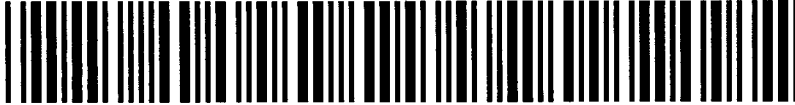


VOL: CJ2001 PAGE: 479
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*CJ2001-479 * Vol-Page

Printed: 06/29/2001 13:45:54

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:


DATE AND TIME: Jun. 7, 2001; 2:40 p.m.

DOCUMENT TYPE: Ordinance (CJ)

NUMBER OF PAGES: 12

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

KEYPUNCHED 
JUN 15 2001

DL
Code Review Committee

CS 2001-479

LC
Legal Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

01 JUN -7 PH 2:40

An Ordinance Amending Title 15, Buildings *
And Construction Codes and Regulations, *
Of the Deschutes County Code. *

MARY SUE FENNELLOW
COUNTY CLERK

ORDINANCE NO. 2001-024

WHEREAS, a statute enacted by the 1993 Legislature and changes to Oregon's Building Code encourage local governments to voluntarily designate those portions of their jurisdictions subject to catastrophic fire as "Wildfire Hazard Zones;" and

WHEREAS, the purpose of these zones is to define those areas where buildings need to be made more survivable from fires spreading from surrounding wild lands; and

WHEREAS, Deschutes County has prepared a map in accordance with the mapping criteria contained in Oregon Administrative Rule Chapter 629, Division 44; and

WHEREAS, adoption of the map will implement Section 326 of the 1998 International One-and Two-Family Dwelling Code, and the provisions of Oregon Revised Statutes 93.270(4); and

WHEREAS, after notice was given and a hearing conducted on May 23, 2001, in accordance with applicable law, the Deschutes County Board of Commissioners has considered the map and the testimony given at the hearing; now, therefore,

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

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

Section 2. ADOPTION OF WILDFIRE HAZARD AREAS MAP. A certain map, a copy of which is attached as Exhibit "B" and is on file with the County Clerk, marked and entitled, Deschutes County Wildfire Hazard Areas, is hereby adopted consistent with OAR Chapter 629, Division 44.

DATED this 6th day of June, 2001.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON

Tom DeWolf
Tom DeWolf, Chair

Dennis R. Luke
Dennis R. Luke, Commissioner

Michael M. Daly
Michael M. Daly, Commissioner

ATTEST:

Bonnie Baker
Recording Secretary

EXHIBIT "A"

Chapter 15.04. BUILDING AND CONSTRUCTION CODES AND REGULATIONS

15.04.010. Specialty codes and building requirements adopted-Enforcement.

15.04.020. Repealed.

15.04.030. Repealed.

15.04.035. Repealed.

15.04.037. Repealed.

15.04.040. Repealed.

15.04.050. Repealed.

15.04.055. Repealed.

15.04.060. Repealed.

15.04.070. Building abatement code-Adopted.

15.04.080. Fire code-Adopted.

15.04.085. Wildfire hazard zones.

15.04.090. Definitions.

15.04.095. Definition-Appointing authority.

15.04.100. Definition-Building Department.

15.04.105. Definition-Building official.

15.04.110. Definition-County.

15.04.115. Definition-Fire chief.

15.04.120. Definition-Mobile home.

15.04.125. Definition-Modular or factory-built home.

15.04.130. Mobile homes-Placement permit-Inspection.

15.04.140. Expedited construction start.

15.04.150. Mobile homes-State certification required.

15.04.160. Building permit issuance-Zoning conformance-Planning Department approval.

15.04.170. Industrial/Commercial structure-Occupancy certificate required.

15.04.180. Building or mobile home placement permit issuance-Zoning and subdivision conformance.

15.04.190. Permit fees-Adjustments.

15.04.200. Numbers for addresses-Placement.

15.04.210. Administration-Enforcement.

15.04.220. Conditions deemed a public nuisance.

15.04.230. Violation-Penalty.

15.04.010. Specialty codes and building requirements adopted-Enforcement.

A. In the unincorporated areas 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:

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

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

3. Temporary parks requirements adopted under ORS 446.105.

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

5. Park and camp requirements adopted under ORS 455.680.

(Ord. 2001-016 § 2, 2001; Ord. 96-055 § 2, 1996)

