

4.12 WILDFIRE

The purpose of this section is to identify, to the extent feasible, the potential for wildland fires in connection with the SOI Plan update and the Consensus Alternative to identify potential risks to human health, including future residents surrounding the site, users of the future annexation areas and future workers and construction workers. This section describes the impacts that could occur from wildfire or exacerbation of hazards related to wildfire that could result from implementation of the SOI Plan update. This section, if required, includes mitigation measures that would reduce these impacts. The following analysis of the potential environmental impacts related to utilities and service systems is also derived from the following sources:

- Available literature and other publicly available information from affected agencies;
- California Department of Forestry and Fire Protection (Calfire);
- City of Nevada City General Plan;
- City of Nevada City Code of Ordinances;
- Correspondence with affected Public Services districts.

4.12.1 ENVIRONMENTAL SETTING

Fire has shaped the environment in California and occurs across most vegetation and ecosystem types. Wildland fire activity is closely connected to the California climate and continues to be an endemic part of natural systems of much of the state. Past fire suppression efforts and historic disruption of fire regimes in addition to climate change and widening development footprints has created an environment in which wildland fire impacts to ecology, economies, and people has increased. In the 1990's approximately 75,000 acres of forest land burned each year. That amount more than doubled to approximately 175,000 acres in the 2000's, and from 2010-2017 the acres of burned forest land rose again to approximately 215,000 acres per year (State Board of Forestry and Fire Protection, 2018).

The City is characterized by some urbanized areas but contains a substantial amount of rural development interspersed within a forest environment, especially on the boundary with the SOI Plan update area. The entire City has been categorized as a Very High Fire Hazard Severity Zone (VHFHSZ) (CAL FIRE, 2008). The SOI Plan update area, contains mostly rural low-density residential development, with some undeveloped properties, and limited commercial and industrial development. Due to the nature of the vegetation and terrain of the SOI Plan update area, most of the project area is categorized as a Very High Fire Hazard Severity Zone (VHFHSZ) by CALFIRE. Only in the northwesterly portion of the SOI Plan update area are locations that are designated as High Fire Hazard Severity Zone (HFHSZ).

The SOI Plan update area is located within a heavily forested area of unincorporated Nevada County. Most of the SOI Plan update area consists of dense coniferous forest in the western foothills of the Sierra Nevada Mountains. The topography consists of gently and moderately sloping hills and valleys with areas

of very steep terrain. These factors result in most of the SOI Plan update areas being located in the wildland urban interface, which is considered to increase the risk of wildland fires.

Non-federal land in the unincorporated county are within the State Responsibility Area (SRA) for fire protection. CAL FIRE has a legal responsibility to provide fire protection on all State Responsibility Area (SRA) lands, which are defined based on land ownership, population density and land use. The isolated pockets of federal lands that within the SOI Plan update area are within Federal Responsibility Areas (FRA) and do not have a specific fire hazard severity rating. However, due to similar topography and vegetation patterns, and proximity to very high and high fire hazard severity zones, these areas would experience similar levels of risk from wildfires. CALFIRE does not have responsibility for lands administered by the federal government.

Areas within Nevada City are designated as Local Responsibility Areas (LRA). Local responsibility areas include incorporated cities, cultivated agriculture lands, and portions of the desert. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. It should be noted, that while areas within City and SOI Plan update area are designated as SRA, LRA, and FRA, in some emergency situations, fires services would cross these boundary lines and provide fire protection services as needed, such as in disasters, requests for mutual aid, or forest fires.

Wildland- Urban Interface

Generally, the fire season extends from early spring to late fall. Fire conditions arise from a combination of hot weather, an accumulation of vegetation, and low moisture content in the air. When combined, these conditions with high winds and drought, or dry conditions, increase the potential for wildfire to occur. The wildfire risk and danger to human, health, safety, and property is predominantly associated with Wildland-Urban Interface (WUI) areas. WUI is a general term that applies to developed areas that are interspersed with, or adjacent to landscapes and vegetative patterns that are more susceptible to wildland fires. WUI areas have been a major focus of CALFIRE fire management strategy since at least 1972. A fire within the WUI can result in major losses of property and structures, and human life. In addition, wildfire can harm other environmental resources including access to natural and cultural resources, and assets such as timber, range and cropland, and recreational opportunities are directly affected. Secondary effects from the loss of the vegetated areas can result in a decrease in the quality of water because of increased erosion and lack of groundwater because the capacity for recharge is reduced.

Emergency and Fire Protection

Fire Departments provide a variety of services in addition to active fire suppression. These services include but are not limited to providing emergency medical services, responding to hazardous material incidents, vehicle accidents, as well as rescues in wildland, urban, and water environments. Fire department responsibilities may also include transporting patients to hospitals and treatment centers. Fire services within the County are determined based on State Fire protection in LRAs is provided by the County, a city, or a designated fire protection district. Within SRAs, fire protection is provided by CalFire.

In the area adjacent to the City and SOI Plan update area, fire protection is provided by Nevada County Consolidated Fire (NCCFD) and CALFIRE in the unincorporated areas.

Within the City, emergency services are provided by the City of Nevada City Fire Department (NCFD) and Nevada City Police Department (NCPD). School services are provided by the Nevada City School District, and library services to City residents are provided by the Nevada County Community Library (NCCL). Within unincorporated County area including the existing SOI Plan update area, law enforcement is provided by the Nevada County Sheriff Department (NCSA) and Nevada County Consolidated Fire Department (NCCFD). A more detailed description of each of these services, where applicable, including locations, service areas and service ratios, response times, and other information is provided below.

