

Petition to Amend a Rule

Land Conservation and Development Commission

IN THE MATTER OF THE AMENDMENT OF
OAR chapter 660-006-0025 – Forest Lands;
OAR chapter 660-014-0090 – Newly Incorporated
Cities, Annexation, and Urban Development on
Rural Land;
OAR chapter 660-022-0030 – Unincorporated
Communities;
OAR chapter 660-033-0130 – Agricultural Land

PETITION TO AMEND
OAR chapter 660-006-0025 – Forest Lands;
OAR chapter 660-014-0090 – Newly
Incorporated Cities, Annexation, and Urban
Development on Rural Land;
OAR chapter 660-022-0030 – Unincorporated
Communities;
OAR chapter 660-033-0130 – Agricultural Land

1. Petitioner is Lane County, 3050 N Delta Highway, Eugene OR 97405.
2. Lane County requests that Oregon Administrative Rules in Chapter 660 be modified to extend the timeframe to allow temporary living situations on properties destroyed by wildfire on forestlands, agricultural lands, in unincorporated communities, and other rural exception lands. Lane County believes this modification is necessary to provide continued assistance to wildfire survivors.
3. The Land Conservation and Development Commission (LCDC) adopted temporary rules on October 22, 2020 in response to 2020 Oregon wildfires. The amendments were intended to assist communities by accommodating interim sheltering options for individuals who lost their homes or were otherwise displaced due to catastrophic wildfires.
4. The rules allowed for additional, temporary housing outside urban areas. In Rural Residential and Rural Commercial zoned properties, and in unincorporated communities, temporary RV's were allowed to serve as interim shelter for a period of 36 months. A county could grant two additional 12-month extensions upon demonstration that the use remained necessary.
5. The rules also allowed for emergency campground uses on forest and agricultural lands. This use was allowed for a period of 36 months, and a county could grant two additional 12-month extensions upon demonstration that the use remained necessary. Although Lane County did not receive any applications for emergency campgrounds in these zones, we recommend that the rules be extended for consistency and for potential availability in other counties.
6. Lane County has made extensive use of the provisions to allow RV's as housing after the Holiday Farm Fire. Nearly five years on and with the 60-month window closing, many property owners have been able to rebuild their dwellings, but many have not. Some are waiting for State-issued grant funding to become available, and some are still uncertain about whether they will rebuild.

As per OAR 137-001-0070(2), Petitioner requests amendments to existing rules:

The Petition requests that LCDC add rule language to the following OAR Chapters:

OAR chapter 660-006-0025 – Forest Lands;

OAR chapter 660-014-0050 – Newly Incorporated Cities, Annexation, and Urban Development on Rural Land;

OAR chapter 660-022-0030 – Unincorporated Communities;

OAR chapter 660-033-0130 – Agricultural Land

The Petition requests to revise the deadline to use temporary dwellings and emergency campgrounds. The Petition does not dispute the need for end dates on the wildfire provisions. Rather, the Petition would like to extend the end dates to allow wildfire survivors more time to arrange permanent dwellings on their properties.

As per OAR 137-001-0070(2)(a), options to reduce negative economic impact on business:

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.

As per OAR 137-001-0070(2)(b), continued need for the existing rules:

Wildfire recovery is complex and time-consuming. Survivors of the fires have had to navigate FEMA processes, insurance policies, clean-up efforts, timber harvests, and the disruption or loss of their personal and social networks. This is not a quick or easy process.

Lane County has issued approximately 90 Holiday Farm Fire-related temporary RV permits. Of these, about 30 are on properties where a single-family dwelling has been rebuilt, and it's reasonable to assume that the RV is no longer needed. That leaves about 60 RV's that are still in use as the only living structure on the property. Lane County cannot in good conscience ask fire survivors to vacate their RV's, when we know that for many people, the RV is their only dwelling.

As per OAR 137-001-0070(2)(c), complexity of the existing rules:

While the existing rules are not overly complex, the deadlines are in conflict with other legislation being used for wildfire recovery, namely House Bill 2289 (2021). This bill allows survivors a streamlined process to replace dwellings that were lost in the 2020 wildfires, and it will be active until December of 2030.

As per OAR 137-001-0070(2)(d), extent to which the existing rules overlap, duplicate, or conflict with other state or federal rules and with local government regulations:

The deadlines in the existing rules conflict with House Bill 2289, which is available to wildfire survivors until December of 2030 and which has been used extensively in Lane County. If the deadlines in the existing rules matched the timelines in HB 2289, that would simplify the recovery process for many property owners in Lane County.

As per OAR 137-001-0070(2)(e), degree to which technology, economic conditions, and other factors have changed in the subject area:

When the existing rules were passed, it was evident that the 2020 wildfires had a devastating impact on survivors' lives. 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 are also facing challenges finding labor and sourcing materials. Finally, the fire disrupted people's lives, and for many, that disruption is ongoing. Living situations, employment options, and the loss of family and social connections still impact fire survivors. All these factors make decision-making slower, and point the need for flexible interim options such as temporary RV's beyond the five-year mark.

Proposed Amendments

OAR chapter 660-006-0025 – Forest Lands

(4)(e)(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 by December 30, 2030, or until a permanent dwelling has been replaced on the property, whichever comes first. ~~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).

OAR chapter 660-014-0090 – Newly Incorporated Cities, Annexation, and Urban Development on Rural Land

(4)(d)(A) Temporary natural disaster related sheltering is allowed until December 30, 2030 as long as the property owner has not replaced a permanent dwelling on the property. ~~for 36~~

~~months from the date of the Governor's emergency declaration. The county may grant two additional 12-month extensions upon a demonstration by the applicant that the temporary natural disaster sheltering housing remains necessary because permanent housing units replacing those lost to the natural hazard event are not available in sufficient quantities.~~

OAR chapter 660-022-0030 division 22 – Unincorporated Communities

(12)(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 until December 30, 2030 or until a permanent dwelling has been replaced on the property, whichever comes first. ~~within 36 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.

OAR chapter 660-033-0130 – Agricultural Land

(19) (c) Emergency purposes. Emergency campgrounds may be authorized when a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610, has destroyed homes or caused residential evacuations, or both within the county or an adjacent county. Commercial activities shall be limited to mobile commissary services scaled to meet the needs of campground occupants. Campgrounds approved under this section must be removed or converted to an allowed use section must be removed or converted to an allowed use by December 30, 2030, or until a permanent dwelling has been replaced on the property, whichever comes first. ~~within 36 months from the date of the Governor's Executive Order. The county may grant two additional 12-month extensions upon demonstration by the applicant that the campground continues to be necessary to support the natural hazard event recovery efforts because adequate amounts of permanent housing is not reasonably available.~~ A county must process applications filed pursuant to this section in the manner identified at ORS 215.416(11).

7. The Petitioner has no knowledge of any person who may have a particular interest in the proposed amendment of the above OAR's.

8. The rules as amended would not overlap, duplicate, or conflict with any state, federal or local regulation that the Petitioner has identified.
9. The proposed timeline amendments are necessary to rebuild the communities impacted by the Labor Day 2020 wildfires and to preserve flexibility of housing options for people still recovering from the fires.

Dated September 19, 2025

Lane County

A handwritten signature in black ink, appearing to be 'AB' with a stylized flourish.

By Amber Bell, Planning Director, AIC for Keir Miller, Manager

Lane County Land Management Division