



# Access Standards for New Residential Development

## Overview

Under current state law if a private road or driveway provides access to four or more residential units and an additional unit is proposed the proposed unit's driveway and the private road used to get to a county-maintained road must be improved.

The portion of the driveway or private road that provides access to the proposed residential unit and the next three units located on the way to a county-maintained road must be upgraded to meet fire safe driveway standards. The remainder of the private road must be upgraded to meet roadway standards pursuant to LUDC Section 16.10.120: Road Classification.

It is possible to apply for an exception to these standards, but the alternative must have the same practical effect.

## State Minimum Fire Safe Regulations:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I465333B05B4D11EC976B000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I465333B05B4D11EC976B000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

## Background

Nevada County staff and local congressional members have worked hard to protect rural development rights: The Board of Forestry and Fire Protection (BOF) started the public process for these updates in 2021. Staff working with our legislative advocates fought hard to protect rural development rights by speaking at legislative conferences and with the BOF.

Outreach took place with the Nevada County Contractors Association (NCCA) and the Engineers Association of Nevada County to seek input on the Board of Forestry regulations. On June 8, 2021, the Board of Supervisors approved a comment letter to the BOF, worked with Congressmen LaMalfa and McClintock who also sent a letter, and included the issue in their Legislative Platform.

We were successful in many avenues in advocating for rural counties but still several concerning requirements were added including decreased allowable slope of a driveway and the inclusion of Building Permits as triggers for the State Minimum Fire Safe Regulations.





## Benefits of developing your access to current road/driveway standards

1. **Enhanced emergency response** - Improved road access can allow for quicker response times by first responders such as law enforcement, paramedics, and firefighters.
2. **Evacuation** - Improved road access may allow for a safer evacuation vs. a narrower route
3. **Safety** - An improved, wide road surface could allow for increased safety cushion in a vehicle while evacuating from vegetation / brush / trees along the road.
4. **Fit for emergency vehicles** - Fire trucks and water tenders are large and heavy and oftentimes require a wider roadway surface to traverse the road. If trucks cannot get there, *and get turned around to leave*, they will likely not go there. This could be a factor in whether firefighters can get their equipment to a residence to fight a fire. And, oftentimes it isn't just one truck that responds, but multiple fire apparatus. They all need space to navigate on the road.

## Prior to submitting and/or routing your construction plans for review complete the following steps

1. Contact or meet with a permit technician
  - a. Request an aerial map with notes indicating what portion of your access route must comply with driveway standards and what portion must comply with roadway standards.
  - b. Determine the date your parcel was subdivided. If your parcel was subdivided prior to 1991 you may qualify for an exemption from the requirements. **See below for more details.**
2. Optional: Conduct a preliminary assessment of your driveway and private road. This handout includes the necessary information.
3. Contact the Nevada County CalFire Fire Marshall and schedule a site visit for your parcel, through a Fire Planner Consultation, and assess the site conditions and provide options which provide the same practical effect as the standards.
4. If your driveway and private road comply with current driveway and roadway standards sign-off from Public Works and the Fire Marshal is required.
5. If not, you must either upgrade your road to meet current standards or apply for a Petition for Exception to roadway standards. Contact the Public Works Department.
6. If not, you must either upgrade your driveway to meet current standards or apply for a Petition for Exception to driveway standards. Contact the Planning Department.