Nevada City Fire Department

The NCFD provides emergency services to all residents and occupants of the City and responds to structure fires, emergency and medical incidents, rescues, hazardous materials incidents, automobile fires, wildfires, etc. The NCFD personnel includes a Division Chief, two Fire Captains, and three firefighters. Personnel respond to approximately 1,000 calls for service a year. NCFD operates from Station 5 located at 201 Providence Mine Rd. and provides 24-hour, year-round service. For operations, NCFD uses a 2020 Type I Engine, 2005 Type I Engine, a 2011 Type III Brush Engine, and three Utility Vehicles. NCFD maintains Mutual Aid and Auto Aid Agreements with Grass Valley Fire Department (GVFD) and the Nevada County Consolidated Fire District (NCCFD) and other fire districts in western Nevada County, so responses to other jurisdictions also occur and includes responses with the US Forest Service, the California Department of Forestry and the Office of Emergency Services (NCFD, 2019).

Station 54 – 201 Providence Mine Road- Operations on three shifts, A, B, and C Shifts has one NCFD Captain and one NCFD Firefighter. Equipment includes one Type 1 Engine.

Grass Valley Fire Department

Grass Valley Fire Department operates two stations (Station 1 and 2) fire suppression equipment includes four Type I engines, one Type II Engine and a Truck. Nevada County Consolidated Fire District operates four stations (station 84, 86, 88, and 89) and an Administration building. Fire suppression equipment includes type 1 and type 2 engines, swift water rescued, water tender, reserve type 2 engines, an OES water tender, a type 6 engine, command vehicles, and repair vehicles.

Station 1 – 472 Brighton Street – Operates on three shifts. Shift A has one Battalion Chief, one GVFD Captain, one NCCFD Lieutenant, and one GVFD firefighter. Shift B has one Battalion Chief, one GVFD Captain, and one NCCFD Lieutenant, and C Shift has one Battalion Chief, one GVFD Engineer, and one NCCFD Captain. Equipment includes one Type one Engine.

Station 2 – 213 Sierra College Drive- Operates on three shifts. A Shift and B Shift have one GVFD Captain, one GVFD Engineer, and one GVFD Firefighter, and C Shift has one GVFD Captain and three GVFD Firefighters.

Nevada County Consolidated Fire District

Nevada County Consolidated Fire District (NCCFD) operates four stations (station 84, 86, 88, and 89) and an Administration building. Stations 1 and 2 are jointly operated with Grass Valley and Station 54 is jointly operated with Nevada City (NCCFD, 2018a). Fire suppression equipment includes type 1 and type 2 engines, swift water rescued, water tender, reserve type 2 engines, an OES water tender, a type 6 engine, command vehicles, and repair vehicles (NCCFD, 2018b). The administration office is located at 11329 McCourtney Road. The other stations and associated addresses are listed below.

Station 84 – 10135 Coyote Street –Operates on three shifts, A, B and C Shift has with one Captain and one Firefighter/Operator during each shift. Equipment includes one Type 1 Engine and one Type 1 Water Tender.

Station 86 – 12337 Banner Lava Cap Road – Operates on three shifts. A Shift has one Captain and one Firefighter/Operator. Shift B and C has one Lieutenant and one Firefighter/Operator. Equipment includes one Type 1 Engine and one Squad Vehicle.

Station 88 – 14400 Golden Star Road- Operates on three shifts with one Captain and one Firefighter/Operator during each shift. Equipment includes one Type 1 Engine, one Type 1 water tender, and one Repair Vehicle.

Station 89 – 11833 Tammy Way – Operates on three shifts Shift A and C have one Lieutenant and one Firefighter/Operator and Shift B has one Captain and one Firefighter/Operator. Equipment includes one Type 1 Engine, one Type III Engine, one OES Water Tender, and one golf cart.

Administration- 10135 Coyote Street

Joint Operational Agreement

Fire services within the City, immediately surrounding unincorporated areas, and the City of Grass Valley are provided through a Joint Operational Agreement (JOA) for area departments. The JOA applies to the Grass Valley Fire Department (GVFD), Nevada City Fire Department (NCFD), and Nevada County Consolidated Fire Department (NCCFD) to operate under a Boundary Drop/Closest Resource response plan, under which the emergency resources located closest fire engine to an incident will be dispatched or multiple engines can be dispatched for larger incidents, regardless of jurisdiction. The three agencies are the only departments in the county operating under this agreement and over time have evolved into a very codependent system. While the JOA satisfies the everyday operational needs of the three agencies, for significant incidents such as wildfires, the JOA still depends on automatic or mutual aid from other agencies in the area and reciprocates by assisting those agencies when requested.

4.12.2 REGULATORY SETTING

Federal

National Weather Service (NWS)

Under extreme fire weather conditions, the NWS issues Red Flag Warnings for all affected areas. A Red Flag Warning means warm temperatures, very low humidity, and stronger winds are expected to combine to produce an increased risk of fire danger (NWS, 2018). The National Weather Service issues Red Flag Warnings & Fire Weather Watches to alert fire departments of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or dramatic increases in wildfire activity.

A Red Flag Warning is issued for weather events which may result in extreme fire behavior that will occur within 24 hours. A Fire Weather Watch is issued when weather conditions could exist in the next 12-72 hours. A Red Flag Warning is the highest alert. During these times extreme caution is urged by all residents, because a simple spark can cause a major wildfire. A Fire Weather Watch is one level below a warning, but fire danger is still high (CAL FIRE, 2012).

