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# Building in the danger zone: State challenges housing projects where wildfires burn

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MIDDLETOWN, Lake County — Tucked between Wine Country and Clear Lake, the unsung Guenoc Valley is in some ways a prime spot to build a home. Fresh air. Fragrant stands of oak and pine. Views of rolling hills in every direction.

But it's also a prime place to burn.

That's why the developer of a massive housing project here, with designs for 1,400 homes as well as numerous hotels, shops and restaurants, is going out of his way to fortify this picturesque, yet repeatedly scorched countryside with an unprecedented line of wildfire defenses.

Vineyards would serve as fire breaks. Grazing goats, cattle and sheep would reduce thickets of combustible brush. Cameras would provide early detection of flames. Safe areas would be created for those unable to flee a fast-moving blaze.

Still, what the builder calls an "innovative fire plan that goes above and beyond" may not go far enough. Last month, in a bid to stop the type of sprawling development that's fueling California's catastrophic wildfires, the state Attorney General's Office joined a lawsuit challenging the Guenoc Valley Project. The suit claims the proposed community about 90 miles north of San Francisco would pose grave danger.

Fletcher Thornton, 80, project manager of Valley Oak Development and former chairman of the Middletown Area Town Hall who is in favor of the home development in the Guenoc Valley area of Middletown, stands for a portrait outside his office in Hidden Valley Lake, California Wednesday, Mar. 3, 2021. The 1,400 home project is being challenged by California Attorney General Xavier Becerra in court for the site's Guenoc Valley location is considered a high fire risk zone. Stephen Lam / The Chronicle  
It's not the first time California's top cop has taken issue with growth in the state's wildlands because of fire safety. State lawyers, under Attorney General Xavier Becerra, have recently scrutinized plans for a hotel and timeshare project in Monterey County, the Paraiso Spring Resort, and plans for a community of 1,900 homes, shops and office parks in San Diego County, an addition to Otay Ranch. More actions are likely.

The emerging legal crackdown marks a new, and potentially powerful, front in California's effort to confront its wildfire problem. Devastation in places like Santa Rosa, Paradise and Redding, in the so-called "wildland-urban interface," has underscored how suburban sprawl is not only a target of fire but fodder for it, hastening the speed and intensity of blazes and turning forest fires into urban infernos. Limiting development, however, doesn't come without downsides. It can frustrate growth plans of small towns and cities and, perhaps most troubling, undermine progress on the state's housing crunch. Even as the coronavirus pandemic has upended the economy, real estate prices remain out of reach for many Californians, especially in major metro areas. The median price of a single-family home in the Bay Area now tops \$1 million. The result has been that home construction has moved to more affordable rural areas.

“There are really these twin concerns coming into conflict now,” said Adam Millard-Ball, associate professor of urban planning at UCLA. “The state’s housing crisis makes it an imperative to make it easy to build housing. At the same time, there’s the threat and tragedy of wildfires.”

People walk toward Hardester's Markets & Hardware in Middletown, California Wednesday, Mar. 3, 2021. Stephen Lam / The Chronicle

Becerra’s office has indicated that it doesn’t want to get in the way of affordable housing. In fact, its recent show of force has targeted high-end projects that don’t cater to people with limited options. Still, an update to the California Environmental Quality Act in 2018 is compelling greater scrutiny of all new home building in fire-prone places. After years of damaging blazes, a new section was added to the law requiring more thorough reviews of how a proposed development might affect fire risk.

Last year, state attorneys alleged that, under the new CEQA terms, officials in Lake County hadn’t adequately evaluated the Guenoc Valley Project. They sent two letters to the county asking for more analysis and safety upgrades, including reconsideration of a dead-end road where residents might have trouble evacuating during a fire.

Unsatisfied with the response, the state chose to intervene in a suit filed by the nonprofit Center for Biological Diversity against the Board of Supervisors.

“Tens of thousands of Californians have had to flee their homes as a result of increasingly frequent and severe wildfires,” Becerra said in an email to The Chronicle. “Dozens have died, and many more have seen their houses burnt to the ground. That’s why it is critical that local governments address wildfire risks associated with new developments at the front end — so that five, 10 or 20 years down the line, we aren’t faced with a catastrophe that could have been avoided.”

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When the Center for Biological Diversity filed its lawsuit challenging the Guenoc Valley Project last summer, the project site was threatened — and was later burned — by the the 363,000-acre LNU Complex fires.

The blaze was just the latest in the land’s long history with flames. Fires hit the property in 2018, 2015, 2014, 2006, 1996, 1980, 1976, 1963, 1953 and 1952, according to the litigation.

