



## Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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**TO:** Deschutes County Planning Commission  
**FROM:** Peter Russell, Senior Transportation Planner *PR*  
**DATE:** April 23, 2015  
**RE:** Review of County policies and regulations related to wild fire

### Background

Deschutes County updated the Natural Hazards element of the Comprehensive Plan in 2011. Section 3.5 of the Comprehensive Plan sets County policies regarding natural hazards and references the Deschutes County Natural Hazards Mitigation Plan (NHMP). Specifically, Policy 3.5.1 requires regular review of the Natural Hazards component of the Comprehensive Plan.

The Planning Division has contracted with the University of Oregon (UO) Community Planning Workshop (CPW) to assist in this task. The CPW team has reviewed the Comprehensive Plan and the development code as they pertain to natural hazards. The CPW team held a work session with the Planning Commission on flooding on April 9. The CPW will present its findings and recommendations regarding wild fire tonight.

### Summary

The CPW team, which is working under the supervision of myself and Matthew Martin, has spent several months in this effort. The CPW team has also researched, at both the regional and national level, model ordinances on the topic of jurisdictions using their policies and development codes to proactively minimize the potential harm from wildfires and floods.

The CPW team has worked closely with Ed Keith, County Forester, and Alison Green, Project Wildfire. The CPW's work and recommendations will be presented to the Board of County Commissioners by late spring. The Board will then provide direction to staff on next steps.

Enclosures: April 10, 2015, memo from CPW to Planning Commission

April 10, 2015

**To** Deschutes County Planning Commission  
**From** Drew Pfefferle, Mike Howard, Bob Parker, and the CPW Team  
**SUBJECT** Deschutes County Code Review: Wildfire Program

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## INTRODUCTION

The Community Planning Workshop (CPW) is working with the Deschutes County Community Development Department (CDD) to review sections of the Deschutes County Development Code consistent with direction provided in Comprehensive Plan Section 3.5 (Rural Growth/Natural Hazards). The review will focus on improving development regulations that address wildfire, flood, and other natural hazards.

Task 4 of our work program requires CPW to facilitate work sessions with the Planning Commission and the Board of County Commissioners (BOCC) to present policy and programmatic options for further analysis and review. This memorandum provides an overview of the project and presents research findings to the Planning Commission in regards to wildfire management for the April 23<sup>rd</sup> work session. In addition to this work session, CPW held a work session on April 9 discussing flood code review. Following these work sessions CPW will hold a work session with the BOCC on May 18. This work session has three objectives: (1) Identify the current wildfire risks in Deschutes County; (2) Review the County's existing wildfire programs; (3) Present for discussion potential policy options in regards to wildfire management.

To assist in the review of County codes and determine potential policy options CPW utilizes model ordinances from the International Code Council (ICC) and the National Fire Protection Association (NFPA), as well as relevant development codes and best practices from counties that have addressed similar wildfire risks. In addition to model ordinance comparisons, CPW compares Deschutes County Code to goals stated in the Deschutes County Comprehensive Plan, Community Wildfire Protection Plans, and Natural Hazard Mitigation Plan.

## BACKGROUND

Deschutes County updated the Natural Hazards element of its Comprehensive Plan in 2011. Section 3.5 of the Deschutes County Comprehensive Plan establishes County policy with respect to natural hazards. The comprehensive plan cross-references the Natural Hazards Mitigation Plan (NHMP) as well as seven Deschutes County Community Wildfire Protection Plans (CWPPs). Policy 3.5.1 specifically addresses maintenance of the Goal 7 Comprehensive Plan Element as well as the NHMP and CWPPs:

*Adopt by reference the most recent Deschutes County Natural Hazards Mitigation Plan into this Plan.*

- a) *Review and evaluate this Section of the Comprehensive Plan every five years.*
- b) *Adopt by reference Community Wildfire Protection Plans and revisions into this Plan.*

In summary, Policy 3.5.1 clearly articulates the County's commitment to address natural hazards and establishes mechanisms for coordinating the Comprehensive Plan with the NHMP and CWPPs. Furthermore, this project assists Deschutes County with a review and analysis of Comprehensive Plan Section 3.5 to ensure consistency with the NHMP Update and the following policies:

*Policy 3.5.4 Provide Incentives and if needed regulations, to manage development in areas prone to natural hazards.*

*Policy 3.5.11 Review and revise County Code as needed to:*

- a. *Ensure that land use activities do not aggravate, accelerate or increase the level of risk from natural hazards.*
- b. *Address wildfire concerns to and from development, through consideration of site location, building construction and design, landscaping, defensible space, fuel management, access and water availability.*
- c. *Require development proposals to include an impact evaluation that reviews the ability of the affected fire agency to maintain an appropriate level of service to existing development and the proposed development.*
- d. *Minimize erosion from development and ensure disturbed or exposed areas are promptly restored to a stable, natural and/or vegetated condition using natural materials or native plants.*
- e. *Endure drainage from development or alterations to historic drainage patterns do not increase erosion on-site or on adjacent properties.*
- f. *Make the Floodplain Zone a combining zone and explore ways to minimize and mitigate floodplain impacts.*
- g. *Require new subdivisions and destination resorts to achieve Firewise standards from the beginning of the projects and maintain those standards in perpetuity.*

Specifically, this project is a review of the Deschutes County Development Code consistent with guidance provided in policies 3.5.4 and 3.5.11 of the Deschutes County Comprehensive Plan. The focus of this project is to identify policy and programmatic options for consideration by the Board of County Commissioners (BOCC), Planning Commission, staff, stakeholders, and partner organizations. The options will be described in a final report to CDD and structured in a manner

that staff can include them in future annual CDD work programs. After completion of the CPW report in June 2015, CDD staff will work with County decision makers to identify policy and code language for potential adoption into the comprehensive plan or development code.

## **WILDFIRE RISK IN DESCHUTES COUNTY**

Wildfires are a natural and necessary component of many ecosystems across the country. Central Oregon is no exception. Historically, wildfires have shaped the forests and wildlands valued by residents and visitors. These ecosystems are significantly altered due to fire prevention efforts, modern suppression activities and a general lack of large scale fires, resulting in overgrown forests and wildland-urban interfaces with dense fuels that burn more intensely than in the past. Wildfires can be divided into three categories: interface, wildland, and firestorms. Interface fires are the most likely wildfires to happen in Deschutes County.

Interface fires occur where wildland and developed areas meet (the wildland-urban interface). In these locations, both vegetation and structural development combine to provide fuel. The wildland-urban interface can be divided into three categories: classic wildland-urban interface, mixed wildland-urban interface, and occluded wildland-urban interface.

