

**Department of Land Conservation and Development**  
**Order Accepting Petition for Rulemaking Submitted by Lane County**  
**DLCD Order 001960**

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**I.     Decision**

For the reasons explained in this order, and pursuant to ORS 183.390, the Department of Land Conservation and Development (DLCD or department) accepts the September 19, 2025 petition for rulemaking submitted by Lane County (petitioner) based upon the department’s consideration of the petition according to the ORS 183.390(3) factors as set forth below.

**II.    Petition for Rulemaking**

Pursuant to ORS 183.390 an interested person may petition an agency requesting promulgation, amendment, or repeal of a rule. The petition must state the name and address of the petitioner and any other person known to petitioner to be interested in the rule and shall be signed by or on behalf of the petitioner. When a new rule is proposed, the petition shall set forth the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted and proposed additions shown by a method that clearly indicates proposed deletions and additions.<sup>1</sup>

A petition to amend or repeal a rule must also contain comments on “(a) [o]ptions for achieving the existing rule’s substantive goals while reducing the negative economic impact on businesses;

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<sup>1</sup> OAR 137-001-0070(1).

(b) [t]he continued need for the existing rule; (c) [t]he complexity of the existing rule; (d) [t]he extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; (e) and [t]he degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the agency adopted the rule.”<sup>2</sup>

In addition, where a petition requests the amendment or repeal of a rule, the agency shall invite public comment upon the rule, and shall specifically request public comment on whether options exist for achieving the rule’s substantive goals in a way that reduces the negative economic impact on businesses.<sup>3</sup>

Not later than 90 days after the date of submission of a petition, the agency shall deny the petition in writing or shall initiate rulemaking proceedings.<sup>4</sup>

### **III. The Petition – Procedural History**

On September 19, 2025, the department received petitioner’s petition for rulemaking via email, wherein petitioner asked the department to amend OAR 660-006-0025, 660-014-0090, 660-022-0030, and 660-033-0130.

In summary, the petitioner’s petition would extend timeframes to allow temporary living situations on properties destroyed by wildfire in forestlands, agricultural lands, in unincorporated communities, and on exception (rural residential) lands.

The Land Conservation and Development Commission (LCDC or commission) adopted temporary rules in 2020 and permanent rules in 2021 that allow wildfire-impacted property owners five years from the date of the disaster to rebuild damaged or destroyed residences.

In its petition, Lane County notes that many property owners have been unable to rebuild their dwellings within the five-year rebuild window. The petitioner explains the importance of extending rebuild timeframes from a local business perspective noting:

“The current rules have been helpful to individual property owners impacted by the 2020 wildfires, allowing many to stay in the area rather than relocate. This allows for a more stable customer base for the businesses that survived or are returning after the fires.”

### **IV. ORS 183.390(3) Factors**

Pursuant to ORS 183.390(3), in reviewing a petition requesting the amendment, or repeal of a rule, the agency shall consider:

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<sup>2</sup> OAR 137-001-0070(2).

<sup>3</sup> ORS 183.390(2); OAR 137-001-0070(3).

<sup>4</sup> ORS 183.390(1); OAR 137-001-0070(4).

**A. The continued need for the rule;**

Wildfire recovery is multifaceted, complex, and time-consuming. Wildfire survivors must navigate local, state, and federal permitting processes, FEMA programs, insurance policies, clean-up efforts, timber harvests, and the disruption or loss of personal and social networks. Wildfire recovery is not a quick or easy process.

The 2020 Holiday Farm Wildfire destroyed 517 residences in Lane County. To date:

- 225 property owners have rebuilt dwellings;
- 35 homes are under construction;
- One residence is under building plan review; and
- 256 property owners are yet to initiate the residential rebuilding process.