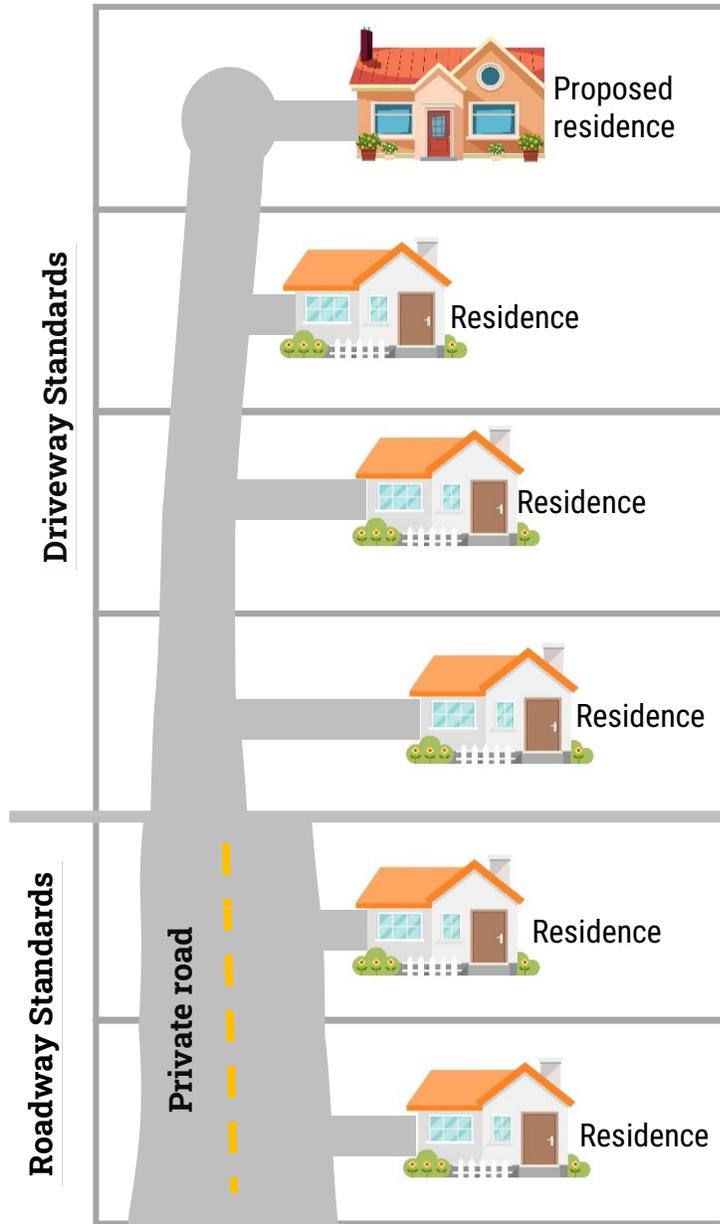
## How to comply with pre-1991 subdivision exception

1. Contact the Public Works Department. They will evaluate your parcel and make a determination.
2. If necessary, you may need to submit a [Public Records Request](#).



# Fire Safety Regulations: Driveway and Roadway Example

\* Visual representation of CHAPTER XVI. - FIRE SAFETY REGULATIONS



**STANDARDS ARE REQUIRED WHEN A FIFTH RESIDENCE IS PROPOSED.**

**A portion of the roadway can meet current firesafe driveway standards (not roadway standards) for the last four residences.**

**Roadway standards are required with more than four residences.**

*In this example, the proposed residence is the sixth house. The roadway served by the two closest houses to the County maintained road shall meet roadway standards. However, access to the proposed residence and adjacent three existing houses does not need to meet road standards, but must meet driveway standards.*

ADUs are exempt from these standards. ADUs do count toward total number of dwelling units.

**Q:** When does a shared driveway become a road?  
**A.** A driveway will be required to be updated to meet road standards when a fifth residence is constructed.

**County maintained roadway**



## Petition for Exception to Fire Safe Driveway Standards

Nevada County Code Sec. 4.03.040. - Petition for Exception to Driveway Standards.

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 California Code of Regulations Title 14, Division 1.5, [Chapter 7](#) Fire Protection, Subchapter 2, Articles 1-5.

### **Petition for Exception to Driveway Standards Application Link:**

<https://www.nevadacountyca.gov/DocumentCenter/View/41310/Petition-for-Exception-to-Driveway-Standards-2022-PDF>

## Petition for Exception to Roadway Standards

Nevada County Code Sec. 16.10.120. - Petition for Exception (to roadway standards)

Modification of the required standard, except as provided within this Chapter, for the construction of specific roads shall follow the petition for exception process as specified in Section governing Subdivisions of this Code. Otherwise, the Advisory Agency, in the case of petitions for exceptions from the Road Standards, shall be required to make findings of fact in support of the following in addition to those findings of fact specified in Section governing Subdivisions.

That an exception to any Fire Safe Standard, including those standards adopted by Title 4, governing Fire Safety Regulations of this Code and the Chapter governing Fire Standard Access Road improvements, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection [Chapter 7](#), Subchapter 2, Articles 1-5.

The same practical effect can be met in some cases by incremental improvements of offsite access roads proportional to the intensity of development proposed.

