

AGENDA ITEM 9  
MAY 20-21, 2021-LCDC MEETING  
SUPPLEMENTAL ATTACHMENT A

5/14/2021

1 **OAR Chapter 660**

2 **Division 4**

3 **INTERPRETATION OF GOAL 2 EXCEPTION PROCESS**

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5 **660-004-0018**

6 **Planning and Zoning for Exception Areas**

7 (1) Purpose. This rule explains the requirements for adoption of plan and zone designations for  
8 exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining  
9 goal requirements and do not authorize uses, densities, public facilities and services, or activities other  
10 than those recognized or justified by the applicable exception. Physically developed or irrevocably  
11 committed exceptions under OAR 660-004-0025 and 660-004-0028 and 660-014-0030 are intended to  
12 recognize and allow continuation of existing types of development in the exception area. Adoption of  
13 plan and zoning provisions that would allow changes in existing types of uses, densities, or services  
14 requires the application of the standards outlined in this rule.

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16 (3) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved  
17 on rural land only under provisions for a reasons exception as outlined in section (4) of this rule and  
18 applicable requirements of OAR 660-004-0020 through 660-004-0022, 660-011-0060 with regard to  
19 sewer service on rural lands, OAR 660-012-0070 with regard to transportation improvements on rural  
20 land, or OAR 660-014-0030, ~~or~~ 660-014-0040, or 660-014-0080 with regard to urban development on  
21 rural land.

22 (4) "Reasons" Exceptions:

23 (a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and  
24 OAR 660-004-0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-014-0080, plan and zone  
25 designations must limit the uses, density, public facilities and services, and activities to only those that  
26 are justified in the exception.

27 **660-004-0022**

28 **Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)**

29 An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or  
30 for a use authorized by a statewide planning goal that cannot comply with the approval standards for  
31 that type of use. The types of reasons that may or may not be used to justify certain types of uses not  
32 allowed on resource lands are set forth in the following sections of this rule. Reasons that may allow an  
33 exception to Goal 11 to provide sewer service to rural lands are described in OAR 660-011-0060.  
34 Reasons that may allow transportation facilities and improvements that do not meet the requirements  
35 of OAR 660-012-0065 are provided in OAR 660-012-0070. Reasons that rural lands are irrevocably  
36 committed to urban levels of development are provided in OAR 660-014-0030. Reasons that may justify  
37 the establishment of new urban development on undeveloped rural land are provided in OAR 660-014-  
38 0040. Reasons that may justify the establishment of temporary natural disaster related housing on  
39 undeveloped rural lands are provided in OAR 660-014-0080.

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1 (1) For uses not specifically provided for in this division, or in OAR 660-011-0060, 660-012-0070, 660-  
2 014-0030 or 660-014-0040, the reasons shall justify why the state policy embodied in the applicable  
3 goals should not apply. Such reasons include but are not limited to the following:

4 (a) There is a demonstrated need for the proposed use or activity, based on one or more of the  
5 requirements of Goals 3 to 19; and either

6 **(b) Either:**

7 (A) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at  
8 the proposed exception site and the use or activity requires a location near the resource. An exception  
9 based on this paragraph must include an analysis of the market area to be served by the proposed use  
10 or activity. That analysis must demonstrate that the proposed exception site is the only one within that  
11 market area at which the resource depended upon can reasonably be obtained; or

12 (B) The proposed use or activity has special features or qualities that necessitate its location on or near  
13 the proposed exception site.

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15 **660-004-0040**

16 **Application of Goal 14 to Rural Residential Areas**

17 (1) The purpose of this rule is to specify how Goal 14 "Urbanization" applies to rural lands in  
18 acknowledged exception areas planned for residential uses.

19  
20 (2) For purposes of this rule, the definitions in ORS 197.015, the Statewide Planning Goals and OAR 660-  
21 004-0005 shall apply. In addition, the following definitions shall apply:

22  
23 (a) "Accessory dwelling unit" means a residential structure that is used in connection with or that is  
24 auxiliary to a single-family dwelling.

25  
26 (b) "Habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.213(1)(q)(A)-(D)  
27 or ORS 215.283(1)(p)(A)-(D), whichever is applicable.

28  
29 (c) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

30  
31 ~~(d) "Interim housing" means the intermediate period of housing assistance that covers the gap  
32 between sheltering and the return of disaster survivors to permanent housing.~~

Commented [JJ1]: Removed for consistency with other Divisions.

33  
34 (e) "Minimum lot size" means the minimum area for any new lot or parcel that is to be created in a rural  
35 residential area.

36  
37 (f) "New single-family dwelling" means that the dwelling being constructed did not previously exist in  
38 residential or nonresidential form. New single-family dwelling does not include the acquisition,  
39 alteration, renovation or remodeling of an existing structure.

(g) "Rural residential areas" means lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken.

(h) "Rural residential zone currently in effect" means a zone applied to a rural residential area that was in effect on October 4, 2000, and acknowledged to comply with the statewide planning goals.

~~(i) "Sheltering" means housing that provides short term refuge and life sustaining services for disaster survivors who have been displaced from their homes and are unable to meet their own immediate post disaster housing needs and is accomplished through use of fabric structures, tents and similar accommodations.~~

Commented [JJ2]: Removed for consistency with other Divisions.