State

Senate Bill 1241

Senate Bill 1241 requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including a safety element for the protection of the community from unreasonable risks associated with among other things, wildland and urban fires. The safety element requires for state responsibility areas (SRA), as defined, and very high fire hazard severity zones (FHSZ) as defined in California Government Code (CGC) §51177 & 51178 that is not a SRA, to be updated as necessary to address the risk of fire in these areas pursuant to CGC §65302(g)(3).

California Environmental Quality Act

CEQA, PRC §21000, et seq., was amended in 2018 to address numerous legislative changes to CEQA, to clarify certain portions of existing CEQA Guidelines, and to update the CEQA Guidelines to be consistent with recent court decisions.

Impacts of wildfire to development and a development's contribution to the potential creation of wildfire risk at the Wildland-Urban Interface (WUI) are now addressed as a separate "Environmental Factor" to be addressed in the initial study checklist in Appendix G. The Natural Resources Agency expanded the requirements of SB 1241 to also include development projects "near" the SRA and Very High FHSZs.

Executive Order N-05-16

On March 22, 2019, Governor Newsom proclaimed a state of emergency involving forest conditions near vulnerable communities under Executive Order N-05-19. Executive Order N-05-19 suspends State environmental Statutes, rules, regulations, and requirements to the extent necessary to complete priority fuel management projects started in the 2019 calendar year, upon the request of the Secretary for the

California Environmental Protection Agency or Natural Resources Agency, as appropriate. The proposed activities are required to be determined eligible to be conducted under the suspension. CAL FIRE subsequently requested the suspension of Division 13 [commencing with Section 21000 of Public Resources Code (PRC)].

California Building Standards Codes

The State of California provides minimum standards for building design through the California Building Code (CBC). The CBC is based on the International Building Code (IBC), which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified to address particular California concerns. The primary codes with respect to development in or near the WUI include the California Building Code, Chapter 7A “Materials and Construction Methods for Exterior Wildfire Exposure” and the California Fire Code, Chapter 49 “Requirements for Wildland-Urban Interface Fire Areas.” These codes require what materials are required to be used for construction for any Building Permit submitted after January 1, 2009 within the geographical areas with FHSZs designated as Very High, High, or Moderate in SRA’s and Very High within Local Response Areas (LRA). Maps of these areas were developed in 2007 for California and each county.

State Board of Forestry and Fire Protection 2018 Strategic Fire Plan

The State Board of Forestry and Fire Protection (SBFFP) 2018 This 2018 Strategic Fire Plan (SFP) reflects CAL FIRE’s focus on fire prevention and suppression activities to protect lives, property, and ecosystem services, and natural resource management to maintain the state’s forests as a resilient carbon sink to meet California’s climate change goals and to serve as important habitat for adaptation and mitigation. The plan also encourages collaboration among local, state, federal, tribal, and private partners remains to effectively manage the wildland urban interface and natural environment focusing on small efforts such as creating fuel break to large efforts administering the statewide, multiagency California Fire Management Agreement.

The goals of the SFP revolve around fire prevention, natural resource management, and fire suppression efforts and the major components include:

- Improve the availability and use of consistent, shared information on hazard and risk assessment;
- Promote the role of local planning processes, including general plans, new development, and existing developments, and recognize individual landowner/homeowner responsibilities;
- Foster a shared vision among communities and the multiple fire protection jurisdictions, including county-based plans and community-based plans such as Community Wildfire Protection Plans (CWPP);
- Increase awareness and actions to improve fire resistance of man-made assets at risk and fire resilience of wildland environments through natural resource management;
- Integrate implementation of fire and vegetative fuels management practices consistent with the priorities of landowners or managers;

- Determine and seek the needed level of resources for fire prevention, natural resource management, fire suppression, and related services; and
- Implement needed assessments and actions for post-fire protection and recovery.

Government Code 51175-89

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones within LRA'. Mapping of the areas, referred to as Very High Fire Hazard Severity Zones (VHFHSZ), is based on data and models of, potential fuels over a 30-50-year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of vegetation fire exposure (including firebrands) to buildings. Local Responsibility Area VHFHSZ maps were initially developed in the mid-1990s and are updated from time to time based on improved science, mapping techniques, and data (CALFIRE, 2008).

Public Resources Code 4201-4204

Public Resources Code 4201-4202 directs CALFIRE to map fire hazard within SRA's, based on relevant factors such as fuels, terrain, and weather. These statutes were passed after significant wildland-urban interface fires; consequently, these hazards are described according to their potential for causing ignitions to buildings. These zones referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zones (CALFIRE, 2007).

Local

Ready Nevada County – 2019 Wildfire Preparedness Action Plan

The 2019 Nevada County Wildfire Preparedness Action Plan (WPAP) outlines specific action items that can be taken by Nevada County to reduce the risks and effects of wildland fires. The WPAP was prepared in response to escalation of the nature, frequency, and increased number of wildfires over the past decade. The WPAP is intended to support and implement specific actions outlined by the State, Nevada-Yuba-Placer Unit Fire Management Plan (NEU Regional Plan), and local Community Wildfire Protection Plans (CWPP). The various fire plans contain detailed approaches, projects, and recommendations of how local municipalities should address and prepare for wildfire hazards in their communities. The WPAP empowers the County to act as a facilitator to bring local and regional wildfire stakeholders together to collaborate and coordinate on tactical actions that provide the most significant impact locally. The plan is managed by the County Office of Emergency Services (OES) and provides a direct response to the need for increased community education, communication, preparedness, and action in anticipation of future wildfire(s) (Nevada County, 2019).

