

EXHIBIT L

LAND USE CODE

CHAPTER XVI: FIRE SAFETY REGULATIONS

SECTION 1 DEFINITIONS

Sections:

Sec. L-XVI 1.1 Reserved

Sec. L-XVI 1.2 Definitions

Sec. L-XVI 1.1 Reserved

Sec. L-XVI 1.2 Definitions

- A. **ACCESSORY BUILDING:** Any building used as an accessory to residential, commercial, recreational, industrial or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter II, Group M, Division 1, Occupancy that requires a building permit.
- B. **AGRICULTURE:** Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.
- C. **ALL WEATHER SURFACE:** An asphalt or concrete surface designed and certified by a registered professional engineer to carry the imposed weight load of a legally loaded 40,000 pound vehicle. (Ord. 2323. (07/13/2010)).
- D. **BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter II, except Group M, Division 1, Occupancy. For the purposes of this Section, building includes mobile homes and manufactured homes, churches and day care facilities. (Ord. 2323. (07/13/2010).)
- E. **CAL FIRE:** California Department of Forestry and Fire Protection. (Ord. 2323. (07/13/2010).)
- F. **CALIFORNIA FIRE CODE (CFC):** California Code of Regulations, Title 24, Part 9, or as amended.
- G. **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 Chapter, 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.

- H. DEVELOPMENT: As defined in Cal. Gov't Code § 66418.1.
- I. DIRECTOR: The Director of the Department of Forestry and Fire Protection or their designee.
- J. DRIVEWAY: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- K. EXCEPTION: As alternative to the specified standard, requests 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 to provide mitigation of the problem.
- L. FIRE VALVE: See hydrant.
- M. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- N. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- O. GREENBELT: A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.
- P. HAMMERHEAD/T: A road or driveway that provides a "T"-shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.
- Q. HYDRANT: A valved connection on a water supply or storage system having one two-and-a-half (2½) inch outlet with a cap for pressurized systems or a four and a half (4½) inch to two and a half (2½) inch reducer with a cap. Outlets shall be male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.
- R. LOCAL JURISDICTION: Any county, city/county agency or department or any locally authorized district that issues or approves building permits, use permits, parcel maps or tentative parcel maps or has authority to regulate development and construction activity.
- S. OCCUPANCY: The purpose for which a building, or part thereof, is used or intended to be used.
- T. ONE-WAY ROAD: A minimum of one traffic lane width designed for traffic flow in one direction only.
- U. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-

built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. tit. 14 § 1270.01 (c).

- V. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes.
- W. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.
- X. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- Y. SAME PRACTICAL EFFECT: As used in this Chapter, 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. Signage that avoids delays in emergency equipment response.
 - 4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire.
 - 5. Fuel modification sufficient for civilian and fire fighter safety.
- Z. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- AA. STATE BOARD OF FORESTRY (SBOF): A nine (9) member board, appointed by the Governor, which is responsible for developing the general forest policy of the State, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the State's interest in federal land in California.
- BB. STATE RESPONSIBILITY AREAS (SRA): As defined in Cal. Pub. Res. Code §§ 4126-4127.
- CC. STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- DD. SUBDIVISION: As defined in Cal. Gov't Code § 66424.
- EE. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.
- FF. TURNAROUND: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.
- GG. TURNOUTS: A widening in a roadway or driveway to allow vehicles to pass. Minimum twelve (12) feet wide and thirty (30) feet long with a twenty-five (25) foot taper on both ends.
- HH. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway.
- II. WILDFIRE: As defined in Cal. Pub. Res. Code §§ 4103 & 4104.

