Minutes

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

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

Nick Lelack called the meeting to order. Commissioner Henderson was in attendance and thanked the Committee for their time. Nick summarized the events and outcomes of the meeting on January 13th. He asked if there was a motion to approve the minutes.

Martha moved to approve the minutes. Seconded by Karna. Geoff provided some facts about the Paradise Fire. The fire took 85 lives, destroyed 18,000 homes and cost 16.5 million dollars. Commissioner Beeger abstained due to absence. All other members were in favor of approving the January 13 minutes.

Nick reminded the group this is the final meeting. He shared the Board of County Commissioners and the Planning Commission will have a joint meeting on February 13. The recommendations of the WMAC may be a topic on that agenda.

Members Present:
Brent Landels – Remax Realtor
Geoffrey Reynolds – Home Owner
Jim Figurski – Landscape Architect
Jim Beeger – Planning Commissioner
Jodie (Joe) Foran – Fuels Management (BLM Retired)
Karna Gustafson – Central Oregon Builders Association
Ken Kehmna – Redmond Fire and Rescue
Tyler Neese – Central Oregon Realtors Association
Roger Johnson, Sisters-Camp Sherman Fire District

Deschutes County Staff Present:
Nick Lelack, Community Development Director
Chris Gracia, Assistant Building Official
Zechariah Heck, Associate Planner
Ed Keith, County Forester
Tim Berg, Applications Systems Analyst III
Ines Curland, Applications Systems Analyst I
Ashley Williams, Administrative Assistant

Other Agency Staff:
Doug Green, Bend Fire Department
Wildfire Safety Land Use Approach Follow-up

Ed Keith summarized the Committee's discussion and recommendation on defensible space from January 13. He explained the Committee recommended that vacant lots would have a buffer area around the perimeter of the lot and buildings would have a perimeter around them. The committee also discussed that defensible space means a groomed forest, not a clear-cut area. Joe expressed concerns regarding the future maintenance of defensible space. Brent had concerns with the costs associated with this and the enforcement of it. A majority of the Committee agreed that it was best to move forward with the recommended defensible space requirements despite the concerns of maintenance and costs.

Zechariah provided a summary of the January 13th discussion regarding potential regulations on steep slopes and access. He also described that, while more information was provided in the meeting memo, staff would not be seeking a recommendation on additional requirements pertaining to gates, signage, water supply because the Oregon Fire Code sufficiently covers these areas. Doug reiterated what Zechariah mentioned by stating the Oregon Fire Code requires specific gate, signage, and water supply requirements.

Nick briefly brought up a State legislature bill that may require the County to require wildfire safety standards. He explained the importance of the WMACs discussions despite the proposed bill: it may help inform future discussions and/or help show the County's interest in mitigating wildfire threats to the community.

Cost Estimates for Potential Land Use Requirements

Ed provided a summary of the costs associated with defensible space. The information Ed cited was based on recent work completed on County-owned property. Labor associated with defensible space can range between $1,200 per acre and $125 per acre. The significant range of costs are based on whether treatment has been applied previously and the type of vegetation and geography of the subject area. Karna asked if prevailing wage was used in these estimates, and it was not. Brent said that the estimates he gathered included $150 for furnishing of equipment, $150 per hour of removal work, and $200 per hour for taking materials off site and disposing of them.

No information was shared regarding the other potential requirements. Matt pointed out that access is an initial need for construction so there shouldn't be much added costs to meet the proposed wildfire safety requirements for access. For example, the trucks that deliver lumber and pour cement need adequate access. There were some questions raised about what a fire situation looks like if there is not adequate access. Ken said that the situation becomes significantly more labor intensive and dangerous. Fire crews are required to move equipment by hand to the fire.
Sometimes whether a property has adequate access or not can inform whether resources are provided to fight the fire on such a property.

**Discussion on Proposed Land Use Approach(es) for Wildfire Safety Standards**

Zechariah shared several discussion items with the Committee regarding how the aforementioned land use standards might be implemented. He clarified the decided process would be determined after public input, recommendations by current planning and other County staff, and – ultimately – by the Board. Based on staff's understanding of the WMAC's recommendations to require defensible space, steep slope setbacks, and access requirements, a wildfire mitigation plan might be the best approach to accomplish compliance with the standards. The plan could be a checklist that is considered a ministerial review, which would not be appealable by a third party. Such a plan could require photos, a site plan, and answers to questions pertaining to the requirements. There was discussion about how to enforce the requirements. Staff explained an inspection could be required before certificate of occupancy. Furthermore, enforcement after a structure is built would come down to voluntary code enforcement.

Jim requested the term licensed professional be used instead of simply “professional”. Matt described that the existing County process for applying for a building permit / land use permit is straightforward and should be mirrored for any wildfire mitigation requirements. This seemed calmed some concerns about a costly and complicated process raised by other members of the group. Doug and Roger both shared that a process that provides basic education on wildfire safety, and ensures requirements are met for defensible space, steep slopes, and access, would satisfy their objectives as first responders. The committee also discussed the importance of sharing the information and creating opportunities to engage the community and discuss options to mitigate the threat of wildfire. There was a consensus to keep the program as simple as possible while still having affective regulations.

The group discussed what regulations could exist under defensible space for bark mulch, firewood and other hazards that are typically placed adjacent to a home. The committee suggested such concerns are considered in creation of a defensible space ordinance. Other topics considered were administration of the program, complaint processes, and potential funding mechanisms. It was determined that this level of detail would be considered after the Board decides, if they so choose, to take an action on the matter.

**Break**

Commissioner DeBone expressed appreciation for the committee members. He mentioned with the potential for the State to require wildfire standards, the members will likely be contacted during
the remainder of the decision making process.

Ed discussed how a defensible space ordinance may be implemented. He said that one possibility is mirroring DCC 8.21, which is now covers unprotected lands. He shared that staff understands the Committee's interest in a grace period of several years before requirements would be fully enforced. Ed and Nick described the County's existing enforcement program, and clarified that education and voluntary compliance is the goal – fines are issued as a last resort. When asked, Ken shared the Mandatory Fire Inspection Program, regulated by CalFire, that he was a part of in a former job. In California, fire departments inspect and enforce defensible space. The departments are funded through tax assessment on properties. Ed shared that it is impossible to predict what the workload of such program will be because enforcement would be based on complaints.

In conclusion of the meeting, Nick summarized the original objectives and stated the committee has met each one. Staff thanked the members for their service. Committee members expressed their appreciation for one another and their ability to come to compromise and mutual understanding.

Adjournment