Grass Valley, Nevada City, and CAL FIRE Mutual Threat Agreement

In September of 2019, the City of Grass Valley, City of Nevada City, and CAL FIRE agreed to a Mutual Threat Agreement (MTA). The MTA was signed to increase the ability of the local jurisdictions to respond to vegetation fires and reduce the potential for wildfire. The MTA recognizes that the listed communities

are in fire-prone mountainous foothills terrain and many of the existing roadways, water system, and structures were build with under old codes. Under these conditions a wildfire could overwhelm the local response. With this understanding the MTA will enable CAL FIRE to respond to all reported vegetation fires in the two cities.

Nevada County Draft Safety Element

Nevada County is in the process of updating the Safety Element of the County General Plan. While the County Safety element would be directly applicable to Nevada County, due to the close working relationship between the City and County, and other agencies related to wildfire protection and prevention, many of the components of this element would be applicable to, affected by, or would potentially influence the decision making process of the City. For this reason, the County Safety Element, specifically related to wildfire and evacuation is discussed here and relevant goals and policies are included below.

The purpose of the Safety Element is to reduce short and long-term loss of life, injuries, and damage resulting from natural and human cause hazards including fire. As part of the Safety Element, hazards from wildfire are discussed in Fire Hazards and Protection. The Draft Safety Element notes that wildfire risk is predominantly associated with wildland urban interface areas and can result in major losses of human life, property, structures and improvements, timber, cropland, recreational opportunities culminating in substantial economic loss. Secondary losses from landslides and flooding due to the loss of vegetative cover can be common.

The Safety Element notes that roads are critical to support for suppressing wildfire and are needed to support the roles of emergency services and recognizes they serve as ingress and egress routes to and from wildfires, staging areas, safety zones, coordinating locations, anchor points for fire suppression activities, and evacuation routes. Goals and Policies within the Safety Element that relate to wildfire and safety are discussed below:

Goal EP-10.1 – Provide a coordinated approach to hazard and disaster response preparedness.

Policy EP-10.1.1: Ensure a coordinated, interagency program for disaster preparedness that will facilitate Federal and State disaster assistance by planning for the reduction of the effects of natural hazards and training for disaster management. (also see; Local Hazard Mitigation Plan 5.4 Mitigation and Action Plan).

Policy EP-10.1.2: The Local Hazard Mitigation Plan, adopted by the County and periodically reviewed and updated in accordance with the Federal Disaster Mitigation Act of 2000 and Government Code 65302.6, shall serve as the implementation program for the coordination of hazard planning and disaster response efforts within the County.

The Local Hazard Mitigation Plan, which is incorporated into this Safety Element by reference and includes mitigation strategies for wildland fire hazards, shall be reviewed, along with the County's mutual aid agreements and existing wildland fire-related codes and ordinances to address the hazards of development in the wildland urban interface annually, or as necessary, to ensure

compliance with the Federal Disaster Mitigation Act of 2000 and State Fire Code, as it exists or as may be amended.

Policy EP-10.1.4: Provide for adequate evacuation routes in areas of high fire hazard, high potential for dam failure, earthquake, seiches, avalanches, flooding or other natural disaster.

Policy EP-10.1.5:- Sustain the continued efforts in building public awareness of the Nevada County Operational Area Emergency Operations Plan, and Community Emergency Preparedness and Evacuation Guides, through the local Office of Emergency Services, as the focus for planning for emergency evacuation of threatened populations.

Policy EP-10.1.6- Transportation routes that are designated on the General Plan Land Use Maps as interstates, freeways, highways, and other principal arterial routes shall be considered primary evacuation routes on a Countywide basis. Such routes provide the highest levels of capacity and continuity and serve as the primary means for egress from the County.

The routes designated on the General Plan Land Use Maps as minor arterial or major collector routes shall be considered secondary evacuation routes on a Countywide basis. These routes supplement the primary evacuation routes, and provide egress from local neighborhood and communities.

Policy EP-10.1.7: Prioritize the creation and maintenance of private road districts on existing private roads to ensure emergency ingress and egress meets Nevada County and Cal Fire road and driveway standards and maintains these standards. Private road districts shall include the assurance that emergency ingress and egress will be maintained.

Policy EP-10.1.8: Support the development and maintenance of Countywide and local emergency evacuation plans.

Policy EP-10.1.9: Support the development of Community Emergency Preparedness and Evacuation Guides by local community members in collaboration with the County Office of Emergency Services.

Policy EP-10.1.11: Mitigate development in areas of High and Very High Fire Hazard Severity Zones by incorporating into conditions of approval the most current data in order to assure appropriate fuel modification around the development and emergency ingress and egress for residents, visitors and emergency services.

Policy EP-10.1.12: Continue to work with Cal Fire, California Office of Emergency Services and Nevada County Office of Emergency Services to adopt by ordinance the most current Fire Hazard Severity Zones Map, adopt the most appropriate fire-resistant building material standards and fuel modification/vegetation management requirements for each zone as a basis for project review in accordance with Federal, State and local standards.

Policy EP-10.1.13: Nevada County shall develop policies and provide updates, as appropriate, that address recovery and redevelopment after a large fire with the intent to address the reduction of

future vulnerabilities to fire hazard risks through site preparation, redevelopment layout design, fire resistant landscape planning, and fire retarding building design and materials.

Goal FP-10.7 Enhance fire safety and improve fire protection effectiveness through infrastructure and service improvements.

Policy FP-10.7.1: Ensure County-maintained roads meet design standards for current or anticipated uses, as designated on the General Plan Land Use Map. Maintain and update Nevada County road standards for both public and private roads to adequately address emergency ingress and egress.

