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## PERMANENT ADMINISTRATIVE ORDER

### LCDD 8-2026

CHAPTER 660

### LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Timeframe Extension to Use Temporary Dwellings and Emergency Campgrounds Following a Natural Disaster Event

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RULES:

660-006-0025, 660-022-0030

AMEND: 660-006-0025

NOTICE FILED DATE: 01/29/2026

RULE SUMMARY: Following the 2020 wildfires, LCDDC adopted temporary rules to authorize campgrounds in forest zones necessary to support wildfire recovery, which were replaced with permanent rules in 2021. The adopted rule amendment extends the timeframe to replace a lawfully established dwelling that is destroyed by wildfire.

CHANGES TO RULE:

660-006-0025

Uses Authorized in Forest Zones ~~4~~

(1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goals and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has

determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:¶¶

(a) Uses related to and in support of forest operations;¶¶

(b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;¶¶

(c) Locationally-dependent uses, such as communication towers, mineral and aggregate resources, etc;¶¶

(d) Dwellings authorized by ORS 215.705 to 215.757; and¶¶

(e) Other dwellings under prescribed conditions.¶¶

(2) The following uses pursuant to the Forest Practices Act (ORS chapter 527) and Goal 4 shall be allowed in forest zones:¶¶

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;¶¶

(b) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation;¶¶

(c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities; and¶¶

(d) For the purposes of section (2) of this rule "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.¶¶

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

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

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

(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;¶¶

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

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

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

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

(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);¶¶

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

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

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

(l) Temporary forest labor camps;¶¶

(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;¶¶

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

(o)(A) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the county finds to its satisfaction, based on substantial evidence that the dwelling to be altered, restored or replaced has, or formerly had:¶¶

(i) Intact exterior walls and roof structures;¶¶

(ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;¶¶

(iii) Interior wiring for interior lights; and¶¶

(iv) A heating system.¶¶

(B) An application under this subsection must be filed within three years following the date that the dwelling last possessed all the features listed under paragraph (o)(A).¶¶

(C) Construction of a replacement dwelling approved under this subsection must commence no later than four years after the approval of the application under this section becomes final.¶¶

(D) In addition to the provisions of paragraph (o)(A), the dwelling to be replaced meets one of the following conditions:¶¶

(i) If the value of the dwelling to be replaced was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:¶¶

(l) Five years before the date of the destruction or demolition; or¶¶

(II) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or¶

(ii) The value of dwelling to be replaced has not been eliminated due to destruction or demolition, and the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:¶

(I) Five years before the date of the application; or¶

(II) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.¶

(E) For replacement of a lawfully established dwelling under this subsection:¶

(i) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.¶

(ii) The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.¶

(iii) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of ORS 215.291 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.¶

(iv) The county planning director, or the director's designee, shall maintain a record of:¶

(I) The lots and parcels for which dwellings to be replaced have been removed, demolished or converted; and¶

(II) The lots and parcels that do not qualify for the siting of a new dwelling under paragraphs (E) and (F), including a copy of the deed restrictions filed under subparagraph (iii) of this paragraph.¶

(F)(i) A replacement dwelling under this subsection must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.¶

(ii) The replacement dwelling may be sited on any part of the same lot or parcel.¶

(iii) The replacement dwelling must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.¶

(iv) The replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:¶

(I) The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or¶

(II) No statewide map of wildfire risk has been adopted.¶

(G) If an applicant is granted a deferred replacement permit under this subsection, the deferred replacement permit:¶

(i) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and¶

(ii) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.¶

(p) A lawfully established dwelling that is destroyed by wildfire may be replaced within ~~6~~12 months when the county finds, based on substantial evidence, that the dwelling to be replaced contained those items listed at subsection (o)(A) through (E). For purposes of this subsection, substantial evidence includes, but is not limited to, county assessor data. The property owner of record at the time of the wildfire may reside on the subject property in an existing building, tent, travel trailer, yurt, recreational vehicle, or similar accommodation until replacement has been completed or the time ~~of~~<sup>for</sup> replacement has expired.¶

