



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Kyle Collins, Senior Planner  
Will Groves, Planning Manager  
Nicole Mardell, Principal Planner

**DATE:** April 8, 2026

**SUBJECT:** Oregon State Fire Marshal & Model Defensible Space Code Discussion

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The Deschutes County Board of Commissioners (Board) will host Assistant Chief Deputy Chad Hawkins from the Oregon State Fire Marshal's (OSFM) office. Assistant Chief Deputy Hawkins will provide an overview of OSFM's model defensible space code that will be available for adoption by local jurisdictions following a rulemaking public hearing on April 27, 2026<sup>1</sup>. Staff notes that the specific language of the model code is subject to minor revisions until final adoption on April 29, 2026. A copy of the draft code is attached here for reference.

### I. BACKGROUND

During the 2021 state legislative session, Senate Bill (SB) 762<sup>2</sup> was passed to help modernize and improve wildfire preparedness across Oregon. SB 762 was subsequently modified by the passage of SB 80<sup>3</sup> 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 Statewide Wildfire Hazard Map (Hazard Map) to guide new wildfire regulations for residential development. Under SBs 762 and 80, once the Hazard Map was finalized, properties included in **both** a designated Wildland Urban 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:

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<sup>1</sup> <https://www.oregon.gov/osfm/about-us/Pages/Administrative-Rulemaking.aspx>

<sup>2</sup> <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

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

Due to public concern, the state legislature repealed the Hazard Map and all associated requirements in June 2025 with the passage of SB 83<sup>4</sup>. However, SB 83 allows the adoption of these same wildfire mitigation provisions by local jurisdictions as a permissive option for communities statewide, pursuant to parameters established by the relevant administering state agencies such as the Oregon State Fire Marshal and the Oregon Building Codes Division.

Following the passage of SB 83, Deschutes County undertook a process to locally adopt section R327 of the ORSC, culminating with the adoption of Ordinance 2026-002 on January 28<sup>th</sup>, 2026<sup>5</sup>. The new home hardening building code standards became formally effective for all new residential development on April 1, 2026.

Regarding defensible space standards, SB 83 requires the following of OSFM:

- In consultation with the Oregon Fire Code Advisory Board, the State Fire Marshal shall create and make available to local governments a model code for defensible space that:
  - Includes standards that are consistent with, and do not exceed, the standards in the 2024 International Wildland-Urban Interface Code (October 2024), published by the International Code Council, that pertain to defensible space, including the standards in sections 603 and 604 of the code; and
  - Results from a consideration of best practices specific to this state.

As noted above, OSFM is approaching the final adoption of the model code for defensible space, at which point it may be adopted by local governments.

## **II. OVERVIEW OF MODEL DEFENSIBLE SPACE CODE**

Importantly, the OSFM model code establishes minimum defensible space requirements, but does not prohibit jurisdictions from increasing local standards beyond the minimums outlined in the model code. Adoption of the model code by local governments is voluntary and must occur through each jurisdiction's applicable local or municipal legislative process. Education, enforcement, conflict resolution, and appeals related to an adopted defensible space code must be administered by the local jurisdiction.

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<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB83/Enrolled>

<sup>5</sup> [https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/deschutescounty/ordinances/documents/1775166943\\_2026-20-Ordinance%20No.%202026-002%20Recorded%20222026.pdf](https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/deschutescounty/ordinances/documents/1775166943_2026-20-Ordinance%20No.%202026-002%20Recorded%20222026.pdf)

The model code applies to buildings, structures, and other human development located within areas designated by the local authority as wildland-urban interface. Broadly, the model code covers the following characteristics and standards for defensible space:

- Separation distances between buildings, decks, and other human development from combustible materials.
- Modification and maintenance of various fuel types, including trees, shrubs, and other vegetation.
- General standards for maintenance of the code if adopted by a local jurisdiction

Chief Deputy Hawkins will provide a presentation to the Board on key elements of the OFSM model code and will be available for questions.

### **III. NEXT STEPS**

This item is intended to be informational. If requested, staff will return at a future date for additional direction from the Board concerning the model code, including a broader discussion of possible policy choices.

