



BOARD OF COMMISSIONERS

1300 NW Wall Street, Bend, Oregon
(541) 388-6570

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY February 12, 2025

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Senior Assistant County Counsel Kim Riley; and BOCC Executive Assistant Brenda Fritsvold.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal webpage www.deschutes.org/meetings.

CALL TO ORDER:

Chair DeBone called the meeting to order at 9:00 am.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Greg Bryant said a community plan for the Deschutes River Woods (DRW) area is long overdue, given DRW's size and growth over the last 30 years. Noting that changing this area's designation to an unincorporated community would clear a hurdle for the County to develop a community plan for it, he indicated that he will make this request of the Planning Commission at its meeting tomorrow evening.

Commissioner Chang asked if County Legal Counsel and CDD staff can look into changing this designation as requested.

- Emily B_____ (no last name given) said the Board's decision to disband the County's DEIA committee demonstrates indifference to many members of the community.

Adding that people such as herself who work in healthcare see the need for DEIA efforts, she said the Board's action appeared to be rushed and undermines trust in the civic process. She asked when residents can expect the County to address the disparities identified in the work of this committee.

Commissioner DeBone said the County is an Equal Employment Opportunity employer, and serves all. He spoke to the culture of the organization and said he wants everyone to work together.

Commissioner Adair agreed that many laws protecting equal rights have been in effect for decades. She believed the County cares about its employees and culture and that it offers a good place to work.

Commissioner Chang said while the Civil Rights Act and EEO have been in place for many years, the County's DEIA committee identified deficiencies in the way that services are extended to or accessible by all members of the community.

Commissioner DeBone suggested that the Board review a list of specific disparities at a future meeting.

With regard to the State's Wildfire Hazard Map, Commissioner Adair said her property has been designated as high risk along with that of many others. Noting that the insurance coverage limit of the Oregon FAIR plan is \$600,000, she said property owners are very concerned, especially as their homes are their main asset. Referring to the presence of many concerned citizens at today's Board meeting, she supported allowing them to speak to this matter.

Commissioner Chang said there is a tremendous amount of misunderstanding about what the Wildfire Hazard Map will do and will not do. Saying that he is focused on what will protect Deschutes County homeowners from losing their houses in a fire, he viewed efforts to try to make the Wildfire Hazard Map go away as a distraction from the work needed to protect homes.

Commissioner DeBone suggested amending today's meeting agenda to take item #13 before item #12. Commissioner Adair supported this change.

CONSENT AGENDA: Before the Board was Consideration of the Consent Agenda

1. Approval of Amendment #17 to intergovernmental agreement #180009 with the Oregon Health Authority for the funding of Public Health services
2. Approval of Document No. 2025-040, a Notice of Intent to Award a contract for the Negus Sand Shed project

3. Approval of Document No. 2025-020, a Notice of Intent to Award a contract for the Wilcox Ave Bridge #02171-03 & #02172-04 Removal project
4. Approval of Document No. 2025-036, a Notice of Intent to Award a contract for the Supply and Delivery of Asphalt Oil for Chip Seal 2025 operations
5. Approval of Document No. 2025-034, a Notice of Intent to Award a contract for the Supplying and Hauling of Crushed, Uncoated Rock for Chip Seal 2025 operations
6. Approval of Document No. 2025-038, a Notice of Intent to Award a contract for the Supply and Delivery of High Build High Performance Waterborne Traffic Line Paint
7. Approval of Board Order No. 2025-003 authorizing the Facilities Director and/or County Administrator approval and signature on budgeted costs for the Courthouse Expansion construction project
8. Consideration of Board Signature on letter reappointing Toni Williams, for service on the Deschutes County Planning Commission
9. Approval of the minutes of the January 31, 2025 Legislative Update meeting
10. Approval of the minutes of the January 22, 2025 BOCC meeting

Commissioner DeBone acknowledged the change from using coated rock to uncoated rock for chip seal work and said in the past, the County has collaborated with other jurisdictions to jointly purchase traffic line paint which may have been done as a cost-saving measure.