(j) "Single-family dwelling" means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.

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~~(14) A county may approve the uses listed in subsections (a), (b), and (c) without amendments to the county plan or land use regulations when a natural hazard event when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county. has caused a need for sheltering and interim housing opportunities, debris removal, or other activities, and, furthermore, has resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).~~

Commented [JJ3]: Revised for consistency with other Divisions.

Commented [JJ4]: Decision without a hearing.

~~(a) Temporary residential uses in conjunction with a dwelling that either existed or had received land use approval to be constructed on July 5, 2020 provided that such uses are located outside of flood, geological, or wildfire hazard areas identified in adopted comprehensive plans and land use regulations to the extent possible and are limited to:~~

Commented [JJ5]: Restored to provide acceptable flexibility.

~~(A) A single manufactured dwelling;~~

~~(B) Use of an existing building or buildings;~~

~~(C) A single yurt;~~

~~(D) Up to three recreational vehicles; or~~

~~(E) Up to three fabric structure, tents and similar accommodations.~~

~~(b) Temporary campgrounds provided that:~~

~~(A) A wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county.~~

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1 (B) Commercial activities in temporary campgrounds shall be limited to small-scale, low-impact uses  
2 designed to provide basic food and grocery services for park occupants.

3 (C) Campsites in temporary campgrounds may be occupied by a tent, travel trailer, yurt, recreational  
4 vehicle or similar accommodations.

5 (D) Temporary campgrounds are located outside of flood, geological, or wildfire hazard areas  
6 identified in adopted comprehensive plans and land use regulations to the extent possible.

7 (E) A plan for removing or converting the temporary campground to an allowed use at the end of the  
8 time-frame specified in paragraph (14)(d)(B) shall be included in the application materials and, upon  
9 meeting the county's satisfaction, be attached to the decision as a condition of approval. A county  
10 may require that a removal plan developed pursuant to this paragraph include a specific financial  
11 agreement in the form of a performance bond, letter of credit or other assurance acceptable to the  
12 county that is furnished by the applicant in an amount necessary to ensure that there are adequate  
13 funds available for removal or conversion activities to be completed.

14 (c) Temporary Staging storage site for nonhazardous debris, construction materials and equipment,  
15 logs or other materials resulting from recovery efforts or otherwise associated with damage caused by  
16 a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency  
17 Conflagration Act, ORS 476.510 through 476.610 subject to Department of Environmental Quality  
18 requirements and all other applicable provisions of law.

19 (d) Uses approved under this section:

20 (A) Shall be consistent with all applicable provisions of law including, but not limited to adopted  
21 comprehensive plan provisions and land use regulations adopted to protect people and property from  
22 flood, geologic, and wildfire hazards; and

23 (B) Are to be removed or converted to an allowed use within 36 months from the date of the  
24 Governor's emergency declaration. A county may grant two additional 12-month extensions upon a  
25 demonstration by the applicant that uses approved pursuant to subsections (a) and (b) remain  
26 necessary because permanent housing units replacing those lost to the natural hazard event are not  
27 available in sufficient quantities, or for uses approved pursuant to subsection (c), that the use remains  
28 necessary because debris removal or other recovery activities remain ongoing.

29 **660-004-0050**

30 **Wildfire Recovery Efforts on Industrial and Commercial Lands.**

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32 **(1) The purpose of this rule is to specify how counties may approve uses on rural lands in**  
33 **acknowledged exception areas planned for industrial or commercial to assist with wildfire recovery**  
34 **efforts.**

35  
36 **(2) For purposes of this rule, in addition to the definitions in ORS 197.015, the Statewide Planning**  
37 **Goals and OAR 660-004-0005, the following definitions apply:**  
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Commented [JJ6]: Restored to provide acceptable flexibility.

Commented [JJ7]: Language revised to improve clarity.

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1 (a) "Industrial areas" means lands that are not within an urban growth boundary or unincorporated  
2 community, that are planned and zoned primarily for industrial uses, and for which an exception to  
3 Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken.

4 (b) "Commercial areas" means lands that are not within an urban growth boundary or unincorporated  
5 community, that are planned and zoned primarily for commercial uses, and for which an exception to  
6 Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has been taken.

7 (3) Within industrial and commercial areas a county may allow the uses identified at OAR 660-004-  
8 004(14) following the process and other required provisions identified therein.

