



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: October 5, 2023

SUBJECT: Preparation for Public Hearing: Senate Bill 1013 / Recreational Vehicles as Rental Dwellings

Staff will present proposed text amendments to the Planning Commission on October 12, 2023, in preparation for a November 9 public hearing concerning a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning, and Title 19, Bend Urban Growth Boundary Zoning Ordinance. The primary purpose of the amendments is to allow RVs as rental dwellings subject to certain criteria per the adoption of SB 1013. The proposal creates two new subsections (effectively the same but pertaining to different zones in Titles 18 and 19) that govern the criteria for RVs as rental dwellings.

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on October 4, 2023 and established a project website. Further background is provided below. The proposed text amendments and findings as well as the full text of SB 1013 are provided as attachments to this memorandum. The project website, which contains the record, is available at www.deschutes.org/rvamendments.

I. Background

Rural residential zones exist throughout Oregon. By definition, rural residential zones exist outside of urban growth boundaries (UGBs) but are excluded from the state's resource land (farm and forest zone) protections. With certain exceptions, those protections allow residential uses only in conjunction with a farm or forest use. However, in rural residential zones, a dwelling can be a primary use of the land. Currently, state law allows counties to permit an additional dwelling on a property containing a house built prior to 1945, and legislative amendments are underway to enact SB 391, which more generally allows accessory dwelling units in rural residential areas. However, unlike in urban zones, rural residential zones do not have any other by-right accessory dwelling options, making inter-generational and alternative housing options difficult to achieve.

The Oregon Legislature adopted SB 1013 into law on July 23, 2023; 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 rental dwellings. 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.

SB 1013 only authorizes RVs as rental dwellings in “rural areas.” For the purposes of SB 1013, a rural area has two definitions: either an area zoned for rural residential use as defined in ORS 215.501, or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use. Deschutes County’s jurisdiction only includes lands outside of UGBs, so only the first component of the definition applies. Areas zoned for rural residential use are defined by ORS 215.501 to mean “land that is not located inside a UGB as defined in ORS 195.060 (Definitions) and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.” The applicable zoning designations in Deschutes County for these lands are Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zone (WTZ).

II. Deschutes County Residential RV Amendments

In addition to only applying to lands recognized as rural residential exception areas, SB 1013 also contains minimum criteria that must be met for a lot or parcel to qualify for an RV as rental dwelling. As noted above, SB 1013 shares some similarities with SB 391, which allows for rural accessory dwelling units. In certain cases, the proposed amendments echo components of the zoning code developed in Deschutes County for rural ADUs. Lastly, the proposed amendments also contain additional criteria not included in SB 1013, for reasons of safety as well as compatibility.

Table 1 provides a summary of each provision of the amendments that are required by SB 1013.

Table 1 – SB 1013 Requirements

Topic	SB 1013 Requirements	Comment
Single Family Dwelling	SB 1013 Section 2(2)(b) requires one single-family dwelling that is occupied as the primary residence to be located on the lot or parcel.	DCC 18.116.095(D)(5) and DCC 19.92.170(A)(3) are consistent with SB 1013.
Urban Reserve Area	SB 1013 Section 2(2)(a) requires that the lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.	DCC 18.116.095(D)(3) and DCC 19.92.170(A)(1) are consistent with SB 1013.
Vacation Occupancy	SB 1013 Section 2(2)(d) prevents an RV allowed in this law from being used for vacation occupancy as defined in ORS 90.100 or other short-term uses.	DCC 18.116.095(E) and DCC 19.92.170(A)(11) are consistent with SB 1013. Both require a restrictive covenant be recorded to ensure compliance.