“You can make structures fire-safer, but never fireproof,” said Peter Broderick, a staff attorney for the environmental organization. “The solution is stop building new development in wildfire zones.”

California lawmakers have sought to curb construction in risky spots. One of the most ambitious efforts is newly introduced legislation, Senate Bill 55, which would prohibit all residential and commercial building in areas where the state is responsible for fire protection or areas deemed “very high fire hazard” for local authorities. That’s about a third of California.

The bill faces long odds. The spots covered by the ban are places where California has been meeting its housing needs, like the fringes of the Bay Area and points beyond. Studies show that half of all homes built in recent decades have gone up in the fire-susceptible wildland-urban interface.

California’s lengthy building code sets minimum safety standards for construction in hazard areas.

Roads, for example, must be wide enough to accommodate fire trucks, and dead-end streets are largely restricted. The laws, however, don’t address every site-specific risk nor do they guarantee that a project won’t burn.

Cities and counties, which have final say over development, decide if it’s appropriate to move forward. These decisions are often considered alongside issues like the need for housing and economic investment.

Groups challenging development decisions, like the Center for Biological Diversity, have long cited fire safety as a reason certain projects shouldn’t proceed. But until recently, wildfire was largely a footnote to other causes, like protecting endangered species.

Ellison Folk, an attorney with San Francisco’s Shute, Mihaly and Weinberger law firm, said she’s seeing more legal action with the emphasis on wildfire protection. In January, her firm filed two lawsuits

challenging plans for a resort and a luxury campground at the gateway of Yosemite National Park, mostly because of fire.

The proposed Terra Vi Lodge, approved by the Tuolumne County Board of Supervisors last year, calls for a 100-room hotel, guest cabins and public market about 15 miles east of Groveland along Highway 120. A second project that's been approved, Under Canvas Yosemite, would bring 90 safari-style tents for vacationers nearby.

County officials say the ventures will bolster the area's tourist economy. But critics worry the development, in the shadow of the 2013 Rim Fire, will increase the chance of a human-caused burn and complicate emergency evacuations.

"Fire is a big deal now," Folk said. "One, we're building more in these (wildland) areas. And two, people are starting to be more concerned about the effects of wildfire."

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Few places have seen the toll of fire like Lake County.

More than half of the county has burned in its many blazes over the past decade. Singed trees and brown hillsides are common along the quiet highways. Remnants of charred homes and businesses are everywhere.

The destruction only adds to the financial straits of the county of 65,000 residents. As spectacular as the area's Mayacamas Mountains and signature Clear Lake are, Lake County is one of the poorest in California, with nearly 1 in 5 people living in poverty. The county lacks the booming wine and tourist trade of neighboring Napa and Sonoma.

The Guenoc Valley Project would inject the kind of development and economic activity more akin to nearby Wine Country. The plan calls for 1,400 luxury homes in a resort community across 25 square miles with five boutique hotels, a golf course, polo fields, a wellness center and spa, and possibly a culinary school.

The project also incorporates what the builder describes as its model fire protection program, which includes such safety basics as underground electrical lines, 50-foot fuel-reduction buffers along roads and an emergency center for use by local firefighters.

The developer, Lotusland Investment Group of San Francisco, declined to be interviewed for this story but provided a statement that stressed the company's commitment to safety: "We are proud of the work we have done, and will continue to do, to address this concern and to not only meet, but exceed the required standards," wrote CEO Alex Xu.

Lake County supervisors, who approved the project in July, said their fears about fire had been alleviated and touted the economic boost that would come with new jobs and additional tax revenue. County officials declined to detail the extent of these benefits, and neither the chair of the Board of Supervisors nor the supervisor who represents the Guenoc Valley would comment.

But in Middletown, home to about 1,000 people and several empty storefronts, residents spoke freely — and largely in unison — about their support for the project.

"We need this," said longtime resident Fletcher Thornton, 82, over lunch at the Cowpoke Cafe. "It's going to bring economic relief to a badly depressed area."

Thornton, whose house was razed in the 2015 Valley Fire, said he studied the development plan and believes the fire protection measures are more than adequate.

Down the street, Mark Rudiger, 60, who runs a computer repair and web design shop where he built the website for the county's rodeo and a local merchants' group, agrees.

"I've seen so many businesses come and go," he said. "They get painted real nice, put up an open sign, then they're gone a year later. There's just not enough people coming in."

Outside of town, Rebecca Pledger, 65, lives on 6 acres with her husband, three dogs, a horse and chickens, near the project site. She, as much as anyone, would face the additional bustle, and threat, of new development.

“I like our small, cozy community,” she said. “But I realize there’s always going to be change.”

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