EXHIBIT

LAND USE CODE

CHAPTER XVI: FIRE SAFETY REGULATIONS

SECTION 2 GENERAL REQUIREMENTS

Sections:

Sec. L-XVI 2.1 Purpose and Intent of Chapter

Sec. L-XVI 2.2 Scope

Sec. L-XVI 2.3 Project Consultation and Review

Sec. L-XVI 2.4 Violations

Sec. L-XVI 2.5 Inspection Authority

Sec. L-XVI 2.6 Exceptions to Standards

Sec. L-XVI 2.7 Appeals

Sec. L-XVI 2.8 Distance Measurements

Sec. L-XVI 2.9 Maintenance of Defensible Space Measures

Sec. L-XVI 2.1 Purpose and Intent of Chapter

The regulations contained in this Chapter and the provisions in Zoning Regulations, Subdivision Regulations, Street Addressing and Naming, and Buildings and County adopted road standards collectively provide the necessary minimum wildfire protection standards that will minimize public safety effects with the establishment of land uses and buildings within State Responsibility Areas (SRA) lands within the County of Nevada. These regulations are intended to mitigate effects of wildland fire exposure to such land uses within the State Responsibility Areas and they are further adopted to equal, exceed, or provide the same practical effect contained in the California State Board of Forestry's Fire Safe Regulations adopted on November 7, 1990.

The fire safety regulations contained in these Chapters provide measures for emergency access, street name and building address signage, water reserves for emergency fire use, and vegetation modification.

These regulations are not to be applied retroactively to existing dwelling units as reflected on the official tax rolls as of October 10, 1991, or to any approved and unexpired entitlements (tentative maps, use permits, site plans, building permits,

etc.). They shall be applied to all activities set forth in Sec. 2.2. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.2 Scope

Activities affected by this Chapter include, but are not limited to:

- A. Subdivisions.
- B. Application for mobile home set-up permits and building permits for new construction, not related to an existing structure, filed on or after October 10, 1991.
- C. Application for a use permit and all ministerial and discretionary site plans.
- D. Road construction, including construction of a road that does not currently exist, or extension of an existing road, not including roads for agricultural or mining use solely on one ownership, and roads used solely for the management and harvesting of wood products. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.3 Project Consultation and Review

- A. All projects subject to this Chapter shall be sent for review and comment to the appropriate fire district, to the California Department of Forestry Director (or designee) and/or any other designated fire official having expertise in wildland fire mitigation. Any conditions imposed by said fire agencies shall not be a substitute for or be less restrictive than the minimum requirements contained in these Chapters of the Nevada County Code.
- B. All projects located on SRA lands shall be reviewed for compliance with all regulations in the Nevada County Code that provide fire safety requirements. No project may be authorized until the decision-making body or County agent has verified that all appropriate requirements have become a condition of project approval. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.4 Violations

Any permittee or applicant who violates any provision contained in this Chapter shall be guilty of an infraction. (Ord. 1734.(09/10/1991).)

Sec. L-XVI 2.5 Inspection Authority

- A. Inspections of the various fire safety regulations on SRA lands shall be completed by the County department under whose jurisdiction the fire safety standard exists and which has inspection authority. The Board of Supervisors may, by Resolution, authorize a different County department, division or officer with fire protection responsibility to perform all or part of such inspection duties.
- B. Within local fire district boundaries, inspections established by this Chapter may be performed by district personnel with the approval of the California Department of Forestry Unit Chief. (Ord. 2323. (07/13/2010).)
- C. All necessary inspections must be performed and approval obtained prior to final occupancy, map recordation or other authorization to occupy as applicable to the use or permit being finalized. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.6 Exceptions to Standards

- A. Unless otherwise provided in this Chapter, all exceptions or modifications to the stated standards not contained in the Chapter governing Zoning in this Code shall be considered by the planning agency having jurisdiction over the land use entitlement. The planning agency shall consider all the facts associated with the requested exception and request for mitigated practices. In approving same, the hearing body must find that the substituted mean(s) provide the same overall practical effect. Such evidence shall be supported by the Director.

Exceptions or modifications to any portion of the Zoning Chapter shall be considered pursuant to Section governing Variances. In addition to the findings required to approve an area variance, any exception or substitution to the stated standards shall have the same practical effect as supported by the Director and by finding of the appropriate hearing body. (Ord. 2323. (07/13/2010).)