Additionally, staff notes that if the Board wishes to explore adoption of the model code, there are likely to be significant staffing, code enforcement, or administrative implications for the County. If directed by the Board, staff will later evaluate these administrative, fiscal, and enforcement implications of local adoption prior to any formal legislative process.

Attachments:

- 1) Draft Model Defensible Space Code from OSFM

# [Jurisdiction Name] Defensible Space Code

## **About this model code:**

*This code, and the provisions contained herein, must be adopted by local governments as required under ORS 476.392.*

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## **Section 101 General**

**101.1 Background.** In 2021, the Oregon Legislature enacted Senate Bill 762, establishing comprehensive wildfire initiatives intended to enhance wildfire response and to promote fire-adapted communities by establishing and educating about *defensible space* around homes. In 2023, Senate Bill 80 made legislative changes.

**101.2 Authority:** In 2025, the Oregon Legislature amended provisions of Senate Bill 762 and 80 through Senate Bill 83 to reflect local flexibility rather than statewide enforcement and directed the State Fire Marshal, pursuant to ORS 476.392, to develop a model *defensible space* code. Adoption of the model code by local governments is voluntary and must occur through each jurisdiction's applicable local or municipal legislative process. Education, enforcement, conflict resolution, and appeals related to an adopted *defensible space* code must be administered by the local jurisdiction.

**101.3 Best Practices.** Consistent with statute, *this code* incorporates Oregon-specific best practices for *defensible space*, including the non-combustible zone around structures.

**101.4 Scope.** *This code* applies to buildings, structures, and *other human development* located within areas designated by the local authority as *wildland-urban interface*. The local authority may amend *this code* to address local conditions, where consistent with ORS 476.392.

## **Section 201 Definitions**

**201.1 Scope.** Unless otherwise expressly stated, italicized words and terms shall, for the purposes of *this code*, have the meanings shown in this section.

**201.2 Terms not defined.** Terms not defined here shall have the meanings ascribed in the Oregon Fire Code, or the International Wildland Urban Interface Code, as applicable. All other terms shall have their ordinarily accepted meanings, as the context implies, according to Merriam Webster's Collegiate Dictionary, 11<sup>th</sup> edition.

## **202 Definitions.**

**CODE OFFICIAL.** The local government entity, such as the planning department, or city, county, or rural fire protection district, whose function includes regulating building use and occupancy or administering fire safety laws, ordinances, and regulations, including the provisions of *this code*.

**DEFENSIBLE SPACE.** As defined in ORS 476.392, a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.

**FIRE-RESISTIVE VEGETATION.** Plants contained in the “Fire-resistant Plants for Home Landscapes” (publication PNW 590), or plants with the characteristics compiled in Appendix F of *this code*.

**FIRE-RESISTIVE VEGETATION, NON.** Plants that do not meet the definition for *fire-resistive vegetation* that ignite readily, add to the intensity of a wildfire, and may increase its spread.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of vegetation or altering the vegetation type to reduce the fuel load.

**LADDER FUEL.** Branches, leaves, needles, and other combustible vegetation that may spread wildfire from lower-growing to higher-growing vegetation.

**OTHER HUMAN DEVELOPMENT.** Buildings and structures classified as Risk Category IV in accordance with the Oregon Structural Specialty Code, Table 1604.5.

**User note:** OSSC Table 1604.5 is not part of *this code* but paraphrased for the reader's convenience.

OSSC Table 1604.5 Risk Category IV includes buildings and structures designated as “essential facilities” where the loss of function represents a substantial hazard to occupants or users. It includes hospitals, correctional facilities, fire and police stations, emergency shelters, public utilities, toxic material storage, aircraft control facilities, national defense structures, and water storage and fire suppression facilities.

**RESPONSIBLE PARTY.** Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing vegetation on the property owned, leased, or controlled by said person.

**THIS CODE.** The [jurisdiction name] Defensible Space Code, legally adopted through a local process, shall be known hereafter as “*this code*”.

**WILDFIRE HAZARD.** A numerical value or local determination considering relevant conditions, describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation.