1. Classic wildland-urban interface exists where well-defined urban and suburban development presses up against open expanses of wildland areas.
2. Mixed wildland-urban interface is found in areas of exurban or rural development: isolated homes, subdivisions, resorts and small communities situated in predominantly wildland settings.
3. Occluded wildland-urban interface where islands of wildland vegetation exist within a largely urbanized area.

## **DEVELOPMENT LOCATION AND RATE OF DEVELOPMENT**

Between 2000 and 2013 population in Deschutes County increased 40.9%, a total population of 162,525. According to Deschutes County's population forecast between 2013 and 2025, the County's population is anticipated to grow by 48.2% (78,286 people), a total population of 240,811. The City of Bend is expected to account for 40% of the population growth, while the rural (non-incorporated) areas of the County are expected to account for 33% of the population growth.

Some of the population growth has occurred in interface areas. The increase in residential development in interface areas has also increased the risk of wildfires. Fire has historically been a natural wildland element and can sweep through vegetation that is adjacent to a combustible home. New residents in remote locations are often surprised to learn that in moving away from built-up urban areas, they have also left behind readily available fire services providing structural protection.

Unprotected residential development is an important issue for Deschutes County. There are several examples of residential developments that do not have structural or wildland fire protection. These include the Lower Bridge area east of Sisters, and the Brothers and Hampton

areas along Highway 20 on the eastern edge of the County. In addition, there are approximately 100,000 acres of privately owned, largely unimproved rangeland east of Bend that do not have wildland fire protection.

Because these types of areas have no fire protection organizations and because of the light, flashy nature of the fuel types present in some areas, wildland fires have the potential to grow quite large often spreading to the point where they become a threat to protected areas. Deschutes County developed County Code Section 8.21 that outlines a system for private landowners in unprotected areas to respond to the wildland fire threat with defensible space and fire-breaks.

There are substantial resource commitments and fiscal costs associated with emergency response to wildland fire incidents. This impact on local organizations was demonstrated by the multiple agency organizational response each fire season. Notable recent incidents that exemplify the impact on local organizations are Pole Creek (2012), Burgess Road (2013), and Two Bulls (2014). The costs associated with multiple day mobilization of law enforcement, search and rescue, structural fire assets and state fire resources can quickly deplete local and state agency budgets. Residential evacuation triggers American Red Cross mobilization and when major transportation routes are impacted, Oregon Department of Transportation and County Road Department personnel are also mobilized. Depending on the scope and specifics of an individual fire, additional agency and non-governmental support organizations may also be mobilized to help mitigate the impact on citizens and community infrastructure.

## **MODEL ORDINANCES**

CPW used the following federal and state model ordinances in the process of reviewing the County's development code:

**National Fire Protection Association (NFPA) 1141, Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas:** This standard provides guidance on the development of the community infrastructure necessary to eliminate fire protection problems that result from rapid growth and change.

**National Fire Protection Association (NFPA) 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire:** This standard provides guidance on individual structure hazards. It requires a new spatial approach to assessing and mitigating wildfire hazards around existing structures and includes improved ignition-resistant requirements for new construction.

**International Wildland-Urban Interface Code (2012):** This comprehensive wildland-urban interface code establishes minimum regulations for land use and the built environment in designated wildland-urban interface areas using prescriptive and performance-related provisions. It is founded on data collected from tests and fire incidents, technical reports and mitigation strategies from around the world.

# EXISTING COUNTY WILDFIRE PROTECTION PROGRAMS

## Community Wildfire Protection Plans

The Community Wildfire Protection Plans (CWPPs) allow communities to identify wildland-urban interface areas and prioritize hazardous fuels reduction projects and other measures to help them survive a wildland fire. Stakeholders have developed CWPPs for each of the four incorporated cities (and surrounding areas) in the County (Greater Bend, Greater La Pine, Greater Redmond, Greater Sisters Country) and three other regions (East and West Deschutes County, Sunriver, and Upper Deschutes River Coalition). These plans are developed by the community members and facilitated through the organization Project Wildfire.

## Natural Hazard Mitigation Plan

Deschutes County developed a multi-hazard Natural Hazards Mitigation Plan (NHMP) in an effort to prepare for the long-term effects resulting from natural hazards including wildfire. The NHMP is intended to assist Deschutes County reduce the risk from natural hazards by identifying resources, information, and strategies for risk reduction. It is also intended to guide and coordinate mitigation activities throughout the County. The draft May 2015 update of the NHMP identifies three proposed wildfire action items for Deschutes County: (1) expansion of public information/ education initiatives in support of active hazardous fuels treatment; (2) review and upgrade existing building and land use codes to address landscape, fuel amounts and structure detail that reduces the incidence or spread of wildland fire in urban/rural interface areas; and (3) continue prioritization and support fuels reduction projects on private lands utilizing FireFree and other programs, and identify and prioritize fuels reduction projects on public lands in the wildland-urban interface.

## Project Wildfire

Project Wildfire is the result of a Deschutes County effort to create long-term wildfire mitigation strategies and provide for a disaster-resistant community. Its mission is to prevent deaths, injuries, property loss and environmental damage resulting from wildfires in Deschutes County. Created by Deschutes County Ordinance 8.24.010, Project Wildfire is the community organization that facilitates, educates, disseminates and maximizes community efforts toward effective fire planning and mitigation. Project Wildfire is governed by a 27-member steering committee that is defined by County Ordinance 8.24.020 as a balanced mix between fire agency representatives, private residents, elected officials, Deschutes County 911, Deschutes County Emergency Management, Insurance, and many other at large community members.

Project Wildfire organizes community events that help educate the community about wildfire protection strategies and techniques. Project Wildfire coordinates the FireFree program<sup>1</sup>. FireFree is an educational program that teaches residents how to protect their homes from wildfire. Project Wildfire has successfully implemented projects identified in the Community

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<sup>1</sup> For more information see <http://firefree.org/>

Wildfire Protection Plans by reducing hazardous fuel with grant money received from national and state programs. The FireFree program and fuels reduction projects yield over 40,000 cubic yards of woody debris each year. Project Wildfire, in conjunction with the Central Oregon Fire Chiefs Association, develops a vital evacuation guide for the communities called “Plan, Prep, Go.” that helps save lives. Project Wildfire also works with developing destination resorts in order to ensure compliance with development standards to become a Firewise Community<sup>2</sup>. Firewise Communities are nationally recognized communities that have taken an organized approach to wildfire preparedness. Typically, these areas have defensible space, evacuation routes, and community cohesion.