ADAIR: Move Board approval of Consent Agenda as presented
 CHANG: Second

VOTE: ADAIR: Yes
 CHANG: Yes
 DEBONE: Chair votes yes. Motion Carried

ACTION ITEMS:

11. Historic Preservation Certified Local Government Grant – Request to Apply

Tanya Saltzman, Senior Planner, explained that Historic Preservation grants are made available from the federal government as pass-through funds awarded by

the State. Saying that staff seeks authorization to apply for a grant of just under \$9,000, she noted most of these funds would be used to send members of the County's Historic Landmarks Commission to the Oregon Heritage Conference.

ADAIR: Move to authorize the application of a 2025-2026 Historic Preservation Certified Local Government grant

CHANG: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

13. Senate Bill 762 –Statewide Wildfire Hazard Map Information / Discussion

Commissioner DeBone suggested sending a letter to the Legislature and/or Governor on this subject, saying he met with Governor Kotek on Monday and she indicated her understanding that this needs to be addressed. He further spoke with Senator Jeff Golden about changing the map to designate the wildfire risk of broad areas instead of individual properties.

Commissioner Chang said while he did not necessarily support the Wildfire Hazard Map, he viewed trying to make it go away as unhelpful and a distraction to the work that needs to be done.

Commissioner Adair said many property owners have done what they need to do to create defensible space, yet the State says that does not matter in terms of the wildfire risk rating assigned to their property. She stressed that assigning a risk level to individual properties is detrimental to many property owners.

Kyle Collins, Associate Planner, provided an overview of SB 762, saying this legislation required the assignment of a wildfire hazard classification to every property which falls within the Wildland Urban Interface (WUI). Properties in a WUI which are assigned a high wildfire hazard classification are subject to certain requirements relating to structure hardening (e.g., materials, screening, and fencing).

In response to questions, Collins said R327 standards are already part of the Oregon Building Code—SB 762 expands where those standards apply.

Commissioner Chang said no retrofitting would be required of existing structures unless a redevelopment was sought.

Responding to questions, Collins said Deschutes County re-evaluated its local wildfire hazard map five years ago to determine if it needed updating. He noted that the County's map is not a property by property designation, but instead done on a region by region basis which took factors such as topography and vegetation in account.

Commissioner Adair added that the County had recognized areas having irrigation pivots, which the State failed to do with the result that the Wildfire Hazard Map designates some irrigated areas or areas with sprinkler systems as high risk.

Commissioner DeBone noted the County's conclusion that most of Deschutes County is at high risk for wildfire. Collins agreed that no area of the County is at low risk for fire, and most are at fairly high risk.

Commissioner Chang spoke to public education efforts to increase awareness about wildfire risk and what can be done to reduce it. Noting that much of the land in the County is owned by the federal government and the State, he stressed the need to focus efforts on promoting fuels reduction on public land.

Commissioner Chang referred to the work done by the Wildfire Mitigation Advisory Committee in 2019 and 2020 ([WMAC Final Report](#)), said the County cannot pretend there is less fire hazard than exists, and said because many properties not designated as high risk are in fact likely to be high risk, lowering the risk designation is not fair to those who are designated as high risk. Adding that any map which designates wildfire hazard risk is going to have boundaries between moderate hazard and high hazard areas, he said the most likely thing to catch someone's property on fire is their neighbor's property.

Kevin Moriarty, County Forester, spoke to current programs and initiatives such as Project Wildfire which disseminate information on what people can do to help protect their properties.

Commissioner DeBone said objections have been raised over properties being inconsistently rated, which leads to skepticism and distrust.

Commissioner Adair said people are worried about their homes and insurance and whether they can sell their property if it's rated as high hazard. Adding that she is hearing of many homeowner policy cancellations, she supported a regional approach instead of an individual property approach.

Commissioner Chang said the insurance industry has its own maps and models which it uses to consider extending coverage and premium costs. Adding that

coverage contractions and premium increases are primarily driven by events which incur large claims and losses, he agreed that property owners should be recognized for the work they do to reduce fuels and harden their homes.

Commissioner DeBone noted that the State offers a process for those who want to appeal the wildfire hazard designation of their property.

Commissioner Adair was concerned with how the Wildfire Hazard Map will affect the value of people's homes and noted that some homeowners have had insurance dropped or cannot get coverage.