**WILDLAND.** Forestland, as defined in ORS 477.001, or an unimproved area that contains enough unmanaged vegetation, at any time of the year, to constitute a fire hazard, in the judgment of the forester, regardless of how the area is zoned or taxed.

**WILDLAND-URBAN INTERFACE.** A geographic area, as defined in ORS 477.015, in which there is a concentration of dwellings in an urban or suburban setting near *wildland*.

## **Section 301**

### **Defensible Space Requirements**

**301.1 General Requirements.** The *responsible party* shall establish and maintain a *defensible space* to reduce wildfire fuel loads and create a buffer zone for potential fire suppression operations around all

buildings, decks, and *other human development* in areas defined by the code official as a *wildfire hazard* in the *wildland-urban interface* in accordance with this section.

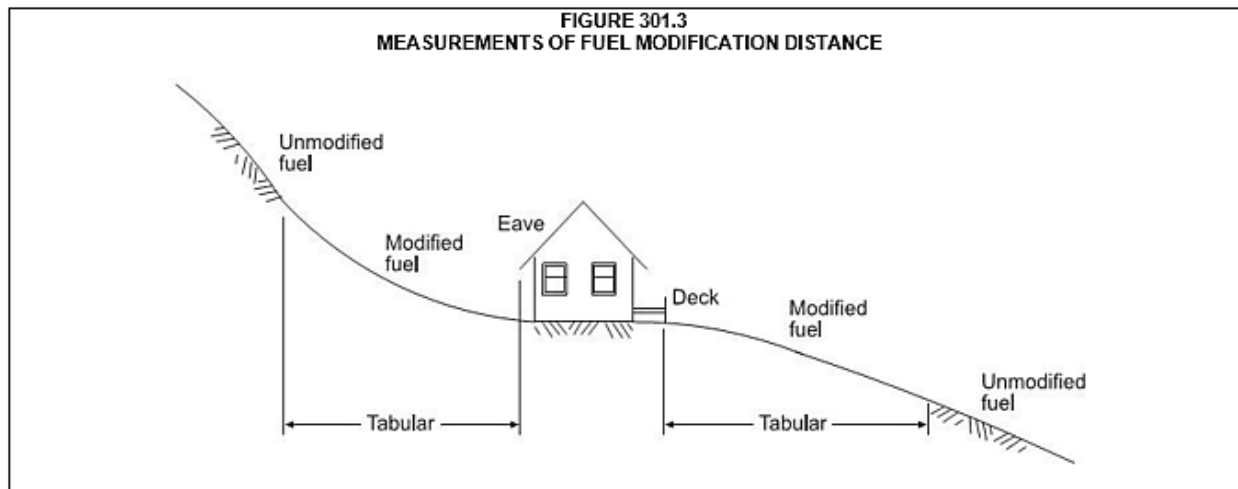
**301.2 5-foot noncombustible defensible space.** A noncombustible space not less than 5 feet in width shall be provided around buildings, decks, and *other human development*. The space shall be maintained to reduce the likelihood of fire spread and shall be free of combustible vegetation and accumulations of combustible materials, such as evergreen needles, leaves, firewood, lumber, bark mulch, or other combustible human-created fuels. Noncombustible materials (e.g. gravel, concrete, bare dirt) shall be permitted.

**User note:** The non-combustible zone shall be measured from the external wall or the farthest point on a deck or attachment.

**301.3 Defensible space distances.** Combustible fuels around buildings, decks, and *other human development* shall be modified to create a *defensible space* perimeter based on *wildfire hazard* levels determined by the local government. The levels are:

Wildland Urban Interface Area	Fuel Modification Distance (feet) <sup>a</sup>
Moderate Hazard	30
High Hazard	50
Extreme Hazard	100

- a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the Maintenance Plan in Section 401.1. Required distances for fuel modification shall only extend to the applicable property or lot line.



**301.4 Fuel Modification.** The following *fuel modifications* shall be established and maintained within the perimeters established in Section 301.3.

**301.4.1 Trees.** Well maintained existing trees are encouraged within the *defensible space*, provided that the horizontal distance between the crowns of adjacent trees and the crowns of trees and structures, overhead electrical facilities, or unmodified fuel is not less than 10 feet (3048 mm). Deadwood shall regularly be removed from trees.

