



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** April 30, 2025

**SUBJECT:** Consideration of First and Second Reading – RVs as Rental Dwellings

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On May 7, 2025, staff will present Ordinance No. 2025-004 to the Board of County Commissioners (Board) for consideration of first and second reading and adoption by emergency. On December 18, 2024, the Board conducted deliberations to consider legislative text amendments to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The ordinance provided here reflects the decisions made during those deliberations, which are outlined below. The entirety of the record can be found at [www.deschutes.org/rvamendments](http://www.deschutes.org/rvamendments).

### I. PROCEDURAL BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.<sup>1</sup> The Planning Commission held an initial public hearing on November 9, 2023,<sup>2</sup> which was continued to December 14, 2023.<sup>3</sup> At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2024<sup>4</sup> and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board. After deliberating, the Planning Commission voted 4-3 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments if the Board chooses to move forward with adoption.

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<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-41>

<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-40>

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-43>

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-44>

Staff provided a summary of the amendments and the process thus far at a February 28 work session<sup>5</sup> to the Board and followed up with additional information on several topics on March 27,<sup>6</sup> at which time the Board directed staff to proceed with a public hearing. A public hearing was held before the Board on May 8, 2024. At that time, the public hearing was closed, and the written record was held open until 4 p.m. on May 29.<sup>7</sup>

Staff met with the Board on June 10<sup>8</sup> to begin the deliberative process, orient the Board to issues raised in the record, and receive feedback on areas of Board interest or concern. During that meeting, the Board directed staff to further research issues relating to fire protection and associated resources, and to gather information about the status of other counties regarding SB 1013 before proceeding with further deliberations.

On August 14, staff returned to the Board to request that the record be reopened in order to receive additional information, most notably from the fire districts, which were occupied at the time during the height of fire season. The Board signed Order No. 2024-029, directing staff to reopen the record until November 1, 2024. Staff returned to the Board on November 13<sup>9</sup> to summarize the additional testimony received and request Board direction concerning matters raised in the record, including concerns from the Building Safety Official and testimony from the fire districts. The Board directed staff to return for continued deliberations on December 18,<sup>10</sup> at which time the Board provided direction on several issues before voting to approve the amendments with those changes incorporated.

After receiving Board direction for changes to the amendments based on deliberations, staff updated the code and findings to reflect those changes and worked internally within CDD divisions to coordinate implementation, including staff training, website and handout material, and process refinement.

## **II. OVERVIEW OF ORDINANCE**

During deliberations, staff presented several decision points for Board consideration. A brief summary of the Board decisions and subsequent modifications to the amendments is provided below.

### **1. Minimum lot size**

While SB 1013 provides no required minimum lot size, the initial draft code in this proposal utilized a 1-acre minimum. Lot size can serve as a regulating factor for many of the issues brought up in testimony, by effectively controlling the total number of and density of properties eligible for RV rental dwellings.

During deliberations, the Board chose to require a 2-acre minimum lot size, except for certain areas of South County, which would require a minimum size of 5 acres. This would follow the same criteria utilized

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<sup>5</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-157>

<sup>6</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-161>

<sup>7</sup> The record, which contains all memoranda, notices, and written testimony received, is available at the following website: [www.deschutes.org/rvamendments](http://www.deschutes.org/rvamendments)

<sup>8</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-175>

<sup>9</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-203>

<sup>10</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-209>

for accessory dwelling units, which aims to protect areas of South County with groundwater issues by requiring larger lots. Approximately 7,590 properties would be eligible using baseline criteria of zone, lot size, and existence of a single-family dwelling.

## **2. Placement/setbacks**

In addition to the criteria in the original draft requiring that the RV must be 10 feet from any structure and the setbacks for dwellings in the underlying zone apply, the Board directed staff to require that the RV must be located within 100 feet of the primary dwelling.

The 100-foot siting envelope is the same as the criteria utilized for ADUs. Keeping the RV close to the primary dwelling aims to cluster the potential impacts together rather than spreading them out across the property. This can also provide efficiencies for septic and driveways.

## **3. Defensible space**

There were no standards in the original draft for defensible space, nor are there requirements in SB 1013. Aiming to provide clear requirements as well as an option for more customized strategies, the Board directed staff to require a 20-foot radius around the RV of non-combustible ground cover of gravel, concrete, asphalt, grass mowed to 4 inches, or some combination of these **or** the property owner may consult with the applicable fire district to develop appropriate firebreaks and defensible space.

## **4. Emergency access**

There were no standards in the original draft to address emergency access, nor are there requirements in SB 1013. Similar to the approach to regulations for defensible space, the Board aimed to provide clear requirements but also provide a more open-ended option to allow emergency access to the RV. The Board directed staff to require the same access standards as for ADUs: Driveway standards: 12 feet wide, horizontal clearance of 20 feet, vertical clearance of 13.5 feet, all-weather surface **or** the property owner may receive written confirmation from a fire protection service provider that emergency access is adequate.

# **III. OTHER ISSUES**

## **Secondary Modifications**

Secondary modifications were made to the amendments in order to facilitate implementation of the RV rental dwelling program and provide clear direction for staff and applicants. These minor modifications do not change the legislative intent of the amendments.

- Select language was modified to reflect recently adopted clear and objective standards. For example, “single-family dwelling” was changed to “single unit dwelling” throughout.
- Language was added to reflect the process for applying for an address and for any onsite wastewater permits.
- Requirements were reorganized and clarified to reflect a single stage permitting process; this process was deemed the preferred approach after consultation amongst CDD divisions.

#### **IV. NEXT STEPS AND STAFF RECOMMENDATION**

Owing to the need to synchronize this effort with other active text amendments (primarily the first module of clear and objective text amendments, which contained changes to most chapters of Title 18 and 19), staff coordinated implementation prior to adoption rather than adoption first with an effective date 90 days later. This allowed for any pending text amendments to be captured in the final ordinance.

As a result, staff recommends adoption by emergency with an immediate effective date, as the implementation work for the amendments has already been completed. This proposed action requires a unanimous vote. Alternatively, if the vote is not unanimous, the Board will hold first and second readings at least 14 days apart, and then the ordinance will be effective 90 days after second reading.

#### Attachments

1. Ordinance No. 2025-004 and Corresponding Exhibits – Emergency
  - Exhibit A – DCC 16.12
  - Exhibit B – DCC 18.32
  - Exhibit C – DCC 18.60
  - Exhibit D – DCC 18.116
  - Exhibit E – DCC 18.120
  - Exhibit F – DCC 19.04
  - Exhibit G – DCC 19.12
  - Exhibit H – DCC 19.20
  - Exhibit I – DCC 19.22
  - Exhibit J – DCC 19.76
  - Exhibit K – DCC 19.92
  - Exhibit L - Findings