- B. All requests for exceptions and area variances shall include the following information:
 - 1. The specific Section of the applicable Chapter of the Nevada County Code that is being sought to be modified.
 - 2. Material facts and reasons supporting the request.
 - 3. Details of the exception and substitute standard being proposed along with a demonstration that the same practical effect is being achieved.
 - 4. Site plan and/or other supporting documentation showing the location of the exception, proposed modifications and any mitigating factors that contribute to the exception request. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.7 Appeals

All appeals from this Chapter pursuant to Administration and Enforcement Sections within this Code. Appeals may only be filed from actions taken by the appropriate hearing body. No appeal may occur without first having it considered as an exception or an area variance. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.8 Distance Measurements

All specified or referenced distances as to road lengths and vegetative clearing areas are measured along the ground, unless otherwise stated. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 2.9 Maintenance of Defensible Space Measures

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for continued annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval, in an emergency access covenant or similar binding agreement. The persons or entity responsible for maintenance must be designated in the development plans. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

EXHIBIT

LAND USE CODE CHAPTER XVI: FIRE SAFETY REGULATIONS SECTION 3 DRIVEWAYS

Sections:

Sec. L-XVI 3.1 Purpose

Sec. L-XVI 3.2 Private Driveway Construction Standards

Sec. L-XVI 3.3 Exception to Driveway Permit Requirement

Sec. L-XVI 3.4 Petition for Exception to Driveway Standards

Sec. L-XVI 3.1 Purpose

Proper emergency access providing all season, all-weather evacuation and access by emergency response vehicles is of paramount importance in order to assure that the spread of a wildland fire can be retarded. (Ord. 1734. (09/10/1991); Ord. 2323. 07/13/2010.)

Sec. L-XVI 3.2 Private Driveway Construction Standards

All newly constructed single-family residences shall be served by a driveway. Any subdivision proposing that two (2) lots be served by a common driveway shall have the driveway constructed prior to the map recordation. The driveway shall meet the following construction standards as administered by the Building Department through a driveway permit when a grading permit is not applicable.

A. Driveway Grade.

1. Below 4,000 feet elevation, driveway grade shall not exceed 16% unless a Petition for Exceptions is supported by the County Fire Marshal or their appointed designee and granted by the planning agency having jurisdiction over the land use entitlement. Notwithstanding Sec. 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of 25%.
2. At or above 4,000 feet elevation, driveway grade shall not exceed 16% maximum. Notwithstanding Sec. 2.6, Exceptions to Standards, there shall be

no exceptions granted for grades in excess of 16% where elevations range above 4,000 feet.

B. Driveway Surface.

1. Driveway surfaces shall be capable of supporting a 40,000 pound legally-loaded vehicle as outlined below:
 - a. Driveways and segments thereof that are between 0% and 16% grade shall be capable of supporting a 40,000 pound legally loaded vehicle as certified by a registered civil engineer, or a minimum of four (4) inch Class II aggregate base.
 - b. Driveways and segments thereof that are 16.1% grade and above, shall be designed and certified by a registered civil engineer. Prior to foundation inspection, the engineer shall provide stamped and signed written verification to the County Fire Marshal or their appointed designee that the rough grade complies with the site plan. Prior to, or concurrent with, final inspection, the engineer shall provide stamped and signed written verification that the final driveway complies with the site plan.
2. Driveways between 16.1% and 20.0% grade shall be engineered with an all-weather surface.

C. Driveway Design.

1. At least the first thirty (30) feet of the driveway encroachment from the edge of pavement of the primary roadway shall be paved and shall conform to the design standards for driveway encroachments as illustrated in the Nevada County Department of Public Works Standards Drawings, available from the Department of Public Works.
2. The driveway must be built to within fifty (50) feet of the nearest point of each dwelling unit.
3. Surface width shall be ten (10) feet minimum with one (1) foot shoulders and fourteen (14) feet unobstructed horizontal clearance for driveway grades up to 16%. For grades between 16.1% and 20%, a twelve (12) foot minimum surface width with additional one (1) foot shoulders is required.
4. Vertical clearance shall be fifteen (15) feet minimum, measured from the outside edge of the shoulder.