(q) An outdoor mass gathering as defined in ORS 433.735, subject to the provisions of ORS 433.735 to 433.770;¶

(r) Dump truck parking as provided in ORS 215.311;¶

(s) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use; and¶

(t) Temporary storage site for nonhazardous debris resulting from recovery efforts associated with damage caused by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 subject to Department of Environmental Quality requirements and all other applicable provisions of law.¶

(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:¶

(a) Permanent facility for the primary processing of forest products that is:¶

(A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and¶

(B) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the

governing body;¶¶

(b) Permanent logging equipment repair and storage;¶¶

(c) Log scaling and weigh stations;¶¶

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;¶¶

(e) Private parks and campgrounds. 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.¶¶

(A) 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 subsection 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.¶¶

(i) 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 paragraph (4)(e)(C) of this rule.¶¶

(ii) 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.¶¶

(B) 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 permanent housing units replacing those lost to the natural hazard event are not available in sufficient quantities. A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).¶¶

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

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

(iii) A plan for removing or converting the temporary campground to an allowed use at the end of the time-frame specified in paragraph (4)(e)(B) shall be included in the application materials and, upon meeting the county's satisfaction, be attached to the decision as a condition of approval. A county may require that a removal plan developed pursuant to this subparagraph include a specific financial agreement in the form of a performance bond, letter of credit or other assurance acceptable to the county that is furnished by the applicant in an amount necessary to ensure that there are adequate funds available for removal or conversion activities to be completed.¶¶

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

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

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

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

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

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

- (f) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;¶
- (g) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;¶
- (h) Television, microwave and radio communication facilities and transmission towers;¶
- (i) Fire stations for rural fire protection;¶
- (j) Commercial utility facilities for the purpose of generating power, not including photovoltaic solar power generation facilities in eastern Oregon. A power generation facility considered under this subsection shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4;¶
- (k) Commercial utility facilities for the purpose of generating power as a photovoltaic solar power generation facility in eastern Oregon, under the following standards: ¶
  - (A) A power generation facility considered under this subsection shall not preclude more than 240 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4.¶
  - (B) An application for a facility under this subsection shall comply with the requirements of ORS 215.446(3).¶
- (l) Aids to navigation and aviation;¶
- (m) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;¶
- (n) Reservoirs and water impoundments;¶
- (o) Firearms training facility as provided in ORS 197.770;¶
- (p) Cemeteries;¶
- (q) Private seasonal accommodations for fee hunting operations may be allowed subject to section (5) of this rule, OAR 660-006-0029, and 660-006-0035 and the following requirements:¶
  - (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;¶
  - (B) Only minor incidental and accessory retail sales are permitted;¶
  - (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and¶
  - (D) A governing body may impose other appropriate conditions.¶
- (r) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;¶
- (s) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;¶
- (t) Home occupations as defined in ORS 215.448;¶
- (u) Temporary hardship residence in conjunction with an existing dwelling. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons experienced by the existing resident or relative as defined in ORS chapter 215. "Hardship" also includes situations where a natural hazard event has destroyed homes, caused residential evacuations, or both, and 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 temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(q) or 215.283(1)(p).¶
  - (A) For a medical hardship or hardship for the care of an aged or infirm person or persons experienced by the existing resident or relative as defined in ORS chapter 215 the temporary residence may include a manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building. A manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. Governing bodies shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the manufactured dwelling or 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.¶
  - (B) For hardships based on a natural hazard event described in this subsection, the temporary residence 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 temporary residence no longer being necessary, 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 paragraph (B), the county may find that the criteria of section (5) are satisfied when:¶
    - (i) The temporary residence is established within an existing building or, if a recreational vehicle, is located within

100 feet of the primary residence; or¶¶

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

(v) Expansion of existing airports;¶¶

(w) Public road and highway projects as described in ORS 215.213(2)(p) through (r) and (10) and 215.283(2)(q) through (s) and (3);¶¶