Policy FP-10.7.2: As a condition of development, require long-term maintenance of private roads to meet current standards, including roadside vegetation management, as part of a formal private road association or similar entity.

Policy FP-10.7.3: Projects requiring a traffic study shall include in such study an assessment of the current emergency evacuation capacity of the public and/or private roads that serve the proposed project, and recommended mitigation that will increase the evacuation capacity, if needed.

Nevada City General Plan

The Nevada City General Plan (NCGP) discusses fire safety in the Public Safety Element. The NCGP discusses fire in two categories, fire in developed areas, and wildland fire. Fire services related to fire protection in developed area is discussed in more detail in Chapter 4.12 – Public Services of this EIR. Regarding wildfire, the 1986 NCGP notes are the responsibility of the California Department of Forestry [now referred to the California Department of Forestry and Fire Protection (CALFIRE)] and National Forest Service.

Regarding fire hazard the NCGP sets for the following objectives and policies.

Objective:

- Ensure Safety for life and property in both wildlands and developed areas

Policy:

- The Nevada City Fire Department, in cooperation with the California Department of Forestry and relevant Fire Districts, shall maintain high fire protection levels by requiring adequate access and water flow, based on established standards.

Nevada City Zoning Ordinance

The Nevada City Zoning Ordinance (NCZO) is, by state law required to be consistent with the NCGP and is a precise and detailed plan for the uses of land based on the NCGP for the City and enacted in order to promote the public health, safety, comfort and general welfare throughout the City. As part of these prescriptions, the zoning ordinance sets forth requirements related for fire protection. The following sections and requirements of the zoning ordinance would be applicable to the areas within the SOI Plan update as properties are annexed into the City.

15.08.015 – California Fire Code and County amendments adopted. This section states the CFC and Nevada County Code have been incorporated to the Municipal Code of the City of Nevada City.

15.08.020 – Responsibility for Enforcement and Review. This section notes that except where otherwise required by state law, the fire chief shall be responsible for review and enforcement of projects for compliance with fire safety laws and standards and regulations for the incorporated area of the City. Additionally, whenever an application is made to the City for issuance of any discretionary land use permit or other land use entitlement, the City fire chief or authorized deputy shall have the final authority and responsibility for review of such application for compliance with the requirements of the related requirements in the zoning ordinance. This section specifically states,

“the review shall include the preparation of comments and appropriate mitigation measures and/or conditions of approval to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall be promptly provided to the City fire chief or authorized deputy.”

Chapter 8.10 – Vegetation Management, Debris Removal and Abatement

The purpose of this chapter is to adopt regulations in addition to those already in effect in Title 15 to further increase protection from fire of residents and their property within the City of Nevada City and cooperates with on fire responses. This Chapter is intended to include additional fire control regulations and not to amend any existing fire safety regulations in Title 15. As part of this Chapter, it is the responsibility of every property owner to abate fire hazards including weeds, flammable vegetation and other combustible materials that constitute a fire hazard through the fire season. This Chapter requires vegetation to be trimmed, mowed, or cut at specific distances from structures and property lines to help ensure defensible space. Additionally, this chapter also addresses access and vegetation treatments are made to ensure emergency vehicles are able to enter and move about the sites on public and private roadways.

City of Nevada City Disaster Plan

The purpose of the City of Nevada City Disaster Plan (NCDP) is to establish a framework through which the City may prevent or mitigate the impacts of, prepare for, respond to, and recover from disasters. The NCDP outlines incident management that would include the coordinated efforts of multiple departments and agencies beyond the scope of typical City operations. The scope of the NCDP describes the types of emergencies that could occur; defines roles and responsibilities; creates a framework for deployment of resources; identifies actions needed to obtain and implement relief assistance at the state and federal level; define assistance available to individuals, businesses, and governments; and it creates a framework for pre- and pose disaster hazard mitigation efforts.

Related to wildfire the NCDP, recognizes that due to the terrain, climate, rainfall and forest land/urban mix, and past fire suppression techniques and accumulation of large fuel loads, it is a certainty that significant wildland fires are going to continue as a threat.

4.12.3 STANDARDS OF SIGNIFICANCE

The potential impacts associated with the SOI Plan update are evaluated on a qualitative basis through a comparison of existing conditions within the SOI Plan update area and the anticipated direct and indirect effects. The potential for impacts from wildfires would occur if the effect described under the criteria below occurs. The evaluation of impacts is based on professional judgment, analysis of the Nevada County Consolidated Fire District Strategic Plan and other documentation, and the significance criteria established by Appendix G of the State CEQA Guidelines, which the City has determined to be appropriate criteria for this Draft EIR. Such an impact would occur if the proposed project would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The analysis of the existing environment and the impact analysis indicate that the SOI Plan update could result in a significant environmental impact if it would result in impacts from wildfires that would, if not mitigated, adversely affect the public health and safety of future residents, surrounding residents and workers.

4.12.4 PROJECT IMPACTS AND MITIGATION

The proposed project consists of an update to the SOI Plan for the City (proposed project). This EIR evaluates four project alternatives. The following impact evaluation focuses on the LAFCo/City Preferred Consensus Alternative (Consensus Alternative) which has been identified as the Preferred Alternative in accordance with CEQA requirements. Impacts for the other alternatives are discussed in Chapter 5.0 Alternatives. In some instances; however, impacts related to the overall SOI Plan update may be presented when applicable and to help illustrate the environmental effects in the framework of the overall SOI Plan update. The impacts are discussed in terms of direct and indirect impacts. Direct impacts are those that occur immediately upon initiation of a project such as ground disturbance or demolition of existing structure(s). Indirect impacts occur when a project would induce growth into areas such as through the extension of infrastructure and that extension could facilitate new development or result in an annexation that could enable future development.

