From: David Hutchison
To: Public Comments@BOF
Subject: Comments on PRF 4290
Date: Tuesday, November 16, 2021 9:56:50 AM

Warning: this message is from an external user and should be treated with caution.

Dear Board of Forestry and Fire Protection,

Landowners/Homeowners such as myself, BOF, and local jurisdictions all want to be safer from fires. However the recent PRC 4290 regulations are not achieving their intent.

I watched two appeals here in Santa Clara County, where CAL FIRE had denied a single-family-home development proposal. As a landowner aiming to develop my land, I was upset to see both categorically denied. Both were in already-built-up areas (surrounded by many other homes). Both proposed significant fire protection mitigations (wharf hydrant, water tanks, sprinklers, fuel removal, defensible space, fire turnaround and/or turnouts). Both would help the neighborhood be safer from fires if they were approved, not less safe. But they were both categorically denied due to not following the letter of the law with respect to dead-end road length/width/radius. I understand that fire trucks need ingress while residents need simultaneous egress, and fire trucks need to turn around. But despite best attempts at providing alternatives that meet the same practical effect (turnouts etc), these homeowners are being asked to widen what amounts to in one case, miles of roadway. It's not meet for a homeowner building one SFH in an already developed neighborhood to need to pay something like $2 million dollars to widen the entire road leading to their house -- and that's just for the road construction, without taking into account the need to purchase easements from the many neighbors along the way, to be able to widen that to 20 feet.

If these people were trying to build their own new roads, sure. If they were not proposing any mitigations that arguably meet "same practical effect", sure. There appears to be no guidance from as to what precisely would constitute "same practical effect" while still being appropriate to the level of development being proposed (for example, a SFH or a remodel) -- perhaps because if we had a list of reasonable "same practical effect" to offer, we could add those in our plans.

This makes me extremely worried as I too am a landowner in a similar situation. But more holistically, I am worried for the thousands of miles of roads in California that are now completely undevelopable.

More so, I'm worried for the many thousands of home/landowners that will discover at some point that they can't build new. They probably can't even remodel to add square footage. It freezes pretty much every existing land/homeowner in these regions.

I suggest:
- Exempt small-scale construction such as individual single-family home development proposals in neighborhoods with existing houses, while this is being figured out, with a deadline some reasonable distance in the future. By exempt I just mean that county fire and county planners can resume their normal allow/deny protocols, without regard for today's PRC 4290. These developments would still require whatever fire safe measures were required before, of course, such as fire truck turnarounds, turnouts, etc.

- Make the legislation clearly applicable only to new roads and new subdivisions in fire-hazard areas. The onus should be on large developers trying to develop many tracts of new land, who pay to put in roads in the first place, not on individual landowners trying to build one more house in an existing area with plenty of houses.
- Provide funding for local government to widen existing roads to acceptable standards, not ask fire depts to deny landowners unless the landowner widens the roads.
- Strengthen through legislation the power and process of exemptions. Right now exemptions are allowed but the wording is so vague that at least in Santa Clara County, it seems fire officials can (and do) deny any exemption without any description of what WOULD constitute "same practical effect", and county planning officials just revert back to the fire officials. Existing home/landowners need to know there's a way to achieve their dreams.

Best regards,
David