



MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: June 5, 2024

SUBJECT: Deliberations – RVs as Rental Dwellings

On June 10, 2024 the Deschutes County Board of Commissioners (Board) will conduct deliberations on a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The purpose of this memorandum and this first deliberation meeting is to provide an opportunity for staff to orient the Board to issues raised in the record and to receive feedback on areas of Board interest or concern.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

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, 2023.¹ The Planning Commission held an initial public hearing on November 9, 2023,² which was continued to December 14, 2023.³ 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, 2024⁴ 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.

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

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

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

⁴ <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 session⁵ to the Board and followed up with additional information on several topics on March 27,⁶ 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 29.⁷

Attached to this memorandum are the proposed text amendments and findings for reference. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

II. OVERVIEW OF TESTIMONY

A summary of the testimony received is provided below. Many people provided both written and verbal testimony; both are captured in the count and, as such, the total number of individuals providing testimony is less than the sum of the written and verbal testimony.

- Written testimony (received between January 23 and May 29):
 - 60 comments received (some individuals provided more than one comment)
 - One comment received after the close of the written record
- Public hearing verbal testimony (May 8): 6 individuals

A. Testimony in Support:

Provides additional housing options. This sentiment was the most repeated amongst supporters. Allowing RVs as rental dwellings would provide a means for less expensive housing options. This could allow people to remain in the county who otherwise might be forced out by the housing market. One commenter noted that their own experiences of living in an RV/tiny home RV allowed them to live in a smaller footprint while allowing them to save up to buy a traditional home several years later. Another noted that this option could help her age in place and feel safer having another resident on the same lot.

Financial opportunities for property owners. By allowing property owners to become landlords, this provides a potential supplementary income.

Gives opportunity for those living illegally in RVs to do it legally. Commenters noted that there are currently many people using RVs as permanent residences illegally—the proposed amendments would provide a means for them to comply with the law, allowing for more certainty for themselves as well as the surrounding community.

Other comments from supporters:

- Request for smaller minimum acreage than one acre to allow for more opportunities for this type of

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

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

⁷ The record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/rvamendments

- housing—specifically, to just under one acre to allow for numerous properties that are 0.97-0.99 acres
- Request for other alternatives for sewage disposal, such as a pumping contract as is utilized for temporary medical hardship dwellings
 - Request for no will-serve letter for water be required for those not utilizing wells; water company has previously indicated it would not support an Accessory Dwelling Unit (ADU), but would support an addition, for example
 - Opportunity for community building, promotes inclusivity via diverse housing opportunities
 - No need for snow protection via a ramada. The three RV parks the commenter reached out to stated they've never had a collapse due to snow
 - Funding could perhaps be supported by a yearly permit fee

B. Testimony in Opposition:

Concerns about enforcement. This was one of the most widely shared concerns and touches many of the other concerns that were voiced in opposition. In general, commenters felt that this proposal would create a host of enforcement issues, including septic, trash, noise, vehicles, and animals, and noted that this would place an additional strain on the Code Enforcement Division, which already has a backlog of cases and limited resources. Commenters also noted that existing illegal RV dwellings are already an enforcement issue and therefore expressed doubt that RVs permitted under this proposal would be able to be enforced adequately or at all.

Adverse effects on property values. Many opponents expressed concern that this could lower property values owing to the concerns noted by opponents.

Adverse effects on rural character/community. Many noted that adding RVs as rental dwellings could compromise the rural character that residents sought by moving into the unincorporated county in the first place. This proposal would have the potential to add significant population to the area and many felt it would be more appropriate to have RVs as dwellings either in cities or in RV parks.

Wildfire. Many commenters voiced concerns that additional dwellings—especially those with some component of outdoor living—could increase fire risk in an already at-risk region.

Legal complications and landlord-tenant law. Some testimony noted the difficulties in the event of landlord-tenant disputes and landlord-tenant law that could potentially involve the County.

Other concerns from opponents:

- Concerns about impacts on wildlife
- Concerns about additional traffic
- Concerns about effect on water
- Concerns about impacts on sewer system that does not have adequate capacity (Oregon Water Wonderland 2 Sanitary District)
- Concerns about effect on dark skies
- Suggestion to wait and see the impact of the recent ADU legislation before adopting this proposal
- Concerns about crime

- Concerns using the Oregon Revised Statute definition of RV because it allows self-certification of fire safety standards.
- Concerns about additional vehicles parking on the street to accommodate RVs on properties

III. AGENCY / SPECIAL DISTRICT / QUASI-MUNICIPAL TESTIMONY

A. Fire Districts

The Planning Commission recommended developing wildfire protection requirements in coordination with local fire districts, since SB 1013 did not include any wildfire-related criteria. Based on the comments from various fire districts regarding the proposed amendments for RVs as rental dwellings in unincorporated Deschutes County, the main concerns and recommended actions are:

