

This is the last in a series of four blog posts discussing the issue of development in the wildland-urban interface in California, the current legal structures addressing the issue, and our research on how those legal frameworks are being applied on the ground in key counties in the state. In this blog post, we'll discuss the policy implications of our data for fire risk and housing. These blog posts summarize [our recent article in Ecology Law Quarterly](#), coauthored with my collaborator [Moirra O'Neill](#). The first blog post (providing an overview of the issue) is [here](#). The second blog post (summarizing the relevant law) is [here](#). The third blog post (summarizing our research) is [here](#).

Implications

Our data covered 2014-2020 in San Diego County. There have been a significant number of developments state law in the past few years that might address at least some of the issues we found in our data.

First, the state has enacted legislation that strongly encourages local governments to consider the fire risks in approving new development. While this legislation likely wasn't relevant for the projects we reviewed in San Diego County, this may make a difference for future projects.

Second, there has been a series of lawsuits by environmental groups and the state Attorney General challenging large residential project approvals in high fire hazard areas, including two of the approvals we studied in San Diego County. Some of these suits have produced settlements [requiring steps to both reduce greenhouse gas emissions and improved wildfire protection for residents](#) – and [some lawsuits are ongoing](#), in some cases having at least [temporarily stopped projects from proceeding](#).

There has also been a change in policy in San Diego County. One of the projects we identified was eventually stopped by the Board of Supervisors, responding to a successful public effort to obtain a referendum on the project. And with significant turnover on the Board of Supervisors in 2020, the County has been exploring ways to better reconcile the need for housing with fire risk.

Our data highlights that local governments are at the heart of decisions about whether to approve development, and absent significant state intervention that will continue to be the case. Local government decisions vary greatly in what they do – likely responding to different political and economic pressures. Some counties will face pressure to approve development, perhaps because of lobbying by developers. Others will be more cautious. Understanding what is happening, and responding to the problem, requires recognition of

the power that local governments have and the different ways they use that power.

Paths forward

Of course, the state could intervene more strongly to constrain local government power to approve development in very high fire hazard areas – indeed, the state could prohibit all development in these areas. Such a step would be politically very difficult – Governor Newsom himself dismissed that possibility because there is [“something that is truly Californian about the wilderness and the wild and pioneering spirit.”](#)

But we think there are good policy reasons why such a blanket approach is inappropriate. First, as we noted in our first blog post, there is a critical need for more housing in California. Much of the state’s housing demand might be met by denser development in urban infill areas, where fire risks are generally much lower. But infill development may not meet all our housing needs in California – we think more evidence that infill development can meet that high bar is required before the state considers a blanket ban on development in the WUI.

Second, the fire problem in California varies greatly across the state, if nothing else because the state has a tremendous diversity and variety of ecosystems with very different relationships with fire. In our first blog post we noted that many California ecosystems – such as oak woodlands or the conifer forests of the Sierra Nevada – generally will burn regularly, and regular burns reduce biomass such that fires will generally burn at lower intensities. Decades of fire suppression have caused a buildup of biomass across much of the state, requiring the restoration of fire in order to reduce fire risks.

But this is not true in all ecosystems in the state. For instance, in the chaparral that dominates parts of southern California (including major portions of San Diego County), there is evidence that the problem is not too little fire, but too much fire. Human-caused ignitions are the primary cause of increased fire risk in these locations. Thus, the solutions that might be appropriate for Northern California or the Sierra Nevada foothills are not the solutions that may be appropriate for San Diego County.

Nonetheless, the evidence from San Diego County makes clear that some form of state intervention to constrain local decisionmaking is needed. Given that, we think the best path forward is regional planning within a framework provided by the state. This approach allows for room for local governments to make the difficult decisions about balancing housing and fire risk within guardrails established by the state and regional plans, while also accounting for the different ecosystems around the state.

One possible model going forward would be the efforts by the state to use regional planning to advance land-use that is less car dependent: Sustainable Communities Strategies (SCS). While the SCS program has had its challenges, we think the overall concept is a worthy one for exploring how to manage the state's WUI problem. Given the fire crisis the state faces, action is essential.