## Senate Bill 360

Although not technically a County program, Senate Bill 360, or the Oregon Forestland-Urban Interface Fire Protection Act of 1997, applies to properties within the Oregon Department of Forestry’s protection district. Senate Bill 360 requires property owners in identified wildland-urban interface areas to reduce excess vegetation around structures and driveways. Some cases also require fuel breaks to be created along property lines and roadsides. Owners are notified by the Oregon Department of Forestry to comply with fuel reduction standards within two years and mail back a certification form upon completion. Certification relieves the owner from fire cost-recovery liability if a fire originates on their property.

## REVIEW OF COUNTY COMPREHENSIVE PLAN POLICIES

This section presents a review of the Deschutes County Comprehensive Plan in regards to land use and wildfire hazard mitigation policies and programs. The existing comprehensive plan policy language is shown in *italics* followed by our comments.

### Comprehensive Plan Policy 3.5.11(g):

*Policy 3.5.11 Review and revise County Code as needed to:*

*g. Require new subdivisions and destination resorts to achieve FireWise standards from the beginning of the projects and maintain those standards in perpetuity.*

**Comment:** The Firewise program is inherently flexible since it is a national recognition program; it is not a certificate program and does not have standards to be met. The standards of the National Fire Protection Association (NFPA) 1141 and 1144 (described herein) provide specific language that may be more applicable to Deschutes County. It may be worth modifying the comprehensive plan to reference this distinction. In section 17.16.030 we discuss an option to enhance the existing Deschutes Code to help clarify this distinction.

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<sup>2</sup> For more information see <http://firewise.org>

## REVIEW OF COUNTY DEVELOPMENT CODE

This section presents a review of the County's current development code in regards to land use and wildfire mitigation policies and programs and identifies potential actions to strengthen current codes. In the following section the existing development code language is shown in *italics* followed by our comments. Model development code is shown in *italics and underlined*.

### Title 15: Buildings and Construction

Though the scope of our code review is not specifically targeted to building codes, we have provided a comment in regards to Wildfire Hazard Zone-specific building standards.

#### 15.04.085 Wildfire Hazard Zones

*A. Wildfire Hazard Zones are those depicted on the Deschutes County Wildfire Hazard Areas map on file with the County Clerk.*

*B. Adoption of the Wildfire Hazard Areas map implements the provisions of the Wildfire Hazard Mitigation Section of the Oregon Residential Specialty Code enforced pursuant to DCC 15.04.010(A).*

**Comment:** The provisions of the Wildfire Hazard Mitigation Section of the Oregon Residential Specialty Code enacted within 15.04.085 include requirements that:

*All buildings regulated by this code in wildfire hazard zones shall have Class A or B roofing according to section 1506.*

The County Building Official has advised that shake roofs are permitted if Class B or higher. For a shake roof to achieve Class B, it must be treated with a fire-resistant material. While this treatment sounds like effective mitigation, he noted that the treatment deteriorates relatively quickly in the County's climate conditions. In order to maintain fire resistance of shake roofs, frequent retreatments are required. Since it is unlikely that homeowners will treat their roofs as often as necessary, we recommend the County consider specifically prohibiting shake roofs within 15.04.085.

### Title 17: Subdivisions

This section reviews Title 17 in regards to land use and wildfire mitigation policies programs and identifies options for the County to strengthen current language.

#### 17.16.030 Informational Requirements

*17.16.030(C)(12). Proposed fire protection system for the subdivision.*

**Comment (1):** In addition to requiring a proposed fire protection system it would be beneficial to include Fire Protection Proof. Fire Protection Proof requires the applicant to show proof that the property is located within a fire protection district that will serve the property. An example



of code language that identifies Fire Protection Proof can be found in the Land Development Regulations of Jefferson County, CO Section 4.C.18:

*Fire Protection Proof: A written statement from the appropriate fire district, indicating that they serve the referenced property. If the property is not located within a fire protection district, a contract with a district or a municipality indicating that they will provide service to the property shall be required.*

**Comment to model ordinance:** CDD may want to consult with the fire districts to determine the mechanics and feasibility of a contract (annexation) and to determine their willingness to serve areas outside of their existing territory. A key issue to address is whether the contract would deprive landowners of economic use of their land.

**Comment (2):** Comprehensive Plan Policy 3.5.11(g) requires new subdivisions and destination resorts to achieve FireWise Standards from project onset and to maintain those standards in perpetuity (modification of this policy is discussed above). The Firewise program is inherently flexible since it is a national recognition program; it is not a certificate program and does not have standards to be met. The standards of the National Fire Protection Association (NFPA) 1141 and 1144 (described herein) provide specific code language that may be more applicable to Deschutes County. The County may want to consider modifying the Informational Requirements to require areas at risk of wildfires to achieve specific NFPA 1141 and 1144 standards and/ or achieve FireWise recognition.

### **Section 17.16.050 Master Development Plan**

*An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not limited to, the following elements:*

- A. Overall development plan, including phase or unit sequence;*
- B. Show compliance with the comprehensive plan and implementing land use ordinances and policies;*
- C. Schedule of improvements, initiation and completion;*
- D. Overall transportation and traffic pattern plan, including bicycle, pedestrian and public transit transportation facilities and access corridors;*
- E. Program timetable projection;*
- F. Development plans for any common elements or facilities;*
- G. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Planning Director or Hearings Body may require a potential development pattern for streets, bikeways and access corridors for adjoining*

*lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.*

**Comment (1):** The Master Development Plan does not include a requirement for wildfire treatment in the wildfire hazard zone (see “Wildfire Hazard Overlay Zone” section, below). Fire Prevention and Control Plans address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space, and vegetation management. Code language regarding a Fire Prevention and Control Plan can be found in Section 405 of the 2012 International Wildland-Urban Interface Code as well the City of Ashland’s Land Use Ordinance 18.3.10.100. The City of Ashland also requires provisions of the maintenance of the plan to be included in the development’s covenants, conditions, and restrictions or by the property owner. We recommend that the County consider the requirement of a Fire Prevention and Control Plan as exists in the City of Ashland (see Attachment 2).

**Comment (2):** As discussed in Comment 2 of code review Section 17.16.030, the County may want to consider including a provision in the Master Development Plan that requires areas at risk of wildfires to achieve specific NFPA 1141 and 1144 standards and/ or achieve FireWise recognition.

## **Section 17.36 Design Standards**

### **17.36.260 Fire Hazards**

*Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.*

**Comment:** The Deschutes County Code currently requires a minimum of two points of access to a subdivision in a fire hazard area. Model ordinances include additional standards for fire apparatus access in subdivisions. We recommend the County consider these higher standards to ensure adequate access in future subdivisions. NFPA 1141 code regulations suggests requiring three (3) points of access when there are greater than 600 households in a residential area. ICC suggests including additional requirements for a fire apparatus access road. Specific code language from the ICC Section 403.3 for Fire apparatus access roads states:

*When required, fire apparatus roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; shall be designed to accommodate the loads and turning radii for fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the code official.*

**Comment on model ordinance:** The access standards presented in Section 403 of the ICC Wildland Urban Interface Code provide extensive guidance for providing access for emergency vehicles to subdivisions in the interface (see Attachment 3 for Section 403 in its entirety).