1. Maintain fire access to the RV dwelling and ensure it is within 150 feet of the fire apparatus access lane.
2. Require a 10-foot spacing between the RV and any other structure for fire safety.
3. Assign RV dwellings an address (e.g. adding a letter to the main property address) and post signage visible from the street to indicate there are separate dwellings. This is important for emergency response.
4. Apply defensible space, fuel break, and non-combustible ground cover requirements similar to those for ADUs. Suggestions include a 5-foot non-combustible ground cover around the RV and meeting Oregon Defensible Space Code and Wildland Urban Interface Code standards.
5. Require RVs to have circuit breaker protection for power supply, smoke and CO alarms, and portable fire extinguishers.
6. Ensure access roads to RV sites have an all-weather surface, not just dirt, to enable fire truck and ambulance access.
7. Consider an annual "emergency response surcharge" fee for RVs since they likely won't be assessed taxes.

The entirety of the comments received by the fire districts can be found in the record and are summarized on page A1-3 of the February 28 Board work session memorandum.⁸

B. Code Enforcement Division

During the public hearing, the Board requested additional information from the Code Enforcement Division regarding its capacity to enforce existing and potential future code enforcement cases related to RV dwellings. A memo from the Community Development Department (CDD) to the Board, dated May 29, outlines several key concerns and challenges:

⁸ <https://mccmeetingspublic.blob.core.usgovcloudapi.net/deschutes-meet-b746d6af07a64a99a2c2e8e673a79fa3/ITEM-Attachment-001-fa025865385948e593f969020f17863c.pdf>

1. Code Enforcement case load is already high and increasing - new cases are up 21% in 2024 compared to 2023, with each enforcement officer currently managing about 124 violations across 68 properties on average. The department has limited staff (1 lead and 3 officers).
2. Analyzing current RV occupancy violation cases (78 open), 47% may meet minimum proposed requirements to allow the RV as a rental dwelling under SB 1013. However, this does not account for resolving other violations that may be occurring or demonstrating compliance with things like septic requirements, which can be costly for property owners (around \$30K for a new septic system).
3. Investigating and proving violations of proposed SB 1013 criteria could be very time-consuming and complicated if property owners do not grant access, as the County carries the burden of proof. Officers would need to send certified letters to start investigations. Key challenges include:
 - Verifying if a single-family dwelling is the owner's primary residence
 - Confirming the RV is owned/leased by the tenant
 - Determining if essential services like sewer, water, power are provided
 - Inspecting inside the RV to check for operable toilet/sink
4. Landlord-tenant laws and disputes could further complicate enforcement, requiring significant legal input. Safety concerns may necessitate Sheriff escorts during inspections.

C. Onsite Wastewater Division

Comments from the Deschutes County Onsite Wastewater Division highlight several key points regarding septic system requirements:

1. RVs used as permanent dwellings must connect all plumbing fixtures to an approved sewer system or onsite wastewater (septic) system, per Oregon Department of Environmental Quality (DEQ) rules. The rules define "dwellings" broadly to include RVs.
2. Permanent dwellings differ from temporary uses - they cannot utilize holding tanks, portable tanks, or portable toilets for sewage disposal. This is to prevent illegal discharges that pose public health hazards.
3. DEQ rules limit wastewater flows based on lot size to protect water resources. Lots between 0.5 and 1 acre with highly permeable soils and unprotected aquifers are capped at 450 gallons per day, which covers a primary residence. Adding an RV dwelling on these lots would exceed the allowed flow and be prohibited.
4. A 1-acre minimum lot size for RV dwellings would reduce but not eliminate septic denial issues, as installing an additional septic system for the RV may still not be feasible due to limited space or soil conditions. Larger parcels provide more flexibility.
5. From a health and safety perspective, the Onsite Wastewater Division with the Building Safety Division that RVs used as permanent dwellings should have living, sleeping, eating, cooking, and

sanitation facilities comparable to a typical dwelling unit. This includes sinks, toilets, showers, etc. connected to proper sewage disposal.

D. Oregon Water Wonderland Unit II Sanitary District

The Board of Directors of the Oregon Water Wonderland Unit II Sanitary District expressed their concern with the proposed amendments and potential adverse effects on its sewer system, both in terms of overall capacity issues as well as potential damage to their vacuum and pressure system. The full testimony, dated May 29, is available in the record.

