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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: September 11, 2018

TO: Board of Supervisors

FROM: **Hank Weston, District IV Supervisor**
Heidi Hall, District I Supervisor

SUBJECT: Introduction and Adoption of an Urgency Ordinance adding Article 6 of Chapter XVI of the Nevada County Land Use and Development Code to Prohibit Outdoor Burning During Fire Season in the Yuba River Corridor and Repealing Section G-II 1.23 from Article 1 of Chapter VII of the Nevada County General Code. (4/5th AFFIRMATIVE VOTE REQUIRED)

RECOMMENDATION: Introduce and Adopt the attached Urgency Ordinance

FUNDING: N/A

BACKGROUND:

On June 12, 2018, The Board received a presentation from staff regarding the various initiatives of the Yuba River Public Safety Cohort (Cohort) that were identified and implemented to further promote public safety and law enforcement efforts at the South Yuba River. At the meeting the Board took several actions on various items and provided direction to staff regarding the Cohort's recommendation to consider a ban on open fire within the South Yuba River Corridor. The Board directed staff to conduct community outreach, with particular emphasis on the Town of Washington, develop a map outlining the proposed fire prohibition, and to bring the item back to the Board as an Urgency Ordinance. As such, staff has worked with the Cohort to refine a draft ordinance for the Board's consideration, as well as conducted community outreach which included providing written notification letters to all impacted parcels, providing an online forum for comments, presenting to the Washington Water District who oversees the Washington Volunteer Fire Department on June 14, 2018 and conducted community meetings in the Town of Washington and in Nevada City on June 26, 2018 and September 4, 2018, respectively. Additionally, staff worked with GIS to develop a map outlining all the

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parcels within the Urgency Ordinance's proposed area of impact, which is incorporated into the Urgency Ordinance as Exhibit A.

After receiving public and stakeholder input, the Cohort has now come to a consensus on the attached draft Urgency Ordinance for the Board's consideration. The purpose of the Urgency Ordinance is to implement a precautionary measure to mitigate the hazards of human caused wildfire in the South Yuba River Corridor that would have devastating impacts on the watershed, the surrounding community and the County as a whole. The South Yuba River is designated as a State Wild and Scenic River that contains extraordinary scenic, recreation, fishery, and wildlife values of statewide significance that deserve to be preserved and protected in their free-flowing state. With an estimated 800,000 people visiting the river each year, the hazards of a human-caused fire are prevalent and warrant the consideration of preventative actions.

The proposed draft Urgency Ordinance will ban open fire on private property within ¼ mile on each side of the ordinary high mark of the river in Nevada County from the confluence of the South Yuba River with Kentucky Creek below Bridgeport to Lang's Crossing. It will apply from Memorial Day to the end of the declared fire season each year from 2018 and again from Friday, May 24th, 2019 through the end of 2019 fire season as declared by Cal FIRE and the United States Forest Service. The Urgency Ordinance will only be in effect for two fire seasons as a pilot program.

Per public input, several exceptions for open fire have been carved out within the Urgency Ordinance that include: a) allowing wood and charcoal fires in permanent pedestal grills and fire rings in a designated developed recreation site (i.e. organized campground) in an area that is cleared of all non-structural flammable material in all directions at least 10 feet in diameter from the fire's edge; b) wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside enclosed stove, grill, barbecue or portable brazier that are located in a designated developed recreation site (i.e. organized campground) or improved parcel located more than ten (10) feet away from a combustible structure with readily available access to an emergency water supply system within 30 feet of the fire in an area that is cleared of all non-structural flammable material in all directions at least ten (10) feet in diameter from the fire's edge with an occupying resident or owner present on the property; c) wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside permanent fire ring or pit no larger than five (5) feet in diameter on an improved parcel that is located more than twenty-five (25) feet away from a combustible structure with readily available access to an emergency water supply system within 30 feet of the fire in an area that is cleared of all non-structural flammable material at least ten (10) feet in diameter from the fire's edge; and d) smoking within an enclosed vehicle or building, or while stopped in an area that is cleared of all non-structural flammable material in all directions at least (5) five feet in diameter.

The proposed draft urgency ordinance was developed with the input from the Cohort members, applicable federal and state code, including CA Fire Code Section 307-308, and Nevada County Title 3 Land Use and Development Code Section L-XVI 4.3. The draft Urgency Ordinance has been reviewed and recommended via consensus by the Yuba River Public Safety Cohort, a multi-agency workgroup that includes Federal, State and local agencies and departments. The Cohort includes but is not limited to District I

Supervisor Heidi Hall, District IV Supervisor Hank Weston, Sheriff's Office, County Executive Office, Nevada County Office of Emergency Services, Nevada County Public Works Department, California Highway Patrol, Cal FIRE, Nevada County Consolidated Fire District, North San Juan Fire District, California Department of Parks and Recreation, Federal Bureau of Land Management, SYRCL, and other non-profit and community organizations.

Therefore, in an effort to further promote the Board's Priority A Objective to "[p]rioritize the implementation of existing County policies and programs to reduce the risk of wildfire and the effects of wildfire on life, property, and the environment. Pursue hazard vegetation mitigation funding sources and support related community partners with their efforts. Explore other ways to reduce the threat and damage from wildfires," we urge the Board to consider adopting the attached Urgency Ordinance to take the immediate necessary action to implement a precautionary measure to mitigate the imminent hazards of human caused wildfire in the South Yuba River Corridor that would have devastating impacts on the watershed, the surrounding community and the County as a whole. Additionally, the attached Urgency Ordinance will sunset in the end of the declared fire season in 2019 as a pilot program to afford the Board with an opportunity to review and consider any and all of its options for a long term solution.

Sincerely,



Hank Weston
Supervisor, District IV



Heidi Hall
Supervisor, District I