It is intended that every effort be made to grant a petition for exception that includes feasible road improvement requirements for tentative parcel maps for living persons, or the testamentary disposition of deceased persons, who owned their property prior to March 4, 1972. The Board finds that such property owners have contributed significantly to the public trust through open space conservation by avoiding development of their property in prior years.

All requests for design exceptions shall be reviewed and approved by the County engineer. In the case of requests for design exceptions for privately funded improvement projects, the Advisory Agency shall take action on the recommendation of the County engineer and the findings for or against the exception shall be noted in the finding of facts either approving or denying the petition. All Petitions for Exceptions shall contain, at a minimum, the information requested on a Design Exception Information Form to be provided by the Department.

### **Exception to Roadway Standards Application Link:**

<https://www.nevadacountyca.gov/DocumentCenter/View/12210/Petition-for-Exceptions-to-Waive-Subdivision-and-or-Road-Standards-PDF>



## Question and Answer

**Q:** What residential units count towards my project?

**A:** Primary and accessory dwelling units on the private road used by the applicant's property for access to a County maintained road.

**Q:** How long does the driveway Petition for Exception to driveway standards process take to complete?

**A:** Reviews are completed in no longer than 30 days with either approvals or incomplete determinations.

**Q:** Does the construction of ag-exempt or U occupancy structures trigger these requirements.

**A:** No.



**COUNTY OF NEVADA  
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PLANNING DEPARTMENT**  
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## **Private Driveway Construction Standards (Sec. L-XVI 3.2 LUDC)**

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 sixteen percent (16%) unless a Petition for Exceptions is supported by the County Fire Marshal or his or her appointed designee and granted by the planning agency having jurisdiction over the land use entitlement. Notwithstanding Sec. L-XVI 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of twenty-five percent (20%).
2. At or above 4,000 feet elevation, driveway grade shall not exceed sixteen percent (16%) maximum. Notwithstanding Sec. L-XVI 2.6, Exceptions to Standards, there shall be no exceptions granted for grades in excess of sixteen percent (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 zero (0%) and sixteen percent (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 (see detail above).
  - b. Driveways and segments thereof that are sixteen point one percent (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 his or her 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 sixteen point one percent (16.1%) and twenty percent (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 (see detail above).
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 sixteen percent (16%). For grades between sixteen point one percent (16.1%) and twenty percent (20%), a twelve (12) foot minimum

