



FINDINGS

WILDFIRE HAZARD BUILDING CODES - TEXT AMENDMENTS

I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

II. **BACKGROUND:**

Pursuant to Senate Bill (SB) 83, Text Amendments to adopt section R327 of the Oregon Residential Specialty Code (ORSC) in unincorporated Deschutes County. Section R327 establishes fire hardening building requirements for new residential construction.

III. **BASIC FINDINGS:**

On June 26, 2025, the Oregon Legislature adopted SB 83¹. This Bill repeals the State Wildfire Hazard Map which was previously adopted and administered pursuant to SBs 762² and 80³. Additionally, SB 83 allows local jurisdictions to adopt fire hardening standards for new residential development as outlined in section R327 of the Oregon Residential Specialty Code (ORSC). The proposed text amendments would establish R327 building code standards for newly constructed dwelling units and their accessory structures, with exceptions and exemptions delineated within the ORSC.

As the proposed amendments are not located within the land use sections of the Deschutes County Code (CDD), notice to the Oregon Department of Land Conservation and Development is not required. As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code and the Deschutes County Comprehensive Plan.

IV. **FINDINGS:**

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

¹ <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB83>

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

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

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on December 11, 2025 and a public hearing was held before the Board of County Commissioners (Board) on January XX, 2026.

Section 22.12.020, Notice

Notice

A. Published Notice

1. ***Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
2. ***The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion is met as notice was published in *The Bulletin* newspaper on December 1, 2025 for the Commission public hearing and January XX, 2026 for the Board public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
 - 1. *The Planning Commission.***
 - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: This criterion is met as the Commission held a public hearing and reviewed the proposed amendments on December 11, 2025. The Board held a public hearing on January XX, 2026.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000703-TA will be implemented by ordinances upon approval and adoption by the Board.

V. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~strikethrough~~. Below are summary explanations of the proposed changes.

Title 15, Buildings and Construction:

Chapter 15.04. BUILDING AND CONSTRUCTION CODES AND REGULATIONS - (See Exhibit A)

Section 15.04.010. Specialty Codes and Building Requirements Adopted; Enforcement

The proposed changes add a new section of the Oregon Residential Specialty Code (ORSC) to implement wildfire mitigation building standards for new residential development.

Upon implementation, newly constructed dwellings and their accessory structures shall be protected against wildfire in accordance with the provisions of section R327 of the ORSC.

Notable exceptions to these standards are as follows:

1. Nonhabitable detached accessory structures with a floor area of not greater than 400 square feet located not less than 50 feet from all structures on the lot that contain habitable space.
2. Structures exempted by ORS 455.315 (Agricultural exempt buildings).
3. Detached accessory membrane-covered frame structures.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments and implement the R327 wildfire mitigation building code standards in unincorporated Deschutes County for new residential development.