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1 **OAR Chapter 660**

2 **Division 6**

3 **GOAL 4 FOREST LANDS**

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5 **660-006-0025**

6 **Uses Authorized in Forest Zones**

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8 (3) The following uses may be allowed outright on forest lands:

Commented [JJ8]: Uses may be allowed outright

9 (a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;

10 (b) Farm use as defined in ORS 215.203;

11 (c) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric  
12 distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides  
13 service hookups, including water service hookups;

14 (d) Temporary portable facility for the primary processing of forest products;

15 (e) Exploration for mineral and aggregate resources as defined in ORS chapter 517;

16 (f) Private hunting and fishing operations without any lodging accommodations;

17 (g) Towers and fire stations for forest fire protection;

18 (h) Widening of roads within existing rights-of-way in conformance with the transportation element of  
19 acknowledged comprehensive plans and public road and highway projects as described in ORS  
20 215.213(1) and 215.283(1);

21 (i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;

22 (j) Caretaker residences for public parks and public fish hatcheries;

23 (k) Uninhabitable structures accessory to fish and wildlife enhancement;

24 (l) Temporary forest labor camps;

25 (m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including  
26 the placement and operation of compressors, separators and other customary production equipment  
27 for an individual well adjacent to the well head;

28 (n) Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8;

29 (o) Alteration, restoration or replacement of a lawfully established dwelling that:

30 (A) Has intact exterior walls and roof structures;

31 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary  
32 waste disposal system;

- 1 (C) Has interior wiring for interior lights;
- 2 (D) Has a heating system; and
- 3 (E) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use
- 4 within three months of the completion of the replacement dwelling;
- 5 **(p) A lawfully established dwelling that is destroyed by wildfire may be replaced within 60 months**
- 6 **when the county finds, based on substantial evidence, that the dwelling to be replaced contained**
- 7 **those items listed at subsection (o)(A) thru (E). For purposes of this subsection, substantial evidence**
- 8 **includes, but is not limited to, county assessor data. The property owner of record at the time of the**
- 9 **wildfire may reside on the subject property in an existing building, tent, travel trailer, yurt,**
- 10 **recreational vehicle, or similar accommodation until replacement has been completed or the time for**
- 11 **replacement has expired.**
- 12 (q) An outdoor mass gathering as defined in ORS 433.735, subject to the provisions of ORS 433.735 to
- 13 433.770;
- 14 (r) Dump truck parking as provided in ORS 215.311; and
- 15 (s) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm
- 16 use or forest use. A person may not convert an agricultural building authorized by this section to
- 17 another use.
- 18 **(t) Temporary storage staging site for nonhazardous debris resulting from recovery efforts associated**
- 19 **with damage caused by a wildfire identified in an Executive Order issued by the Governor in**
- 20 **accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 subject to**
- 21 **Department of Environmental Quality requirements and all other applicable provisions of law.**
- 22 **(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of**
- 23 **this rule:**
- 24 (a) Permanent facility for the primary processing of forest products that is:
  - 25 (A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an
  - 26 outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate
  - 27 combination of indoor and outdoor areas; and
  - 28 (B) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other
  - 29 impacts generated by the facility that adversely affect forest management and other existing uses, as
  - 30 determined by the governing body;
- 31 (b) Permanent logging equipment repair and storage;
- 32 (c) Log scaling and weigh stations;
- 33 (d) Disposal site for solid waste approved by the governing body of a city or county or both and for
- 34 which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245,
- 35 together with equipment, facilities or buildings necessary for its operation;

**Commented [JJ9]:** Revised word choice to improve clarity.  
Not extended to construction materials, logs, etc...

**Commented [JJ10]:** Uses require a land use decision.

1 (e) Private parks and campgrounds. A campground is an area devoted to overnight temporary use for  
2 vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds  
3 authorized by this rule shall not include intensively developed recreational uses such as swimming  
4 pools, tennis courts, retail stores or gas stations.

5 (A) Vacation or recreational purposes. Except on a lot or parcel contiguous to a lake or reservoir,  
6 private campgrounds devoted to vacation or recreational purposes shall not be allowed within three  
7 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and  
8 OAR chapter 660, division 4. Campgrounds approved under this subsection must be found to be  
9 established on a site or is contiguous to lands with a park or other outdoor natural amenity that is  
10 accessible for recreational use by the occupants of the campground and designed and integrated into  
11 the rural agricultural and forest environment in a manner that protects the natural amenities of the  
12 site and provides buffers of existing native trees and vegetation or other natural features between  
13 campsites. Overnight temporary use in the same campground by a camper or camper's vehicle shall  
14 not exceed a total of 30 days during any consecutive six-month period.

15 (i) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer,  
16 water or electric service hook-ups shall not be provided to individual camp sites except that electrical  
17 service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.

18 (ii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not  
19 exceed a total of 30 days during any consecutive six-month period.

20 (B) Emergency purposes. Emergency campgrounds may be authorized when a wildfire identified in an  
21 Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS  
22 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the  
23 county or an adjacent county. Commercial activities shall be limited to mobile commissary services  
24 scaled to meet the needs of campground occupants. Campgrounds approved under this section must  
25 be removed or converted to an allowed use within 36 months from the date of the Governor's  
26 Executive Order. The county may grant two additional 12-month extensions upon demonstration by  
27 the applicant that the campground continues to be necessary to support the natural hazard event  
28 recovery efforts because permanent housing units replacing those lost to the natural hazard event are  
29 not available in sufficient quantities. A county must process applications filed pursuant to this section  
30 in the manner identified at ORS 215.416(11).

31 (i) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer,  
32 hook-ups shall not be provided to individual camp sites.

33 (ii) Campgrounds shall be located outside of flood, geological, or wildfire hazard areas identified in  
34 adopted comprehensive plans and land use regulations to the extent possible.