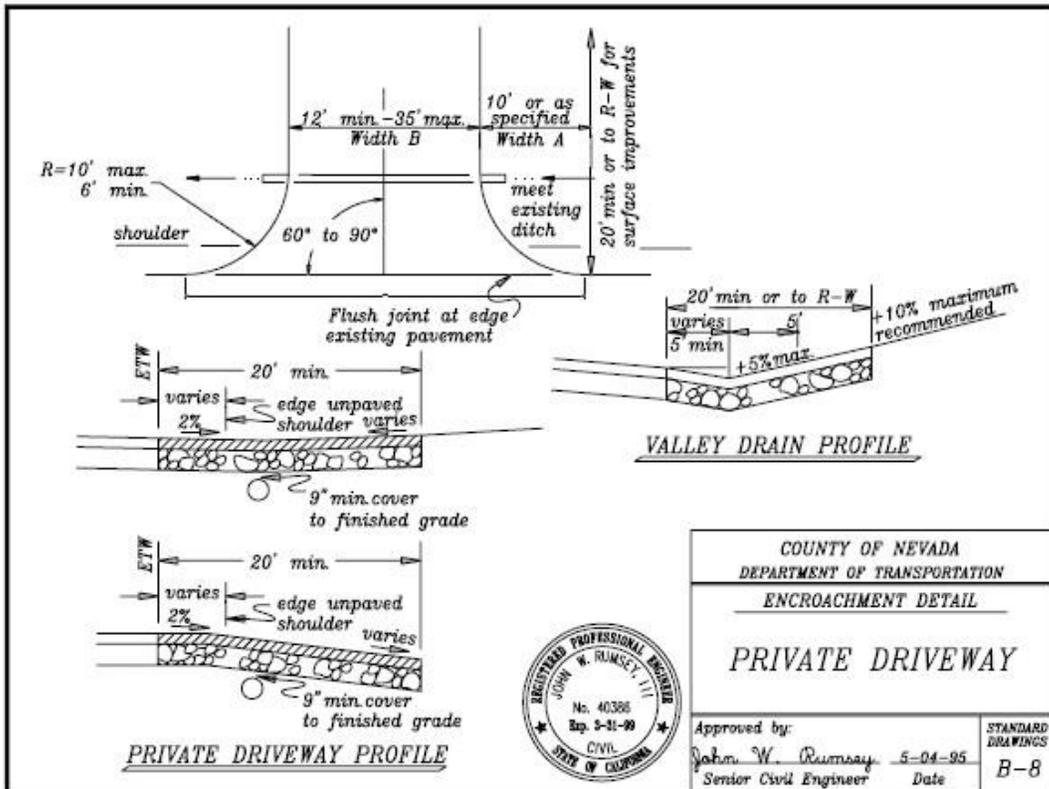
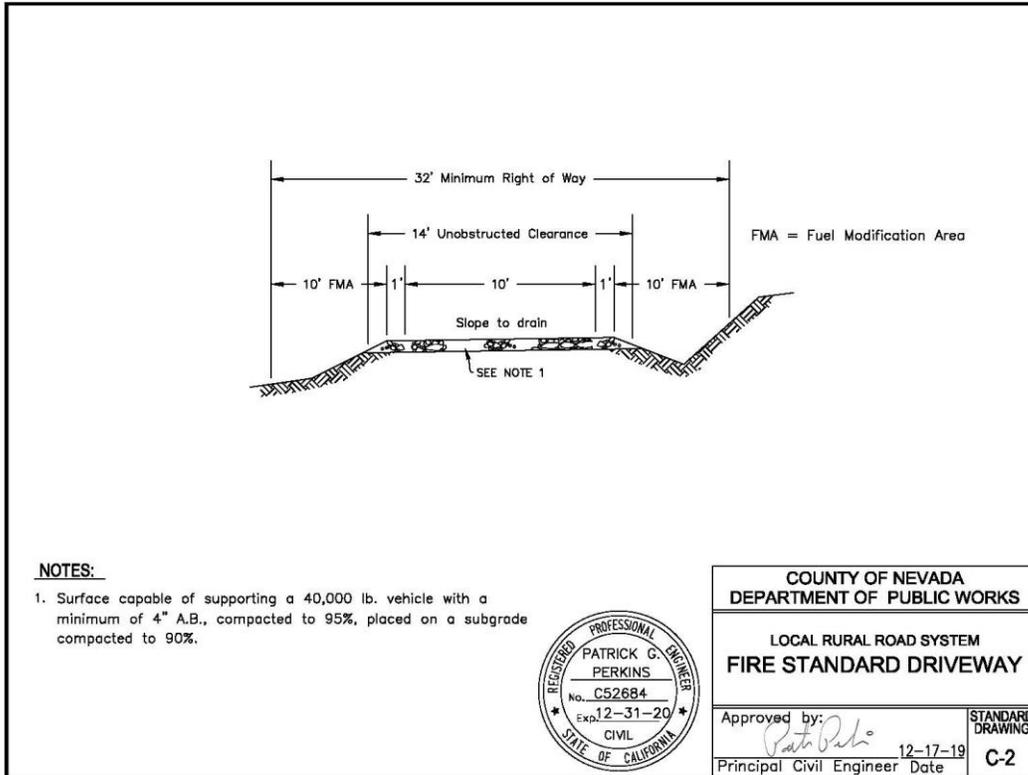
surface width with additional one (1) foot shoulders is required.

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 Land Use and Development Code Section L-XVII 3.4.F, Design Geometrics: Curve Widening (see detail above).
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 (see hammerhead detail above).
  - 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 (see detail above).
  - 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 Chapter V of the Land Use and Development Code.
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.