## Title 18: Zoning Ordinance

This section reviews Title 18 in regards to land use and wildfire mitigation policies, and offers, for consideration of the Planning Commission, options for the County to improve current programs.

### Wildfire Hazard Overlay Zone

Given the prevalence of wildfire risk within Deschutes County, applying transparent and effective standards to each individual base zone may not be the most effective means of regulating development. Several wildfire-affected counties in the country have adopted overlay zones to broadly identify lands potentially at risk for wildfire and require mitigation measures as part of the land planning and development process. By implementing an overlay district in Deschutes County, development standards for mitigating wildfire risk could be more easily interpreted and applied.

Wildfire Hazard Zones are currently depicted on the Deschutes County Wildfire Hazard Areas map, which is on file with the County Clerk (DCC 15.04.085):

*A. Wildfire Hazard Zones are those depicted on the Deschutes County Wildfire Hazard Areas map on file with the County Clerk.*

*B. Adoption of the Wildfire Hazard Areas map implements the provisions of the Wildfire Hazard Mitigation Section of the Oregon Residential Specialty Code enforced pursuant to DCC 15.04.010(A).*

These materials are currently only used in regards to building codes, but could support the implementation of an overlay zone to provide a broader approach to regulating land uses. Below is a sample of code language from Jefferson County, CO, which enables a Wildfire Hazard Overlay Zone:

*This District is intended to promote the public health, safety and welfare of the citizens of Jefferson County, minimize the risk of loss of life and property in Wildfire Hazard Overlay Zone District; encourage and regulate prudent land use in the Wildfire Hazard Overlay Zone District so as not to increase the danger to the public health, safety and property; reduce the demands for public expenditures for relief and protection of structures and facilities permitted in the Wildfire Hazard Overlay Zone District; regulate buildings and structures so as to minimize the hazard to public health, safety, welfare, and to public or private property.*

See Attachment 4 for the full text of Jefferson County's Section 32: W-H Wildfire Hazard Overlay Zone.

## 18.36 Forest Use Zone F1 and 18.40 Forest Use Zone F2

### 18.36.040 Limitations on Conditional Use

**18.36.40(B)** *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

**Comment:** This section does not indicate how the increase in fire hazard, fire suppression costs, or risk to fire suppression personnel would be measured. We suggest the County consider including language stating the fire hazard risk would be determined by a wildland fire hazard assessment. Examples of this language and assessment can be found in NFPA 1144 Chapter 4 and the ICC International Wildland-Urban Interface Code Section 502. A sample of a Fire Hazard Severity Form can be found in the Attachment 5.

### 18.36.050 Standards for Single-Family Dwellings

This section contains standards for Single-Family Dwellings in Forest Use Zones.

#### **18.36.050(A)** *General Provisions*

**Comment:** To increase protection of life and property of single-family homes built in wildfire designated zones, we recommend the County include a provision for a Wildland Fire Hazard Mitigation Plan such as suggested in NFPA 1144 Chapter 4.3:

4.3.3: This plan shall include, but not limited to, the following:

- 1) Specific mitigation recommendations based on the hazard assessment to reduce the ignition potential around and including the structure
- 2) Construction modification or retrofit necessary to reduce the identified hazards as a minimum or to comply with the provisions in Chapter 5 (Building Design, Location, and Construction)
- 3) Fuel modification recommendations as specified in Chapter 6 (Fuel Modification Area)
- 4) A hazard mitigation implementation and maintenance schedule approved by the Authority having jurisdiction (AHJ).

**Comment on model ordinance:** The Wildland Fire Mitigation Plan would be preceded by a structure assessment as defined in Chapter 4 of NFPA 1144 that would assess the specific wildland fire hazards in the structure ignition zone.

Below is an example of code language with a Wildfire Mitigation Plan requirement in Boulder County, Colorado, Article 4-804.C.12:

*A Wildfire Mitigation Plan demonstrating the appropriate site location of structures, construction design and the use of ignition resistant building material, defensible space*

and fuel reduction around the structures, driveway access for emergency vehicles, and an emergency water supply for fire fighting.

### **18.36.070 Fire Siting Standards for Dwellings and Structures**

#### **18.36.070(C) Fire Siting Standards for Dwellings and Structures (also 18.40.70(C))**

*Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30% and containing flammable fuels. A single-family dwelling shall not be sited on a slope greater than 40%.*

**Comment:** Wildfires spread more rapidly on steep slopes. The Deschutes County Code currently allows single-family homes to be sited on slopes as high as 40%, which places structures and lives at risk. Hillsides with hazardous topographic characteristics can be desirable residential areas due to their pleasant views, which could imply greater development pressure. We recommend the County consider lowering the maximum slope grade to 25% (the maximum allowable slope indicated in 18.113.070 Destination Resorts Zone) in order to prevent residential development from siting on more hazardous topographies. Alternatively or additionally, a conditional use could be implemented to require greater defensible space for homes built on slopes greater than 25%.

#### **18.36.070(E) Structural Standards**

*1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.*

*2. If the dwelling or structure has a chimney, it shall have a spark arrester.*

**Comment:** See comment for 15.04.085 in regards to Class B roofing. We recommend the County consider specifically prohibiting shake roofing to prevent creating additional wildfire hazards.

### **18.36.080 Fire Safety Design Standards for Roads**

*The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under DCC 18.36.020 or approved under DCC 18.36.030.*

**Comment:** This section does not include language to address road identification signs or markers. Proper signage is important for emergency responders to quickly locate and identify a residence. We recommend the County consider including policies on road and address marking. The International Wildland-Urban Interface Code section 403.4 and 403.6 provide specific language addressing road and address marking:

Section 403.4 Marking of roads: Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

Section 403.6 Address Markers: All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

### **18.60.070 Limitations on Conditional Use**

*The following limitations shall apply to uses allowed by DCC 18.60.030:*

*A. The Planning Director or Hearings Body may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.*

*B. The Planning Director or Hearings Body may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion or pollution.*

**Comment:** The language used in this section is too vague to effectively inform wildfire mitigation requirements. Though the Planning Director or Hearings Body currently may prescribe limitations to development on a case-by-case basis, wildfire mitigation in the rural residential zone could be made more robust by including specific standards. An example of such standards can be found in Deschutes County Code Section 18.36.070 (Fire Siting Standards for Dwellings and Structures in Forest Use Zones) and 18.36.080 (Fire Safety Design Standards for Roads in Forest Use Zones). We recommend the County consider including specific wildfire mitigation requirements to augment the authority held by the Planning Director or Hearings Body to ensure clear interpretations code language.