15.04.020. (Repealed by Ord. 96-055 1996)

15.04.030. (Repealed by Ord. 96-055 1996)

15.04.035. (Repealed by Ord. 96-055 1996)

15.04.037. (Repealed by Ord. 93-044 1993)

15.04.040. (Repealed by Ord. 96-055 1996)

15.04.050. (Repealed by Ord. 96-055 1996)

15.04.055. (Repealed by Ord. 91-025 1991)

15.04.060. (Repealed by Ord. 96-055 1996)

15.04.070. Building abatement code-Adopted.

A. Except as provided in DCC 15.04.070(B), a certain book or publication, a copy of which is on file with the County Clerk, marked and entitled, Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, hereinafter referred to as "building abatement code," is adopted in its entirety as the

building abatement code for the unincorporated areas of the County for regulating and controlling the repair, vacation, demolition and abatement of dangerous buildings in the unincorporated areas of the County. The building abatement code adopted and on file in the County Clerk's office is referred to and by this reference made a part of DCC 15.04 as though fully set out in DCC 15.04.

B. The Uniform Code for the Abatement of Dangerous Buildings is adopted as amended below:

1. The words "or premises" are inserted after the word "building" under sections 401, 402, 403, 404, 701, 703, 802 and 901;

2. Chapter 9 is amended as follows:

Section 901. Account of Expense, Filing of Report: Contents. The Director of the Community Development Department shall keep an itemized account of the expense incurred by the County in the repair or demolition of any building done pursuant to the provisions of section 701(C)3 of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the Board a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of section 401.

Section 902. Report Transmitted to Board-Set for Hearing. Upon receipt of said report, the Board shall fix a time, date and place for hearing said report and any protests or objections thereto. The Board shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appear on the last assessment roll of the County.

Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

Section 903. Protests and Objections-How Made. Any person interested in or affected by the proposed charge may file written protests or objections with the Board at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection.

Section 904. Hearing of Protests. Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the director together with any objections or protests. The Board may make such revision, correction or modification in the report or the charge as it may deem just; and when the Board is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge, and on all protests or objections, shall be final and conclusive.

Section 905. Personal Obligation and Lien Against Property.

(a) General. The Board may thereupon order that said charge may be made a personal obligation of the property owner and/or assess said charge as a lien against the property involved.

(b) Personal Obligation. If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct County Legal Counsel to collect the same on behalf of

the County by use of all appropriate legal remedies.

(c) Lien. If the Board orders that the charge shall be assessed as a lien against the property, it shall direct County Legal Counsel to take all necessary action to perfect the lien under the provisions of ORS 87.

Section 906. Lien.

(a) Priority. Any lien filed pursuant to this chapter shall have the priority established in ORS 87 for construction liens. The lien shall continue until the principle and all interest due and payable thereon are paid.

(b) Interest. Any such lien filed shall bear interest at the then legal rate.

Section 907. Foreclosure of Lien. The lien filed pursuant to section 905 of this chapter shall be foreclosed as provided in ORS 87.

Section 912. Disbursement of Lien. All money recovered from the sale of the property through lien foreclosure proceedings under ORS 87 shall be paid to the County Treasurer, who shall credit the same to the County general fund.