Commissioner DeBone summarized that because the Wildfire Hazard Map is a Statewide map authorized by the Legislature, the Board does not have the authority to change it.

A break was announced at 10:12 am. The meeting resumed at 10:20 am.

The Board invited members of the audience to speak to this matter.

- Ceta Kelley asked that the County oppose Section 8 of SB 762 as other counties have done or may do. She objected that individual properties have been identified as high hazard while neighboring properties are not and said this proves that the map is in error and was not developed according to true hazard risk. Adding that the process to appeal is complicated and costly, she said the map will decrease property values and reduce the sales value of many homes.

Commissioner Chang reported that the majority of counties in the State have declined to protest the map.

- Keith Rockrow questioned the Wildfire Hazard Map's accuracy and said it does not provide any useful information that can help to successfully combat fires. Referring to his personal experience in professional firefighting and speaking to how fire behavior is predicted in the short term, he asked that the Board take a stand against Section 8 of SB 762 as Josephine, Douglas and Jackson counties have done.

Commissioner Chang said historical data is used to predict the probability of fire ignition at any site in the County at any point in time.

- Deborah Finck said while she did not disagree with SB 762 and concurred that property owners should take steps to protect their properties against fire, she took issue with the individual property level of the Wildfire Hazard Map as this

may make it difficult for property owners to obtain insurance at a reasonable cost, and could also negatively affect property values.

- Tracey Pope said the map is flawed as evidenced by the fact that some areas show as moderate, yet others show as high risk even though some of the former areas have already been affected by fires. Adding that the map's designations affect insurance coverage, she asked how appropriate actions to reduce fuels and protect private property against fire will be documented and accounted for.

Commissioner Chang said those who have properties designated as high risk will be prioritized for fuels reduction assistance if that's wanted. While he did not deny that people are experiencing premium increases or coverage contractions, he said that is not happening due to the State's Wildfire Hazard Map as insurance companies use their own proprietary models to make coverage and price decisions. He referred to a February, 2024 meeting of Project Wildfire where Andy Meeuwsen of Country Financial had addressed this:

<https://bit.ly/3DV1YyN>.

- Charlie Masson said while nine acres of his ten-acre parcel are irrigated, his property was designated as high risk but his neighbor's property was designated as moderate risk. He asked to see the raw data/layers used to produce the map to ascertain its veracity.
- Jayne Simmons supported repealing SB 762, including the Wildfire Hazard Map. Saying that no catastrophic wildfires happened in the '50s and '60s as have occurred the last five years, she said in 2020, all fires except one were arson. Adding that many property owners have limbed trees, installed metal roofs and otherwise hardened their homes against fire, she said logging would help protect against wildfires.

Commissioner Chang said SB 762 includes landscape resiliency funding, of which Deschutes County has received millions of dollars to reduce fuels on public land.

- Judy Trego relayed that she spoke with a low-income person in Sisters who said her insurance premium has increased so much she now worries about losing her home. Trego suggested that the County prohibit the use of any map produced by the State to determine insurance rates.

Commissioner Chang said anyone told by their insurance agent that coverage is being denied because of the Wildfire Hazard Map should report this to the State insurance commissioner.

- Greg Bryant said fuels reduction must be a group effort since a fire on a neighboring property can affect adjacent properties.
- Rich Harp objected that the map seems to target homeowners to take certain actions but does not address public lands. Saying that clear-cutting a half-mile around the city of La Pine would greatly reduce wildfire risk for many, he urged

working with the Forest Service to reduce fuels in areas that are not under private ownership. While he believed that insurance companies use their own data to set rates, he said anyone considering moving to La Pine or opening a business in La Pine would likely not do so because of the Wildfire Hazard Map.

Commissioner DeBone said Mid-State Electric Co. is doing fuels reduction work.

Commissioner Chang added that SB 762 places requirements on utility companies.

Commissioner Adair said Congressman Bruce Westerman and Congressman Cliff Bentz are working to address fuels reduction on federal land, adding that she has been asked to be a part of a group helping to address this at the federal level. She agreed that USFS should allow logging on BLM land.

