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Development in O.C. canyons faces fire risk

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Hundreds of houses have sprouted in Orange County's canyon country in recent decades – many of them directly in the path of historic wildfire corridors.

And more houses might be coming, depending on a court case to be decided in the coming weeks.

Complicating things is that many of the relatively new houses – from Silverado to Trabuco canyons – are somewhat isolated dwellings along dead-end winding roads and nestled among trees.

“If you go to an area that's limited access, there's not overhead clearance, there's no defensible space, the chance of defending those houses decreases exponentially,” said Brian Norton, a battalion chief at the Orange County Fire Authority.

Building in canyon country, like home construction nationwide, took a hiatus during the recession, with virtually no homes built in the Silverado, Modjeska or Trabuco canyon areas from 2010 to 2013, according to county records. In 2013, construction started to ramp up again, with eight applications for homes.

Drive along shaded Live Oak Canyon Road, and you can see the evidence of renewed interest with “For sale” signs sprouting between the scenic drive's iconic oak trees.

Meander off the beaten path up, say, Hunky Dory Lane, and a mishmash of houses awaits, some older, some newer, some with rusting pickups in the driveway and some with impeccably mowed lawns and Kentucky-style white fencing.

Residents believe most of the pockmarks of development are more than a decade old. And some speculate that owners are just trying to unload land.

Still, there is one large development in the works and it may soon have legs depending on a judge's ruling on a 24-year-old document called the Foothill/Trabuco Specific Plan. Since 1991, the plan has prevented large projects in canyon country by requiring an acre or more per home site.

The document also forbids more than 3,000 cubic yards of grading per home site, restricts building size and prevents destruction of historic oak trees, among other things.

When developer Rutter Santiago LLP proposed the 65-home Saddlecrest project north of Cook's Corner, county officials rewrote some of the plan to allow the project. But there was blowback and, after years, the case may soon be settled. If the court allows changes and the case is resolved, residents predict developers will flock to canyon country.

“Developers are waiting in the wings,” said Rich Gomez, a 15-year Trabuco Canyon resident who has lived in Orange County most of his life. “All of south Orange County used to look like it does in the canyons. It’s just that there’s homes now.

“The same thing can be done here.”

The cost of fire

Isolated homes deep in the woods and 100-house neighborhoods abutting forested land pose serious and potentially deadly challenges to firefighters.

Keeping wildfires away from dense tract housing developments or scattered ranch-style houses is equally challenging, but for different reasons, firefighters say. Since most fires are caused by human activity, denser developments create more risk. But isolated houses can be difficult to evacuate and harder for firefighters to access.

The key is preparation and prevention, say firefighters who do once-a-year inspections on hundreds of homes in canyon country to make sure there is enough space between structures and surrounding flammable vegetation.

In more densely populated areas, “You have to look at how one house will impact the whole neighborhood,” said Nick Pivaroff, an assistant fire marshal at the Orange County Fire Authority who oversees pre-fire management. “If you only have one home that provides defensible space and the others don’t, it will impact the whole neighborhood.

“In the more sparsely populated interface areas, you look at trying to improve the amount of defensible space between those structures.”

For every house built in wildfire corridors, taxpayers are on the hook, according to experts. That’s because firefighting operations are funded through the state budget.

Owners of especially at-risk houses pay a little extra, but not much. The state levies \$150 fees on houses next to forests and in wildland areas where it manages firefighting.

In the end, taxpayers subsidize keeping buildings and homes safe in dangerous fire corridors, according to Stephanie Pincetl, director of the California Center for Sustainable Communities and a professor-in-residence at UCLA.

“It’s extremely costly to fight fires. We put people in the path of danger and, honestly, we’re not really exercising good judgment a lot of the time,” Pincetl said. “Who’s going to pay for the fire costs? It is the state. We’re subsidizing development in these quite fire-prone areas.”

Pincetl’s comments are significant. Land on the edge of wilderness, such as in the foothills and canyons on Orange County’s eastern edge, is easier to acquire, and there are fewer design compatibility issues with surrounding buildings and infrastructure.

But it’s governments – and taxpayers – that end up paying the bulk of the increased cost of road maintenance and providing services like firefighting for the new homes, Pincetl said.

Reshaping a canyon

For now, development in canyon country has mostly been limited to isolated houses, some behind gates, others up meandering roads. Other houses are clustered in the lower canyons, where old

rustic houses mix with huge, newly built homes.