35 (iii) A plan for removing or converting the temporary campground to an allowed use at the end of the  
36 time-frame specified in paragraph (4)(e)(B) shall be included in the application materials and, upon  
37 meeting the county's satisfaction, be attached to the decision as a condition of approval. A county  
38 may require that a removal plan developed pursuant to this subparagraph include a specific financial  
39 agreement in the form of a performance bond, letter of credit or other assurance acceptable to the

Commented [JJ11]: Decision without a hearing.



1 county that is furnished by the applicant in an amount necessary to ensure that there are adequate  
2 funds available for removal or conversion activities to be completed.

3 (C) Subject to the approval of the county governing body or its designee, a private campground may  
4 provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites,  
5 whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor  
6 with no permanent foundation. Upon request of a county governing body, the Commission may  
7 provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds  
8 in a county if the Commission determines that the increase will comply with the standards described  
9 in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a  
10 collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

11 (D) For applications submitted under paragraph (B) of this rule, the county may find the criteria of  
12 section (5) to be satisfied when:

13 (i) The Governor has issued an Executive Order declaring an emergency for all or parts of Oregon  
14 pursuant to ORS 401.165, et seq.

15 (ii) The number of proposed campsites does not exceed 12; or

16 (iii) The number of proposed campsites does not exceed 36; and

17 (iv) Campsites and other campground facilities are located at least 660 feet from adjacent lands  
18 planned and zoned for resource use under Goals 3, 4, or both.

19 (f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever  
20 is applicable;

21 (g) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and  
22 not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage  
23 serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS  
24 chapter 517;

25 (h) Television, microwave and radio communication facilities and transmission towers;

26 (i) Fire stations for rural fire protection;

27 (j) Commercial utility facilities for the purpose of generating power. A power generation facility shall not  
28 preclude more than 10 acres from use as a commercial forest operation unless an exception is taken  
29 pursuant to OAR chapter 660, division 4;

30 (k) Aids to navigation and aviation;

31 (l) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

32 (m) Reservoirs and water impoundments;

33 (n) Firearms training facility as provided in ORS 197.770(2);

34 (o) Cemeteries;

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1 (p) Private seasonal accommodations for fee hunting operations may be allowed subject to section (5) of  
2 this rule, OAR 660-006-0029, and 660-006-0035 and the following requirements:

3 (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon  
4 Structural Specialty Code;

5 (B) Only minor incidental and accessory retail sales are permitted;

6 (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game  
7 bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

8 (D) A governing body may impose other appropriate conditions.

9 (q) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS  
10 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-  
11 way 50 feet or less in width;

12 (r) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

13 (s) Home occupations as defined in ORS 215.448;

14 **(t) Temporary hardship residence in conjunction with an existing dwelling. As used in this section,**  
15 **"hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons**  
16 **experienced by the existing resident or relative as defined in ORS chapter 215. "Hardship" also**  
17 **includes situations where a natural hazard event has destroyed homes, caused residential**  
18 **evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an**  
19 **emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. A temporary residence**  
20 **approved under this section is not eligible for replacement under ORS 215.213(1)(q) or 215.283(1)(p).**

21 **(A) For a medical hardship or hardship for the care of an aged or infirm person or persons experienced**  
22 **by the existing resident or relative as defined in ORS chapter 215 the temporary residence may**  
23 **include a manufactured dwelling, or recreational vehicle, or the temporary residential use of an**  
24 **existing building. A manufactured dwelling shall use the same subsurface sewage disposal system**  
25 **used by the existing dwelling, if that disposal system is adequate to accommodate the additional**  
26 **dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be**  
27 **required. Governing bodies shall review the permit authorizing such manufactured homes every two**  
28 **years. Within three months of the end of the hardship, the manufactured dwelling or recreational**  
29 **vehicle shall be removed or demolished or, in the case of an existing building, the building shall be**  
30 **removed, demolished or returned to an allowed nonresidential use. Department of Environmental**  
31 **Quality review and removal requirements also apply.**

32 **(B) For hardships based on a natural hazard event described in this subsection, the temporary**  
33 **residence may include a recreational vehicle or the temporary residential use of an existing building.**  
34 **Governing bodies shall review the permit authorizing such temporary residences every two years.**  
35 **Within three months of the temporary residence no longer being necessary, the recreational vehicle**  
36 **shall be removed or demolished or, in the case of an existing building, the building shall be removed,**  
37 **demolished or returned to an allowed nonresidential use. Department of Environmental Quality**  
38 **review and removal requirements also apply.**

1 **(C) For applications submitted under paragraph (B), the county may find that the criteria of section (5)**  
2 **are satisfied when:**

3 **(i) The temporary residence is established within an existing building or, if a recreational vehicle, is**  
4 **located within 100 feet of the primary residence; or**

5 **(ii) The temporary residence is located further than 250 feet from adjacent lands planned and zoned**  
6 **for resource use under Goals 3, 4, or both.**

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8 (5) A use authorized by section (4) of this rule may be allowed provided the following requirements or  
9 their equivalent are met. These requirements are designed to make the use compatible with forest  
10 operations and agriculture and to conserve values found on forest lands:

11 (a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted  
12 farming or forest practices on agriculture or forest lands;

13 (b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression  
14 costs or significantly increase risks to fire suppression personnel; and

15 (c) A written statement recorded with the deed or written contract with the county or its equivalent is  
16 obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct  
17 forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections  
18 (4)(e), (m), (s), (t) and (w) of this rule.