- Jim Lanzarotta said while it makes sense to reduce fuels on private properties, the government should offer incentives rather than swing a big stick. He spoke to the potential for tremendous negative consequences of a flawed Wildfire Hazard Map.
- Mitch Elstun said he will appeal the designation of his property as high wildfire risk and asked where reports of burn ban violations can be submitted.

Commissioner Chang said most fires which damage property have escaped from burn piles.

- Jim Dunn requested that the Board oppose SB 762 and the map and said a flawed map diminishes the credibility of the State. Referring to photos of his property, he questioned why it was designated as high risk. He spoke to the large cost associated with some structure hardening materials such as cement siding and said higher residential densities could lead to more fires jumping from house to house.

Commissioner Adair said applying "Universal Fire Shield Fire Coat #100" every seven or so years can help protect structures against fire.

- Gary Moss explained his business manages over 500 acres along Highway 20, and although they are required to irrigate, they had to find higher-cost insurance after their coverage was lost. He said while it's easy for the State to tell the private landowner what it must do, the BLM owns a great deal of land in the County which is not well-managed.
- Wayne Schmotzer said the data used to develop the map must be improved and asked that the Board stand up for residents who are being hurt by the Wildfire Hazard Map.

- Cassy Larson recalled labor-intensive forestry in the 1970s, said logging is crucial, and was concerned that the Wildfire Hazard Map negatively affects property values.
- Mike Mitdall said while he agreed that reasonable fire standards must be met in terms of hardening private property, he asked that the County oppose SB 762 which amounts to an illegal overlay. Saying that one of the 72 properties in his subdivision is designated as moderate risk while all the others are high risk, he said the map doesn't make sense.
- Marla Gibson said sometimes fire departments respond to fires and do nothing because the fire is not large enough to make money. Adding that BLM firefighters will not go onto private property to fight a fire, she said local firefighters were not allowed to fight a fire at Smith Rock in 1996 because that property is owned by the State.

Commissioner Chang said while he is concerned about the way the Wildfire Hazard Map classifies one property as high risk but an adjacent property as moderate risk, he did not think the solution is to classify fewer properties as high risk. He stressed the need to focus on what helps to reduce fire risk and agreed that work is needed to do the same on federal public lands. He supported looking into how the boundary issues are addressed and was concerned to hear that the appeals process is expensive for some people.

Commissioner DeBone said the map should designate broad areas and not individual properties.

Commissioner Adair said the Wildfire Hazard Map ruins the economic value of people's property. Saying the County must send a message to the State, she read text from a draft resolution which would request that the Governor and Legislature delay implementation of the map to allow for integration with private and public insurance companies.

Commissioner DeBone stated his expectation that the State will take action on this matter.

Commissioner Chang shared his willingness to support changes in the appeal process.

Commissioner Adair concluded that the Wildfire Hazard Map is not needed.

See page 11 for continued Board discussion of this matter.

A lunch break was announced at 12:12 pm. The meeting resumed at 1:01 pm.

12. Public Hearing: Clear and Objective Housing Text Amendments Regarding Definitions, Dimensional Standards, and Accessory Uses

Kyle Collins, Associate Planner, said in 2017, the State adopted regulations which require that local governments utilize clear and objective standards, criteria, and procedures when processing applications for housing projects. In 2023, the State expanded this requirement to unincorporated communities, non-resource lands and areas zoned for rural residential use, effective July 1, 2025.

The public hearing was opened at 1:05 pm.

Collins provided an overview of what constitutes “clear and objective” and said the County has worked since 2023 to modify sections of its Code which were previously not in compliance with this mandate. Staff proposes various changes, including to some definitions to address terms which contain ambiguous or contradictory language. The Planning Commission held a public hearing on January 9th, after which it voted unanimously to recommend approval of the revisions as presented.

In response to Commissioner DeBone, Collins said many cities in Oregon have already made these kinds of changes to their Codes in compliance with the 2017 State mandate.

Commissioner DeBone asked to know what an appeal process would look like. Collins said staff would revisit the changes if unintended consequences result. Collins reminded that staff anticipates returning to the Board later this year with the second batch of proposed changes to align with the State’s requirement for these standards.

