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2
3 BEFORE THE BOARD OF COMMISSIONERS
4 FOR LINCOLN COUNTY, OREGON
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6 In the Matter of:

7 *An Order Addressing Temporary Emergency*) Order No. 11-20-337
8 *Accommodations in the Unincorporated*)
9 *Area of Lincoln County*)

10
11 WHEREAS, during the 2020 fire season, Oregon experienced life-threatening fires and
12 smoke at an unprecedented level, threatening communities and creating a crisis all over the state.
13 Countless Oregonians have been forced from or lost their homes, and businesses have been lost as
14 these fires have displaced entire communities; and

15
16 WHEREAS, on August 20, 2020, the Governor issued Executive Order No. 20-35,
17 declaring a state of emergency due to the imminent threat of wildfires. This declaration recognized
18 the extreme fire danger presented by hot, dry, windy conditions, as well as the significant risk that
19 wildfires would result in evacuations, threats to critical infrastructure, and the destruction of homes
20 and other structures; and

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22 WHEREAS, in the weeks that followed, the extreme danger materialized, as multiple fires
23 burned across Oregon, destroying homes, displacing individuals, and causing injury and loss of
24 life; and

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26 WHEREAS, one of the fires started on September 7, 2020, at about 11:45 P.M.,
27 approximately 4 miles east of Lincoln City, in Lincoln County. It later became known as the Echo
28 Mountain Complex Fire; and

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30 WHEREAS, on September 8, 2020, the Lincoln County Board of Commissioners passed
31 Resolution No. 9-20-271, declaring that a state of emergency exists in Lincoln County from
32 damage caused by wildfires and high winds; and

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34 WHEREAS, on September 9, 2020, the Governor declared a statewide emergency
35 declaration based upon the outbreak of wildfires; and

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37 WHEREAS, on September 16, 2020, the President approved a disaster declaration and
38 made federal emergency funding available to the State to supplement State, tribal and local

1 recovery efforts in the areas affected by wildfires and straight line winds beginning on September
2 8, 2020, and continuing; and

3
4 WHEREAS, the Echo Mountain Complex fire grew over time to cover some 2,552 acres,
5 and destroyed 293 homes and numerous structures, recreation vehicles, and water and sanitation
6 facilities, thereby displacing hundreds of individuals; and

7
8 WHEREAS, in addition, the wildfire emergency has occurred during the ongoing novel
9 coronavirus (COVID-19) public health emergency, making staying in shelters and other crowded
10 areas more complicated. COVID-19 is a highly contagious respiratory disease that can lead to
11 serious and sometimes fatal illness. On March 11, 2020, the World Health Organization declared
12 COVID-19 a pandemic, and on March 13, 2020, the President declared it a national emergency.
13 The Governor issued a series of executive orders, beginning March 8, 2020, responding to a
14 growing number of cases in Oregon. On May 14, 2020, and June 5, 2020, the Governor established
15 a phased, regionally tailored framework for reopening the state (EO 20-25 and EO 20-27). Lincoln
16 County was approved for Phase I Opening on May 15, 2020, and for Phase 2 Opening on
17 September 29, 2020. These measures provide for continued limitations on indoor gatherings, and
18 mandate physical distancing and mask wearing; and

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20 WHEREAS, pursuant to the Lincoln County Code, Chapter 1, with limited exceptions such
21 as mobile home parks, the use of a motor home, recreational vehicle, travel trailer, or similar device
22 (hereinafter collectively called RV or RVs) as a dwelling unit is prohibited; and

23
24 WHEREAS, temporarily reducing restrictions on occupied RVs on private property, with
25 safeguards to mitigate public health impacts and impacts on surrounding neighborhoods, will allow
26 for additional, temporary housing for persons displaced by the wildfires until more permanent
27 housing is available; and

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29 WHEREAS, there is a need for this housing because Lincoln County already has a very
30 low rental vacancy rate before these fires, and with the substantial number of displaced individuals,
31 Lincoln County does not have adequate housing available to meet anticipated housing demand
32 until new housing units are built; and

33
34 WHEREAS, the County acknowledges that some areas of the County may have recorded
35 documents, including Conditions, Covenants and Restrictions or other governing documents,
36 which may restrict the ability of a property owner to allow an RV to be parked and/or occupied on
37 their property. The County does not monitor, interpret nor enforce such private restrictions. The
38 County encourages Homeowner Association Boards of Directors and other private governing
39 entities, to consider suspending enforcement, consistent with this Order, during this time of
40 unprecedented crisis and need. However, this Order does not override or supersede any such
41 private restrictions; and

1 WHEREAS, in order to mitigate negative impacts, and to protect the health, safety and
2 welfare of persons occupying these RVs and the surrounding neighborhoods and areas, the use
3 must be temporary and comply with the provisions of this Order;
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5 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:
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7 1) Lincoln County shall allow (not enforce against) the occupation of RVs which would otherwise
8 be prohibited under Lincoln County Code Chapter 1 under the following circumstances:
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10 A) One or more of the occupants must have been displaced by the Echo Mountain Complex
11 Fire.

12 B) The owner of the underlying real property must grant permission in writing to the
13 occupants of the RV to temporarily reside there.

14 C) The RVs must be connected to sanitation facilities, whether within the RV or through
15 access to sanitation facilities on the adjacent private property.

16 D) The occupants must have reasonable access to potable water.

17 E) No more than one RV may be allowed on each lot.

18 F) The RV may only be allowed in a residential zone, or in a Timber Conservation Zone
19 (T-C) or Agricultural Conservation Zone (A-C) if there is already a dwelling on the subject
20 property.

21 H) The RV must not be located in any flood plain according to County FEMA maps.

22 I) The RV shall be allowed to be on a lot, either parked on the private property or parked
23 within lawful parking spaces in the right-of-way abutting the property. If the RV is parked in the
24 right-of-way, it (i) may not obstruct the travel lanes; (ii) may not be located across the street from
25 another RV parked within the right-of-way if the two parked RVs obstruct travel lanes to the extent
26 emergency services vehicles cannot pass; (iii) extended panels on the RVs may not be expanded
27 further into the travel lane portion of the right-of-way; (iv) they may not be parked within fifty
28 (50) feet of an intersection; (v) they may not be parked in a location that creates visibility problems
29 for other drivers such as the inside of a curve in the roadway.

30 J) The occupant(s) must register the RV by submitting a completed and signed form
31 prepared by the Lincoln County Planning and Development Department to that Department. There
32 shall be no charge for the registration.
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34 2) This Order shall only apply in the unincorporated areas of Lincoln County.
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36 3) This Order does not excuse any environmental violations of the law such as those of the
37 Department of Environmental Quality.
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39 4) This Order shall remain in full force and effect until September 10, 2021, unless it is earlier
40 terminated or extended by the Lincoln County Board of Commissioners. There shall be no right to
41 continue the occupation of the RV allowed by this Order after the expiration of this Order.
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1 5) Copies of this Order shall be provided to Sheriff Curtis Landers; Virginia Demaris, Lincoln
2 County Emergency Manager; Onno Husing, Director of Planning and Development; Casey Miller,
3 Lincoln County Public Information Officer; and Wayne Belmont, Lincoln County Counsel.
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6 DATED this 2nd day of November, 2020
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9 LINCOLN COUNTY BOARD OF COMMISSIONERS

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11 _____
12 Kaety Jacobson, Chair
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15 _____
16 Doug Hunt, Commissioner
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19 _____
20 Claire Hall, Commissioner
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