19 (6) Nothing in this rule relieves governing bodies from complying with other requirement contained in  
20 the comprehensive plan or implementing ordinances such as the requirements addressing other  
21 resource values (e.g., Goal 5) that exist on forest lands.

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1 **OAR Chapter 660**

2 **Division 11**

3 **PUBLIC FACILITIES PLANNING**

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6 **660-011-0060**

7 **Sewer Service to Rural Lands**

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10 (2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local  
11 government shall not allow:

12 (a) The establishment of new sewer systems outside urban growth boundaries or unincorporated  
13 community boundaries;

14 (b) The extension of sewer lines from within urban growth boundaries or unincorporated community  
15 boundaries in order to serve uses on land outside those boundaries;

16 (c) The extension of sewer systems that currently serve land outside urban growth boundaries and  
17 unincorporated community boundaries in order to serve uses that are outside such boundaries and are  
18 not served by the system on July 28, 1998.

19 (3) Components of a sewer system that serve lands inside an urban growth boundary (UGB) may be  
20 placed on lands outside the boundary provided that the conditions in subsections (a) and (b) of this  
21 section are met, as follows:

22 (a) Such placement is necessary to:

23 (A) Serve lands inside the UGB more efficiently by traversing lands outside the boundary;

24 (B) Serve lands inside a nearby UGB or unincorporated community;

25 **(C) Serve lands subject to a Goal 14 exception approved pursuant to OAR 660-014-0080;**

26 (D) Connect to components of the sewer system lawfully located on rural lands, such as outfall or  
27 treatment facilities; or

28 (E) Transport leachate from a landfill on rural land to a sewer system inside a UGB;

29 (b) The local government:

30 (A) Adopts land use regulations to ensure the sewer system shall not serve land outside urban growth  
31 boundaries or unincorporated community boundaries, except as authorized under section (4) of this  
32 rule; and

33 (B) Determines that the system satisfies ORS 215.296(1) or (2) to protect farm and forest practices,  
34 except for systems located in the subsurface of public roads and highways along the public right of way.

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1 **OAR Chapter 660**

2 **Division 12**

3 **TRANSPORTATION PLANNING**

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5 **660-012-0065**

6 **Transportation Improvements on Rural Lands**

7 (1) This rule identifies transportation facilities, services and improvements which may be permitted on  
8 rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

9 \*\*\*\*\*

10 (p) Temporary access road serving a site within an urban growth boundary that is to be utilized for  
11 emergency housing made necessary by the wildfire identified in the Governor’s Executive Order 20-  
12 44. A temporary access road approved under this subsection shall be:

13 (A) Limited to two travel lanes with a maxim width of 11 feet each and a gravel shoulder width of no  
14 more than two-feet,

15 (B) Designed to minimize impacts on agricultural lands, and

16 (C) Removed when no longer necessary to access the emergency housing.

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**Commented [JJ12]:** No longer necessary.  
NOT recommended for adoption.

1 **OAR Chapter 660**

2 Division 14

3 APPLICATION OF THE STATEWIDE PLANNING GOALS TO NEWLY INCORPORATED CITIES, ANNEXATION,  
4 AND URBAN DEVELOPMENT ON RURAL LANDS

5 \*\*\*\*\*

6 **660-014-0080**

7 Establishment of Temporary Natural Disaster Related **Sheltering Housing on Undeveloped Rural Lands**

8 **(1) As used in this rule, "temporary natural disaster related sheltering housing" is limited to:**

9 **(a) Sheltering, which is housing that provides Providing short-term refuge and life-sustaining services**  
10 **for disaster survivors who have been displaced from their homes and are unable to meet their own**  
11 **immediate post-disaster housing needs and is accomplished through use of fabric structures, tents**  
12 **and similar accommodations.**

13 **(b) Interim facilities housing, which is the intermediate period of housing assistance that covers the**  
14 **gap between the natural hazard event sheltering and the return of disaster survivors to permanent**  
15 **housing and is provided through temporary modular structures, temporary manufactured housing or**  
16 **similar temporary accommodations assigned to the victims of the natural disaster.**

17 **(c) Temporary natural disaster related sheltering and interim housing established pursuant to this**  
18 **rule may include parking facilities, walkways and access to water, toilet, shower, laundry, cooking,**  
19 **telephone, or other services either through separate or shared facilities.**

20 **(2) As used in this rule, "undeveloped rural land" has the meaning provided in OAR 660-014-0040(1).**

21 **(3) A county may justify an exception to Goal 14 to allow establishment of temporary natural disaster**  
22 **related housing on undeveloped rural land. The reason justifying why the policies in Goals 3, 4, 11 and**  
23 **14 should not apply is that lands and structures within the lands specified in the application have**  
24 **received damage from a wildfire identified in an Executive Order issued by the Governor in**  
25 **accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.**

