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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 837
DEPARTMENT OF THE STATE FIRE MARSHAL

FILED
03/10/2026 8:03 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopts an Oregon Defensible Space Model Code and provides for local government adoption.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/27/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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3991 Fairview Industrial Dr. SE
Salem, OR 97302

Filed By:
Sara Zavala
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/27/2026
TIME: 9:00 AM - 10:00 AM
OFFICER: Sara Zavala

IN-PERSON HEARING DETAILS

ADDRESS: Oregon State Fire Marshal Building, 3991 Fairview Industrial Dr. SE, Salem, OR 97302

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)
PHONE NUMBER: 503-446-4951
CONFERENCE ID: 796626477

NEED FOR THE RULE(S)

The rule is necessary in order to adopt an Oregon Defensible Space model code and to provide for local adoption of the code.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2024 International Wildland-Urban Interface Code, section 603 and 604
<https://codes.iccsafe.org/content/IWUIC2024V2.0/chapter-6-fire-protection-requirements>
SB 83 (2025) <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB83>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of the State Fire Marshal and RAC have not identified any racial equity impacts of these rule amendments.

FISCAL AND ECONOMIC IMPACT:

While the rules present a code for optional adoption by local government jurisdictions, the fiscal impact is indeterminate, as there is no requirement for adoption.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The rules present a model code for local adoption. There are no requirements contained in rule that affect small businesses. The voluntary adoption and implementation at the local government level would be a decision for that jurisdiction. There are no requirements contained within the rules. Adoption of the code is optional. If a local government chooses to adopt the model code, there may be costs at the local level associated with implementation and enforcement. However, there are no compliance requirements in rule that would cause an incurrence of costs.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rules advisory committee included representatives from 1000 Friends, AOC, insurance industry, Governor's Office, Oregon Property Owners Assoc, Keep Oregon Green, Americal Planners Association, LOC, Oregon Building Codes Division, Oregon DEQ, Oregon Dept. of Forestry, Oregon Emergency Management, Oregon Farm Bureau, Oregon Fire Chiefs' Assoc, Oregon Fire Marshal Assoc, Oregon Fire Code Advisory Board, Oregon Forest Industries Council, Oregon Home Builders, Oregon Small Woodlands Assoc, Special Districts Association of Oregon, Sustainable Northwest, The Nature Conservancy, USFS/BLM, Western Environmental Law Center, Douglas County Rural Fire Protection Assoc, Coos Forest Protection Assoc, Walker Range, DCBS Insurance Commissioner, ICC, Consumers Power. The RAC held three meetings to review the model code and proposed rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

ADOPT: 837-040-0030

RULE SUMMARY: Describes the process for a local jurisdiction to adopt a model defensible space code.

CHANGES TO RULE:

837-040-0030

Adoption of the Oregon Defensible Space Model Code

(1) The Oregon Defensible Space Model Code is generally adopted every three years, coinciding with the publication of a nationally recognized wildland-urban interface code. ¶

(2) Effective February 26th, 2026, the 2026 Oregon Defensible Space Model Code which is based on Sections 603 and 604 of the 2024 edition of the International Wildland-Urban Interface Code, as published by the International Code Council, best practices specific to this state, and as amended by the Department of the State Fire Marshal, is adopted. [ED. NOTE: Reference publications are available for review at the agency. See the agency website for information on where to purchase publications.] ¶

(3) The local governmental subdivision may elect to legally adopt through a local process the 2026 Oregon Defensible Space Model Code and shall be known hereafter as "the model code." ¶

(a) The local governmental subdivision, after the local adoption process, will be responsible for the enforcement and maintenance of the model code. ¶

(b) Prior to local adoption of the model code, the local governmental subdivision shall notify the Department of the State Fire Marshal.

Statutory/Other Authority: ORS 476.030, ORS 476.392(3)

Statutes/Other Implemented: ORS 476.392(3)