AGENDA

Monday, January 27, 2020 – 4:00 to 6:30 pm
Barnes and Sawyer Meeting Rooms – 1300 NW Wall Street, Bend

4:00      Call to Order, review of meeting minutes (January 13)

4:05      Wildfire Safety Land Use Approach Follow-up

5:00      Cost Estimates for Potential Land Use Requirements

5:15      Break

5:30      Discussion on Proposed Land Use Approach(es) for Wildfire Safety Standards

6:30      Adjournment

**There are no additional WMAC meetings scheduled.**
MEMORANDUM

DATE: January 22, 2020
TO: Wildfire Mitigation Advisory Committee (WMAC)
FROM: Project Management Team
RE: January 27 Meeting Materials and Preparation

The two (2) objectives for the January 27 meeting are to:

1. Finalize a recommendation on potential land use standards specific to wildfire safety / mitigation; and

2. Discuss and comment on how the County might implement a land use approach to wildfire safety.

During the final meeting on January 27, staff will provide an overview of the WMAC-recommended land use approach(es) to mitigating wildfire risks, including a conceptual implementation program.

Agenda Items

I. Approval of Meeting Minutes

WMAC members will review minutes for the January 13, 2020 meeting (Attachment 1). Meeting minutes are posted to the project website (www.deschutes.org/wildfirecommittee) after they are approved by the committee.

II. Wildfire Safety Land Use Approach Follow-up

Defensible Space

The WMAC discussed the nuances of a potential defensible space regulation at length on January 13. The committee considered when to apply such a regulation, whether to apply to vacant lots, what the prescribed fuel breaks should be, and if driveways should have fuel breaks in addition to structures. The text below identifies the committee’s vote for each consideration.

- 9 – 1 in favor of applying defensible space standards to all new and existing structures. The committee supported the concept of an implementation grace period and recommended the County explore incentives and/or an outreach program.
- 10 – 0 in favor of applying defensible space standards to new structures.
• 8 – 2 in favor of applying defensible space requirements to vacant properties less than five (5) acres in size. Such a requirement would pertain to perimeter treatment since vacant lots do not have structures for a fuel break to be based around.
• 5 in favor – 3 unsure – 2 opposed to requiring defensible space to all vacant lots, regardless of lot size.
• There was unanimous support for mirroring the existing requirements in Deschutes County Code (DCC 8.21) pertaining to zone requirements (i.e., 30 ft. – high; 50 ft. – extreme; 100 ft. – high density extreme).
• 9 -1 in favor of applying a fuel break requirement to driveways greater than 150 feet in length.
• There was also unanimous support for recommending property owners use non-combustible fencing attachments to structures and strategically locate other combustible items such as firewood, building materials, furniture, etc.

Steep Slopes
The WMAC was asked if the County should require building setbacks from steep slopes and limit development on slopes in excess of a specific grade. Four (4) members supported such a standard throughout the County, three (3) opposed, and two (2) voted for such a standard to be advisory only. There was no support for requiring a steep slope ordinance only in the Wildfire Hazard Zone (WHZ) or the unprotected areas of the County. Specifics on the setback and grade limitation would be determined at a later date with feedback from the public and fire representatives.

Access
The WMAC was asked if the County should adopt access standards, such as requiring a specific surface(s) that is capable of supporting a minimum gross vehicle weight, minimum widths, maximum grade, road clearance, and turnaround options. Seven (7) committee members (unanimous) supported requiring wildfire-safety specific access requirements to new developments. Committee members were unanimous in not requiring access standards to existing developments, but did support the County encouraging such standards as best practices.

The WMAC asked staff to bring back more information on several standards. Although more information is provided below, staff decided to not proceed with the WMAC recommendations on the standards below because the Oregon Fire Code sufficiently covers these standards.

Water Supply
The Oregon Fire Code requires an approved water supply capable of supplying the required fire flow for all new structures. In areas with adequate and reliable water supplies, the Oregon Fire Code establishes the required fire flows and what types of water supply are approved. Unobstructed access to fire hydrants must be maintained at all times. In areas without adequate and reliable water systems, the Oregon Fire Code refers to National Fire Protection Association (NFPA) 1142 to determine fire flow requirements. NFPA 1142 calculates minimum water supplies (hazard exposure, sprinklers, automatic fire suppression systems, etc.), helps determine classification of occupancy hazard, and approved water supplies. The code also discusses alternative methods to meet fire flow requirements in areas without hydrants.
Signs / Property Addresses

The Oregon Fire Code requires all streets and roads to be identified with approved signs. The Oregon Residential Specialty Code requires all buildings to be provided with approved address identification to aid emergency responders in locating the site of the emergency. These codes have specific requirements for size, contrast, and location of the address identification. For example, numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from a public right-of-way, a monument, pole or other sign shall be used to identify the structure. Most fire districts have an address sign program where a property owner can purchase an approved sign for their property.