### **18.113 Destination Resorts**

#### **18.113.060 Standards for Destination Resorts**

*The following standards shall govern consideration of destination resorts:*

**Comment:** As described in comment 2 of code review Section 17.16.030, The County may want to consider including a provision for Destination Resorts that requires areas at risk of wildfires to achieve specific NFPA 1141 and 1144 standards and/ or achieve FireWise recognition.

## 18.124 Site Plan Review and 19.76 Site Plan Review

These section concerns site plan review requirements.

**18.124.040(D)** *The site plan shall indicate the following:*

1. *Access to site from adjacent rights of way, streets and arterial.*
2. *Parking and circulation areas.*
3. *Location, dimensions (height and bulk) and design of buildings and signs.*
4. *Orientation of windows and doors.*
5. *Entrances and exits.*
6. *Private and shared outdoor recreation spaces.*
7. *Pedestrian circulation.*
8. *Public play areas.*
9. *Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.*
10. *Areas to be landscaped.*
11. *Exterior lighting.*
12. *Special provisions for disabled persons.*
13. *Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.*
14. *Signs.*
15. *Public improvements.*
16. *Drainfield locations.*
17. *Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.*
18. *Any required bicycle commuter facilities.*
19. *Other site elements and information which will assist in the evaluation of site development.*

**Comment (1):** Due to the frequency with which homes are being built in wildland areas of Deschutes County, requiring Wildfire Mitigation Plans may be a useful addition to the site plan review process. We recommend the County consider Including Wildfire Mitigation Plans as required contents for the site plan review process could minimize the loss of lives and property from wildfires. A sample Wildfire Mitigation Plan from Kane County, Utah is as follows:

*A site plan, showing the location and extent of structures and other improvements, the defensible space management zones around the structures, the driveway access for emergency vehicles, emergency water supply for fire fighting, and the locations of other specific natural and human created features; and 2) a narrative that describes in detail these same features.*

Another sample of code language from Boulder County Land Use Code Article 4-804.C.12

*A Wildfire Mitigation Plan demonstrating the appropriate site location of structures, construction design and the use of ignition resistant building material, defensible space*

and fuel reduction around the structures, driveway access for emergency vehicles, and an emergency water supply for fire fighting.

**Comment (2):** Deschutes County Code Section 19.76 Site Plan Review in the Bend Urban Growth Boundary differs from 18.124 mainly in its organization. A uniformed organization would make reading and comparing the two site review sections easier to follow.

## **ADDITIONAL INFORMATION**

The following programs are non-regulatory options that the County can implement to provide additional resources and information for wildfire protection to homeowners. An incentive program is also identified to encourage wildfire mitigation activities.

### **Wildland Home Risk Meter**

The Wildland Home Risk Meter provides a model for communities to identify their wildfire hazards risk in the urban interface by using a meter with multiple cardboard dials on a placard. The meter computes a wildfire hazard level using the following four steps:

1. Estimate the terrain slope around the home and line up the first dial.
2. Select the vegetation type rating from a given chart, and line up the rating on the second dial.
3. Select the roof material.
4. The wildfire risk meter then points to the danger rating from low to extreme.

### **Oregon Ready, Set, Go!**

Oregon Ready, Set, Go is an online wildfire assessment tool that provides awareness and educational materials to property owners in Klamath County. The website allows property owners to enter their home address and identify structural and vegetative information to calculate a wildfire risk score. Based on the score, information will be provided to help reduce the home's risk including building materials or outside landscaping. This is an educational tool for homeowners that can help protect their life and property as well as keep First Responders safe when fighting fires. To access the website visit: [www.oregonrsg.org](http://www.oregonrsg.org).

### **Incentive for Mitigation Activities: Ad Valorem Tax Exemption**

Some jurisdictions have implemented ordinances that increase insurance rates in areas with extremely high wildfire risk. The policy rationale for this differential is that policyholders in areas of lower risk should not be expected to subsidize the insurance rates of policyholders in areas of higher risk. These ordinances then offer reduced rate incentives to policyholders that comply with guidelines designed to mitigate property loss from wildfire.

Some jurisdictions offer a one-time ad valorem tax exemption to land owners in wildfire hazard overlay districts. An example of enabling language is as follows:



*[Deschutes County] shall grant a one-time ad valorem tax exemption to Landowners in the Overlay District. The exemption shall apply to all improvements to real property made by or for the purpose of wildfire mitigation and conducted in accordance with a Wildfire Mitigation Plan. The amount of the exemption shall be equal to the costs for improvements made by or for the use of wildfire mitigation and in accordance with the Wildfire Mitigation Plan. The exemption shall be assessed, one-time, against the Landowner's ad valorem tax for the following year.*

Comment: It should be noted, however, that the one-time assessment mentioned in this tax exemption may mislead property owners to believe that defensible space and wildfire mitigation are one-time activities.

## **ATTACHMENT I: RESOURCES**

### **Boulder County, CO Land Use Code**

Boulder County, CO faced several major wildfires in recent times, which destroyed hundreds of homes and acres of land. Wildfire mitigation measures were placed into land use code including the requirement for submission of a Wildland Mitigation Plan with a Site Plan application. Boulder County, CO experiences similar environmental conditions with Deschutes County including high summertime temperatures, seasonal high winds and increased human presence in development and recreational use. These conditions increase the risk for wildfire and need for mitigation measures such as a Wildfire Mitigation Plan.

### **City of Ashland, OR Land Use Code**

The City of Ashland established a series of development standards for preliminary plats and applications to partition land containing designated wildfire areas. The development standards trigger preparation for a “fire prevention and control plan” that is reviewed by the fire chief as part of the record of action. This is a model standard that identifies a clear wildfire mitigation plan to be implemented prior to the issuance of a building permit and maintained in perpetuity.

### **Jefferson County Wildfire Hazard Overlay Zone**

This zoning ordinance demonstrates several key elements that communities should include to safeguard against legal challenges in the implementation of an overlay zone: 1) A clear statement of the “intent and purpose” of the district. Note that the intent of the district is to “promote health, safety, and general welfare” and “to minimize the risk of loss of life and property in the Wildfire Hazard Overlay Zone District.” 2) A clear statement of applicability – property owners know if they are in or out of the hazard overlay district. 3) Performance standards that provide information to the property owner on what activities they can or must take to minimize risks of wildfire.

### **Planning for Natural Hazards: Wildfire Technical Resource Guide**

The Wildfire Technical Resource Guide provides information to help communities in Oregon plan for wildfire hazards. The guide is designed to help your local government address wildfire hazard issues through effective comprehensive plan inventories, policies, and implementing measures. This guide also contains numerous references and contacts for obtaining additional information about wildfire.

