



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Kyle Collins, Senior Planner
Will Groves, Planning Manager
Peter Gutowsky, Community Development Director

DATE: November 4, 2025

SUBJECT: Scope of Work Proposals: Senate Bill 83, Wildfire Building Codes, and Defensible Space Standards

Staff requests direction from the Board of County Commissioners (Board) regarding Senate Bill (SB) 83¹ and new wildfire mitigation development standards available to local jurisdictions per the legislation. This request follows direction from the Board during their July 23, 2025² meeting to create a scope of work (SOW) for evaluating new wildfire mitigation standards.

The following section outlines several possible public outreach and legislative processes which could guide the development, evaluation, and adoption of new wildfire mitigation text amendments to the Deschutes County Code (DCC). Depending on the alternative selected by the Board, staff anticipates that any public processes would begin Winter 2025-26.

For ease of implementation and differences in state adopted model codes, this legislative effort has been broken into two separate projects:

- 1) Fire hardening standards for new residential development as outlined in section R327 of the Oregon Residential Specialty Code (ORSC)
- 2) Forthcoming defensible spaces standards to be released by the Oregon State Fire Marshal

All SOW options discussed herein are specific to fire hardening building code standards for new residential development, as these standards are immediately available for local

¹ <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB83/Enrolled>

² <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-243>

adoption. Defensible space standards will be discussed in the coming months as state direction is refined.

I. Scope of Work Options

Staff has drafted multiple SOW options for the Board's consideration. As outlined in the tables below, these options are generally grouped according to the expected timeframe, with additional public outreach corresponding to a longer potential adoption process.

Option 1 - Standard Legislative Amendment Process		
Outreach	Number of Hearings	Expected Timeframe
Public hearings with Planning Commission (Commission) and Board*.	If reviewed as land use: One hearing before the Planning Commission and one hearing before the Board. If reviewed as building code: One hearing before the Board, with optional information session with the Planning Commission.	2-3 months, depending on individual hearing participation.

Pros

- **Fast:** allows for the expedited adoption of newly available fire mitigation building codes.
- **Standardized:** matches a majority of legislative efforts in Deschutes County.
- **Previous History:** Builds directly on previous wildfire mitigation efforts already undertaken by the County in 2019-2020, through the Wildfire Mitigation Advisory Committee (WMAC).

Cons

- **Less Upfront Education:** Reduced public outreach efforts may produce some confusion from community members.
- **Limited Public Comment:** Reduced opportunity to incorporate feedback from community members in drafting legislative concepts prior to formal hearings processes.

Option 2 – Expanded Public Hearing Process		
Outreach	Number of Hearings	Expected Timeframe
Multiple public hearings with the Commission and Board.	If reviewed as land use: Between 3-5 public hearings with the Planning Commission, potentially spread over multiple geographic areas of the County. If reviewed as building code: Between 3-5 public hearings before the Board, with optional information sessions with the Planning Commission as directed.	4-6 months, depending on individual hearing participation and number of hearings conducted.

Pros

- **Greater Upfront Education:** Expanded opportunities for formal public comment may produce a more robust legislative outcome.
- **More Public Engagement:** Additional opportunities for the Planning Commission to interface with the public in diverse regions of the County.
- **Previous History:** Builds directly on previous wildfire mitigation efforts already undertaken by the County in 2019-2020, through the WMAC.

Cons

- **Uncertain Outcome:** Additional public hearings are not guaranteed to result in a consensus outcome.
- **Delayed Implementation:** will likely result in additional unmitigated development.
- **Limited Staff Capacity:** Technical and capacity challenges from both staff and Commissioners in hosting multiple public hearings across various regions of the County.

Option 3 – Community Meeting and Public Hearing Process		
Outreach	Number of Hearings	Expected Timeframe
Several informal community outreach/education efforts spread over multiple geographic areas of the County. Informal outreach efforts followed by a standard public hearing process.	If reviewed as land use: One hearing before the Planning Commission and one hearing before the Board. If reviewed as building code: One hearing before the Board, with optional information session with the Planning Commission.	4-8 months, depending on individual hearing participation and number of informal public outreach.

Pros

- **Greater Upfront Education:** Expanded opportunities for public education may provide staff an opportunity to incorporate community perspectives in legislative frameworks prior to a formal hearing process.
- **Additional Expertise:** Staff may be able to invite subject matter experts such as the Oregon Department of Forestry (ODF) and various fire protection districts to help answer questions regarding possible legislative outcomes prior to a formal hearing process.
- **More Public Engagement:** Increased public involvement to help build community understanding and trust.

Cons

- **Uncertain Outcome:** Additional public education events are not guaranteed to result in a consensus outcome.
- **Delayed Implementation:** will likely result in additional unmitigated development.
- **Limited Capacity:** Technical and capacity challenges from both staff and subject matter experts in hosting multiple public education events across various regions on the County.

II. BACKGROUND

During the 2021 state legislative session, Senate Bill (SB) 762³ was passed to help modernize and improve wildfire preparedness across Oregon. SB 762 was subsequently modified by the passage of SB 80⁴ 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 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:

- 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.