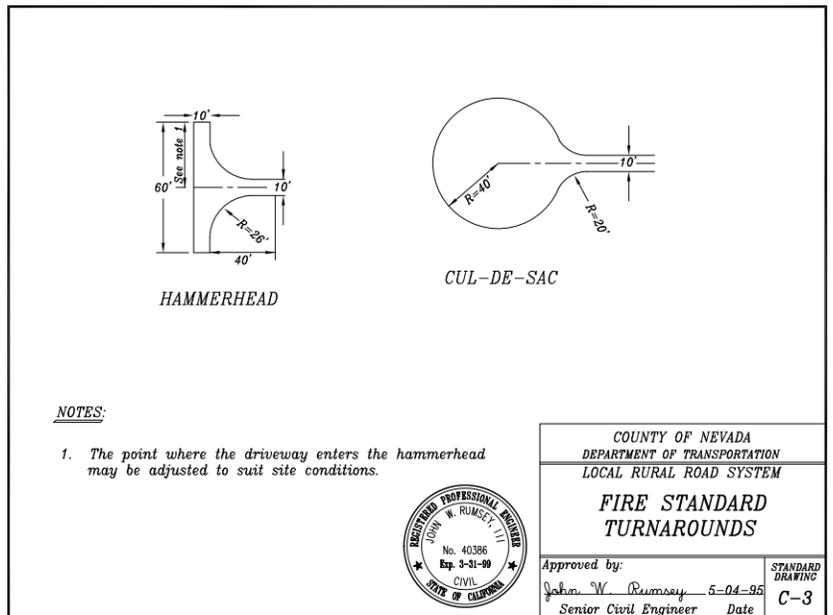
#### D. Gates on Driveways.

1. Gate entrances shall be at least two 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)
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.

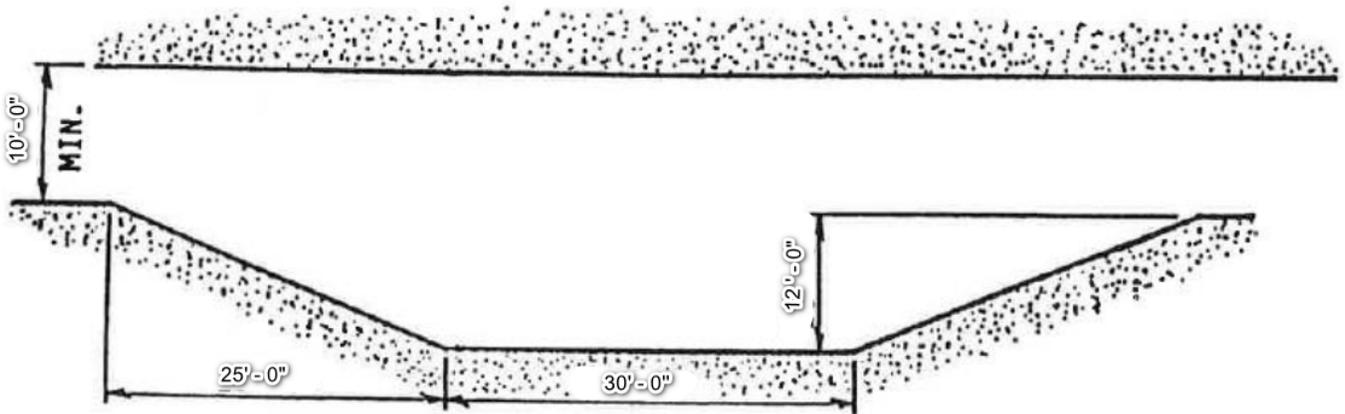
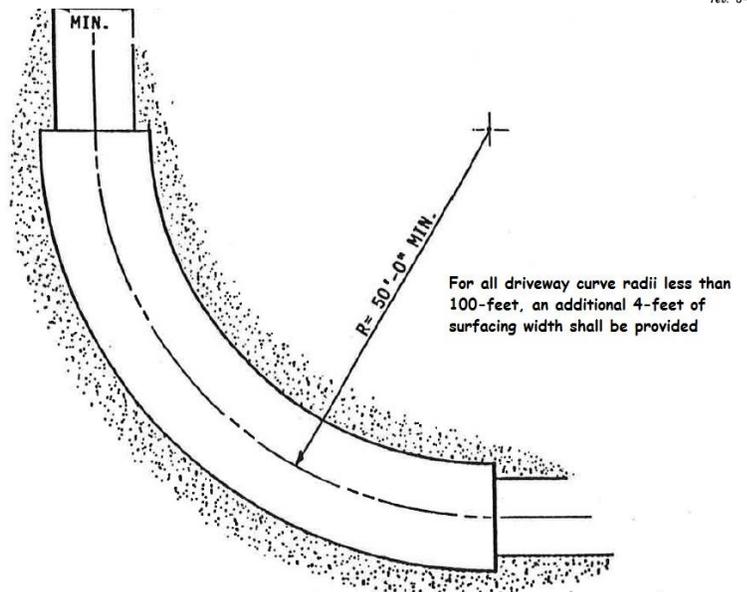
# Private Driveway Construction Details