(Ord. 2001-016 § 2, 2001; Ord. 95-005 § 1, 1995; Ord. 88-027 § 1, 1988; Ord. 83-056 § 5, 1983)

15.04.080. Fire code-Adopted.

A certain book or publication, a copy of which is on file with the County Clerk, marked and entitled, Uniform Fire Code, 1994 Edition, State of Oregon 1996 Amendments, effective April 1, 1996, hereinafter referred to as "fire code," hereby is adopted in its entirety as the fire code of the County for regulating the hazards from storage, handling and use of hazardous substances, materials and devices, and from conditions or premises in unincorporated Deschutes County; and the fire code so adopted and on file in the office of the County Clerk is referred to and by this reference made a part of DCC 15.04 as though fully set out herein.

(Ord. 2001-016 § 2, 2001; Ord. 97-024 § 1, 1997; Ord. 93-006 § 1, 1993; Ord. 90-005 § 4, 1990; Ord. 86-068 § 1, 1986; Ord. 83-056 § 6, 1983)

15.04.085. Wildfire hazard zones.

A. Wildfire Hazard Zones are those depicted on the Deschutes County Wildfire Hazard Areas map on file with the County Clerk.

B. Adoption of the Wildfire Hazard Areas map implements the provisions of Section 326 of the 1998 International One-and Two-Family Dwelling Code.

(Ord. 2001-024 § 1, 2001)

15.04.090. Definitions.

Whenever appropriate in applying the provisions of DCC 15.04, the following words and phrases are defined as set forth in DCC 15.04.095-125.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 12, 1983)

15.04.095. Definition-Appointing authority.

"Appointing authority" means the Board of County Commissioners.

(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.100. Definition-Building Department.

"Building Department" means the office of the County Building Official or his designee.

(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.105. Definition-Building official.

"Building official" means the person designated by the Board as the Building Administrator.

(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.110. Definition-County.

"County" means Deschutes County, a political subdivision of the State of Oregon.

(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.115. Definition-Fire chief.

"Fire chief" means the applicable chief of any rural fire protection district.

(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.120. Definition-Mobile home.

"Mobile home" has the meaning provided in DCC 18.
(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.125. Definition-Modular or factory-built home.

"Modular or factory-built home" means a factory-built dwelling unit designed to be transported to a site and the construction meets the standards of the Oregon Prefabricated Structures Code, and is a structure for the purposes of DCC 15.04.
(Ord. 2001-016 § 2, 2001; Ord. 83-056 § 12, 1983)

15.04.130. Mobile homes-Placement permit-Inspection.

No mobile home shall be occupied within the unincorporated areas of the County without first obtaining a placement permit and satisfactory inspection of placement on the site, electrical connections and plumbing connections.
(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 7, 1983)

15.04.140. Expedited construction start.

- A. Notwithstanding any other provision set forth in DCC 15.04, the Deschutes County Community Development Department is authorized to allow the commencement and undertaking of certain construction work for certain types of single-family residences served by sewer and certain types of garages prior to the issuance of building permits. The Building Safety Director shall have the discretion to limit the kind of construction project to which DCC 15.04.140 applies and the extent to which such construction can proceed before building permits must be issued. Such discretion shall be exercised in a manner calculated to protect public safety and to limit applicability to projects with a very high probability of gaining ultimate approval under applicable land use and building codes.
- B. In all cases, owners or their authorized representatives shall have applied for

required building permits. Before commencing construction under DCC 15.04.140, owners and any general contractor employed by the owner shall be required to sign a form of agreement with the County, acting by and through the building official or the Director of the Community Development Department or such other persons as the Board may designate, by which the owner and any general contractor agree at a minimum to assume all risks associated with proceeding before building permits are issued, agree to call for required inspections under the applicable building code and to correct any construction deficiencies noted, agree to take remedial action, including but not limited to removal of construction work, in the event that the plans submitted for approval are ultimately not approved by the Community Development Department, and to indemnify the County for any damage suffered by reason of commencing and undertaking construction under DCC 15.04.140.