Gate Requirements

The Oregon Fire Code (D103.5) contains requirements for fire apparatus road gates, e.g., minimum gate width, manual operation by one person, and locking mechanism specifics. See below for more details.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with the following (abbreviated) criteria:

- The minimum gate width shall be 20 feet.
- Gates shall be of swinging or sliding type.
- Construction of gates shall be of materials that allow manual operation by one person.
- Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access.
- Locking device specifications shall be submitted for approval by the fire code official.

III. Cost Estimates for Potential Land Use Requirements

The WMAC encouraged consideration of the potential costs associated with the proposed standards. Staff was not able to find cost reports specific to each standard. Defensible space treatment cost varies widely based on density and type of vegetation, and whether or not work has been completed in the past and needs to be maintained or if no work has been completed for many years. New work in areas that have seen no recent treatment can range in cost from $600 - $3,000 an acre, $1,200 per acre would be an average cost for a forested area, $800 would be an average cost in a juniper sage steppe setting based on recent projects completed by the County in cooperation with private landowners. On properties that have previously been brought up to a defensible space standard and need to be maintained the cost of maintenance is estimated to be $125 - $200 per acre on an annual basis. Again this number could vary greatly depending on the specifics of the landscape being maintained. It should also be noted that some retrofits that may require extensive removal of existing landscaping such as flammable shrubbery may be much higher in cost. Committee members are encouraged to provide their own estimates/research on potential costs similar to the building codes process.
IV. Proposed Land Use Approach for Wildfire Safety Standards

The WMAC has recommended defensible space standards, steep slope setbacks, and access requirements to be enforced by the County. Each regulation would apply to different types of development. Thus, there needs to be a mechanism that is flexible, yet enforceable. Staff proposes the following land use approaches and will seek feedback from the committee during the upcoming meeting.

Wildfire Mitigation Plan

- Required for all new residences/subdivisions.
- Requires a site plan with vegetation identified.
- Asks a series of questions that lead property owner to understand and respond to requirements of defensible space, steep slopes, and access.
- A letter from a fire district or professional engineer may be required to verify access standards are met.
- Inspection(s) would be required prior to Certificate of Occupancy is issued.
- Would be processed as a ministerial review with a nominal fee.
- If there is an issue, e.g., proposed residence located on slopes greater than 40 percent, staff would work with property owner to resolve the problem. If the property owner wants to contest or divert from the standards, they could apply for an Administrative Determination that would be noticed to the public and, most importantly, the applicable fire district. A decision would be issued based on the provided information, alternative mitigation efforts, public/agency comments, etc.

Defensible Space Requirements for Existing Developments / Vacant Properties

- DCC 8.21 would expand to cover all existing developments, including vacant properties, and potentially moved to DCC Titles 18 – 21 to become land use regulations applicable to unincorporated Deschutes County.
- Staff expects existing structures would be given a two – three year grace period to comply with new requirements. During this time there would be public meetings, classes and other opportunities for property owners to learn about the requirements.
- Enforcement of requirements would be consistent with other County code enforcement. Components of code enforcement include: 1) the system is complaint based; and 2) gaining voluntary compliance is the goal (not punitive measures, such as fines, which are a last resort).
- It is impossible to predict what the enforcement workload may be due to the code enforcement system being complaint based.
- Staff is aware that grant funding may be available to assist owners who are unable to complete the work due to financial or physical limitation. It is difficult to predict the level of support these grants may be able to provide. Nonetheless, these grants would be sought out by staff to lessen the burden of the requirements.
V. **Summary and Next Steps**

The WMAC was charged with three objectives:

1. Recommend an updated Deschutes County Wildfire Hazard Zone / Map based on the Oregon Department of Forestry's (ODF) criteria in Oregon Administrative Rules (OAR) 629-044-0200 (weather, slope, fuel hazard, fuel distribution);

2. Review and recommend whether and how to apply R327.4 construction standards in areas under Deschutes County's building jurisdiction, which include the unincorporated County, and in the cities of Sisters and La Pine; and

3. Review and recommend whether and where to propose new land use regulations based on the University of Oregon's Community Service Center audit of Deschutes County Code, and other sources agreed to by the committee and project management team.

The first six (6) meetings of the committee focused on R327.4 and the ODF criteria for determining a WHZ. The committee made two recommendations pertaining to the WHZ during the November 18, 2019 meeting: six (6) members recommended the WHZ stay the same, i.e., the entire County; five (5) members recommended the WHZ be updated based on a landscape approach determined by Community Wildfire Protection Plan sub-regions. This meant several CWPP sub-regions would not be within the WHZ because their weighted-average hazard level score was below the prescribed threshold.

The WMAC split into two groups to determine where R327.4 should apply during the meeting on December 16, 2019. Six (6) committee members formed a group to consider where R327.4 should apply based on a WHZ that encompasses the entire County. This group determined R327.4 should be implemented to all existing and new lots, regardless of zone. Five (5) committee members participated in the group utilizing the WHZ based on CWPP sub-regions. This group determined R327.4 should apply to new lots and replacement dwellings in the Forest Use (F1 and F2) and Rural Residential (RR-10) zones.

