

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.

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.

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 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.

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

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 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.**

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.

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 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.

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

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

5
6 (h) "Rural residential zone currently in effect" means a zone applied to a rural residential area that was
7 in effect on October 4, 2000, and acknowledged to comply with the statewide planning goals.

8
9 **(i) "Sheltering" means housing that provides short term refuge and life sustaining services for disaster**
10 **survivors who have been displaced from their homes and are unable to meet their own immediate**
11 **post disaster housing needs and is accomplished through use of fabric structures, tents and similar**
12 **accommodations.**

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

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18 **(14) A county may approve the uses listed in subsections (a), (b), and (c) without amendments to the**
19 **county plan or land use regulations when a natural hazard event when a wildfire identified in an**
20 **Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS**
21 **476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the**
22 **county or an adjacent county, has caused a need for sheltering and interim housing opportunities,**
23 **debris removal, or other activities, and, furthermore, has resulted in an Executive Order issued by the**
24 **Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq. A county**
25 **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.

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

30 **(A) A single manufactured dwelling;**

31 **(B) Use of an existing building or buildings;**

32 **(C) A single yurt;**

33 **(D) Up to three recreational vehicles; or**

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

35 **(b) Temporary campgrounds provided that:**

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

Commented [JJ5]: Restored to provide acceptable flexibility.

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.

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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.

Commented [JJ7]: Language revised to improve clarity.

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.

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

34 (2) For purposes of this rule, in addition to the definitions in ORS 197.015, the Statewide Planning
35 Goals and OAR 660-004-0005, the following definitions apply:

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 distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides 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 acknowledged comprehensive plans and public road and highway projects as described in ORS 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 the placement and operation of compressors, separators and other customary production equipment 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 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 ~~taging~~ 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;

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; and33 (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.

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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**

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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~~ gap between the natural hazard event ~~sheltering~~ and the return of disaster survivors to permanent**
14 **~~housing and is~~ provided through temporary modular structures, temporary manufactured housing or**
15 **similar temporary accommodations assigned to the victims of the natural disaster.**16 **(c) ~~Temporary natural disaster related \$~~sheltering and interim housing established pursuant to this**
17 **rule may include parking facilities, walkways and access to water, toilet, shower, laundry, cooking,**
18 **telephone, or other services either through separate or shared facilities.**19 **(2) As used in this rule, "undeveloped rural land" has the meaning provided in OAR 660-014-0040(1).**20 **(3) A county may justify an exception to Goal 14 to allow establishment of temporary natural disaster**
21 **related housing on undeveloped rural land. The reason justifying why the policies in Goals 3, 4, 11 and**
22 **14 should not apply is that lands and structures within the lands specified in the application have**
23 **received damage from a wildfire identified in an Executive Order issued by the Governor in**
24 **accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.**25 **(4) To approve an exception under section (3) a county must also show:**26 **(a) That Goal 2, Part II (c)(1) is met because:**27 **(A) The applicant is a public agency on behalf of the city, unincorporated community, or rural**
28 **residential exception area the temporary natural disaster related ~~sheltering housing~~ is primarily**
29 **intended to assist. Any application made on behalf of a city must include a resolution of support**
30 **adopted by that city's elected leadership.**31 **(B) The city, unincorporated community, or rural residential exception area specified in the public**
32 **agency's application is within an area identified by an Executive Order issued by the Governor**
33 **declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.**34 **(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**

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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.**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.

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

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

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

5 (11) "Urban Unincorporated Community" is an unincorporated community which has the following
 6 characteristics:
 7 (a) Include at least 150 permanent residential dwellings units;
 8 (b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
 9 (c) Includes areas served by a community sewer system; and
 10 (d) Includes areas served by a community water system.

11 (12) "Unincorporated Community" means a settlement with all of the following characteristics:
 12 (a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
 13 (b) It was either identified in a county's acknowledged comprehensive plan as a "rural community,"
 14 "service center," "rural center," "resort community," or similar term before this division was adopted
 15 (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January
 16 30, 1997, "Survey of Oregon's Unincorporated Communities";
 17 (c) It lies outside the urban growth boundary of any city;
 18 (d) It is not incorporated as a city; and
 19 (e) It met the definition of one of the four types of unincorporated communities in sections (7) through
 20 (9) and (11) of this rule, and included the uses described in those definitions, prior to the adoption of
 21 this division (October 28, 1994).

22 **660-022-0030**

23 **Planning and Zoning of Unincorporated Communities**

24 (1) For rural communities, resort communities and urban unincorporated communities, counties shall
 25 adopt individual plan and zone designations reflecting the projected use for each property (e.g.,
 26 residential, commercial, industrial, public) for all land in each community. Changes in plan or zone
 27 designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS
 28 197.610 through 197.625.

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

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

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.

Commented [JJ16]: Revised for consistency with other Divisions

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.

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1 **OAR Chapter 660**

2 **Division 33**

3 **AGRICULTURAL LAND**

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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.

12 ****

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.

19 ****

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)(q) 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**

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

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

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

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

12 *****

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

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

30 (c) Emergency purposes. Emergency campgrounds may be authorized when a wildfire identified in an
 31 Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS
 32 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the
 33 county or an adjacent county. Commercial activities shall be limited to mobile commissary services
 34 scaled to meet the needs of campground occupants. Campgrounds approved under this section must
 35 be removed or converted to an allowed use within 36 months from the date of the Governor's
 36 Executive Order. The county may grant two additional 12-month extensions upon demonstration by
 37 the applicant that the campground continues to be necessary to support the natural hazard event
 38 recovery efforts because adequate amounts of permanent housing is not reasonably available. A
 39 county must process applications filed pursuant to this section in the manner identified at ORS
 40 215.416(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.

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

Commented [JJ18]: Restored to provide acceptable flexibility

5/14/2021

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