- C. Any owner wishing to proceed with construction under DCC 15.04.140 shall apply to the Community Development Department for approval and pay an application fee in an amount determined by the Board.
- D. For purposes of enforcement, violation of any provision of the agreement authorized by DCC 15.04.140 by any owner or contractor who is a party to such an agreement shall be treated as if it were a violation of a provision of DCC 15.04. Enforcement under DCC 15.04 shall be in addition to any remedies set forth under the Agreement.
(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 91-046 § 1, 1991)

15.04.150. Mobile homes-State certification required.

No modular or factory-built home shall be located in the unincorporated areas of the County until such modular or factory-built home has been certified by the state as meeting all state requirements.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 8, 1983)

15.04.160. Building permit issuance-Zoning conformance-Planning Department approval.

No building permit shall be issued for the construction, reconstruction, remodeling, enlargement, alteration, repair or conversion of any dwelling unit containing two or more dwelling units, commercial or industrial structure, or public use structure until plans therefor, including plot plan, are submitted to the Planning Department and approved by it as conforming to the zoning ordinances of the County.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 10, 1983)

15.04.170. Industrial/Commercial structure-Occupancy certificate required.

No industrial or commercial structure shall be occupied until a certificate of occupancy has been issued.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 93-052 § 1, 1993)

15.04.180. Building or mobile home placement permit issuance-Zoning and subdivision conformance.

No building permit or mobile home placement permit shall be issued if the parcel of land upon which the building or mobile home is to be erected or located on, or is located on, would be in violation of DCC 17, the subdivision title or DCC 18, the zoning title. A subdivision shall be deemed to be in violation of the zoning ordinance for the purpose of issuing building permits so long as roads and other improvements remain uncompleted in accordance with the applicable subdivision provisions.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 11, 1983)

15.04.190. Permit fees-Adjustments.

The fees for permits under DCC 15.04 shall be the fees prescribed by the State Building Codes Agency. The County may set any permit fee at any amount approved by the state, or set a fee for

a permit for which the state has failed to set a fee by proper resolution.

(Ord. 2001-016 § 2, 2001; Ord. 96-058 § 1, 1996; Ord. 95-063 § 1, 1995; Ord. 93-006 § 1, 1993; Ord. 83-056 § 15, 1983)

15.04.200. Numbers for addresses-Placement.

Numbers for addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from a distance of 50 feet. Such numbers or addresses shall contrast with their background and shall be the official address number as assigned the property by the County, the City of Bend, the Redmond Fire District or the City of Sisters.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 9, 1983)

15.04.210. Administration-Enforcement.

The building official as defined in DCC 15.04 shall administer and enforce DCC 15.04, except that the provisions of the fire code shall be administered and enforced by the applicable fire chief.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 13, 1983)

15.04.220. Conditions deemed a public nuisance.

Any act or condition which is in violation of any of the provisions of DCC 15.04, which is committed, continued or permitted, is declared to be a public nuisance, and the County may, in addition to any other remedies provided by law, institute the proceedings for the enforcement of DCC 15.04.

(Ord. 2001-016 § 2, 2001; Ord. 95-063 § 1, 1995; Ord. 83-056 § 18, 1983)

15.04.230. Violation-Penalty.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, structure or mobile home in the unincorporated areas of the County, or cause the same to be done, contrary to or in violation of any of the provisions of DCC

