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Engineering • Surveying • Planning

The View from Andy's Desk

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July 30, 2013-Andrew R. Cassano is a City/Regional Planner and Professional Land Surveyor with 44 years of experience in Northern California. He is CEO of Nevada City Engineering, Inc., a firm offering regional planning and permitting, land surveying, and civil engineering consulting to the private and public sector since 1978.

Friends Find Fire Fixes

After working in wildfire suppression as a young man, I've come to hold my breath each fire season. Will this be the season that is catastrophic, like the years of the 49er and Trauner Fires? In rural mountain communities, we all need to participate in fire safety efforts, in any way that we can, through fuel clearing, water storage, and access development.

After many destructive California fires, the State passed Public Resources Code 4290, setting standards for fire safety addressing known issues. Fuel reduction mandates around structures increased from 30 feet to 100 feet or more. Water storage is now required for new development. And dead end road length limits help curb residential encroachment deep into wildlands.

I recently worked on a 3-way land division for a long time friend. State and local fire codes required secondary access. Looking for a solution, my client told me that he and his neighbor had a handshake arrangement to open a one lane road connecting two opposite long dead end roads during fire season. I said that's fantastic; let's formalize it. I drove the route with three seasoned and greatly respected local fire officials, and they liked the idea. Later, the jurisdiction where we were working approved the project by implementing an "reciprocal emergency access agreement."

Here's the basic concept: Everyone on a private road has access rights for themselves and their invited guests over the roads serving their home. A landowner finds an opportunity to make a connection to another road, and then finds a landowner with easement rights on that road willing to enter into a "reciprocal emergency access agreement."

They make a minimal physical connection where they have a legal right to do so. For example, they might grade a one lane road across one or both of their lands to make a passable connection. Then they place one or two unlocked gates on the road with a sign that says: "Private Property - No Trespassing - Fire Lane - Do Not Block." Finally, they record an agreement that will perpetuate the arrangement indefinitely, unless both parties choose to terminate the arrangement. One party can't do it. The local jurisdiction or fire agency could hold an interest in the agreement too, so that the arrangement is permanent. In an emergency situation, one land owner in the agreement is simply "inviting" his neighbors to escape over his private roads.

Access over such roads can be limited to the dry fire season, so expensive all-weather road surfaces are not required, but ample brush clearing is needed. Beyond those steps, it is a must to explain the route to fire and emergency officials and of course, to the neighbors that might benefit each season. The obvious first priority in fire suppression is avoiding injury and loss of life. Protecting property comes only after people are safe. These private emergency access routes have the real potential to save lives.

Whether such arrangements will help satisfy local land development restrictions is completely up to the County or City jurisdiction responsible for development approvals. In an ideal world, cities, counties, and fire agencies would offer technical assistance to these arrangements, perhaps for a modest fee covering personnel costs.

We can assist with road route feasibility, grading plans, easement descriptions, sample agreements, and development potential consultations. Please join me in making our region safer from wildfire by doing whatever you can.