The remaining three (3) meetings, including January 27, 2020, focused on potential land use standards. The WMAC was supportive of requiring defensible space, steep slope setbacks, and access requirements.

Staff will create WMAC final report that will provide an in-depth review of the committee's discussions and decisions. This will be shared with the committee in the coming weeks. The Board of County Commissioners and the public will be the intended audience of the report. Staff will inform when an anticipated discussion will take place with the Board.

**Attachments:**

1. Draft January 13, 2020 Meeting Minutes

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1 A third break-out group was offered to committee members, which would have focused on reasons why the County should not adopt R327.4. No members participated in this option.
DRAFT MINUTES

Monday, January 13, 2020 – 4:00 to 6:30 pm
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Call to Order

Director Lelack called the meeting to order. He gave a brief overview of the last meeting and went over the agenda for tonight's meeting.

Members Present:
- Brent Landels – Remax Realtor
- Brian Braddock – Farmers Insurance (Retired)
- Geoffrey Reynolds – Home Owner
- Jim Figurski – Landscape Architect
- Karna Gustafson – Central Oregon Builders Association
- Ken Kehmna – Redmond Fire and Rescue
- Martha Meeker – Homeowner
- Matt Van Coutren – Hayden Homes (left early)
- Tyler Neese – Central Oregon Realtors Association
- Roger Johnson, Sisters-Camp Sherman Fire District

Deschutes County Staff Present:
- Nick Lelack, Community Development Director
- Chris Gracia, Ast. Building Official
- Zechariah Heck, Associate Planner
- Ed Keith, County Forester
- Boone Zimmerman, Fire Adapted Communities Coordinator

Meeting Minutes (January 13, 2020)

Brian noted a change to the January 6, 2020 meeting minutes. A study referenced was dated 2016, but should be changed to 2015. Roger moved to approve the minutes with the above noted change. Seconded by Brian. The motion was unanimous.

General Comments

Ed introduced Boone Zimmerman, Fire Adapted Communities Coordinator. He said Boone is new to the position and is here to learn about the Committee. He said that tonight they would be discussing in more detail the Land Use Provisions that the Committee would like to recommend to the Board.
for implementation.

**Review of potential land use regulations and approaches**

The first question presented to the group was whether these regulations should be considered. Some of the discussion following that decision was about city requirements, county enforcement policies, and lot size. It was noted that city's would have to have their own land use regulations. The County’s enforcement policies with code complaints were discussed, whereby the County focuses on education and voluntary compliance. Ed clarified that the County's Hazardous Vegetative Fuels code, which is currently limited to unprotected lands, does not regulate defensible space on vacant lands greater than five acres in size.

There was a discussion on defensible space from house or property line. Staff explained the fuel breaks are informed by whether the property is developed with a structure(s) or vacant. The committee also quickly discussed if defensible space is more effective than fire hardening. Staff as well as the fire representatives on the committee explained that they are both important. A fire-hardened house could burn with or without defensible space. A traditionally built house faces the same fate, but more likelihood of burning without defensible space. The best practice is to have defensible space and a fire-hardened structure.

A majority of the group was in favor of considering defensible space requirements further.

The first item of discussion was whether to require defensible space for new structures and/or existing structures. The committee voted in favor of requiring such a standard to new and existing structures, with the understanding there would be a grace period for existing homes. The committee was also supportive of a robust education and outreach program during the grace period.

The committee also voted in favor of requiring defensible space on vacant properties (fuel breaks would be from property lines). Ed discussed the existing requirements found in DCC 8.21. Properties less than five acres in size must have a treated vegetation perimeter of 20 feet around property lines. However, if the property is adjacent to a County road, the treated vegetation buffer increases to 30 feet. Ed stated the goal is to contain a fire on the vacant lot. Several members of the committee shared concerns of larger vacant properties and agricultural uses. Concerns were resolved when it was shared that agricultural uses would typically have irrigation and thus would not be considered hazardous vegetation. Furthermore, the committee decided that even larger parcels have a responsibility to prevent fire escaping their property.
Break

After the break, the committee discussed steep slope, access, water supply, signs/property addresses, and gate requirements. Brent asked that cost estimates be provided for these standards. Staff said they would research cost estimates. When asked for a vote on whether the committee supported a steep slope regulation the committee voted: four in favor, three opposed, and two supportive of such a standard being advisory only. The committee unanimously (seven votes – Matt Van Coutran had to leave early) supported access requirements (requiring specific surface(s), minimum widths, max grade, road clearance, and turnarounds).

Staff discussed potential water supply, sign, and gate requirements. However, committee members wanted more information about what the specific standards are currently and what they could be. Staff stated they would provide more information during the next meeting.

Adjournment

Director Lelack adjourned the meeting, as there was no further business items for discussion.

**Last meeting:**
Monday, January 27, 2020 – 4:00 to 6:30 PM
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