**301.4.1.1 Trees greater than 18 feet tall.** Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal and vertical clearance of 10 feet (3048 mm). Tree crowns within the *defensible space* shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

**301.4.1.2 Trees 18 feet tall or less.** To preserve the health of established trees, no more than 18 (5486 mm) feet tall, lower limbs shall be removed to a height of 1/3 of the tree's total height.

**Exception:** Newly planted trees or immature trees.

**301.4.1.3 Chimney clearance.** Portions of tree crowns that extend to within 10 feet (3048 mm) of a chimney outlet shall be pruned to maintain a minimum horizontal and vertical clearance of 10 feet (3048 mm).

**301.4.2 Groundcover.** Deadwood and litter shall be regularly removed. Where ornamental vegetation or cultivated ground cover, such as green grass, succulents, or similar *fire-resistive vegetation*, are used as ground cover, they are allowed to be within the designated *defensible space* outside of the noncombustible zone in 301.2, provided they do not form a means of transmitting fire from the native growth to any structure.

## **Section 401 Maintenance of Defensible Space**

**401.1 General Maintenance.** The requirements of this section shall be maintained by the *responsible party* to provide a clear area for fire suppression operations.

**401.1.1 Trees.** Trees and tree crowns in the *defensible space* are to be maintained to the requirements in Sections 301.4.1 through 301.4.1.3.

**401.1.2 Deadwood removal.** Deadwood and *ladder fuel* shall be regularly removed from trees and vegetation and in accordance with 301.4.1.

**402.1 Inspection and Compliance.** The *code official* or designee may conduct periodic inspections to verify compliance with Sections 301 and 401.

**403.1 Maintenance Plan.** Property responsible parties meeting the local criteria for *wildland-urban interface*, as identified by the authority having jurisdiction, should have an articulable plan to maintain the zone in accordance with *this code*.

## Referenced Standards

***About this section:***

*There are many sources of information about wildland-urban interface fires. Included in this section are those codes and standards referenced in this code.*

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**ICC** International Code Council

**IWUIC – 24: International Wildland Urban Interface Code®**

603.1, 603.2, 603.2.1, 603.2.2, 603.2.3, 604.1, 604.2, 604.3, 604.4, 604.4.1, 604.4.2, Appendix F-1

**OSSC** Oregon Structural Specialty Code

**OSSC – 25: Oregon Structural Specialty Code**

Table 1604.5 – Risk Category IV

## Appendix F: Characteristics and Planting Principles of Fire-Resistive Vegetation

### **About this appendix:**

*This appendix provides general guidelines when evaluating the fire-resistant characteristics of various vegetative species.*

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All plants will burn under extreme fire weather conditions, such as drought. However, plants burn at different intensities and rates of consumption. Fire-resistive plants burn at relatively low intensity, with slow rates of spread and short flame lengths, due to their characteristics. The following are characteristics and planting principles of fire-resistive vegetation:

1. Characteristics:
  - a. Plants with growth with little or no accumulation of dead vegetation (either on the ground or standing upright).
  - b. Plants with low levels of resins, oils, and waxes (Nonresinous) plants, such as willow, poplar, or tulip trees.
  - c. Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).
  - d. Plants with woody stems and branches that can withstand prolonged heating before ignition.
  - e. Plants that are deeply rooted with an open growing pattern.
2. Planting or maintenance principles:
  - a. Tree stands without *ladder fuels* (plants without small, fine branches and limbs between ground and the canopy of overtopping shrubs and trees).
  - b. Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).
  - c. Irrigation is properly and consistently maintained.
  - d. Low volume of total vegetation by creating separation between *fire-resistive plants*.
  - e. Trees are regularly trimmed, limbed, irrigated, or maintained for disease. Any trees should appear healthy with no signs of disease or dead tops.

### **Bibliography**

The following resource material was used as a background reference for Oregon landscapes:

Fire-Resistant Plants for Home Landscapes (PNW 590) - <https://extension.oregonstate.edu/catalog/pnw-590-fire-resistant-plants-home-landscapes>

Pacific Northwest Extension, October 2023.