



Butte County Administration

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Board of Forestry and Fire Protection
State of California
P.O. Box 944246
Sacramento, CA 94244-2460

RE: Draft Fire Safe Regulations

Dear Board of Forestry,

I am writing in response to the March 14, 2021 draft Fire Safe Regulations, specifically Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7 Subchapter 2, Articles 1-5. This letter is intended to encourage the Board of Forestry to delay the opening of the formal rulemaking public comment period for the proposed revisions to the Fire Safe Regulations. The State of California is very diverse and state regulations need to incorporate areas that widely vary, particularly when dealing with important issue such as rebuilding from disasters, access and development.

Local jurisdictions are responsible for implementing regulations and have the most experience in dealing with the interpretation of regulations in their areas and in coordination with other competing state and local regulations. With the release of this latest draft and extremely short timeline allotted for comment, we are not able to provide detailed comments but have instead highlighted the areas of concern that need additional attention and revisions.

Please be informed that the following areas are of concern and would have a substantial impact:

- Fire rebuilds are exempt so long as they do not encroach on the new 30-foot setback or change building occupancy. Many rebuilds are structures being built back on lots that either do not allow for this setback or the previous house footprint would not comply. Existing infrastructure is in place for the previous location and limits the placement of the rebuild.
- Except where exempt, all new building construction must comply, and the proposed regulations would make many by-right uses unable to proceed.
- Exemptions only for Wildfire rebuilds, but other things such as individual fires and other types of disasters cause the need for rebuilds.
- Exemptions are allowed only when there is substantial compliance and must be filed with both the BOF and Cal Fire without clear understanding of the review or comment period or other requirements for this action.
- Applies to all new roads and driveways, as well as existing roads and driveways that: (1) involve parcel splits or LLAs that serve 3 or more parcels; (2) involve a zone change that increases intensity or density; or (3) involves a use permit that increases density or intensity. This is a substantial change from existing regulations and has potentially significant consequences.
- Building construction is prohibited where roads do not meet the minimum requirements without consideration for existing conditions or funding for the maintenance and improvements that these regulations would place on local jurisdictions and landowners.

- The maximum length of a dead-end road is half a mile.
- New dead-end roads must connect to through roads. The unique topography and previous development patterns of areas need to be considered and options incorporated into the regulations. One-size fits all regulations do not work.
- Dead end roads must have a turnaround at the end, and a turnaround in the middle (when serving parcels zoned for more than 5 acres). Without consideration to the topography on existing roadways this will be impossible to implement particularly in existing conditions where roadways already exist.
- Turn outs generally required every 400 feet for roads and driveways. With the necessary tapers and dimensions given in the regulations this would require most of the roadways to be widened in rural areas.
- Existing roads cannot exceed 25% grade over 500 feet.
- Water supply infrastructure shall be (1) underground; (2) made of non-combustible materials; (3) have a 100-foot defensible space; or (4) be enclosed in a building.
- All parcels shall have a minimum 30-foot rear, side, and front yard setback; unless non-combustible walls, non-vegetated landscaping, and/or other fire hardening. The current language is vague and could result in delays in reviews and unclear direction to the public as to what they must do.
- The cost of the improvements and associated CEQA review for improvements that would be required off-site for projects subject to the proposed regulations would be extremely costly further exacerbate the lack of affordability of housing across California.

Moving this process forward without taking the additional time to vet the immense number of concerns that are being raised will result in regulations that are difficult to implement and cause undue harm to efforts to implement General Plan policies, maintain infrastructure, and rebuild from disasters. Extending the timeline for informal comments will allow key stakeholders and the Board of Forestry staff the ability to develop thoughtful solutions to the concerns addressed above.

Respectfully,



Andy Pickett
Chief Administrative Officer

CC: Members, Butte County Board of Supervisors
The Honorable Jim Nielsen, California Senate
The Honorable James Gallagher, California State Assembly
The Honorable Megan Dahle, California State Assembly
Chair and Members, Senate Health Committee
Chair and Members, Senate Natural Resources Committee