### **Wildfire Mitigation In Florida**

A publication from the Florida Department of Community Affairs and Florida Department of Agriculture and Consumer Services, Division of Forestry, based on recommendations contained in published literature and recommended by advisory and review teams. The guide is a manual for communities at risk of wildland fire. Although it was produced for Florida, many of its recommendations are broad in nature.

**ATTACHMENT 2: CITY OF ASHLAND FIRE PREVENTION AND CONTROL PLAN**

# ATTACHMENT 3: ICC WUI ACCESS REQUIREMENTS

**ATTACHMENT 4: JEFFERSON COUNTY, CO WILDFIRE HAZARD  
OVERLAY ZONE**

# ATTACHMENT 5: ICC FIRE HAZARD SEVERITY FORM



# Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

## MINUTES

DESCHUTES COUNTY PLANNING COMMISSION  
DESCHUTES SERVICES CENTER  
1300 NW WALL STREET, BEND, OREGON, 97701  
MARCH 12, 2015 – 5:30 P.M.

### I. CALL TO ORDER

Meeting was called to order at 5:30 p.m. by Chair Hugh Palcic. Members present were Vice Chair Ed Criss, Steve Swisher, James Powell, Susan Tunno and Chris Brown. Absent: Todd Turner. Staff present were Nick Lelack, CDD Director; Peter Gutowsky, Principal Planner; Matt Martin, Associate Planner; and Sher Buckner, Administrative Secretary.

### II. PUBLIC COMMENTS

None.

### III. PUBLIC HEARING: 247-15-000065-TA - Text Amendment to Deschutes County Zoning Ordinance (Title 18) to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with state law – Matt Martin, Associate Planner

Matt presented slides and a map regarding the text amendment, potential application procedures, and proposed areas for permitted dispensaries.

Jessica Jacks, Prevention Coordinator, and Julie Spackman, Community Project Coordinator, presented slides regarding the prevention of underage adult marijuana abuse. Commissioner Powell clarified that we are considering prescription-driven marijuana, not recreational marijuana. He wondered if there is data showing shifts in substance abuse when marijuana becomes available. Jessica and Julie said they would need to get more information. Commissioner Powell mentioned a lecture by a St. Charles pediatrician that is accessible on the St. Charles website. Jessica said they also look at perceptions, which may be changing.

Commissioner Powell asked if there is any change in the pattern of use when a dispensary comes in – how much remains with prescriptions, and how much is subverted into another part of the system? If there is not much diversion, maybe some of the concerns are not as cumbersome. Julie said they are concerned because they do see diversion. The numbers of people who were to be served with medical marijuana as it was first intended have far

been exceeded, and they do see it being used in unintended ways. Jessica said they receive data every two years, so they will get the next set in the spring of 2016.

Deek DeMars, Detective Sergeant with the Sheriff's Office, acknowledged that this is a difficult topic. Regarding farmlands and EFU, the Sheriff's Office is in full support. Regarding time constraints, they support restricting hours such as those for stand-alone pharmacies which often close at 5:00. Pharmacies in Safeway also close well before the stores do, for example. When places such as 7-11 are open late, they become a gathering point for all types of people including youth. When we look at the medical marijuana dispensary program, there are four State investigators who check on them. When an application is filled out, there is an opportunity to opt-out of being published, so there are more dispensaries than are shown online. In order to get the exact number, you need a court order, and law enforcement is also hindered from finding exact locations.

### **Public Comments**

Jim Petsche wanted to urge the Planning Commission to prohibit marijuana dispensaries within EFU Zones. They are incompatible with farm use and have no purpose in the EFU Zone. He showed a photo of a facility located near his property that has 150 plants inside, in Tumalo. He will be moving into his home in two weeks and the facility owner is blowing noxious fumes at his front door from June through October and making no effort to abate. Under current property regulations, this is legal. The neighbor owns two tax lots and has emailed Jim that he plans to add five or six additional structures to his operation. If not regulated, this will continue; Jim urges prohibition of this activity in EFU zones.

Michael Campion operates the facility next to Jim. He bought the property in 1989 and there is also a dairy next to him which he does not complain about. Jim built as close as he could to the property line.

Michael Hughes, a lawyer and farmer, testified that his grandfather grew hemp in Nebraska. He agrees with the Sheriff's Office regarding the time limits, especially since these facilities cannot get bank financing yet and usually deal only in cash. He is a capitalist and believes in industry and promoting business. The cannabis industry used to consist of only drug dealers, and it is important for the counties to take an active role in regulation. Drug dealers do not ask for identification; dispensaries do, and they try hard to avoid selling to minors.

The cannabis market already exists, we need to have regulations in place and we should embrace it as we do other industries. Regarding the EFU issue, it seems to be based on the notion that medical is based on non-profit. Originally, many dispensaries were set up as non-profit, but they can now be reimbursed for labor. Their margins are often razor-thin and it is hard to make a profit. The ordinance already calls for the allowance of farm stands, special provisions for wineries and ag tourism; Oregon allows out-of-state patients to register for medical marijuana. You will see people who want to operate out of a winery model.

We can be the next Napa Valley of the cannabis industry. Some counties will zone it out and ban it, which opens it to the black market and drug deals in parking lots. Colorado got \$770 million last year from marijuana revenue and got 9400 new jobs related to the industry. It will be a bigger industry than hay and alfalfa in this state. Measure 91 will send a message to potential businesses that want to locate in the County. Michael added that he has been studying cannabis and the law for over 20 years and will be glad to answer any questions.



Commissioner Powell said that one problem in particular with recreational marijuana is the advertising and packaging, and even the advertising used for medical marijuana. How do we supply medical marijuana without making it look like a candy store? Michael said the industry does a lot of self-regulating, and in the last year they have tried to work with the OHA to establish better packaging and stop ripping off trademarks. OLCC will have pretty tight reins on that as well. The medical cannabis patient has to be responsible for not leaving it where kids can get to it, the same as guns. The industry has to work with the regulators for child-proof packaging, etc. One study showed that in states that permit medical marijuana, overuse plummeted. Kids who get into their parents' cannabis aren't as bad off as kids who ingest Percocet. Commissioner Powell said he is concerned with the more potent products available nowadays and asked for suggestions for the County if it becomes a high-growth state – how can we mitigate these effects? Michael felt that scrubbers can reduce some of the odors like those in hog systems, but some people will still be against it. He handled cases in Michigan where people built residences next to hog farms and then tried to sue the farmers, which did not go very far.