26 **(4) To approve an exception under section (3) a county must also show:**

27 **(a) That Goal 2, Part II (c)(1) is met because:**

28 **(A) The applicant is a public agency on behalf of the city, unincorporated community, or rural**  
29 **residential exception area the temporary natural disaster related sheltering housing is primarily**  
30 **intended to assist. Any application made on behalf of a city must include a resolution of support**  
31 **adopted by that city's elected leadership.**

32 **(B) The city, unincorporated community, or rural residential exception area specified in the public**  
33 **agency's application is within an area identified by an Executive Order issued by the Governor**  
34 **declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.**

35 **(b) That Goal 2, Part II (c)(2) is met because:**

**Commented [JJ13]:** Changed wording from "housing" to "sheltering" to avoid confusion related to Goal 10 obligations.

1 (A) The city, unincorporated community, or rural residential exception area specified in the public  
2 agency's application has lost a significant amount of its housing inventory from a wildfire identified in  
3 an Executive Order issued by the Governor in accordance with ORS 476.510 through 476.610 For  
4 purposes of this paragraph, a significant loss of housing inventory means at least 15 percent in a city's  
5 urban growth boundary, at least 15 percent in an unincorporated community boundary, or at least 60  
6 percent in a rural residential exception area.

7 (B) An application made on behalf of a city demonstrates that the city considered lands within its  
8 urban growth boundary and provided an explanation for why such lands could not reasonably  
9 accommodate the temporary natural disaster related sheltering.

10 (c) That Goal 2, Part II (c)(3) is met because the proposed location is:

11 (A) Not included in a flood plain, flood way or other areas subject to natural hazards as inventoried in  
12 the county comprehensive plan or identified in applicable land use regulations.

13 (B) Not included in wildlife habitat inventoried in the county comprehensive plan.

14 (C) Within the urban reserve area of the city specified in the public agency's application, or, if no  
15 urban reserve area has been established, within one mile of the applicable urban growth boundary.

16 (D) Within two miles of the boundary of the unincorporated community specified in the public  
17 agency's application.

18 (E) Within two miles of the rural residential exception area specified in the public agency's  
19 application.

20 (F) If areas described in paragraphs (C), (D) or (E) of this subsection are not available because they are  
21 under federal ownership or because damage caused by a wildfire identified in an Executive Order  
22 issued by the Governor in accordance with ORS 476.510 thru 476.610 makes them unsuitable for  
23 development, the county may establish a different distance that is no further than necessary to  
24 accommodate the use.

25 (G) Within the same school district as the city, unincorporated community, or rural residential  
26 exception area specified in the public agency's application unless the county establishes a different  
27 distance under paragraph (F) of this subsection, which necessarily makes such a location impossible.

28 (d) That Goal 2, Part II (c)(4) is met because the county has coordinated with effected cities and  
29 imposes the following conditions:

30 (A) Temporary natural disaster related ~~sheltering housing~~ is allowed for 36 months from the date of  
31 the Governors emergency declaration. The county may grant two additional 12-month extensions  
32 upon a demonstration by the applicant that the temporary natural disaster ~~sheltering related~~ housing  
33 remains necessary because permanent housing units replacing those lost to the natural hazard event  
34 are not available in sufficient quantities.

35 (B) The temporary natural disaster related ~~sheltering housing~~ will be removed when it is no longer  
36 necessary. A plan for removing or converting the temporary campground to an allowed use at the  
37 end of the time-frame specified in paragraph (14)(d)(B) shall be included in the application materials  
38 and, upon meeting the county's satisfaction, be attached to the decision as a condition of approval. A

1 county may require that a removal plan developed pursuant to this paragraph include a specific  
2 financial agreement in the form of a performance bond, letter of credit or other assurance acceptable  
3 to the county that is furnished by the applicant in an amount necessary to ensure that there are  
4 adequate funds available for removal activities to be completed.

5 (C) The property owner will sign and record in the deed records for the county a document binding the  
6 project owner and the project owner's successors in interest, prohibiting them from pursuing a claim  
7 for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2)  
8 and (4).

9 (5) A proposal that is found to satisfy the requirements of this rule for an exception to Goal 14 is also  
10 deemed to satisfy the requirements of OAR chapter 660, divisions 4 and 11 for exceptions to Goals 3,  
11 4, and 11.

12 (6) The use of the property for temporary natural disaster related sheltering housing, including the  
13 presence of any infrastructure installed to support the temporary natural disaster related sheltering  
14 housing shall not be a basis to justify a new exception pursuant to OAR chapter 660, divisions 4 or 14.

15 (7) Approval of a reasons exception under this rule may not result in a change to the base zone of the  
16 subject property. The county must implement the exception by either:

17 (a) Application of an overlay zone that applies in addition to the base zone of the subject  
18 property. The overlay zone shall:

19 (A) Clearly specify what uses may occur under the exception, and

20 (B) Not apply for a total period longer than five years pursuant to paragraph (4)(d)(A); or

21 (b) Application of comprehensive plan implementation measures consistent with Goal 2. The  
22 comprehensive plan provisions shall:

23 (A) Identify the property subject to the exception,

24 (B) Clearly specify what uses may occur under the exception, and

25 (C) Not apply for a total period longer than five years pursuant to paragraph (4)(d)(A).