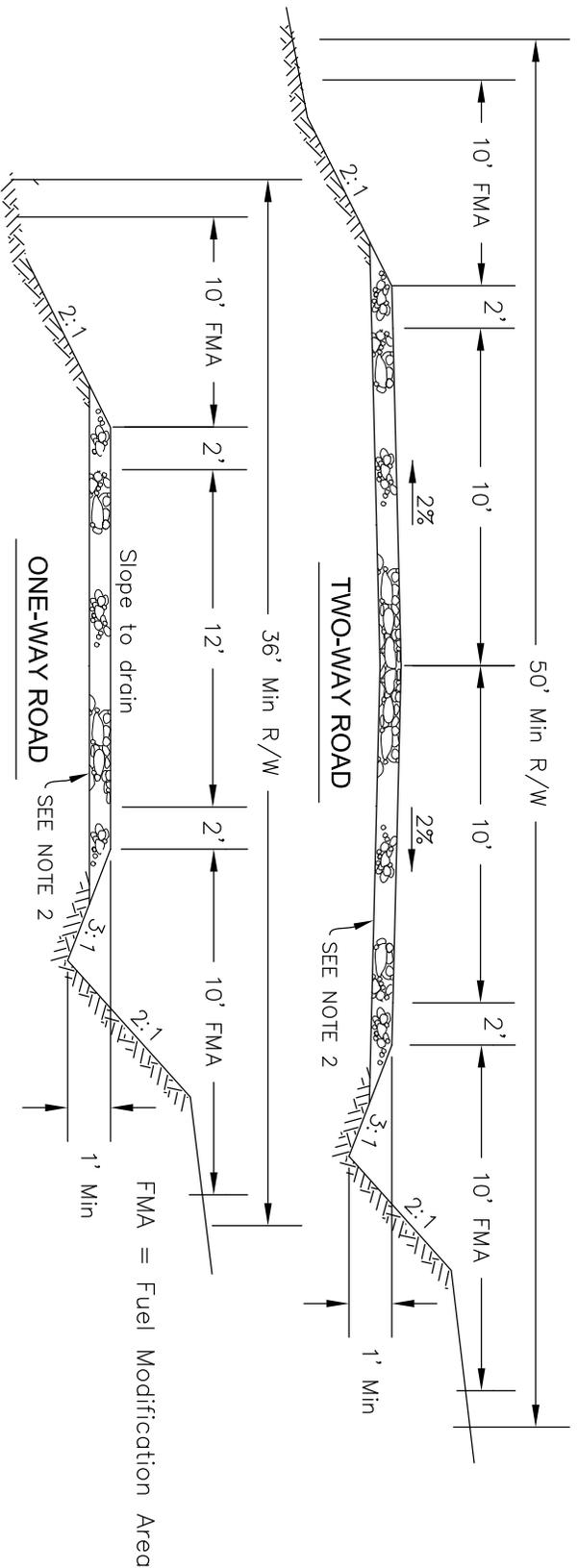
TYPICAL HAMMER HEAD TURNAROUND



TYPICAL CURVE RADIUS DETAIL



TYPICAL TURNOUT DETAIL



**NOTES:**

1. Changes in SRA Fire Safe Regulations shall supercede this standard and be approved by the Engineer.
2. The surface shall be capable of supporting a 75,000 lb. vehicle with a minimum of 6" AB compacted to 95%, placed on a subgrade compacted to 95%. Road grade shall not exceed 16%.
3. Roadway turnouts shall be provided along the route at locations specified in Nevada County Land Use and Development Code Chapter XVII.
4. Slope easements or R/W shall be provided to contain all cuts and/or fills satisfactory to the Engineer.
5. All Secondary "Emergency Egress Only" routes shall be identified as such by signs constructed to the standards as specified by the current California Manual on Uniform Traffic Control Devices.
6. All horizontal and vertical curves with inadequate sight distance shall be constructed to a two way road standard.



**COUNTY OF NEVADA  
DEPARTMENT OF PUBLIC WORKS**

**LOCAL RURAL ROAD SYSTEM  
FIRE STANDARD  
ACCESS ROAD**

Approved by: *Patrick Perkins* 12-17-19  
Principal Civil Engineer Date

STANDARD  
DRAWING  
C-1