5. Curve radius shall be fifty (50) feet minimum from centerline. For all driveway radii less than one hundred (100) feet, an additional four (4) feet of surfacing shall be provided on said curves. For all driveway radii between one hundred (100) and two hundred (200) feet, an additional two (2) feet surfacing shall be provided on said curves. All driveways shall also comply with Road Design Standards regarding Curve Widening and Design Geometrics: Curve Widening.
6. Back-out maneuvering area in front of parking garages and open parking stalls shall be twenty-four (24) feet.
7. Turnouts and Turnarounds.
 - a. For driveways that are three hundred (300) feet or more in length, a turnaround or hammerhead with a maximum grade of twelve (12) percent shall be provided within fifty (50) feet of the dwelling.
 - b. Driveways exceeding one hundred fifty (150) feet in length, but less than eight hundred (800) feet in length, shall provide a turnout near the midpoint of the driveway.
 - c. Driveways exceeding eight hundred (800) feet shall provide turnouts no more than four hundred (400) feet apart.
 - d. Turnaround: The terminus bulb shall have a minimum forty (40) foot radius.
 - e. Hammerhead T: The long axis shall be a minimum of sixty (60) feet and the leg shall be a minimum of forty (40) feet.
 - f. 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.
8. All bridge and culvert portions of the driveway shall support a 40,000 pound legally loaded vehicle.
9. Roadside vegetation: A fuel modification area shall be provided for a distance of ten (10) feet on each side of the driveway measured from the shoulder.
10. All appropriate grading, drainage and erosion control shall be included pursuant to Building Codes.
11. Lateral slopes must be designed and installed to accommodate a minimum two percent (2%) and maximum four percent (4%) cross slopes, taking topography into consideration. (Ord. 1748. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2323. 07/13/2010.)

D. Gates on Driveways.

1. Gate entrances shall be at least two (2) feet wider than the width of the traffic lanes serving the gate and shall provide a minimum width of fourteen (14) feet unobstructed horizontal clearance.
2. All gates providing access from a road to a driveway, or another road shall be located at least thirty (30) feet away from the edge of pavement of the primary roadway and shall open to allow a vehicle to stop without obstructing traffic on that primary road. (Ord. 2323. (07/13/2010).)
3. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010).)

Sec. L-XVI 3.3 Exception to Driveway Permit Requirement

A driveway permit pursuant to this Section shall not be required for a driveway legally constructed prior to November 21, 1991. (Ord. 1773. (05/12/1992).)

Sec. L-XVI 3.4 Petition for Exception to Driveway Standards

A. All exceptions or modifications to the Driveway Standards shall be considered by the Planning Director in consultation with the Fire Marshal. The Planning Director shall consider all the facts associated with the requested exception and request mitigations as deemed appropriate by the Planning Director and Fire Marshal. In approving the same, the Planning Director shall find that the mitigations provide the same overall practical effect as strict compliance with the Driveway Standards. In addition, the Planning Director shall make the following findings:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exception will not constitute a grant of special privileges inconsistent with the limitations upon similar property; and
5. That the exception will provide the same practical effect of fire protection and is supported by an entity responsible for assuring compliance with Cal. Code Regs. tit. 14; Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5, §§ 1270-1276.05. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010).)

EXHIBIT

LAND USE CODE

CHAPTER XVI: FIRE SAFETY REGULATIONS

SECTION 4 EMERGENCY WATER SUPPLY

Sections:

Sec. L-XVI 4.1 Purpose and Intent

Sec. L-XVI 4.2 Application

Sec. L-XVI 4.3 General Standards

Sec. L-XVI 4.4 Standards for Hydrants/Fire Valves

Sec. L-XVI 4.1 Purpose and Intent

To provide available and accessible emergency water for wildfire protection on SRA lands, in specified quantities and locations to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 4.2 Application

A. Subdivisions, Use Permits, Site Plans. The provisions of this Section shall apply when new parcels, use permits or site plans are approved. The water supply shall be available on-site prior to map recordation in the case of subdivisions or building construction in the case of use permits or site plans.

Remote Single-Family Residential Buildings. The provisions of this Section shall apply when building permits are approved for residential structures that are in excess of eight (8) miles from the closest fire department water tender and which otherwise do not meet the requirements of Sec. 4.3. The stored amount of on-site water available for fire protection shall be compliant with the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Firefighting." The minimum amount of stored water required is 2500 gallons and may be higher dependent on the size of the structures to be protected and will be exclusive of domestic requirements. The water shall be available on-site at the time of the framing

inspection. Construction of the water storage facility shall be in compliance with the drawings kept on file in the Office of the Fire Marshal.

(Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

Sec. L-XVI 4.3 General Standards

Each subdivision shall install a water supply system as provided in the following chart. All emergency water to meet fire flow requirements is in addition to the domestic water source.