Topic	SB 1013 Requirements	Comment
Other Dwelling Units	SB 1013 Section 2(2)(c) requires that there are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.	DCC 18.116.095(D)(6) and DCC 19.92.170(A)(4) are consistent with SB 1013.
RV Ownership	SB 1013 Section 2(2)(e) requires the RV to be owned or leased by the tenant.	DCC 18.116.095(D)(7) and DCC 19.92.170(A)(5) are consistent with SB 1013.
Essential Services	<p>SB 1013 Section 2(2)(f) requires that the property owner provides essential services to the RV space, as defined in ORS 90.100(13)(b).</p> <p>ORS 90.100(13)(b) defines “essential services” as: “For a tenancy consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 (Definitions for ORS 90.505 to 90.850) to 90.850 (Owner affidavit certifying compliance with requirements for sale of facility):</p> <p>(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; and</p> <p>(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.”</p>	<p>DCC 18.116.095(D)(11) and DCC 19.92.170(A)(9) are consistent with SB 1013.</p> <p>In addition, these sections require the water supply to be frost protected and for a “Will Serve” letter to be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.</p>

Topic	SB 1013 Requirements	Comment
Reasonable appearance, repair, inspection, or siting standards	<p>SB 1013 Section 2(3)(d) allows counties to require that the RV complies with any reasonable appearance, repair, inspection, or siting standards adopted by the county.</p>	<p>DCC 18.116.095(D) and DCC 19.92.170(A) contain the following appearance, repair, inspection, or siting standards:</p> <p>DCC 18.116.095(D)(4) and DCC 19.92.170(A)(2) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(8) and DCC 19.92.170(A)(6) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(9) and DCC 19.92.170(A)(7) require that if the recreational vehicle is located within a structure, the structure must be entirely open on two or more sides.</p> <p>DCC 18.116.095(D)(10) and DCC 19.92.170(A)(8) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(12) and DCC 19.92.170(A)(10) require that the property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(13) requires that for properties located within the Wildlife Area Combining Zone, recreational vehicles are considered a structure and therefore must comply with the siting standards in 18.88.060(B).</p>

Using the baseline eligibility criteria of SB 1013 plus the lot size criteria suggested by staff, approximately 12,410 properties meet the zoning requirement, are at least one acre in size, and already have a single-family dwelling on the property. An additional 2,909 properties are currently vacant but meet the other baseline criteria.

Additional Options for Consideration

Recognizing that the purpose of these amendments and of SB 1013 is to provide a new housing alternative that would potentially help ease housing pressures in the rural County, the proposed amendments aim to avoid creating extraneous criteria that could present barriers to achieving this goal.

In their current state, the amendments address the requirements in SB 1013 plus several others (listed in the last row of Table 1) deemed necessary by Community Development staff for basic health and safety needs.

Staff offers several additional options for consideration below. The first group consists of options provided directly in SB 1013; the second group consists of options developed by staff when considering what RVs as rental dwellings might look like in Deschutes County. The latter group of options have evolved through internal discussion amongst Community Development Department staff during the development of the draft amendments. For example, staff initially considered requiring construction of a ramada over the RV to address snow load, but this is no longer a requirement in the proposed draft amendments and instead would be a consideration for the landlord to address in an individual rental agreement. Testimony received during the public process will help determine if any of these options—or others—should be added to the amendments.

SB 1013 Section 2(3) allows counties these options 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.

Additional criteria for consideration not included in SB 1013:

- Should the property owner be required to provide storage for the tenant?
- Should the duration of the land use permit be limited (for instance, two years) and require renewal/fee?
 - This requirement would be consistent with temporary RV renewals, and it aims to identify code enforcement issues proactively.
 - However, this is intended to be permanent housing so consistency with temporary uses might not be necessary. Would have to determine appropriate fee as it relates to staff load to process.
- Should alternative bathroom/toilet options be considered?
- Should the RV have to be screened from neighboring properties?
 - Example: "Fence, sight-obscuring" means a continuous fence, wall, evergreen planting or combination thereof constructed and/or planted to effectively screen a particular use from view."

IV. Next Steps

The Planning Commission will hold a public hearing on Thursday, November 9, 2023 at 5:30 p.m.

Attachments:

1. SB 1013
2. Draft Amendments
3. Draft Findings
4. Eligibility Map