26 (8) Reasons exceptions adopted under this rule qualify for the exemption to notice of a proposed  
27 change to a comprehensive plan or land use regulation identified at OAR 660-018-0022(2).

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1 **OAR Chapter 660**

2 **Division 22**

3 **UNINCORPORATED COMMUNITIES**

4 \*\*\*\*\*

6 **660-022-0010**

7 **Definitions**

8 For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals  
9 (OAR chapter 660, division 15) apply. In addition, the following definitions apply:

10 (1) "Commercial Use" means the use of land primarily for the retail sale of products or services,  
11 including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution  
12 centers.

13 (2) "Community Sewer System" means a sewage disposal system which has service connections to at  
14 least 15 permanent dwelling units, including manufactured homes, within the unincorporated  
15 community.

16 (3) "Community Water System" means a system that distributes potable water through pipes to at least  
17 15 permanent dwelling units, including manufactured homes within the unincorporated community.

18 (4) "Industrial Use" means the use of land primarily for the manufacture, processing, storage, or  
19 wholesale distribution of products, goods, or materials. It does not include commercial uses.

20 ~~(5) "Interim housing" means the intermediate period of housing assistance that covers the gap  
21 between sheltering and the return of disaster survivors to permanent housing and is provided through  
22 temporary modular structures, temporary manufactured housing or similar temporary  
23 accommodations assigned to the victims of natural disaster.~~

**Commented [JJ14]:** Removed for consistency with other Divisions.

24 (6) "Permanent residential dwellings" includes manufactured homes, but does not include dwellings  
25 primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or  
26 campground.

27 (7) "Resort Community" is an unincorporated community that was established primarily for and  
28 continues to be used primarily for recreation or resort purposes; and

29 (a) Includes residential and commercial uses; and

30 (b) Provides for both temporary and permanent residential occupancy, including overnight lodging and  
31 accommodations.

32 (8) "Rural Community" is an unincorporated community which consists primarily of permanent  
33 residential dwellings but also has at least two other land uses that provide commercial, industrial, or  
34 public uses (including but not limited to schools, churches, grange halls, post offices) to the community,  
35 the surrounding rural area, or to persons traveling through the area.

36 (9) "Rural Service Center" is an unincorporated community consisting primarily of commercial or  
37 industrial uses providing goods and services to the surrounding rural area or to persons traveling  
38 through the area, but which also includes some permanent residential dwellings.

~~(10) "Sheltering" means housing that provides short term refuge and life sustaining services for disaster survivors who have been displaced from their homes and are unable to meet their own immediate post-disaster housing needs and is accomplished through use of fabric structures, tents, and similar accommodations.~~

Commented [JJ15]: Removed for consistency with other Divisions.

(11) "Urban Unincorporated Community" is an unincorporated community which has the following characteristics:

- (a) Include at least 150 permanent residential dwellings units;
- (b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
- (c) Includes areas served by a community sewer system; and
- (d) Includes areas served by a community water system.

(12) "Unincorporated Community" means a settlement with all of the following characteristics:

- (a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
- (b) It was either identified in a county's acknowledged comprehensive plan as a "rural community," "service center," "rural center," "resort community," or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997, "Survey of Oregon's Unincorporated Communities";
- (c) It lies outside the urban growth boundary of any city;
- (d) It is not incorporated as a city; and
- (e) It met the definition of one of the four types of unincorporated communities in sections (7) through (9) and (11) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

**660-022-0030  
Planning and Zoning of Unincorporated Communities**

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

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(12) Notwithstanding sections (1) and (2), a county may approve the uses in subsections (a) and (b) without amendments to the county plan or land use regulations when a natural hazard event has caused a need for sheltering and interim housing opportunities when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS

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1 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the  
2 county or an adjacent county and, furthermore, has resulted in an Executive Order issued by the  
3 Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. Uses  
4 approved under this section shall be consistent with all applicable provisions of law including adopted  
5 comprehensive plan provisions and land use regulations to protect people and property from flood,  
6 geologic, and wildfire hazards.

7 (a) Temporary residential uses in conjunction with a dwelling that either existed or had received land  
8 use approval to be constructed on July 5, 2020. Such uses must be removed or converted to an  
9 allowed use within 36 months from the date of the Governor's emergency declaration. A county may  
10 grant two additional 12-month extensions upon demonstration by the applicant that the temporary  
11 residential use remains necessary because permanent housing units replacing those lost to the natural  
12 hazard event are not available in sufficient quantities. Temporary residential uses approved under  
13 this subsection are limited to the following;

14 (A) A single manufactured dwelling;

15 (B) Use of an existing building or buildings;

16 (C) Up to two yurts;

17 (D) Up to five recreational vehicles; or

18 (E) Up to five fabric structures, tents or similar accommodations.

19 (b) Transitional housing accommodations as described at ORS 446.265(2) and (4) when homes and  
20 other private property on lands within the county or an adjacent county have received damage from a  
21 wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency  
22 Conflagration Act, ORS 476.510 through 476.610.

Commented [JJ16]: Revised for consistency with other Divisions

1 **OAR Chapter 660**

2 **Division 33**

3 **AGRICULTURAL LAND**

5 **660-033-0130**

6 **Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses**

7 The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-  
8 0120. For each section of this rule, the corresponding section number is shown in the table. Where no  
9 numerical reference is indicated on the table, this rule does not specify any minimum review or approval  
10 criteria. Counties may include procedures and conditions in addition to those listed in the table, as  
11 authorized by law.

