



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: August 30, 2023
SUBJECT: Senate Bill 1013 / Recreational Vehicle Residential Tenancies

The purpose of this work session is to 1) provide an overview of Senate Bill (SB) 1013, which allows counties to allow recreational vehicles as residential tenancies in rural residential areas, 2) to highlight potential items for future consideration, and 3) to receive Board of County Commissioners (Board) feedback on a potential scope of work and timeline. The full text of SB 1013 is provided as an attachment to this memorandum.

I. SB 1013 / Overview

The Oregon Legislature adopted SB 1013 into law on July 23, 2023 (Attachment 1); the law becomes effective January 1, 2024. SB 1013 authorizes a county to allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement and additional criteria outlined below. SB 1013 does not obligate a county to allow RVs as residential tenancies. SB 1013 shares some criteria with recent rural ADU legislation in SB 391, such as the requirement to provide sewage disposal, and differs in other ways—for instance, no fire hardening requirements are written into SB 1013, nor is there a minimum acreage. Staff is monitoring the legislative process to allow rural accessory dwelling units, and notes that the implementation process for SB 1013 will likely reveal similar complexities.

II. Selected Criteria

Staff is currently drafting a legislative amendment that addresses the criteria in SB 1013. In addition, staff has identified other issues/criteria that touch on other issues not identified in the bill, including compatibility, snow load, and septic capacity. All of these issues will be presented to the Planning Commission, the Board, and the public through the legislative process.

Criteria included in SB 1013:

- Property cannot be in an urban reserve.

- A single-family dwelling that is occupied as the primary residence of the property owner must be sited on the property.
- There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.
- The RV cannot be utilized as a short-term rental.
- The RV must be owned or leased by the tenant.
- The property owner will provide essential services to the recreational vehicle space. Essential services are defined in ORS 90.100 as:
 - A. Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; and
 - B. Any other service or habitability obligation imposed by the rental agreement or [ORS 90.730 \(Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition\)](#), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

Options from SB 1013 for counties to require from the property owner:

- Register the use with the county.
- Enter into a written residential rental agreement with the tenant of the recreational vehicle.
- Limit the amount of payments that the property owner may accept from the tenant under ORS 90.140 to those reasonably necessary to cover the owner's costs or losses.
- Require that the recreational vehicle comply with any reasonable appearance, repair, inspection or siting standards adopted by the county.

Additional criteria for consideration not included in SB 1013:

- Should a ramada/RV shelter be required to address snow load?
- Should the property owner provide storage for the tenant?
- Should there be a minimum acreage requirement to address both compatibility and wastewater issues?
- Should there be additional setbacks for the same reasons?
- What criteria should address fire (distance between primary dwelling and RV, for instance)?
- Other.

III. Proposed Timeline / Next Steps

Staff understands that any legislative amendment with the potential to provide additional housing is a priority for the Board but is also cognizant of the complexities currently being addressed in the

finalization of rural accessory dwelling amendments, which could influence amendments codifying SB 1013. Staff offers the below timeline recognizing the potential need for flexibility.

Staff is preparing for a first evidentiary hearing before the Planning Commission on November 9, 2023. This means that notice, which includes draft amendments and findings, are required to be submitted to the Department of Land Conservation and Development (DLCD) 35 days prior, on October 5. Staff acknowledges that many decision points in the draft amendments that are currently unresolved will be solidified through the public process. Depending on the length of the Planning Commission process (duration of hearing, open record period, and deliberations) staff anticipates this matter coming before the Board in December.

Attachment:

1. SB 1013