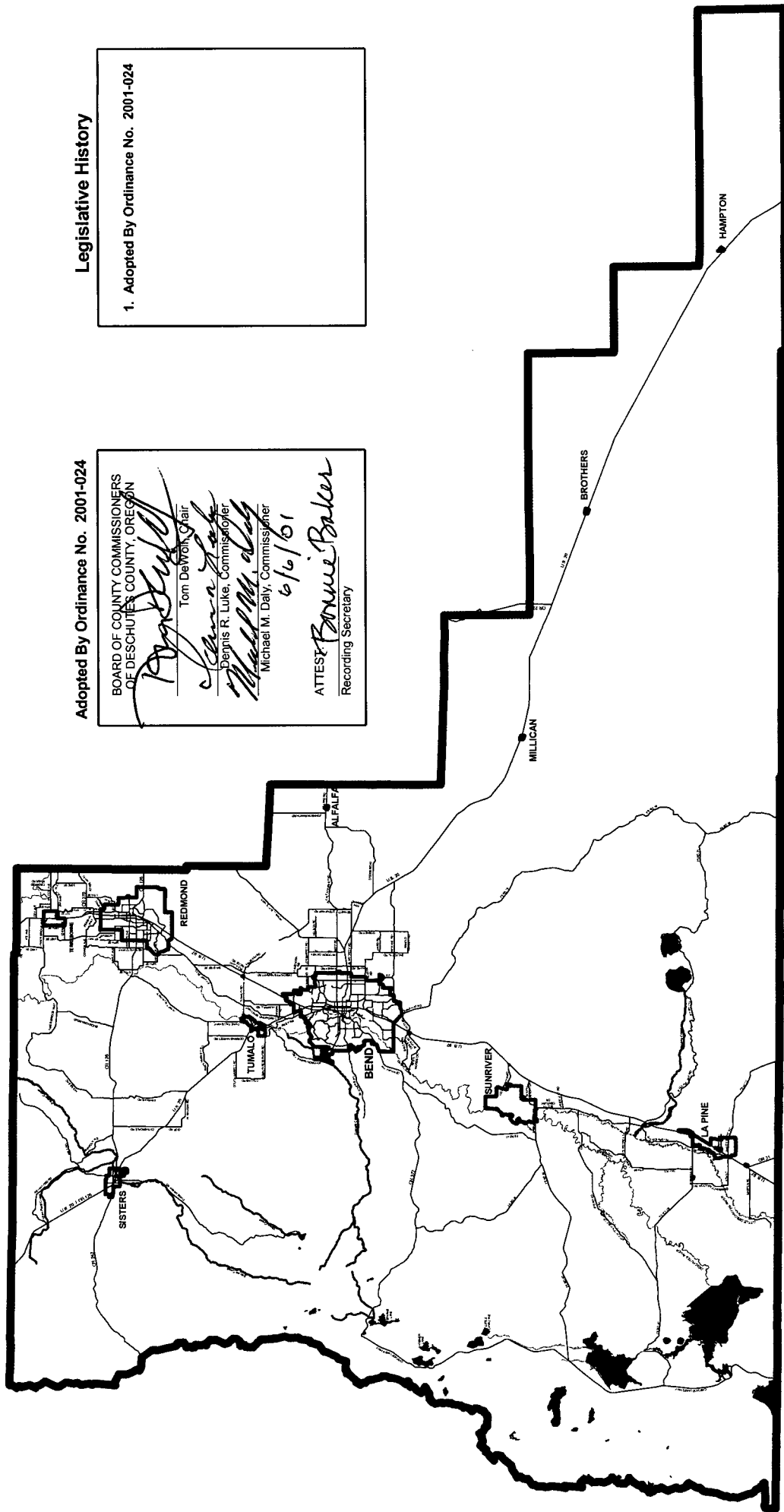
15.04 or any specialty code or building requirement administered by the County pursuant to ORS 455.153.

- B. Violation of any provision of DCC 15.04 or any specialty code or building requirement administered by the County pursuant to ORS 455.153 is a Class A infraction.

(Ord. 2001-016 § 2, 2001; Ord. 96-055 § 2, 1996; Ord. 95-063 § 1, 1995; Ord. 83-056 § 17, 1983)

DESCHUTES COUNTY WILDFIRE HAZARD AREAS

Exhibit "B"



Adopted By Ordinance No. 2001-024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom Devolin
Tom Devolin, Chair

Dennis R. Luke
Dennis R. Luke, Commissioner

Michael M. Daly
Michael M. Daly, Commissioner

6/6/01

ATTEST: *Bonnie Baker*
Bonnie Baker, Recording Secretary

Legislative History

1. Adopted By Ordinance No. 2001-024

- County Boundary
- Unincorporated Community
- Urban Growth Boundary
- Major Roads
- Stream
- Rivers & Lakes
- Wildfire Hazard Area



Deschutes County
Community Development
Geographic Information System

DISCLAIMER: The information on this map was derived from digital databases on Deschutes County's GIS system. Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, modification of any errors will be appreciated.