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING
SINGLE-FAMILY	0-.5	Public (Note 1)	1,000	500
	.5-1.0	Public (Note 1)	500	500
	1.01-1.5	Public (Note 1)	500	1,000
	1.51-3	Public (Note 1)	500	1,000
		Community (Note 2)	500	1,000
	3-5*	Public (Note 1)	500	2,000
		Community (Note 2)	500	2,000
		Class 8 (Note 3)		1 mile
	5+*	Public (Note 1)	500	2,000
		Community (Note 2)	500	1 mile
		Class 8 (Note 3)	500	1 mile
MULTIPLE-FAMILY DWELLINGS		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING
COMMERCIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
INDUSTRIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

*NOTE: Subdivisions using Class 8 may require installation of strategic water supply with storage volumes based on the formula for community water systems.

Note 1. PUBLIC WATER SYSTEM - Nevada Irrigation District or other public water purveyor standards.

Note 2. COMMUNITY WATER SYSTEM - Centrally located water storage system maintained by property owners.

In no case shall the water storage quantity be less than 4,000 gallons regardless of the number of parcels served. All such systems shall be designed to avoid contamination of potable water supplies in accordance with Environmental Health Standards.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q=quantity of water storage and F=the number of units or parcels served.

Note 3. CLASS 8 - Those areas within a fire jurisdiction where the Insurance Services Office (ISO) has issued a dwelling Class 8 rating, typically within five (5) miles of a fire station and within eight (8) miles of a water tender, the stored water requirement for fire protection of single-family residences may be waived.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q=quantity of water storage and F=the number of units or parcels served. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

Sec. L-XVI 4.4 Standards for Hydrants/Fire Valves

- A. The hydrant shall be located eighteen (18) inches above grade in a turnout/turnaround or other approved location, not less than fifty (50) feet from any building. Flammable vegetation shall be removed within eight (8) feet of the hydrant.

- B. The hydrant shall be: (1) brass or anodized aluminum with two and a half (2½) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4½) inch National Hose male thread with a four and a half (4½) inch to two and a half (2½) inch National Hose reducer with cap for draft systems; or (2) any hydrant approved by the American Water Works Association. Such hydrants shall be an insulated wet barrel or dry barrel as required by the delivery system. It shall have suitable crash protection if required by the local jurisdiction.

- C. Signing of Water Sources - 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 street or road, it shall be marked/signed to the satisfaction of the fire agency with fire protection responsibility or the hydrants located along state highways shall be as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

EXHIBIT

LAND USE CODE

CHAPTER XVI: FIRE SAFETY REGULATIONS

SECTION 5 FUEL MODIFICATION

Sections:

Sec. L-XVI 5.1 Purpose and Intent

Sec. L-XVI 5.2 Disposal of Flammable Vegetation and Fuels

Sec. L-XVI 5.3 Fuel Modification/Greenbelts

Sec. L-XVI 5.1 Purpose and Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, these areas shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire; and (3) strategic siting of fuel modification and greenbelts. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 5.2 Disposal of Flammable Vegetation and Fuels

Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction and fuel modification, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, shall be completed prior to completion of road construction or final inspection of a building permit or subdivision, whichever is appropriate. (Ord. 1734. (09/10/1991).)

Sec. L-XVI 5.3 Fuel Modification/Greenbelts

- A. All structures within the State Responsibility Area are required to comply with the defensible space regulations in Cal. Code Regs. tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
- B. All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

- C. When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect, which reduce the likelihood of home-to-home ignition. Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structural hardening such as those required in the California Building Code, Cal. Code Regs. tit. 24, Part 2, Chapter 7A.
- D. As determined by the Director, a fuel modification zone or greenbelt may be required along all or some subdivision exterior boundaries. All subdivisions in excess of ten (10) lots with a density of one residence per 1-1/2 acres or greater shall provide greenbelts or fuel modification areas as a separation between wildland fuels and the lots within the subdivision. In all cases, the minimum width of a greenbelt or fuel modification zone shall be determined by the Director.
- E. Depending on the fire hazard severity classification and other factors, those subdivisions providing a greenbelt may reduce or otherwise eliminate the setbacks required in the base zoning district in Zoning Ordinance requiring thirty (30) feet to interior side and rear yards. The less setbacks provided for may be used in lieu of the thirty (30) feet. Such reduction or elimination of setbacks must be determined as part of the review of the tentative map and shall be incorporated as notes on the final map. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991).)