13 (5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be  
14 approved only where such uses:

15 (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted  
16 to farm or forest use; and

17 (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands  
18 devoted to farm or forest use.

20 (10) Temporary residence for the term of the hardship suffered by the existing resident or relative as  
21 defined in ORS chapter 215. As used in this section "hardship" means a medical hardship or hardship  
22 for the care of an aged or infirm person or persons. "Hardship" also includes a natural hazard event  
23 that has destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order  
24 issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et  
25 seq. A temporary residence approved under this section is not eligible for replacement under ORS  
26 215.213(1)(g) or 215.283(1)(p).

27 (a) For a medical hardship or hardship for the care of an aged or infirm person or persons the  
28 temporary residence may include a manufactured dwelling, or recreational vehicle, or the temporary  
29 residential use of an existing building. A manufactured dwelling shall use the same subsurface sewage  
30 disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the  
31 additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition  
32 will not be required. Governing bodies shall review the permit authorizing such manufactured homes  
33 every two years. Within three months of the end of the hardship, the manufactured dwelling or  
34 recreational vehicle shall be removed or demolished, or, in the case of an existing building, the  
35 building shall be removed, demolished, or returned to an allowed nonresidential use. Department of  
36 Environmental Quality review and removal requirements also apply.

37 (b) For hardships based on a natural hazard event described in this section, the temporary residence  
38 may include a recreational vehicle or the temporary residential use of an existing building. Governing

bodies shall review the permit authorizing such temporary residences every two years. Within three months of the end of the hardship, the recreational vehicle shall be removed or demolished, or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.

(c) For applications submitted under subsection (b) of this section, the county may find that the criteria of section (5) are satisfied when:

(A) The temporary residence is established within an existing building or, if a recreational vehicle, is located within 100 feet of the primary residence; or

(B) The temporary residence is located further than 250 feet from adjacent lands planned and zoned for resource use under Goal 3, Goal 4, or both.

\*\*\*\*\*

(19)(a) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(b) Vacation or recreational purposes. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds devoted to vacation or recreational purposes shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. Campgrounds approved under this provision must be found to be established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground and designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (19)(d) of this rule.

(c) Emergency purposes. Emergency campgrounds may be authorized when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county. Commercial activities shall be limited to mobile commissary services scaled to meet the needs of campground occupants. Campgrounds approved under this section must be removed or converted to an allowed use within 36 months from the date of the Governor's Executive Order. The county may grant two additional 12-month extensions upon demonstration by the applicant that the campground continues to be necessary to support the natural hazard event recovery efforts because adequate amounts of permanent housing is not reasonably available. A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).

Commented [JJ17]: Decision without a hearing.

1 (A) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer  
2 hook-ups shall not be provided to individual camp sites.

3 (B) Campgrounds shall be located outside of flood, geological, or wildfire hazard areas identified in  
4 adopted comprehensive plans and land use regulations to the extent possible.

5 (C) A plan for removing or converting the temporary campground to an allowed use at the end of the  
6 time-frame specified in paragraph (19)(c) shall be included in the application materials and, upon  
7 meeting the county's satisfaction, be attached to the decision as a condition of approval. A county  
8 may require that a removal plan developed pursuant to this paragraph include a specific financial  
9 agreement in the form of a performance bond, letter of credit or other assurance acceptable to the  
10 county that is furnished by the applicant in an amount necessary to ensure that there are adequate  
11 funds available for removal or conversion activities to be completed.

Commented [JJ18]: Restored to provide acceptable flexibility

12 (d) Subject to the approval of the county governing body or its designee, a private campground may  
13 provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites,  
14 whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor  
15 with no permanent foundation. Upon request of a county governing body, the commission may  
16 provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds  
17 in a county if the commission determines that the increase will comply with the standards described  
18 in ORS 215.296(1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on  
19 a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

20 (e) For applications submitted under subsection (c) of this section, the criteria of section (5) can be  
21 found to be satisfied when:

22 (A) The Governor has issued an Executive Order declaring an emergency for all or parts of Oregon  
23 pursuant to ORS 401.165, et seq.

24 (B) The subject property is not irrigated.

25 (C) The subject property is not high-value farmland.

26 (D) The number of proposed campsites does not exceed 12; or

27 (E) The number of proposed campsites does not exceed 36; and

28 (F) Campsites and other campground facilities are located at least 660 feet from adjacent lands  
29 planned and zoned for resource use under Goal 3, Goal 4, or both.

30 \*\*\*\*\*

31 (24) Accessory farm dwellings as defined by subsection (e) of this section may be considered  
32 customarily provided in conjunction with farm use if:

33 (a) Each accessory farm dwelling meets all the following requirements:

34 \*\*\*\*\*

35 (g) Accessory farm dwellings destroyed by a wildfire identified in an Executive Order issued by the  
36 Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 may be

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- 1 **replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents**
- 2 **and similar accommodations is allowed until replacement under this subsection occurs.**