway Structures: Bridges, culverts, and other appurtenant Structures which supplement the Traffic Lane or Shoulders.
- (aa) Same Practical Effect: As used in this subchapter, means an Exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:
- (1) access for emergency wildland fire equipment,
  - (2) safe civilian evacuation,
  - (3) signing that avoids delays in emergency equipment response,
  - (4) available and accessible water to effectively attack Wildfire or defend a Structure from Wildfire, and
  - (5) fuel modification sufficient for civilian and fire fighter safety.
- (bb) Shoulder: A vehicular pathway adjacent to the Traffic Lane.
- (cc) State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.
- (dd) Strategic Ridgeline: a Ridgeline identified pursuant to § 1276.02(a) that may support fire suppression activities or where the preservation of the Ridgeline as an Undeveloped Ridgeline would reduce fire risk and improve fire protection.
- (ee) Structure: That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (ff) Traffic Lane: The portion of a Road or Driveway that provides a single line of vehicle travel.
- (gg) Turnaround: An area which allows for a safe opposite change of direction for Fire Apparatus at the end of a Road or Driveway.
- (hh) Turnout: A widening in a Road or Driveway to allow vehicles to pass.

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

**§ 1270.02. Purpose**

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

**§ 1270.03. Scope**

- (a) Subchapter 2 shall apply to:
  - (1) the perimeters and access to all residential, commercial, and industrial Building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsection (b).
  - (2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971;
  - (3) all tentative and parcel maps or other Developments approved after January 1, 1991; and
  - (4) applications for Building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the Buildings were not imposed as part of the approval of the parcel or tentative map.
- (b) Subchapter 2 does not apply where an application for a Building permit is filed after January 1, 1991 for Building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.
- (c) Affected activities include, but are not limited to:
  - (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);
  - (2) application for a Building permit for new construction not relating to an existing Structure;



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- (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.

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(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).

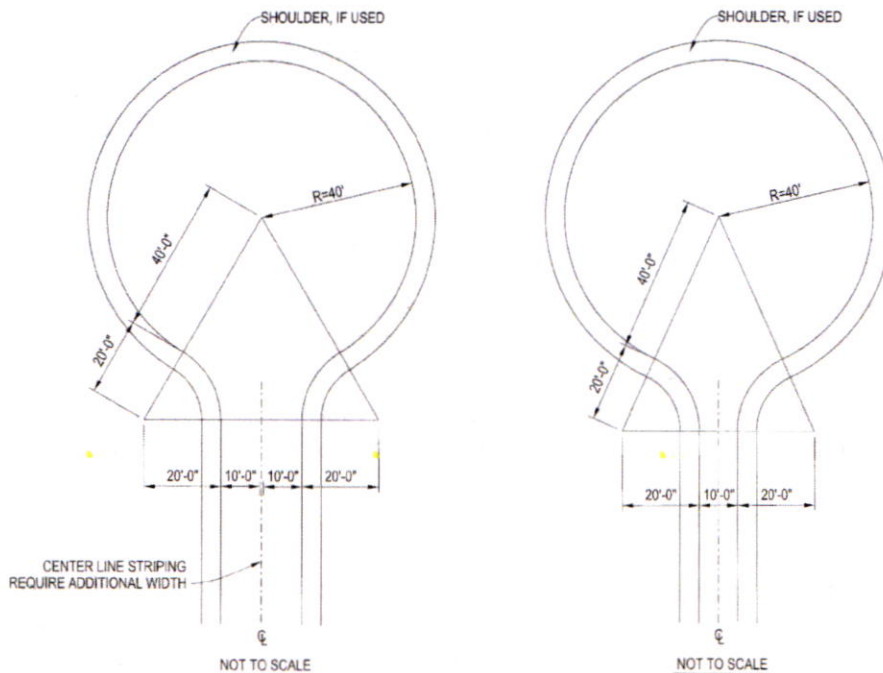


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

### § 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

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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,

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- (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;

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(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.