EXHIBIT

LAND USE CODE

CHAPTER XVI: FIRE SAFETY REGULATIONS

SECTION 6 SOUTH YUBA RIVER CORRIDOR BURN PROHIBITION

Sections:

Sec. L-XVI 6.1 Findings and Purpose

Sec. L-XVI 6.2 South Yuba River Corridor Burn Prohibitions

Sec. L-XVI 6.1 Findings and Purpose

- A. The State of California has designated the South Yuba River, from Lang Crossing to its confluence with Kentucky Creek below Bridgeport as a designated component of the California Wild and Scenic River System that contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of the state as provided in the California Wild and Scenic Rivers Act, pursuant to Cal. Pub. Res. Code §§ 5093.50 – 5093.71.
- B. In 2001, the Nevada County Board of Supervisors adopted Resolution 01-355 to join the Memorandum of Understanding (MOU) between the United States Department of Agriculture (USDA) Forest Service, Bureau of Land Management and the California Department of Parks and Recreation on the management of the South Yuba River to develop a comprehensive, coordinated management plan called the South Yuba River Comprehensive Management Plan to coordinate a cohesive management strategy to manage public land resources and uses with the planning area of the South Yuba River Wild and Scenic System designation.
- C. The South Yuba River Wild and Scenic System designated corridor covers the lower 39-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet).
- D. As stated in the South Yuba River Comprehensive Management Plan, the “South Yuba River corridor, with its local weather and steep topography, can produce wildfires with the potential to quickly and intensely spread

across ownership boundaries and human-caused fires are the primary concern both in the corridor and in the watershed. Human-caused fires have created the most damage, per event, of all wildfires within the watershed. Lightning fires are of secondary concern.” (p. 24)

- E. As further stated in the South Yuba River Comprehensive Management Plan, “Open campfires on public lands are not allowed anywhere within the corridor year-round. Where camping is allowed, gas camp stoves are allowed unless fire restrictions are in effect. Fires are allowed only in agency-provided pedestal grills and fire rings in designated sites.” (p. 42)
- F. As further stated in the South Yuba River Comprehensive Management Plan, “Land ownership in the South Yuba River corridor is a patchwork of private and public lands. As a result, visitors have the potential to pass through private lands when accessing and recreating on public lands within the corridor. Some property owners welcome visitors to share their land. Others prohibit public access. There are conflicts at times between the visiting public and private property owners. Private property has been misused and occasionally damaged by thoughtless (and sometimes malicious) recreation visitors.” (p. 27)
- G. The Yuba River Public Safety Cohort, a multi-agency workgroup that includes federal, state and local public, fire and law enforcement agencies, as well as community private and nonprofit organizations and representatives, are in support of banning open fire on private property within the South Yuba River Wild and Scenic System designated corridor during fire season to mitigate severe high-fire risk from human-caused fires. The corridor contains thick dry brush and flammable vegetation along steep slopes as well as limited and/or restricted access of the topography and the potential for high wind, making it very difficult to fight fires in this area, due to the potential speed of a fire to spread.
- H. Per Board Resolution 18-062, a Nevada County 2018 Priority Objective is to “Prioritize 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.”
- I. For purposes of consistency of public policy, should the County of Nevada consider implementing a ban on open fire on private property during fire season, the South Yuba River Public Safety Cohort recommends using the boundaries of the South Yuba River Wild and Scenic designated corridor

that covers the lower 39-mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet) as the boundaries for a ban on open fire given the increased risk of human caused fire from the restricted access of the topography and potential for high wind events and dangers thereof.