Impacts Discussion Overview

The Impacts Discussion Overview describes the characteristics of the Consensus Alternative, development potential, assumptions for provision of services, and City and environmental review requirements related

to wildfire. This discussion is applicable to each impact, Impact WLD-1 through Impact WLD-4, below, but is provided here to avoid repetitive discussion.

Wildland fire is a serious concern to the City and surrounding areas of unincorporated county land in the Consensus Alternative area. These areas have a generally high potential for high-intensity wildland fires that can result wide-scale damage and threats to human health and safety and loss of property. The Consensus Alternative area generally consists of thick timber and woodlands, with some of the areas having heavy underbrush, as well as some areas with grasslands. The thick fuel loads and characteristics of vegetation make the increase the potential that wildland fires become uncontrolled. The area also contains places with moderate mountain slopes and some areas with very steep slopes. In addition, the area is characterized by summers with little precipitation and low relative humidity that dries out vegetation and increases the fuel susceptible to burning. All of these conditions contribute to the SOI update areas being subject to the uncontrolled spread of wildfire.

Within the Consensus Alternative boundaries there are four priority annexation areas (Annexation Areas #1, #2, #3, and #4). These areas in general are already developed, are in close proximity to, or are already being served by existing water or wastewater lines. These areas are in logical locations for extension of City municipal services and represent a logical progression of City boundaries. Given that most of these areas would not require the extension of services such as public sewer or water, disturbance would be low, and given the sites have exiting uses, the pressure to increase development density is low. Associated improvements are not anticipated to induce substantial growth resulting in indirect impacts.

In addition, the six potential development areas identified by the City are discussed throughout this document. These sites do not yet have any development approval and the specific project footprints are unknown. Annexation and the anticipated timeline for built out would occur over a period of years and is anticipated to be at similar densities as to what is shown in the project description and in accordance with existing City planning documents.

The majority of the remaining undeveloped areas within the Consensus Alternative area are designated for estate residential, rural residential, or open space with some areas designated for planned development, employment centers, public uses, or service commercial.

All future development within the Consensus Alternative area, including the six potential development areas identified by the City would be subject to City design and review as part of City's project review process. All projects would be evaluated for consistency with the NCGP, Nevada City Municipal Code, and Nevada City Design Guidelines related to wildfire. The City also has authority to prezone all future annexations to Nevada City, and for annexations that include new development, the City would be able to specify conditions to ensure that future projects would incorporate all required elements of the listed development guidance documents related to fire protection. The project by project review also would include a City led CEQA analysis and as applicable, would require project-specific mitigation measures or binding conditions of approval (COAs) to threats related to wildfire.

Impact WLD-1: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project?

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed project includes lands adjacent to the City within the unincorporated area. The Consensus Alternative does include lands that are currently identified within a SRA. In addition, the Consensus Alternative contains areas that are designated as both high and very high fire hazard severity zones. The Consensus Alternative would not directly implement any development proposals, new construction, new entitlements or improvements, and it would not change any existing land use designations. While the proposed project would result in an adjustment to the Nevada City SOI, it does not include any immediate changes to the availability of any emergency services or changes to any emergency plans. As such, the Consensus Alternative could result in indirect impacts to and physically impair an adopted emergency response plan or emergency evacuation plan.

All future projects annexed to the City from the SOI would be located within a VHFHSZ and would be subject to the City's review and regulation. All projects would have to show conformance to fire access requirements and as areas are annexed, the City and the County would work together regarding the provision of emergency services and help ensure emergency responses remains cohesive. Development in all of these areas would be required to comply with all IBC and CBC requirements, the State Board of Forestry and Fire Protection 2018 Strategic Fire Plan, goals and policies of the NCGP, development standards of the City Zoning Ordinance, City of Nevada City Disaster Plan, as well as CALFIRE defensible space demands. All areas within the Consensus Alternative would maintain the benefit of being served by fire stations within the JOA, through the MTA with CAL FIRE, as well as surrounding and regional fire departments should a wildfire occur.

Priority Annexation Areas #1, #2, #3, and #4, are largely built out and contain a Caltrans facility, County Juvenile Hall, a cemetery, rural residential development and a few vacant lots designated for rural residential uses. The Consensus Alternative would enable the annexation of these areas; however, there are no known plans for expansion and no substantial changes are anticipated. If new construction did occur within Priority Annexation Areas #3 or #4, all development would be required to conform to fire access requirements. If an evacuation is necessary, residents would have direct access to either Red Dog Road or Willow Valley Road. Although future development of these parcels would place new residents in a VHFHZ, the overall increase in units and density would be minimal. Therefore, development of these areas is not anticipated to substantially change routine emergency ingress or egress and impacts in this regard would be less than significant.

The Consensus Alternative does include six potential development areas which could result in indirect impacts to or physically impair an adopted emergency response plan or emergency evacuation plan. If any of these six areas are developed, it could result in an impairment of evacuation during a wildfire due to an increase in the number of vehicles using designated and undesignated evacuation routes. These areas would be served by the various County designated primary evacuation routes, including Hwy-20, Hwy-49, and Nevada City Highway, and other principle arterials. In addition, local roadways designated as minor arterials or major collectors serving these potential development sites could be impaired due to

the additional vehicle trips. These roadways include but are not limited to Providence Mine Road, Ridge Road, Deer Creek Tribute Trail, Champion Mine Road, Willow Valley Road, Coyote Street, Gold Flat Road, and Gracie Road. If development occurs, the listed roadways and others may not have adequate capacity to facilitate the number of vehicle evacuating project areas as well as other local communities and existing development. This could compromise the ability of residents to evacuate in an case of a wildfire or other emergency situation.