Canyon residents say they aren't too concerned with the scattered building that has already taken place. Unforgiving topography, they say, means that most of the buildable sites have already been divided into lots or built on.

But if the 24-year-old document's limits on construction are removed, residents say the land becomes much more vulnerable.

"I think all of these developers, businesses, are always looking for where they can break new ground and put up housing tracts," said Ray Chandos, a three-decade canyon resident. "Maybe they don't come to grips with the problems of building in this area where there's geological hazards like landslides and wildfire danger."

Understand, Chandos fights developers. His war started in the 1980s when he fought against the Portola Hills development, and lost. Though the geography is different, Chandos knows what Portola Hills used to look like, and he knows that's the sort of transformation he wants to prevent.

But other canyon residents believe the woodlands outside their back doors are safe from developers. Modjeska Canyon doesn't have the same kind of buildable land that Trabuco has, said Mark Levy, who built a second house in Modjeska Canyon in 2001.

"The disadvantage in Trabuco is that there are people who want to develop there," Levy said.

The fate of development, residents say, hinges on the judge's ruling over the Foothill/Trabuco Specific Plan.

If the judge allows the development to proceed, the entire personality of the canyons could change. No longer would developers be forced to abide by the stringent rules of the original Foothill/Trabuco Specific Plan.

"If we lose that litigation, things could change drastically. The flood gates will be open," said Gloria Sefton, the co-founder of the Saddleback Canyons Conservancy, which is involved in the lawsuit.

"Oak trees, grading, density, all that stuff goes out the window. You'll see more of the type of development of Saddlecrest, that is clustered or dense suburban tract housing. If they can do it, the others would be lined up to do the same on the big parcels that remain," Sefton said.

Mike Balsamo, chief executive officer at the Building Industry Association of Orange County, disagrees.

"It's hard to envision significant change out that way other than, potentially, a few small projects," he said.

Invisible development

Court battle aside, some development - house by house, lot by lot - can happen.

Larger, planned projects must abide by the California Environmental Quality Act, or CEQA. Getting through that process is arduous, and many larger projects in Orange County and statewide have been shot down in court when opponents challenged whether the projects met state guidelines.

But single-home projects don't have to go through the CEQA process, according to Ellison Folk, a

land use and environmental attorney at the California law firm Shute, Mihaly and Weinberger.

Yes, those projects must still pull the appropriate building and grading permits from the county, and must follow county guidelines for fire safety, but they don't face the same CEQA scrutiny of larger projects, Folk said.

"It is very hard to stop the one-house-at-a-time development," Folk said. "Orange County is very friendly to development and probably doesn't apply CEQA as strongly as we think it should under state law."

There is an exception: If building opponents can show that the cumulative effect of multiple structures breaks CEQA rules, then construction can be halted. But "cumulative" is a fuzzy term, Folk said.

County officials, however, say they ensure guidelines are met and that developments and communities are safe.

"It's not the Wild West," said Shannon Widor, a spokeswoman for the county Public Works Department, which oversees building. "We want all development, big or small, to be done smartly and safely. So we don't put up any houses without regulations."

Laree Brommer, the Public Works planning division manager in development services, added that the canyons are zoned differently, and officials are careful to assess the regulations in each area when considering proposals.

But county officials aren't responsible for and can't make improvements to private property once it's built. That's where public outreach comes in.

Public Works employees along with fire officials meet with canyon-based advisory groups, and they're looking for ways to help educate residents about ways to prevent fire, floods and other disasters.

THE FUTURE?

When it comes to a county used to seeing entire cities built seemingly overnight, the 1,000-home Portola Center isn't that big. For example, Rancho Mission Viejo will see 14,000 homes built east of San Juan Capistrano.

But Doug Waters, who hikes and bikes the ravines and foothills in the shadow of Portola Hills, sees Portola Center as a big deal – and he has a different take on those canyon residents who say steep hills prevent building.

Construction on the Portola Center, Waters says, included lopping off the tops of two hills and replacing them with houses and a strip mall.

A year ago, he didn't know about the Portola Center project that will replace some of his favorite hiking trails. Soon, he started the group, Save Portola Hills, to try to halt the project. But he was too late; last month tractors started scraping the hillside.

"It's not any single development, but an aggregate that's stripping the canyon communities of their character," Waters said. "When you pick off these properties one by one, you come up with quality of life that's bad."

As Waters spoke, heavy machinery deconstructed hillsides in the background.

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