May 23, 2001

QUESTIONS AND ANSWERS ABOUT WILDFIRE HAZARD ZONES

A statute enacted by the 1993 Legislature and changes to Oregon's Building Code encourage local governments to voluntarily designate those portions of their jurisdictions subject to catastrophic fire as "Wildfire Hazard Zones." The purpose of these zones is to define those areas where buildings need to be made more survivable from fires spreading from adjacent wildlands. This Questions and Answers publication should help to answer many of the most frequently asked questions about the process of identifying and adopting Wildfire Hazard Zones.

WHY SHOULD WE DESIGNATE WILDFIRE HAZARD ZONES?

If portions of your jurisdiction are prone to wildfire, the adoption of Wildfire Hazard Zones will permit the use of a special law which makes it easier for homeowners to protect their dwellings from fire. Also, adoption will automatically apply special provisions of the Building Code which are designed to make new or certain remodeled dwellings more fire safe.

IS THE ADOPTION OF WILDFIRE HAZARD ZONES MANDATORY?

No. The adoption of Wildfire Hazard Zones is completely voluntary. Local jurisdictions have the responsibility to determine whether or not to participate in the adoption process.

IS IT DIFFICULT TO ADOPT WILDFIRE HAZARD ZONES?

No. The criteria used to adopt wildfire hazard zones were established with ease of application in mind. The process has been made as untechnical as possible. The required reference material is readily available through the Oregon Department of Forestry.

WHAT JURISDICTIONS MAY ADOPT WILDFIRE HAZARD ZONES?

Any unit of local government authorized by law to adopt a building code or to adopt a fire prevention code may adopt wildfire hazard zones. This includes counties, cities and rural fire protection districts.

DOES THE ADOPTION OF WILDFIRE HAZARD ZONES CONSTITUTE A LAND USE ACTION?

No. The adoption of Wildfire Hazard Zones is not a component of Oregon's land use planning process or regulations and therefore any Wildfire Hazard Zones adopted will not require you to amend your comprehensive plan.

CAN WILDFIRE HAZARD ZONES BE ADOPTED ONLY IN FORESTED AREAS?

No. Wildfire Hazard Zones may apply to any location in the state which meets the criteria set forth by the Department of Forestry. It is possible that some non-forested areas will qualify as Wildfire Hazard Zones.

WHAT WILL ADOPTION OF WILDFIRE HAZARD ZONES COST?

There will be some minor costs involved in inventorying and mapping your jurisdiction, relative to the criteria established by the Department of Forestry. The criteria were established with an eye to making the process as easy and uncomplicated as possible.

WILL THE DEPARTMENT OF FORESTRY DO THE INVENTORY AND MAPPING WORK FOR US?

Local Department of Forestry offices will assist and advise local jurisdictions, however, the responsibility for conducting the process rests with local jurisdictions.

WHAT REGULATIONS WILL APPLY WITHIN AREAS DESIGNATED AS WILDFIRE HAZARD ZONES?

Upon the adoption of a Wildfire Hazard Zone, two things happen. First, the provisions of ORS 93.270(4) are activated. Otherwise dormant, these provisions say that legal action cannot be brought against a property owner for using fire resistant roofing material, even if a flammable material, such as cedar shakes, is specifically required by covenants which run with the land. Second, several provisions of 1993 Building Code are activated. These provisions require that fire safe roofing materials be used and that addresses be conspicuously posted. The roofing material provisions compliment similar existing requirements in ORS 215.730, which sets standards for dwellings on forestland.

DO ALL PORTIONS OF A JURISDICTION NEED TO BE CONSIDERED?

