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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Title 15, Buildings and Construction, to Adopt Discretionary Wildfire Mitigation Residential Building Code Standards Pursuant to Senate Bill 83.	* * * * *	ORDINANCE NO. 2026-002

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-25-000703-TA) to the Deschutes County Code ("DCC"), Chapter 15.04 – Building and Construction Codes and Regulations; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on December 11, 2025 and forwarded to the Deschutes County Board of County Commissioners ("Board") a 5-0 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on January 14, 2026 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 15; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDING. Deschutes County Code Chapter 15.04, Building and Construction Codes and Regulations, is amended to read as described in Exhibit "A", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. FINDINGS. The Board adopts as its findings Exhibit "B", attached and incorporated by reference herein.

Section 3. EMERGENCY. This Ordinance being necessary for the public peace, health, and safety, an emergency is declared to exist, and this Ordinance becomes effective April 1, 2026.

Dated this 28th of Jan., 2026

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PHILIP CHANG, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR, Commissioner

Date of 1st Reading: 14th day of Jan., 2026.

Date of 2nd Reading: 28th day of Jan., 2026.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Philip Chang	X			
Anthony DeBone	X			
Patti Adair	X			

Effective date: 1st day of April, 2026.

CHAPTER 15.04 BUILDING AND CONSTRUCTION CODES AND REGULATIONS

15.04.010 Specialty Codes And Building Requirements Adopted; Enforcement

15.04.010 Specialty Codes And Building Requirements Adopted; Enforcement

In the areas under the jurisdiction of the County, the County shall administer and enforce pursuant to ORS 455.153, the following specialty codes and building requirements as though the specific specialty codes and building requirements were ordinances of the County:

A. The specialty codes under ORS 447 (Plumbing; Access by Disabled Persons), 455 (Building Code) and ORS 479.510 to 479.945 (Electrical Safety Law).

1. Oregon Residential Specialty Code Section R327- Wildfire Hazard Mitigation shall apply to all of unincorporated Deschutes County and in the municipalities where their Councils have adopted Section R327 into their municipal code.

B. Mobile or manufactured dwelling parks requirements adopted under ORS 446.062.

C. Temporary parks requirements adopted under ORS 446.105.

D. Manufactured dwelling installation, support and tiedown requirements adopted under ORS 446.230.

E. Park and camp requirements adopted under ORS 455.680.

HISTORY
Adopted by Ord. 96-055 §2 on 7/10/1996
Amended by Ord. 2011-022 §2 on 7/27/2011

Amended by Ord. 2026-002 §1 on 04/01/2026

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 83[1]. This Bill repeals the State Wildfire Hazard Map which was previously adopted and administered pursuant to SBs 762[2] and 80[3]. 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 14, 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 December 26, 2025 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 14, 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.

BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 28, 2026

SUBJECT: Consideration of second reading and adoption by emergency of Ordinance No. 2026-002: Text Amendments for Wildfire Mitigation Building Codes

RECOMMENDED MOTIONS:

1. Move approval of second reading of Ordinance No. 2026-002 by title only.
2. Move adoption of Ordinance No. 2026-002 by emergency, with an effective date of April 1, 2026.

BACKGROUND AND POLICY IMPLICATIONS:

On January 28, 2026, staff will present Ordinance No. 2026-002 to the Board of County Commissioners (Board) for consideration of second reading and adoption by emergency to take effect sooner than 90 days.

The Board conducted a public hearing on January 14, 2026, to consider adopting discretionary wildfire mitigation residential building code standards that have recently been made available to local jurisdictions (File no. 247-25-000703-TA). Following the public hearing, the Board conducted first reading of the ordinance.

BUDGET IMPACTS:

None

ATTENDANCE:

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

MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: January 20, 2026

SUBJECT: Consideration of Second Reading: Text Amendments for Wildfire Mitigation Building Codes

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On January 28, 2026, staff will present Ordinance No. 2026-002 to the Board of County Commissioners (Board) for consideration of second reading. The Board conducted a public hearing on January 14, 2026[1], to consider adopting discretionary wildfire mitigation residential building code standards that have recently been made available to local jurisdictions (File no. 247-25-000703-TA). On January 14, 2026, the Board voted to adopt the proposed package presented by staff and conducted first reading of the ordinance.

An initial public hearing was held before the Planning Commission on December 11, 2025[2]. No testimony was received, and the Commission voted unanimously to recommend approval of the amendments.

All record materials can be found on the project website: https://bit.ly/0703TA

I. AMENDMENT SUMMARY

The proposed text amendments would institute Section R327 of the ORSC in Deschutes County for all new residential development, including certain residential accessory structures. Multi-unit dwellings, such as apartment complexes, are unaffected by the proposed amendments, and these developments are not subject to the ORSC. The Section R327 standards do not allow for piecemeal adoption, and all standards must be adopted in whole if building officials wish to mandate any portion within their jurisdictions.

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[1] https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-276
[2] https://www.deschutes.org/bc-pc/page/planning-commission-73

As currently proposed, the amendments are limited to Deschutes County Code Title 15[3], which captures general building safety and construction standards. As such, the proposed amendments are not subject to the more standard Post-Acknowledgement Plan Amendment (PAPA) process for land use amendments, which requires noticing to the Department of Land Conservation and Development (DLCD) and addressing the applicable Oregon Statewide Planning Goals.

Section R327 broadly covers the following structural components of these developments to minimize the risk of wildfire ignition:

- **Roofing:** In accordance with specific building code standards, roofing shall be asphalt shingles, slate shingles, metal roofing, tile, clay or concrete shingles, or other approved roofing that is deemed to be equivalent to a minimum Class B-rated roof assembly. Wood shingle and shake roofs are not permitted on structures.

- **Exterior walls**: Exterior wall covering or wall assembly shall comply with one of the following requirements:
    - Noncombustible material.
    - Ignition-resistant material.
    - Heavy timber assembly.
    - Log wall construction assembly.
    - Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact exposure test.

- **Glazing:** Exterior windows, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire-resistance rating of not less than 20 minutes.

- **Ventilation:** All ventilation openings shall be covered with noncombustible corrosion-resistant metal wire mesh, vents designed to resist the intrusion of burning embers and flame, or other approved materials or devices. Ventilation mesh and screening shall be a minimum of 1/16-inch and a maximum of 1/8-inch in any dimension.

- **Gutters and Downspouts:** Where provided, gutters and downspouts shall be constructed of noncombustible materials and be provided with an approved means to prevent accumulation of leaves and debris in the gutter.

- **Eaves, Soffits, and Cornices**: Ventilation openings shall not be installed on the underside of eaves, soffits, or cornices.

The list above is not exhaustive, but covers the major components of home construction that would be affected by the proposed amendments.

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3 https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=TITLE_15_BUILDINGS_AND_CONSTRUCTION

Major exceptions to the Section R327 standards include the following:

- 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.

- Structures exempted by ORS 455.315 (i.e. – agriculturally exempt structures).

- Detached accessory membrane-covered frame structures.

Section R327 also previously contained several provisions which were modified by SB 83 in the following ways:

- 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, Section R327 and associated mitigation requirements were required to be implemented through the establishment 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.

II. NEXT STEPS

To align with annual updates to the Oregon State Building Code, staff proposes that the Board adopt the ordinance by emergency with an effective date of April 1, 2026.

Attachments:

- Ordinance No. 2026-002 and Corresponding Exhibits