Following the 2020 wildfires, Lane County issued approximately 90 Holiday Farm Fire-related temporary recreational vehicle (RV) occupancy permits. Today, 30 of these RVs are located on properties where a single-family dwelling has been rebuilt and are no longer needed for habitation. The remaining 60 permitted RVs represent the only habitable structure on fire-damaged properties. In its petition, Lane County explained that it cannot in good conscience ask 60 wildfire survivors to vacate their RVs, when they know that for these people, the recreational vehicle is their only dwelling option.

**B. The nature of complaints or comments received concerning the rule from the public;**

On November 14, 2025, the department issued a Notice of Receipt of Rulemaking Petition and provided an opportunity for public comment which remained open until December 5, 2025. Three public comments were received during the public comment period.

The comment from Jerry Lidz explained that counties should be offered the flexibility to opt in or opt out of an additional five-year time extension to rebuild.

The comment from Lauri Segel, LandWatch Lane County, explained that a five-year time extension to rebuild may be excessive. Ms. Segel expressed concerns about allowing temporary RVs as dwellings for more than five years, noting:

“We also have concerns about allowing temporary RVs as dwellings for five more years, without any backstops. From our experience, the impact of allowing an RV as a temporary dwelling for up to 10 years has the real potential of enabling it, ultimately, as a lawful permanent dwelling.”

The comment from Wasco County supported the rulemaking petition. Wasco County explained:

“Following the fire, our staff reviewed disaster recovery language and found it in significant need of modernization. We conferred with state experts at ODHS/OREM and OEM about best practices for disaster recovery and also consulted with DLCD to understand outcomes from significant 2020 fires. Staff also did a national literature review and looked at data from other disasters.

“What we learned is that the national average for recovery is between 7 and 10 years following a disaster. Particularly when impacting vulnerable communities, opportunities to maintain that community through things like long term RV stays on site can be critical not only to provide shelter and housing, but also to address emotional, mental, and spiritual needs.”

In addition, department staff hosted an informational webinar on November 21, 2025. Eight people participated in the session. Lauri Segel, LandWatch Lane County, requested additional planning and building code data from Lane County to better understand the need for a five-year time extension. Ms. Segel and other meeting participants expressed concerns about code compliance challenges associated with abating RV camping and habitation nonconformities.

A couple of meeting participants expressed having more concerns about extending timeframes for temporary RV parks and campgrounds than extending timeframes for individual RVs on lots or parcels of record.

**C. The complexity of the rule;**

The current rules are not complex. The petitioner’s requested rule amendments are straightforward and easily understood. The petitioner notes that Lane County has applied provisions of House Bill (HB) 2289 (2021)<sup>5</sup> to streamline permitting for replacement dwellings in the burn scar. HB 2289 provisions remain in effect until January 2, 2031.

**D. The extent to which the rule overlaps, duplicates or conflicts with other state rules, federal rules and, to the extent feasible, with local government regulations;**

Five-year rebuild timelines in the current rules do not align with the 10-year rebuild timelines promulgated in HB 2289. Extending wildfire victims’ rebuild window from five to 10 years would align the county’s process with HB 2289 and simplify the recovery process for many Lane County property owners.

**E. The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule;**

The 2020 Holiday Farm Fire devastated economic conditions in the McKenzie River Valley. Five years later, economic conditions have not improved for many survivors. For those who have not yet been able to rebuild, access to funding, time, and professional expertise is scarce. Property owners face challenges finding labor and sourcing building materials. The wildfires disrupted living situations, employment options, and family/social networks.

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<sup>5</sup> HB 2289 establishes an alternative process for alteration, restoration or replacement of certain uses affected by 2020 wildfires, and expands eligibility to repair or replace subsurface sewage disposal system for dwellings approved under alternative process.

The 2020 wildfires shined a spotlight on the need for improved communications technology and electrical infrastructure hardening and monitoring in remote wildfire-prone parts of Lane County.

