



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Kyle Collins, Senior Planner
Will Groves, Planning Manager

DATE: August 11, 2025

SUBJECT: Work Session: Text Amendments for Repeal of the State Wildfire Hazard Map

The Deschutes County Board of Commissioners (Board) will conduct a work session on August 11, 2025, to consider amendments to the Deschutes County Code (file no. 247-25-000425-TA). The amendments are intended to remove wildfire mitigation code standards for rural accessory dwelling units (ADUs) as originally governed by the State Wildfire Hazard Map (Hazard Map).

This work session is in preparation for a public hearing before the Board scheduled for August 13, 2025. Attached to this memorandum is a copy of Ordinance 2025-015, which contains both staff findings summarizing the changes and the proposed text amendments. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

All record materials can be found on the project website: bit.ly/0425TA

I. BACKGROUND

During the 2021 state legislative session, Senate Bill (SB) 762¹ was passed to help modernize and improve wildfire preparedness across Oregon. SB 762 was subsequently modified by the passage of SB 80² in 2023. These pieces of legislation were developed to address wildfire issues through three key strategies: creating fire-adapted communities, developing safe and effective responses, and increasing the resiliency of Oregon's landscapes.

One of the primary components of SBs 762 and 80 was the creation of a comprehensive Hazard Map to guide new wildfire regulations for development. Under SBs 762 and 80, once the Hazard Map was finalized, properties included in **both** a designated Wildland Urban

¹ <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

² <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

Interface (WUI) boundary and classified as high hazard would be subject to additional development regulations. SB 80 required that, at a minimum, local governments ensure that properties meeting both of these classifications would be subject to:

- 1) Home hardening building codes as described in section R327 of the Oregon Residential Specialty Code.
- 2) Defensible space standards as determined by the Oregon State Fire Marshal.

Additionally, SB 391³ was passed in 2021 which allowed local jurisdictions to adopt standards for rural ADUs pursuant to certain minimum state standards. Subsequently, SB 644⁴ was passed in 2023 and modified certain standards included within the state rural ADU program, including additional standards for wildfire hazard mitigation before and after final adoption of the Hazard Map.

However, due to public concern the state legislature repealed the Hazard Map and all associated requirements in June 2025 with the passage of SBs 83⁵ and 75⁶. Pursuant to SBs 83 and 75, text amendments are required to remove all local references to the Hazard Map.

II. OVERVIEW OF AMENDMENTS

The proposed text amendments remove all wildfire mitigation standards for rural ADUs, which were previously governed by the Hazard Map. These standards to be removed are as follows:

- Defensible space standards for rural ADUs, both before and after adoption of the Hazard Map
- Home hardening building codes as described in section R327 of the Oregon Residential Specialty Code, both before and after adoption of the Hazard Map

III. AGENCY AND PUBLIC COMMENTS

Notice of the Post-Acknowledgement Plan Amendment (PAPA) was submitted to the Department of Land Conservation and Development on July 1, 2025. One public comment has been received expressing support for the proposed amendments. No agency comments have been received.

³ <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0391/A-Engrossed>

⁴ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB644/Enrolled>

⁵ <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB83/Enrolled>

⁶ <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB75/Enrolled>

IV. PLANNING COMMISSION REVIEW

Staff presented the proposed amendments to the Deschutes County Planning Commission (Commission) at a work session on July 24, 2025⁷. The Commission broadly discussed the proposed amendments and acknowledged the necessity of changes to maintain compliance with state statute. Additionally, the Commission asked questions concerning the potential for local wildfire mitigation building standards as authorized by SB 83. Staff relayed that the Board has directed staff to begin a public process for evaluating new local wildfire mitigation standards over the coming months.

V. NEXT STEPS

The Board of County Commissioners will hold a public hearing on the proposed amendments on August 13, 2025.

Attachments

- Ordinance 2025-015: Findings and Amendments

⁷ <https://www.deschutes.org/bc-pc/page/planning-commission-71>