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**From:** [Iacona, Erika@Wildlife](mailto:Iacona,Erika@Wildlife)  
**To:** [Dianne Johnson](mailto:Dianne.Johnson)  
**Cc:** [Hawk, Debra@Wildlife](mailto:Hawk,Debra@Wildlife)  
**Subject:** Early Consultation Comments for Zone Change 2302 and Tentative Parcel Map 2302  
**Date:** Thursday, August 10, 2023 8:48:46 AM  
**Attachments:** [image001.png](#)

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Dear Dianne Johnson,

The California Department of Fish and Wildlife (CDFW) has reviewed the consultation request for Zone Change 2302 and Tentative Parcel Map 2302, a proposal to subdivide a 23.8-acre parcel, creating four new parcels of 6.79-acres, 6.57-acres, 3.95-acres, and 3.75-acres, with 2.72-acres remaining in the original parcel in McCloud, Siskiyou County. As a 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 (Fish and Game Code) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

While the Project area appears to be subject to previous disturbances, the parcel remains forested. Development of the subdivided parcels may permanently alter potentially suitable habitat for nesting migratory birds, special-status bumble bees and has the potential to impact sensitive biological resources known to Siskiyou County therefore, CDFW recommends preparation of a biological assessment prior to land alterations associated with development of the subdivided parcels and survey results included in the subsequent environmental document, as well as any pertinent impact analysis, avoidance, minimization, and mitigation measures.

Based on the existing habitat throughout the Project area, CDFW recommends conducting the following surveys prior to land alterations associated with development of subdivided parcels:

#### Biological Surveys

A basic biological assessment typically includes botanical, wildlife, and habitat surveys, conducted at the appropriate time of the year, to determine whether protocol surveys for special status species are warranted. CDFW recommends analyzing all plant and wildlife species identified in the CNDDDB and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) for their potential to occur within the Project area. Please note that the CNDDDB is a positive sighting database and therefore does not predict where resources may occur, meaning database lists are not all-encompassing. All species with potential to occur, included on database lists or not, should be thoroughly analyzed for potential impacts from Project implementation.

Please note that submitting biological results and reports for CDFW review early in the Project development process will allow CDFW to provide more thorough and meaningful comments to assist the Lead Agency in adequately avoiding and minimizing impacts to biological resources.

The following information should be included in the biological assessment:

1. Date/time/weather conditions during the survey(s).
2. A description of the natural environment.
3. A list of common species, special status plant and wildlife species, and habitats observed onsite at the time of the survey(s).
4. Rare/local/unusual species and habitats present during the survey(s).
5. A thorough assessment of rare plants and sensitive natural communities should be conducted following CDFW's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>).
6. If habitat is present for special status plants or wildlife, focused species-specific surveys should be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with CDFW. Links to some survey procedures are provided at <https://wildlife.ca.gov/Conservation>.
7. If any special status species are found during surveys, CDFW requests that CNDDDB forms be filled out online and submitted. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
8. Impacts to wildlife movement areas, wildlife corridors, and other critical seasonal-use areas should be fully evaluated, and impact analysis provided.
9. Thorough discussion of direct and indirect Project-related impacts, including adverse impacts and/or beneficial impacts, to all biological resources. This should include the number, species, and diameter of trees proposed for removal. Impacts analysis should include all components of the Project including prepping the site for construction, construction activities, and post construction disturbances.
10. A delineation of all wetlands, lakes, streams, and any associated riparian habitats (as defined by the State of California) should be performed. A thorough impact analysis should also be included for any potentially affected wetlands, lakes, streams, and riparian habitat found onsite and offsite. The delineation report should include a preliminary jurisdictional delineation, including wetlands identification pursuant to the U. S. Fish and Wildlife Service wetland definition, as adopted by CDFW, and should be provided for agency and public review. Please note that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. In addition to "federally protected wetlands" (see CEQA Appendix G (IV)(c)), CDFW considers impacts to any wetlands (as defined by CDFW) as potentially significant.
11. Avoidance and minimization, and mitigation measures, if warranted, for adverse Project-related impacts to sensitive plants, wildlife, and habitats should be developed

and thoroughly discussed. All measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of onsite habitat restoration or enhancement should be discussed. If onsite mitigation is not feasible, offsite mitigation through habitat creation, enhancement, acquisition, and preservation in perpetuity should be addressed.

### Nesting Birds

The Project area appears to contain suitable habitat for tree-nesting and ground-nesting birds. Nesting migratory birds and raptors, if present, could be directly or indirectly impacted by construction, land modification, and vegetation removal activities. Direct effects could include mortality resulting from vegetation removal and/or construction equipment operating in an area containing an active nest with eggs or chicks. Indirect effects could include nest abandonment by adults in response to loud noise levels, human encroachment, or a reduction in the amount of food available to young birds due to changes in feeding behavior by adults. Implementation of nest season surveys, outlined below, would ensure that impacts to nesting birds are less than significant.

To avoid impacts to nesting birds and/or raptors protected under Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented prior to land alterations associated with development of the subdivided parcels:

- a. Vegetation removal and other ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b. If vegetation removal or ground disturbing activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in consultation with CDFW and U.S. Fish and Wildlife Service to comply with Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

Nesting bird surveys should be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed.

### Bats

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code, § 4150; Cal. Code of Regs, § 251.1). Trees that contain cavities, crevices, or exfoliated bark have high potential to be used by various bat species. If land alteration and/or development of the subdivided parcels will encroach upon or remove trees with the above-referenced characteristics, a thorough survey of the large trees should be conducted by a qualified biologist familiar with these features to determine if tree features and habitat elements are present.

CDFW strongly encourages removal of trees and/or structures suitable for roosting bats to occur outside of the bat maternity season (March 1 – August 31) and outside of bat hibernacula (November 1 – March 1). If Project scheduling does not allow for work to be performed outside of these dates, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species, and must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed, along with certain tree limbs, on the first day, with the remainder of the habitat tree(s) being removed on the second day. This two-step process changes the microhabitat of the area, causing bats to vacate under their own volition, therefore minimizing direct and indirect impacts to bat species.

### Bumble Bees

On September 30, 2022, the candidacy of four California bumble bee species was reinstated under the California Endangered Species Act, including the Western Bumble Bee (*Bombus occidentalis*), whose range bisects the Project area. As such, Western bumble bee receives the same legal protection afforded to an endangered or threatened species (Fish and Game Code, §§ 2074.2 & 2085). It is illegal to import, export, take (hunt, pursue, catch, capture, or kill, or attempt engage in any of these activities), possess, purchase, or sell CESA-listed species, or any part or product thereof (Fish and Game Code, §§ 86, 2080, 2085). Western bumble bees were once common throughout most of California and the western United States however, research and analysis by the Xerces Society suggests there have been sharp declines in their relative abundance due to habitat disturbances, increasing temperatures, drought, and pesticide use.

The Project area may be potentially suitable habitat for this species. Ground disturbance and land modification associated with the development of subdivided parcels may have the potential to significantly impact local bumble bee populations therefore, CDFW recommends a bumble bee habitat assessment to be conducted by a qualified biologist and a thorough analysis of potential impacts to bumble bees should be performed and included in the environmental document. Without appropriate avoidance and minimization measures, potentially significant impacts associated with Project ground- and vegetation-disturbing activities include loss of foraging plants, changes in foraging behavior, burrow collapse resulting in entrapment or crushing in burrows, nest abandonment, reduced nest success, reduced health, and vigor of eggs, young, and/or queens, in addition to direct mortality.

If potentially suitable habitat is identified, Western bumble bee is observed, and/or ground disturbing activities occur during the overwintering periods, consultation with CDFW is warranted to discuss how to implement Project activities and avoid or minimize the risk of take. Please refer to the

## Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.

### Native Vegetation in Landscaping

CDFW recommends utilizing vegetation native to the local area in landscaping. Benefits of utilizing native vegetation in landscaping are numerous and include providing vital resources for native wildlife such as hummingbirds and other beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website (<https://www.cnps.org>) includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool Calscape (<https://calscape.org/>) generates a list of native plants that grow in an area based on a specific address and can be used to develop a planting palette for landscaping plans. For more information regarding the importance of using native species in landscaping, please see the CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation at: <https://www.cnps.org/wpcontent/uploads/2018/04/landscaping.pdf>.

### Avoiding Inadvertent Wildlife Entrapment

If Project activities include trenching or excavating, CDFW recommends securely covering any open trench or excavation prior to stopping work each day and/or a wildlife exit ramp should be installed to prevent wildlife entrapment. If pipes are left out onsite, CDFW recommends inspection for wildlife prior to burying, capping, moving, or filling.

### Fencing

CDFW understands fences are essential for controlling pets, livestock and/or trespass, however, inappropriately designed, or placed fencing may create serious hazards and/or barriers for wildlife. Therefore, CDFW recommends perimeter fencing to be designed and implemented to alleviate potential hazards to wildlife. This resource may provide useful information about wildlife friendly fencing techniques: A Landowners Guide to Wildlife Friendly Fences: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161708>

### Lighting

Studies have shown that artificial lighting has adverse effects on birds and other nocturnal species. The effects may include, but are not limited to, alteration of foraging behavior, reproductive behavior, navigation, and migration patterns. To minimize adverse effects of artificial light on wildlife, CDFW recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

**Please send all future consultation requests to [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).**

Kind Regards,  
Erika

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