As part of future design and review as part of the annexation process, the City would be required to ensure that all projects would conform to all requirements and standards regarding fire evacuation routes. The City, County, CAL FIRE and other agencies have plans and policies, and agreements related to fire safety and evacuation. As more detail related to the potential development projects specific design is know, the City, County and other concerned agencies would evaluate the ability of new residents, existing residents, and other community members to safety evacuate these and other areas. For example, the Office of Emergency Services in coordination with local, County, State, Federal and nonprofit partners have the responsibility to also prepare the Wildfire Hazard Reduction and Preparedness Plan, to help prepare for wildfire and minimize the loss of lives and property. None the less, given the fact that wildfire is the single biggest natural hazard in the Consensus Area alternative, evacuation planning for a wildfire is needed to help ensure the health and safety of residents, property, and other resources.

Similar to County Policy FP-10.7.3, mitigation has been included that will apply to all future annexation projects within the wildland urban interface. Mitigation will require the preparation of an assessment of the current emergency evacuation capacity of the pubic and/or private roads that would serve future projects. If needed, projects will be required to make a fair share contribution to roadway capacity expansion. To reduce impacts, MM WLD-1 would require the Consensus Alternative and proposed project as a whole to contribute to evacuation and emergency planning efforts. With this mitigation, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation. Impacts in this regard would be less than significant.

Mitigation Measures:

MM WILD -1: Prior to LAFCo approval of an annexation involving new, non-ministerial development and construction of habitable structures, The City shall require project applicants for projects within the wildland urban interface to submit for review and approval, an evacuation plan to the City. The evacuation plan shall be consistent with any comprehensive plan adopted by the City, and shall consider the increased demand the project would place on existing development, roadways, and the available capacity of resources to accommodate evacuees from the new project should a wildfire occur. If required, the City shall require new developments to include an evacuation improvement plan that will include measures such as roadway widening or installation of traffic control measures that would facilitate evacuation of the project site. Future applicants will be required to make a fair share contribution to the necessary improvements.

Level of Impact After Mitigation: Impacts Would Remain Significant and Unavoidable.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Nevada County is in an area that is susceptible to the threat from the increasing prevalence and intensity of wildfires. Much of the City and areas within the SOI Plan update area have steep slopes, are prone to strong winds, and have vegetation patterns making them prone to wildfires. While the Consensus Alternative would not directly increase the risk of starting a wildfire, development within the four priority annexation areas and six potential development areas would indirectly exacerbate these risks and expose residents to the uncontrollable spread of wildfire. Some of the new development is anticipated to be clustered which would enable the creation of concentrated defensible space and enable focused fire-fighting efforts. As discussed in the impacts discussion overview and Impact WLD-1a, all future development projects would be required to conform to all listed State, regional, and City requirements related to wildfire and environmental protections. These measures are required and would be verified to be included to projects as part of the existing planning and review process. While this may lessen effects from wildfire to a degree, much of the area in which the City of Nevada City is located is designated a Severe Wildfire Risk Zone by CalFire

As evidenced by recent severe wildfires in Santa Rosa, Redding and Paradise, these events have demonstrated that protective measures and massive efforts to control such fires may have only limited success. While the SOI Plan update would not directly aggravate that risk, it would indirectly facilitate further growth in the area. This would expose more people to the existing significant health and safety danger of wildfires. Compliance with all applicable fire-safe regulations, and Mitigation Measure WLD-1, above, and site by site CEQA evaluation as required by the City municipal code for all annexations, would help reduce the risk.

All projects would be required to reduce fuel loads and maintain 100-feet of defensible space; use of fire-resistant building materials (a type of building material that resists ignition of sustained flaming combustion) and those from the State Fire Marshall's Building Materials Listing Program; comply with ignition resistant codes of CBC Chapter 7A (CBC, 2016), eave and attic ventilation; etc. Nonetheless, conformance to all fire-safe regulations would not eliminate or substantially reduce the potential for catastrophic loss from wildfire. Impacts would not be reduced to less than significant.

Therefore, due to the nature of the environment within the SOI Update area and potential for uncontrolled spread of wildfire, even with conformance to all fire-safe regulations and implementation of WLD-1, impacts related to exposure of residents to pollutant concentrations and danger of an uncontrolled wildfire are significant. There is no mitigation available that can prescribe more stringent requirements than existing codes and regulations. The existing codes and regulations are already in place to enhance fire safety and lessen the severity of this impact. Therefore, while measures help to reduce the potential effects from wildfire that can be exacerbated by the listed conditions, impacts are considered significant and unavoidable.

Mitigation Measures: No Mitigation is Available.

Level of Impact with Mitigation: No Mitigation is Available. Impacts Would be Significant and Unavoidable.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The Consensus Alternative would not directly require additional maintenance of any infrastructure including roads, fuel breaks, emergency water sources, power lines or other utilities that could exacerbate fire risks or result in any other temporary impacts to the environment. As discussed, there are no proposals for any development and no applications for entitlement. Impacts in this regard would not occur.

Approval of the Consensus Alternative could indirectly induce growth through annexations and extension of City services and extension of natural gas and electricity. Natural gas and electric improvements would be constructed only after planning and coordination with PG&E to ensure that services could be efficiently, and safely delivered. For example, the CBC places strict guidance on activities such as welding or hot-work; limitation on the use of machines or torches in wildfire risk areas and requires permits from the fire code official (CBC, 2016). California PRC § 4291 In some areas, water service could be extended and roadway improvements and new roadways may be needed to ensure adequate traffic service is maintained. While, the installation of and maintenance of roads, fuel breaks, water sources, and utilities needed to serve future projects could result in an exacerbation of fire risk, all associated work from installation and maintenance would be required to implement all applicable safety measures, and the increased risk is not anticipated to be substantial.