IV. DELIBERATION DISCUSSION

Based on testimony received to date and questions raised by the Board, staff highlighted several issues for the Board to consider before proceeding with extensive deliberations. Some of the eligibility criteria and development standards might overlap. After June 10, staff will further refine them for the Board's consideration during additional deliberations, ultimately returning at a later date to provide an ordinance-ready code amendment, if applicable. If the Board does not support proceeding with the amendments in any form, further discussion is not necessary.

A. Regulatory Approach

Besides the baseline requirements provided in SB 1013, which cannot be altered locally unless they are made more restrictive than state law, the Board can choose to adopt regulations that reflect its preferred approach. For instance, if the Board wants RVs as rental dwellings to have maximum availability to Deschutes County residents, it might choose to have fewer regulations, ensuring that the largest number of properties are eligible. The Board could also choose to have a more restrictive program, but this would mean that there would be fewer eligible properties.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

The broad issues that arose during the process are discussed below.

B. Rural Character

Many residents noted the potential threat that RVs pose as rental dwellings to the rural character of Deschutes County. Rural character can mean different things to different people (and have repercussions as it relates to traffic, noise, light, impacts on wildlife, wildfire, and nearly every concern noted in public testimony), but in most cases comes down to the additional population density RV dwellings could bring to rural residential zones. Approximately 12,500 properties meet the baseline criteria of the proposal (not taking into account variables such as septic availability or setbacks/lot dimensions), with an

additional 3,000 that could meet the criteria once a primary dwelling is established. If there is interest in reducing the number of eligible lots, it could be achieved by:

- Establishing a larger minimum lot size (in all or some areas)
- Increasing required setbacks, thereby rendering some properties ineligible depending on lot dimensions
- Other.

Reducing the number of eligible lots would lower the potential density of RVs as rental dwellings but would therefore also reduce the availability of this housing type. Similarly, reducing the number of eligible properties would reduce the overall density of RV dwellings but would not necessarily address potential neighbor impacts on individual properties. Increasing setbacks could also reduce neighbor impacts and the number of potentially eligible properties.

C. Impacts on Neighbors

Concern for localized impacts on neighboring properties included noise, light, odor, traffic, animals, and visual qualities. While some of these might be addressed by reducing density, others would not. Strategies to reduce impacts on neighbors could potentially be achieved by:

- Larger setbacks from property lines
- Requiring that the RV be placed closer to the dwelling than to a property line or other regulations to cluster the RV with the existing house.
- Visual screening requirements
- Outdoor storage limitations
- Limitations for on-site waste incineration or fires generally

Some of these measures could also preclude the siting of an RV on certain properties, thereby reducing the availability of this housing type.

D. Code Enforcement

Code enforcement was a dominant theme in public testimony—whether about current issues with illegal RV dwellings, or the potential increase in enforcement cases that could develop with the proposed amendments and new RV dwellings. At the public hearing, the Board requested more information from the Code Enforcement Division concerning capacity, backlog, and the proposed amendments. A memorandum was submitted into the record addressing these topics on May 29 and is summarized above.

The more permissive/less restrictive the proposed amendments are, the less code there is to enforce, but this would not mean that those issues of concern would no longer exist—they would just not be regulated by Deschutes County Code and therefore would not incur a code violation, nor would the County have the ability to rectify them. Amendments with stricter regulations would have more code to enforce and therefore more violations and opportunities to come into compliance but would rely on the Code Enforcement Division’s capacity to do so.

E. Wildfire

Several rural fire districts provided suggestions for wildfire mitigation, summarized above; they also voiced concerns for the lack of resources for enforcement. As discussed previously, RVs as rental dwellings are not taxed as real property; improvements to the property for the parking pad and pedestal for essential services could trigger a nominal increase in property tax collected, but is not anticipated to be significant, or compare to the property tax revenue that could come with other types of dwellings/additions. Therefore, the proposed amendments would potentially place more demands on rural fire districts without a commensurate increase in revenue to pay for it.

Preliminary discussions within CDD indicate that it may have the ability to collect separate fees on behalf of the fire districts and distribute them accordingly. This scenario however, would first require the fire districts to coordinate with each other to determine and adopt the appropriate fee. CDD currently does this for Transportation and Park System Development Charges. This option however, would likely take time for coordination amongst the fire districts.

F. Other Fees

Impacts on traffic/roads could potentially be addressed by System Development Charges. CDD has had preliminary discussions with the Road Department regarding this and if directed by the Board, would likely follow a similar model used for ADUs, which led to charging a lower amount than a single family dwelling.

V. NEXT STEPS

At the conclusion of the meeting, the Board can:

- Continue deliberations to a date certain, at which time staff will return with more specific options based on today's discussion;
- Close deliberations and propose a motion to adopt/deny during this meeting.

Attachment:

Proposed Text Amendments and Findings