Vice Chair Criss mentioned that you can't even go into a dispensary without a medical card. He felt distancing the dispensaries from schools is important. We need to ask ourselves what kind of access our rural community really needs. There are undeniable medical benefits from this. He heard there are 26 medicinal stores in Bend. The city cannot tolerate 200 of them. He wondered if the County is considering any ordinances regarding where marijuana can be grown, and Nick said not at this time. Both the County and OLCC receive complaints from time to time which have to be investigated.

Commissioner Swisher felt we need to narrow the timeframe as the Sheriff's Office indicated, and also make sure we have good distance from schools.

Commissioner Powell wondered about the size of the area if we include schools, day care centers, etc. as areas banned from dispensaries. Matt said the state standard is a 1000-foot buffer from public and private schools.

Commissioner Brown felt that dispensaries are like pharmacies. How many areas allow pharmacies? Matt said only the Town Zone in Sunriver mentions them, and right now no areas are zoned Town Centers. If a specific use is cited in the zoning ordinance, it is not allowed in other zones even if not cited specifically. Because pharmacies are listed in the Town Center Zone, they are not permitted in other districts; but an application for a text amendment could be submitted. Pharmacies in grocery stores are accessory uses to commercial operations. Nick and Commissioner Powell discussed pharmacies and uses in commercial zones.

**Motion:** Commissioner Brown motioned to close the oral and written testimony and proceed directly to deliberations. Seconded by Commissioner Swisher. **Motion passed.**

#### **Deliberations:**

Commissioner Brown said he was in favor of 10:00 to 7:00 for dispensary hours. Commissioners Tunno, Swisher and Vice Chair Criss agreed. Commissioner Powell said he was in favor of their closing even earlier than 7:00.

Vice Chair Criss felt that the stores should not be on EFU land. The other Commissioners agreed. Commissioner Swisher felt that distances to schools should be limited/expanded, as well as those to gathering places. This does place a tremendous burden on the departments to consider and enforce. Commissioner Brown agreed about distance to the schools, which we could make even bigger, as well as the distance from Boys & Girls Clubs. He felt that children in day care are not going to walk over to a dispensary; Commissioner Swisher felt that the parents do, and latchkey care may be an issue with other family members going to a store. Commissioner Powell wanted to clarify partial lot distances, and whether the 1000-foot distance includes the parking lot for the dispensary or just the store itself.

Chair Palcic and Matt discussed extending the limit to 1500 feet. Commissioner Tunno wondered if any OLCC guidelines for liquor stores would be helpful. Commissioner Powell mentioned storefront advertising limits, and Matt said the statute does contain some limitations.

**Motion:** Vice Chair Criss motioned to accept the hours of 10 a.m. to 7 p.m. for dispensaries. Seconded by Commissioner Brown.

**Discussion:** Commissioner Brown moved to add, in addition to schools, clubs or other organizations that are recognized gathering places for youth activities. Commissioner Powell felt we have limited ourselves by not allowing more written and oral testimony. How do we get that data? Should we recommend to the Board that more information be obtained? Commissioner Brown's motion was not seconded.

Commissioner Swisher wanted to make sure the context of this conversation is forwarded to the Board. **Motion passed.**

Matt said we will have an initial public hearing before the Board on April 26, with deliberations on April 29.

#### IV. **WORK SESSION: HB 2229 (continued), Big Look Bill** – Nick Lelack, Director, Peter Gutowsky, Planning Manager

Peter Gutowsky discussed a letter being drafted to Jim La Rue at the Land Conservation and Development Commission. Chair Palcic asked what rulemaking entails as well as discussing the six points outlined in the letter. Peter said he revisited the rule, and he felt there should be clarity on the six issues – does updating farm and forest lands include rural subdivisions, for example? How do you zone the new areas? What is carrying capacity? Are wildlife impacts defined? What are “significantly adverse effects”? Lack of clear terminology combined with contentious issues leads to litigation.

Commissioner Powell said he agreed with the letter we received from Paul Dewey – there were no errors in the designations at the time. If there is a way to clarify HB 2229 and the County can prompt the State to determine what does not apply here, that may be fine; but he does not want to go back and say there were errors made in the initial determinations. He feels 2229 is dead as an avenue, however. Commissioner Swisher agreed with many of Paul Dewey's points, too; but the State should be encouraged to finish legislative processes. If there are other remedies we can immediately take care of such as setbacks, which would solve an issue for many of our County constituents. He would like to

encourage the Board to send a letter to the State asking them to do their work and also work on some issues locally.

Peter said that we will be discussing our work plan at the next meeting, and a couple of these items will come up at that time. Nick said we would like to know if we should take the letter to the Board for their support, as we will probably not have a meeting on March 26.

Vice Chair Criss said he had talked to a couple of land attorneys about Mr. Anderson's letter, which sounded very disingenuous regarding selling off one-acre lots and then putting them back together later.

## **V. PLANNING COMMISSION & STAFF COMMENTS**

Commissioner Brown said that when he chaired the Comprehensive Plan Update, we got roped in many times about not putting identifiers into the language. We met that head-on tonight with the word "pharmacy." We can eliminate specificity by eliminating that word from County Code.

Nick said that we have our first Goal 11 Exception informational public meetings scheduled. The two dates are April 7 in Sunriver and April 30 in La Pine. The Board on Monday will approve an order ending testimony on TA-13-4 (Title 19 to allow piping in the SR 2.5 Zone). The public comment period closes March 20. They will make a decision on March 25. They will also make a decision on the historical designation on the same date.

We will not have a meeting on March 26. Next month, we will initiate the two recruitments for the Planning Commission – Commissioner Brown's and Commissioner Turner's positions.

We are in the process of going through extraordinary growth and filling five positions on our staff. There is a lot of activity in Salem right now. Next week, HB 3431 will be the subject of a hearing addressing Metolius transfer development opportunities.

We are working on our first comprehensive user fee study and a five-year plan for the department, as well as the work plan for the next fiscal year. We will send to you, either tomorrow or Monday, the Miller Tree Farm decisions.

The CAG has filed a Freedom of Information request for all emails from all agencies regarding Goal 11.

## **VI. ADJOURN**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sher Buckner  
Administrative Secretary

The video record of this meeting can be located at: <http://www.deschutes.org/cd/page/cdd-meeting-videos>



# Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925  
(541)388-6575 FAX (541)385-1764  
<http://www.co.deschutes.or.us/cdd/>

## MINUTES

DESCHUTES COUNTY PLANNING COMMISSION  
DESCHUTES SERVICES CENTER  
1300 NW WALL STREET, BEND, OREGON, 97701  
APRIL 9, 2015 – 5:30 P.M.