**F. The statutory citation or legal basis for the rule.**

The petition requested that the department amend the following rules, which are based on the following statutes:

- **OAR 660-006-0025**

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

- **OAR 660-014-0090**

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.732

- **OAR 660-022-0030**

Statutory/Other Authority: ORS 197.040 & ORS 197.245

Statutes/Other Implemented: ORS 197.040

- **OAR 660-033-0130**

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.040, ORS 215.213, ORS 215.275, ORS 215.282, ORS 215.283, ORS 215.301, ORS 215.448, ORS 215.459, ORS 215.705 & ORS 215.449

**V. Conclusion**

Pursuant to ORS 183.390(1), the department has reviewed the petition and public comments and accepts the petition for rulemaking based upon the department's consideration of the petition according to the ORS 183.390(3) factors as set forth above. The department plans to file necessary notices and documents with the Oregon Secretary of State to allow the Land Conservation and Development Commission to consider adoption of this rule at its February 26-27, 2026 meeting.

Signed this 18 day of December, 2025.

*Brenda D Bateman*

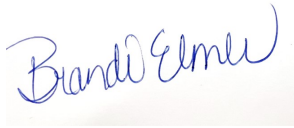
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Brenda Bateman, Ph.D., Director  
Department of Land Conservation and Development

### Certificate Of Service

I certify that on December 18, 2025, I served the attached “Department of Land Conservation and Development Order Petition for Rulemaking Submitted by Lane County” to the addresses listed below by email only.

Party	Email
Lane County	Marianne.NOLTE@lanecountyor.gov
Lane County	3050 North Delta Hwy, Eugene, OR 97408



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Brandi Elmer  
Executive Assistant to the Director

## **APPENDIX**

### **ORS 183.390 Petitions requesting adoption of rules.**

(1) An interested person may petition an agency requesting the promulgation, amendment or repeal of a rule. The Attorney General shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. Not later than 90 days after the date of submission of a petition, the agency either shall deny the petition in writing or shall initiate rulemaking proceedings in accordance with ORS 183.335.

(2) If a petition requesting the amendment or repeal of a rule is submitted to an agency under this section, the agency shall invite public comment upon the rule, and shall specifically request public comment on whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

(3) In reviewing a petition subject to subsection (2) of this section, the agency shall consider:

- (a) The continued need for the rule;
- (b) The nature of complaints or comments received concerning the rule from the public;
- (c) The complexity of the rule;
- (d) The extent to which the rule overlaps, duplicates or conflicts with other state rules or federal regulations and, to the extent feasible, with local government regulations;
- (e) The degree to which technology, economic conditions or other factors have changed in the subject area affected by the rule; and
- (f) The statutory citation or legal basis for the rule.

### **OAR 137-001-0070 Petition to Promulgate, Amend, or Repeal Rule**

OAR 137-001-0070 was adopted by the Attorney General as required by ORS 183.390. Agencies must apply this rule without further adoption or amendment.

(1) An interested person may petition an agency to adopt, amend, or repeal a rule. The petition shall state the name and address of the petitioner and any other person known to the petitioner to be interested in the rule. The petition shall be legible, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

- (a) The rule petitioner requests the agency to adopt, amend, or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full. When an amendment of an existing rule is proposed, the rule shall be set forth in the petition in full with matter proposed to be deleted and proposed additions shown by a method that clearly indicates proposed deletions and additions;
- (b) Facts or arguments in sufficient detail to show the reasons for and effects of adoption, amendment, or repeal of the rule;



(c) All propositions of law to be asserted by petitioner.

(2) If the petitioner requests the amendment or repeal of an existing rule, the petition must also contain comments on:

(a) Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;

(b) The continued need for the existing rule;

(c) The complexity of the existing rule;

(d) The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and

(e) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the agency adopted the rule.

(3) If a petition requests the amendment or repeal of a rule, before denying a petition, the agency must invite public comment upon the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

(4) The agency:

(a) May provide a copy of the petition, together with a copy of the applicable rules of practice, to all persons named in the petition;

(b) May schedule oral presentations;

(c) Shall, in writing, within 90 days after receipt of the petition, either deny the petition or initiate rulemaking proceedings.