- J. Any ban on open fire on private property considered and/or implemented by the County of Nevada shall not be considered an action from the MOU Comprehensive Management Plan party between the County of Nevada, USDA Forest Service, Bureau of Land Management and the California Department of Parks and Recreation but rather shall be considered an action of the sole discretion of the County of Nevada with input and support from the South Yuba River Public Safety Cohort.
- K. Given the concerns regarding the restrictions on private property rights, it is recommended that any ban on open fire on private property considered and/or implemented by the County of Nevada be implemented as a pilot program in order to gain public input and feedback following the 2018-2019 fire seasons for future fire restrictions and/or consideration of a permanent ordinance.
- L. For purposes of consistency, upon the adoption of ordinance codified in this Section, all outdoor burning regulations shall be located in this Chapter and any outdoor burning regulations shall be removed from other sections of the Nevada County Codes.
- M. Northern California is experiencing a destructive fire season and catastrophic wildfires have already resulted in massive structural damage and deaths. It is necessary to take immediate action to mitigate the hazards of human caused wildfire that would have devastating impacts on the watershed, the surrounding community and the County as a whole.
- N. The proposed ordinance is an urgency measure, which if adopted by 4/5ths vote, will become effective immediately. The Board of Supervisors is authorized to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety” as per Cal. Gov’t Code § 25123(d).
- O. Per Board Resolution 20-041, a Nevada County 2020 Priority Objective is to “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.”

- P. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor would have on the watershed and surrounding area, as well as the restrictions on private property rights, it is recommended that a one-year extension prohibiting open fire on private property within the South Yuba River Wild and Scenic Corridor will provide an additional year to gain public input and feedback following the 2021 fire season for future fire restrictions and/or consideration of a permanent ordinance.
- Q. Per Board Resolution 22-092, a Nevada County 2022 Priority Objective is to “Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal and fire-safe land stewardship.”
- R. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor can have on the watershed and surrounding area, as seen during the Jones Fire in 2020 that burned 705 acres, destroyed twenty-one (21) structures, injured seven (7) people, resulted in evacuation of thousands of people and directly threatened the cities of Nevada City and the City of Grass Valley between August 17th to 28th, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended.
- S. And given the major risks of wildfire due to human causes that can result in catastrophic impact on wildfire and surrounding area, as seen in the River Fire in 2021 that burned 2,619 acres, destroyed 142 structures, injured four (4) people, and resulted in the evacuation of thousands of people between August 4th to 13th within both Placer County and Nevada County, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended in perpetuity on an annual basis.
- T. And given the impacts due to the restrictions on private property rights, it is noted that the Board of Supervisors retains the right to review, amend or repeal its permanent ordinance at its sole discretion at any time within applicable law. (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018).)

Sec. L-XVI 6.2 South Yuba River Corridor Burn Prohibitions

- A. This prohibition is immediately from the start of declared fire restrictions (fire season) to the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) on an annual basis.
- B. Every firm, person or corporation is prohibited from conducting any and all outdoor burning on private property within the portion of the South Yuba River corridor that covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet), as described and shown in Attachment A, attached hereto and incorporated herein by reference, with the following exceptions:
1. Wood and charcoal fires in permanent provided 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 ten (10) feet in diameter from the fire's edge.
 2. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside:
 - a. Enclosed stove, grill, barbecue or portable brazier that is located in a designated developed recreation site (i.e. organized campground) or improved parcel with readily available access to an emergency water supply system within thirty (30) feet of the fire, that meets the general standards provided in 4.3 and California Fire Code, Cal. Code Regs. Tit 24, §§ 307-308, in an area that is cleared of all non-structural flammable material at least ten (10) feet, in all directions, from the fire's edge with an occupying resident or owner present on the property.
 - b. A 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 thirty (30) feet of the fire, that meets the general standards provided in 4.3 and California Fire Code sections 307-308, 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.

3. 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.
- C. The foregoing shall not apply to any individual, firm or corporation who obtains a special permit from the U.S. Forest Service, Bureau of Land Management or California Department of Forestry which shall be necessary for the preservation of the public health, public safety or general welfare. This section shall apply to any and all outdoor burning of any kind, nature or description except campfires and cooking fires in designated allowable locations as outlined in Section II Subsection B above.
 - D. Persons who violate any provision of this Code or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000.00) or imprisonment not exceeding 90 days in the County Jail, or both such fine and imprisonment.
 - E. The ordinance codified in this article will remain in effect in perpetuity on an annual basis during fire season as declared by California Department of Forestry and Fire Protection (CAL FIRE). (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018).)