### I. CALL TO ORDER

Meeting was called to order at 5:30 p.m. by Chair Hugh Palcic. Members present were Vice Chair Ed Criss, Steve Swisher, James Powell, Susan Tunno and Chris Brown. Absent: Todd Turner. Staff present were Nick Lelack, CDD Director; Peter Gutowsky, Principal Planner; Peter Russell, Senior Transportation Planner; and Sher Buckner, Administrative Secretary.

### II. PUBLIC COMMENTS

None.

### III. PUBLIC HEARING: Planning Division Work Plan for Fiscal Year 2015-16 - Nick Lelack, Director, Peter Gutowsky, Planning Manager

Peter Gutowsky gave a PowerPoint presentation summarizing the work plan process.

Commissioner Brown asked for clarification on a request to initiate a Deschutes Junction master plan. Tony Aceti has applied (separately) to redesignate/rezone his property to a rural industrial zone, so we are already committed to doing a significant part of that work. Nick said that the application is for exclusive farm use (not Tony Aceti's), and we do need to know the final zoning for Tony's property before initiating a master plan.

Commissioner Powell asked if we have any information from ODOT about completing that interchange. Peter Russell said that ODOT is currently working on a plan for short-term improvements on 97, but not a frontage road. Right now that process is on hold while other intermediate processes occur. Traffic has always been the major issue for Tony Aceti's goals in the past, but things look better this time. Commissioner Powell and Peter Russell discussed Tony Aceti's access to his property under the overpass.

## Public Testimony

Kenna Snead requested that the County review the Tumalo Community Plan as is required every five years. She also requested that the County look at the scenic bike path which has been implemented to go through Tumalo. There is a crosswalk, but the signage is not leading the cyclists through the crosswalk. There are 2-300 bicyclists coming through Tumalo in the summer, and we need proper signage where they try and cross four lanes of traffic.

Nunzie Gould testified that she thought it was a good thing we are adding staff, since current staff is overloaded including Code Enforcement. There seems to be quite a range as to how much time is needed for work plan items. Some time needs to be given as to how to rank the projects and allocate staff realistically. We need to think about connectivity between Highway 97 and Highway 20. It is not easy to get to Highway 20. The off-ramp at Deschutes Junction takes you to Tumalo. The transportation and zoning systems need to be integrated and projects ranked with an understanding as to their complexity. The Redmond large-lot industrial concepts have been around for awhile, and there are other references to them in the work plan. Housing needs to be considered so people are not near a huge industrial center. Transportation planning also needs to be done to get people to and from work. If there is rezoning at Deschutes Junction for industry, we need to think about housing and a bus system.

She is glad to see sage-grouse and Oregon spotted frog listed among the projects, but we need to work on maps for winter deer and elk range. We are urbanizing into areas where we have wildlife and need to update our inventories from 1984 and 1992. We are a young community with substantial growth and need to do a better holistic job of incorporating things so we are not playing catch-up. Regarding agricultural lands, she feels that when you create these new programs, you need to review all of your lands. Taking "one off" approaches is not a good way to go. Also, when we go about creating examples of goal exceptions within our community, it is another piecemeal approach. In the case of South County, facilitating a sewage treatment plant, to allow areas outside the city limits to tie in, is an end-run around urban growth boundary development. La Pine's boundaries are new, and the water table issue has been there for a long time.

Nunzie also said we are trying to remove horses from Tumalo in the work plan. There is substantial residential land between the commercial area and the river that would not be included in this plan. Tumalo has been a horse mecca and we should not be trying to limit that. If it is to protect nearby groundwater, there are horses stabled near the river in other areas, as an example. The County should take a good look at what is actually achievable in the work plan.

Peter Gutowsky said staff recommends continuing the hearing until April 23 so the public has more time to participate. Commissioner Criss asked if we are considering five new positions across CDD, and Nick said yes, across all of the departments. Commissioner Criss asked how that affects the work plan. Nick said we had a long-range planner in the budget, but with the sustained and extraordinary needs in current planning, and the fact that we are under State-mandated timelines, that position was moved to current planning. We may need to consider adding staff in the next year. We are a fee-supported department, and many of the items in the work plan such as those with the City of Bend and the City of Redmond are processes that we cannot turn a blind eye toward, along with

items such as sage-grouse and Oregon spotted frog. We do not want to overstaff after what we went through with layoffs, so we are being conservative with the budget.

Nick said we are undertaking a natural hazards policy, which is a high priority with the Board. Peter Gutowsky said we did try and put a metric to the timeframe for these projects as indicated in the matrix. We try and give the information in the most accessible way possible. Commissioner Brown asked what it would take if we wanted to do everything in the work plan. Nick said if we undertook every project on the list, some of which would continue for more than a year, we could address the Haner Park setback for example. To do something like the Tumalo Community Plan, something else may have to come off the list. To take any project off is difficult, and some of the projects are the result of citizen input such as the Goal 11 project. Another one is initiating a text amendment prohibiting the issuance of land use and building permits if a property has a pending code violation or is in violation with conditions of approval from a prior land use decision. The Board wants to be proactive in regulating medical marijuana, as well. We need to keep projects such as those Nunzie suggested in the matrix. Peter Gutowsky added that review of Goal 5 policies is in the Comprehensive Plan, but we should not do this or tackle a wildlife inventory until the Bend Urban Growth Boundary is completed, and possibly the Urban Reserve, too.

**Motion:** Commissioner Swisher motioned to continue the hearing until April 23. Seconded by Commissioner Brown. **Motion passed.**

Commissioner Criss had to leave the meeting (6:30 p.m.)

#### **IV. WORK SESSION: Review of County Polices & Regulations Pertaining to Fires and Floods – Peter Russell, Senior Transportation Planner**

Peter Russell summarized the work with the University of Oregon on floods and fires, and with Will Groves of our staff. They will also be back on April 23 along with our County Forester.

Maureen Jackson and Brett Satterfield of the University of Oregon presented slides and discussed their work on the project, along with comments by Michael Howard and Bob Parker.

#### **V. OTHER ITEMS / COMMISSION AND STAFF COMMENTS**

Nick said that tomorrow we will initiate recruitment for the two new Planning Commissioners and run it through May 8, with appointments in early June.

Regarding the work plan, we really are trying to maximize our staff. We are working on an ordinance to make sure that regulations on medical marijuana and recreational marijuana are not tied together. The Board approved John Shepherd's private park application, which may or may not be appealed to LUBA.

Chair Palcic said we are looking for someone to sit in on the interviews for the two new Planning Commissioners, and please let him know of any interest. Commissioner Swisher offered to help with the interviews.

Peter Gutowsky discussed the draft Coordinated Population Forecast. Commissioner Brown and Peter Russell discussed the Transportation System Plan.

**VI. ADJOURN**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sher Buckner  
Administrative Secretary

The video record of this meeting can be located at: <http://www.deschutes.org/cd/page/cdd-meeting-videos>