There being no one who wished to provide testimony, the public hearing was closed at 1:40 pm.

CHANG: Move to close the oral and written records and conduct deliberations at this time

ADAIR: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

Commissioner Adair asked about the change from using the term “single family dwelling” to “single unit dwelling.” Collins explained that federal law prohibits housing definitions from referencing familial relations.

In response to discussion, Collins said the ordinance is not yet ready to be finalized. The Board was in concurrence to direct staff to return in two weeks with a draft ordinance for consideration of first reading.

CHANG: Move to conclude deliberations on this matter and direct staff to prepare the appropriate documents for the Board's consideration

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

13. Continued discussion of Senate Bill 762 –Statewide Wildfire Hazard Map

Commissioner Adair supported sending a strong message to the State by urging that it permanently delay the implementation of the Wildfire Hazard Map.

Commissioner DeBone preferred that the map show broad areas rather than individual lots. He added that the State should extend the appeal period.

Commissioner Chang said both incentives and requirements are needed to ensure that property owners establish defensible space.

Commissioner Adair stated her agreement with a letter signed by Crook County and Jefferson County in September of 2024 on this subject and said SB 762 negatively affects property values.

Commissioner Chang agreed that it is unfair to place fuels reduction and home hardening requirements on property owners without offering assistance to accomplish this work. He spoke to the need to allocate funds to such assistance and encouraged the development of an appropriate and effective funding formula.

Noting that 78 Firewise communities are active in Deschutes County, Commissioner Adair said the wildfire hazard map does not help people who live here.

Commissioner Chang said the map would spur property owners to take protective steps against fire.

OTHER ITEMS:

- Emily Horton, Public Health Program Manager, sought authorization to testify in support of SB 837, which would allow a broader range of volunteer services and allow deployment of volunteers outside of declared emergencies. Horton said in the event of an emergency, the County would call on its Medical Reserve Corps members to possibly deploy outside of Oregon if needed. Authorization is also needed to allow volunteers to conduct health screenings when warranted.

In response to questions from Commissioners, Horton explained that ServOR is a Statewide volunteer pool database for deployments in various locations and for various reasons. The County would not pay for volunteers to be sent to other states. The County's Medical Reserve Corps currently has about 150 volunteers, most of whom are licensed.

CHANG: Move to support prioritization of this bill at Level 2 support,
and authorize Public Health staff to testify in support of it
ADAIR: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

- Jen Patterson, Strategic Initiatives Manager, spoke to a possible Congressionally-directed spending request from the County and other partners for \$1 million to supply furniture, equipment and fixtures for a proposed 15-bed child psychiatric facility in Redmond. Some funding commitments have already been made and other funds are being requested for the facility's construction and operations.

ADAIR: Move Board approval of submitting a Congressionally-directed
spending request for \$1 million to supply furniture, equipment
and fixtures for a 15-bed child psychiatric facility in Redmond
CHANG: Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

- Patterson relayed a request for a letter of support from the Terrebonne Sanitary District' for \$2,750,000 in Community Initiated Project funding. The

Commissioners asked that Wastewater Manager Todd Cleveland draft a letter of support for the Board's consideration.

- Commissioner DeBone announced a CORE3 team tour of similar facilities in Denver next week, saying he may miss the Board's joint meeting with the Sunriver Service District which is scheduled for February 19th.
- Commissioner Chang reported on the recent Wolf Depredation and Financial Compensation Committee meeting at which the committee recommended that the Board forward three applications from livestock producers regarding confirmed depredations in Crook County and involving requests for prevention work in Deschutes County (where these properties extend) to be forwarded to the State.
- Commissioner Chang reported on yesterday's SLED meeting, which he attended as an alternate.
- Commissioner Chang said after the Board agreed to designate HB 2024 as a priority 1 support, Commissioner Adair participated in an AOC Legislative Committee meeting where she voted that AOC oppose that bill. Saying this can be brought up during Friday's Legislative Update meeting to confirm the Board's position on this bill, Commissioner DeBone agreed that when the Board has taken a position on legislation, individual Commissioners who are serving as the representative of the Commission should support that position.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 2:23 pm.

DATED this 16th day of April 2025 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



RECORDING SECRETARY



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER