



Information and General Services Department

Office of Emergency Services

950 Maidu Avenue
Nevada City, CA 95959
Phone: 530-265-1515
Fax: 530-265-7087

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: December 15, 2020

TO: Board of Supervisors

FROM: **Steve Monaghan – Emergency Services**

SUBJECT: An Ordinance Amending Article 6 Of Chapter XVI Of The Nevada County Land Use And Development Code To Extend The Prohibition Of Outdoor Burning During Fire Season In The Yuba River Corridor As A Pilot Program Until The End Of Declared Fire Season In 2021.

RECOMMENDATION: Pass and adopt the Proposed Ordinance.

FUNDING: N/A

BACKGROUND: Over two years ago on September 14, 2018, the Board adopted Urgency Ordinance 2454 adding Article 6 of Chapter XVI to the Nevada County Land Use and Development Code prohibiting outdoor burning on private property in the South Yuba River corridor as a two-fire season pilot program from 2018-2019. Last year, on November 5, 2019, as the program was about to sunset, the Board voted to extend the pilot program for the 2020 fire season. The Ordinance was proposed and recommended via consensus by the Yuba River Public Safety Cohort (Cohort). Specifically, the Ordinance has banned open fire on private property, with some exception, within ¼ mile on each side of the ordinary highwater mark of the river in Nevada County from the confluence of the South Yuba River with Kentucky Creek below Bridgeport to Lang's Crossing from Memorial Day to the end of the CAL FIRE declared fire season in 2018, 2019, and 2020. Fire restrictions for this year are set to timeout at the end of the 2020 declared fire season.

Almost two months after the Board adopted Ordinance 2454, neighboring Butte County experienced what at the time was the most devastating wildfire in California history. On November 2, 2018 a total of 153,336 acres burned, destroying 18,804 structures, and resulting in 89 civilian fatalities. Just two years later, the 2020 fire season has seen the most acres burned in California history. According to the National Interagency Fire Center, as of November 2020, more than 5 million acres burned in California to date in 2020.

Wildfire mitigation is a priority to which the Board recommitted itself on February 11, 2020 when it adopted Resolution 20-041 and codified the following objective: Reduce the loss of life during a wildfire by improving evacuation routes and early warning systems; creating more defensible space around private properties and driveways, building a network of maintained fuel breaks, engaging residents in

emergency preparedness and fire-safe stewardship, and enhancing critical infrastructure.

In an effort to eliminate human-caused fires in the South Yuba River Canyon and further promote the Board's Priority objective on wildfire, on November 17, 2020, the attached proposed Ordinance was introduced, and further reading was waived, to amend Article 6 of Chapter XVI of the Nevada County Land Use and Development Code to extend the prohibition of outdoor burning during fire season in the South Yuba River corridor as a Pilot Program for one additional year. This will enable the County to a) further gain input for the Board's consideration for a permanent recommendation, and b) continue the Pilot Program as a precautionary measure to mitigate imminent hazards of human caused wildfire in the South Yuba River corridor that would have devastating impacts on the Wild and Scenic watershed, the surrounding community, and the County as a whole. For these reasons, it is requested that the attached proposed Ordinance be passed and adopted.

The staff memo associated with the first reading of this ordinance indicated a 4/5 affirmative vote is required. This was a typographical clerical error and has been removed.

Item Initiated by: Paul Cummings

Item Approved: Steve Monaghan