No. Which portions of a jurisdiction will be evaluated and which will subsequently be designated as a Wildfire Hazard Zone is entirely up to the local jurisdiction.

WILL THE DESIGNATION OF A WILDFIRE HAZARD ZONE CHANGE THE INTERPRETATION OF LAND USE RULES?

No. The determination and establishment of Wildfire Hazard Zones does not constitute a land use action.

CAN PREVIOUS MAPS OF HIGH FIRE DANGER AREAS BE USED TO DETERMINE THE LOCATION OF WILDFIRE HAZARD ZONES?

No. Previous high fire danger maps were not based on criteria set forth in Department of Forestry rules. ORS 93.270(4) and the 1993 Building Code require that the criteria set forth in these rules only be used.

WHO WILL ENFORCE WILDFIRE HAZARD ZONE PROVISIONS?

The provisions of ORS 93.270 need no enforcement, because of their prohibition of public and private legal action against a property owner. The provisions of the 1993 Building Code will be enforced by local jurisdictions like other portion of the Building Code.

WHY DID ODF USE THE CRITERIA IT DID?

The criteria were selected for several reasons. First, the enabling legislation provided limits to the criteria which could be used. Second, the selected criteria are the principal ones which most influence the spread of wildland fire. Third, the criteria was developed so that they could be used and understood by people who may not be familiar with the technical aspects of wildland ignition potential and fire behavior.

CAN WE USE DIFFERENT CRITERIA?

No. Both the enabling legislation and the 1993 Building Code requires the use of criteria developed by the Board of Forestry.

WHERE CAN I OBTAIN MORE INFORMATION ABOUT WILDFIRE HAZARD ZONES?

Contact the Fire Prevention Unit of the Oregon Department of Forestry, 2600 State Street, Salem, OR 97310, telephone (503) 945-7440, fax (503) 945-7454.



Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://www.co.deschutes.or.us/cdd/>

MEMORANDUM

DATE: May 16, 2001

TO: Deschutes County Board of Commissioners

FROM: Dennis Perkins, Building Official
Kevin Harrison, Principal Planner *DAP*
EA

SUBJECT: Wildfire Hazard Zones

On Wednesday, May 23, 2001, the Board will conduct a public hearing to consider adoption of Wildfire Hazard Zones via Ordinance No. 2001-024. Wildfire Hazard Zones are the result of state legislation adopted in 1993 and administrative rules promulgated by the State Board of Forestry in 1996. These changes to state law, and to Oregon's Building Code, encourage local governments to voluntarily designate those portions of their jurisdictions subject to catastrophic fire as "Wildfire Hazard Zones."

If the county chooses to adopt the map of the hazard zone, then Section 326 of the 1998 International One-and Two-Family Dwelling Code, and provisions of Oregon Revised Statutes 93.270(4), will be put into effect. Section 326 deals with appropriate roofing materials in the hazard zone; ORS 93.270(4) says that legal action cannot be brought against a property owner for using fire resistant material, even if a flammable material, such as cedar shakes, is specifically required by covenants which run with the land. Adoption of the Wildfire Hazard Zone map does not constitute a land use action. There are no land use consequences that will result from adoption of the map. However, adoption of the map will require a building permit in order to re-roof a structure whereas now this activity is exempt from the permit process.

The county used a consultant, John Schaeffer, to prepare a map based on the criteria contained in Oregon Administrative Rule Chapter 629, Division 44. The map shows all of Deschutes County, except for lava flows, lakes and concentrations of irrigated land, as being in a hazard zone. As a practical matter, and to ease administration of the building code, staff recommends that the entire county be mapped as a Wildfire Hazard Zone.

The map has been reviewed by all of the local fire protection districts; notice of the hearing has been sent to all Homeowners Associations, roofing contractors and suppliers and Central Oregon Builders Association. A copy of the ordinance and exhibits are attached for your review. Please note that the ordinance does not contain an emergency clause. And, please feel free to contact Dennis or me if you have any questions or comments.