(x) Private accommodations for fishing occupied on a temporary basis may be allowed subject to section (5) of this rule, OAR 660-006-0029 and 660-006-0035 and the following requirements:¶¶

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

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

(C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;¶¶

(D) Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and¶¶

(E) A governing body may impose other appropriate conditions.¶¶

(y) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations; and¶¶

(z) An outdoor mass gathering:¶¶

(A) Of more than 3,000 persons, any part of which is held outdoors and which continues or can reasonably be expected to continue for a period exceeding that allowable for an outdoor mass gathering as defined in ORS 433.735. In addition to the review standards in section (5) of this rule, the county must make findings required by ORS 433.763(l)(c).¶¶

(B) As defined by ORS 433.735, for which a county decides that a land use permit is required. In addition to findings required by ORS 433.763(1), a county may, when determining review standards, include all, some, or none of the review standards in section (5) of this rule.¶¶

(aa) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones, if:¶¶

(A) Areas within an urban growth boundary cannot reasonably accommodate the structures;¶¶

(B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction;¶¶

(C) Sites where the structures could be co-located with an existing use approved under this section are given preference for consideration;¶¶

(D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;¶¶

(E) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and¶¶

(F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.¶¶

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

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

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

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

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

Statutory/Other Authority: ORS 197.040, ORS 197.230, ORS 197.245

Statutes/Other Implemented: ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780, Oregon Laws 1993, ch. 792, ORS 197.770, ORS 215.291, ORS 215.311, ORS 215.448

NOTICE FILED DATE: 01/29/2026

RULE SUMMARY: Following the 2020 wildfires, LCDC adopted emergency rules to allow temporary residential uses within unincorporated communities for five years following a natural disaster event. The temporary rules were replaced with permanent rules in 2021. The adopted rule amendment extends the timeframe for temporary residential uses to 120 months.

CHANGES TO RULE:

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.~~¶¶~~

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:~~¶¶~~

(a) Uses authorized under Goals 3 and 4;~~¶¶~~

(b) Expansion of a use existing on the date of this rule;~~¶¶~~

(c) Small-scale, low impact uses;~~¶¶~~

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);~~¶¶~~

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;~~¶¶~~

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:~~¶¶~~

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;~~¶¶~~

(B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and~~¶¶~~

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;~~¶¶~~

(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:~~¶¶~~

(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or~~¶¶~~

(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.~~¶¶~~

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:~~¶¶~~

(a) Uses authorized under Goals 3 and 4;~~¶¶~~

(b) Small-scale, low impact uses;~~¶¶~~

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.~~¶¶~~

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:~~¶¶~~

(a) Any number of new motel and hotel units may be allowed in resort communities;~~¶¶~~

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;~~¶¶~~

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least

10 mile from any urban growth boundary.¶¶

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.¶¶

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).¶¶

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:¶¶

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and¶¶

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.¶¶

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.¶¶

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.¶¶

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.¶¶

(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 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 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. Uses approved under this section shall be consistent with all applicable provisions of law including adopted comprehensive plan provisions and land use regulations to protect people and property from flood, geologic, and wildfire hazards.¶¶

(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. Such uses must be removed or converted to an allowed use within ~~36~~120 months from the date of the Governor's emergency declaration. ~~A county may grant two additional 12-month extensions upon demonstration by the applicant that the temporary residential use remains necessary because permanent housing units replacing those lost to the natural hazard event are not available in sufficient quantities.~~ Temporary residential uses approved under this subsection are limited to the following;¶¶

(A) A single manufactured dwelling;¶¶

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

(C) Up to two yurts;¶¶

(D) Up to five recreational vehicles; or¶¶

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

(b) Transitional housing accommodations as described at ~~ORS 446.265~~ORS 197A.452(2) and (4) when homes and other private property on lands within the county or an adjacent county have received damage from a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610.

Statutory/Other Authority: ORS 197.040, ORS 197.245

Statutes/Other Implemented: ORS 197.040