However, due to public concern the state legislature repealed the Hazard Map and all associated requirements in June 2025 with the passage of SB 83. SB 83 also makes available new standards to local governments broadly similar to those originally controlled by the Hazard Map. However, SB 83 makes the following changes to any locally adopted wildfire mitigation standards:

- Limits the implementation of section R327 of the Oregon Residential Specialty Code (ORSC) to new dwellings and residential accessory structures over 400 square feet.
 - Under the newly modified section repairs or replacements of existing components (i.e. – roofs, siding, etc.) and additions to existing dwellings are not mandatorily subject to R327.
- Removes requirements for local government to identify specific geographic regions for implementing any adopted wildfire mitigation standards.
 - Previously, R327 building code standards and associated mitigation requirements were required to be implemented through the establish of a locally adopted “Wildfire Hazard Map.” This requirement has been removed and jurisdictions have been granted broad latitude to determine where to implement any locally adopted standards.

At the local level, Deschutes County previously went through an exercise in 2019-2020 with the collaborative Wildfire Mitigation Advisory Committee (WMAC) to determine if changes were warranted to the Deschutes County Wildfire Hazard Zone and whether additional

³ <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB762/Enrolled>

⁴ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/SB80/Enrolled>

mitigation standards should be considered for new development. That process ultimately concluded with a report summarizing recommendations from the WMAC⁵ as well as an outreach report gauging public interest in new wildfire mitigation standards⁶. Ultimately, the Board decided the Deschutes County Wildfire Hazard Zone should remain unchanged. Prior to continued discussions regarding new wildfire mitigation standards, SB 762 was passed and largely removed local discretion on new mitigation standards until present.

III. KEY ISSUES

Outside of selecting a specific SOW, the Board should be aware of several key issues that will ultimately need to be considered through any public process. The Board does not need to make decisions on these issues at present, but they are provided for informational purposes:

Pending State Level Actions

Prior to implementation of any new wildfire mitigation standards at the local level, rule making and associated actions must be undertaken by state agencies including the State Building Codes Division (BCD) and the Oregon State Fire Marshal.

As of August 5, 2025, temporary rules have been adopted by BCD which modified section R327 of the ORSC⁷. BCD anticipates making these rules permanent effective January 1, 2026. In the interim period, the temporary rules still allow local jurisdictions to adopt R327 Building Code standards.

Standards for defensible space have not yet been developed by the Oregon State Fire Marshal, but it is staff's understanding that a model defensible code will be released by the end of 2025. This code will be modeled on the 2024 International Wildland Urban Interface Code, and will likely include a set of minimum standards, with the option for additional stringency at the local level if desired. Staff will provide updates as more information is available.

Wooden Shake Roofs

It appears that the County's 2001 prohibition on wooden shake roofs has been rescinded. The Deschutes County Code (DCC), currently prohibits the construction of wooden shake roofs, whether in new construction or repairs/replacements, through tailored

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https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/2020-04-17_wmac_final_report_complete.pdf

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https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/wildfire_mitigation_outreach_summary_report.pdf

⁷ <https://www.oregon.gov/bcd/laws-rules/Documents/20250805-orsc-amend-r327-tr.pdf>

⁸ <https://www.oregon.gov/bcd/codes-stand/Documents/23orsc-r327-amend.pdf>

implementation of R327 of the ORSC⁹. However, SB 83 has modified the R327 section in the following ways:

- 1) If adopted locally, R327 must be adopted **in whole** and cannot be adopted in a partial manner
- 2) R327 can now only be mandated for the construction of **new dwellings and certain accessory structures**

Given these changes, it appears that the Board cannot maintain the previous prohibition on wooden shake roofs without incorporating the other portions of R327. Additionally, it appears that regardless of decisions from the Board, the County can no longer require existing wooden shake roofs to come into compliance with R327 standards when property owners seek a roof replacement or major repair on existing dwellings.

Implementation Areas

Previously, section R327 required the adoption of a local Wildfire Hazard Zone for implementation of any state level wildfire mitigation standards. Adopted Wildfire Hazard Zones which administered these standards were mandated to incorporate certain geographic, climate, and vegetation features. Additionally, Deschutes County has maintained a locally adopted Wildfire Hazard Zone since 2001¹⁰. The County Wildfire Hazard Zone covers all areas of unincorporated Deschutes County.

SB 83 removes the specific requirement for locally adopted Wildfire Hazard Zones to implement any R327 building code standards or newly developed defensible space standards. SB 83 provides broad latitude to local governments on where new mitigation rules are implemented and may be based on a wide variety of possible attributes.

If the Board ultimately determines that new mitigation standards are warranted, a key decision point will be the geographic scope where standards would apply. Should the Board elect to target mitigation standards to specific geographic areas, then any proposed amendments will need to be evaluated under a land use process, which has distinct procedural requirements that must be addressed. Should R327 building code standards be adopted across all areas on the County equally, then the legislative process no longer needs to follow land use procedures.

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[https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=15.04.085_Wildfire Hazard Zones](https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=15.04.085_Wildfire_Hazard_Zones)

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https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/17911/ordinance_2001-024.pdf

IV. NEXT STEPS

Per the Board's direction, staff will begin scheduling all required public hearings, informational sessions, or public outreach events necessary to evaluate new wildfire mitigation building code standards.

Attachments:

1. 2025 Estimate Report for Wildfire-Resistant Homes Construction Costs – Headwaters Economics