It should be noted that all future projects that would require utility and roadway extension would be evaluated to determine conformance to City development regulations and site-specific CEQA review. It is anticipated conformance with all the listed State, regional, and City requirements related to wildfire and environmental protections would ensure future projects within the Consensus Alternative area are consistent with applicable resource protection requirements. Further, the Nevada City Fire Department, as part of the City's environmental review process, will review all plans to ensure they contain adequate fire suppression, fire access, and emergency evacuation. Thus, impacts in this regard are less than significant.

Mitigation Measures: No Mitigation Measures are Required.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Existing development within the Consensus Alternative area is generally low density and occurs within some areas characterized with moderate slopes on small hills and the valley. The Consensus Alternative; however, does not propose any development within the SOI Plan Update area. If approved, the SOI update would not result in any entitlements for development or change existing NCGP Land Use or zoning

designations. In this regard, direct impacts from the placement or authorization of construction of structures susceptible to downslope or downstream hazards as a result of instability caused by wildfire.

Priority Annexation Areas #1, #2, #3, and #4, are largely built out and contain a Caltrans facility, County Juvenile Hall, a cemetery, rural residential development and a few vacant lots designated for rural residential uses. The Consensus Alternative could result in annexation of these areas; however, because the areas are almost completely built out and there are no plans for expansion, no substantial changes to land use are anticipated. Thus construction of new residences would not result and a substantial number of new residents being exposed to these risks would not occur. Impacts in this regard would be less than significant.

Development within the six potential development areas could result in a substantial number of residents being located in areas with a significant risk of downslope or downstream flooding, landslides, or instability caused by runoff from fires on slopes or drainage changes. Future projects would be evaluated against this CEQA criteria on a project by project basis. This would include an evaluation of conformance to City development regulations and site-specific CEQA review as detailed in impacts discussion overview, and Impact WLD-1a-c, above. If not properly accounted for, these indirect impacts would be significant. While it is anticipated that conformance with all the listed State, regional, and City requirements would be adequate to ensure future projects are not affected, impacts could be substantial. Because the path of potential future wildfires are unknown and could occur in areas upslope of new development, short of disallowing development in these areas, there is no mitigation available to reduce this impact to less than significant. While all future projects would be required to implement all applicable IBC and CBC requirements, the State Board of Forestry and Fire Protection 2018 Strategic Fire Plan, goals and policies of the NCGP, development standards of the City Zoning Ordinance, City of Nevada City Disaster Plan, as well as CALFIRE defensible space demands, impacts would remain significant. Therefore, impacts are significant and unavoidable.

Mitigation Measures: Implement MM-WILD-1

Level of Impact with Mitigation: Impacts Would be Significant and Unavoidable.

4.12.5 CONCLUSION

Wildfire impacts can be particularly acute in areas with steep terrain, dense vegetation, and dry summer conditions. In such instances it is important that emergency access be maintained and that developments in such areas conform to and do not impair an adopted emergency response plan or emergency evacuation plan. The Consensus Alternative would result in an update to the Nevada City SOI but would not result in any construction or entitlements for development. Indirectly; however, the Consensus Alternative would likely result in future development that would be within areas that could expose future homes and businesses to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or other dangers such as landslides after an area has burned. Additionally, although none are proposed, future annexations under the Consensus Alternative could require the installation of roadways and other utilities that could increase the risk of fire. Indirectly, the Consensus Alternative may result in future

development that could exacerbate the after-effects of a wildfire. Conformance to all applicable fire-safe regulations, CALFIRE defensible space review, and site by site CEQA evaluation as required by the City municipal code for all annexations, would reduce impacts but not to less than significant.

4.12.6 CUMULATIVE IMPACTS

The incremental effects of the SOI Update related to wildfire and all future effects would be site-specific depending on the pattern and nature of future annexations. Compliance with Federal, State, and local regulations would help ensure that impacts from wildfires are minimized. The entire City is located in the CAL FIRE designated VHFHZ and the surrounding areas of the County are in a similarly designated area or in a HFHSZ. Because future development that would be enabled by adoption of the Consensus Alternative would result in an incremental increase of the impacts from wildfire, taken in sum with past, present, and future projects, impacts from wildfire would be compounded and would be substantially increased when considered together with similar effects from other projects. All future projects that occur under the Consensus Alternative as well as cumulative projects would be required to implement all applicable IBC and CBC requirements, the State Board of Forestry and Fire Protection 2018 Strategic Fire Plan, goals and policies of the NCGP, development standards of the City Zoning Ordinance, City of Nevada City Disaster Plan, as well as CALFIRE defensible space demand. Nonetheless, due to the existing landscape, vegetative environment, climate, and susceptibility to wildfires, impacts associated with the increased risk of wildfire, interference with an emergency plan or emergency evacuation plan, and risk of flooding, landslides, or downstream effects would be significant and unavoidable.

Similar to the project, the cumulative impacts from the installation, or maintenance of infrastructure and potential to exacerbate fire risk or result in temporary ongoing impacts would be less than significant. It is anticipated that these impacts would be minimized through use of standard construction safety measures. These impacts would be less than significant.

Mitigation Measures: Implement MM-WILD-1

Level of Impact with Mitigation: Impacts Would be Significant and Unavoidable.

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