



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Planning Manager
DATE: September 1, 2021
SUBJECT: Recreational Vehicle Park Expansion / Assessment

This memorandum provides an assessment of expanding existing Recreational Vehicle (RV) Parks in rural Deschutes County on non-federal land.

I. Background

Earlier this spring, the Board of County Commissioners (Board) requested information regarding the land use entitlement process for siting campgrounds, RV parks, and manufactured home parks in rural Deschutes County. On July 7, 2021, staff summarized the existing conditions, regulations, land use fees, and regulatory obstacles associated with those three uses. This cursory review however, did not evaluate case law as it pertains to RV park expansions. All seven existing RV parks discussed below were established more than 40 years ago, prior to Oregon’s statewide land use planning system taking effect in the mid to late 1970s.

II. RV Park Expansion Assessment

The matrix starting on page 4 summarizes the seven RV parks in rural Deschutes County, and the corresponding land use fees and onsite wastewater treatment conditions associated with any expansion. A map attached with this memorandum depicts their location.

Assessment: In coordination with County Legal Counsel, based on recent Land Use Board of Appeals (LUBA) case law (see Section V), it will be extremely difficult to entitle RV park expansions. Even if Goal 14 exceptions are attained, the entitlement, infrastructure costs, and in most areas, groundwater conditions, will present significant challenges to resolve, leading to a time consuming and expensive process at the outset.

III. RV Park Expansion / Land Use Criteria

All RV park expansions are subject to discretionary conditional use compatibility criteria and site plan review. Deschutes County Code (DCC) requires an RV park expansion to provide piped potable water and sewage disposal service, limitations on vehicle stays (no more than 30 days in any 60-day period), toilets, lavatories, and showers for each sex, and access, among others. DCC 18.128.170(P) also requires an expansion of a RV

park to bring the existing area up to current code requirements to ensure adequate water pressure, wastewater treatment and internal access for emergency vehicles.

For RV parks that were established on a parcel in use prior to 1979 and/or operational and configured since 1996, expansion requires a nonconforming use verification and/or alteration. DCC 18.120.010(E)(2) requires a finding demonstrating the alteration will have no greater adverse impact on the neighborhood. While a fee is not charged for a conditional use permit, an applicant must also address conditional use criteria referenced above.

IV. RV Park Expansion / Fees

Land use fees are highlighted in the matrix. Regarding wastewater, it is a complex process to update a Water Pollution Control Facility (WPCF) permit for an onsite wastewater treatment system and therefore difficult to estimate the permitting fees. Each RV park has unique site conditions. In southern Deschutes County for example, the Department of Environmental Quality (DEQ) will require a hydrologic study as part of the WPCF permit process.

Deschutes County also applies a one-time transportation system development charge (SDC) on land developments that will generate traffic on the County road system. The most recent edition of the ITE Trip Generation Manual indicates RV park (Land Use #416) generates 0.27 p.m. peak hour trips per occupied site. The current SDC rate is \$4,757 per peak hour trip. Therefore the SDC for an RV park would be \$1,284 per site (0.27 X \$4,757). County practice for motels, hotels, campgrounds and similar itinerant lodging is to assume 100% occupancy.

V. Land Use Board of Appeal Decisions

LUBA has issued a series of decisions relatively recently on RV parks that may complicate expansion opportunities. In certain circumstances, LUBA has determined RV parks are considered an urban use requiring an exception to Goal 14, Urbanization.¹

- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with permanently stationed recreational vehicles is an urban use of rural land under the first factor set out in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986). *Baxter v. Coos County*, 58 Or LUBA 624 (2009).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 6 units per acre on land zoned recreation and exclusive farm use is an urban use of rural land. *Baxter v. Coos County*, 58 Or LUBA 624 (2009).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park on land zoned recreation and exclusive farm use, with 179 permanent spaces for stationary trailers, is more similar to permanent residential occupancy found in a high-density residential subdivision than to temporary or seasonal uses found in an RV Park, and thus is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

¹ <https://www.oregon.gov/LUBA/docs/Headnotes/18.5.pdf>

- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 7 to 12 units per acre on land zoned recreation and exclusive farm use that is located approximately one mile from a city’s urban growth boundary functions more like a residential suburb that would undermine the effectiveness of the city’s UGB to contain high density residential development within the UGB, and is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed development that includes on-site water and sewer systems that are designed to support a high intensity, dense collection of residential uses is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).
- Goal 3, Agricultural Lands, ORS 215.283(2), OAR 660-033-0130(19), Private Campgrounds on Agricultural lands. *Scott v. Josephine County* (LUBA No. 2020-080). LUBA remanded a decision by Josephine County approving a private campground for recreational vehicles on land zoned Exclusive Farm Use (EFU). LUBA remanded the decision to the County based upon one of the petitioner’s assignments of error. The County approved the private campground and allowed separate water and sewer hookups to each other camp/recreational vehicle sites. The County justified this decision, seemingly in violation of OAR 6690-033-0130(9)(b), based upon LUBA’s allowance of separate hookups for a campground in another case, *Linn County Farm Bureau v. Linn County*, 63 Or LUBA 347 (2011). However, LUBA noted that the Linn County case involved a public campground, which is not subject to the same administrative rule. The case was remanded to the County for reconsideration on this count. Other aspects of the decision underscored that one must apply the *Oregon Shores Conservation Coalition v. Coos County* factors on a case-by-case basis. High density park models with permanent residences and extensive infrastructure however, are considered an urban use.

Attachment

Map of Existing RV Parks

Table 1 – RV Park Expansion Assessment

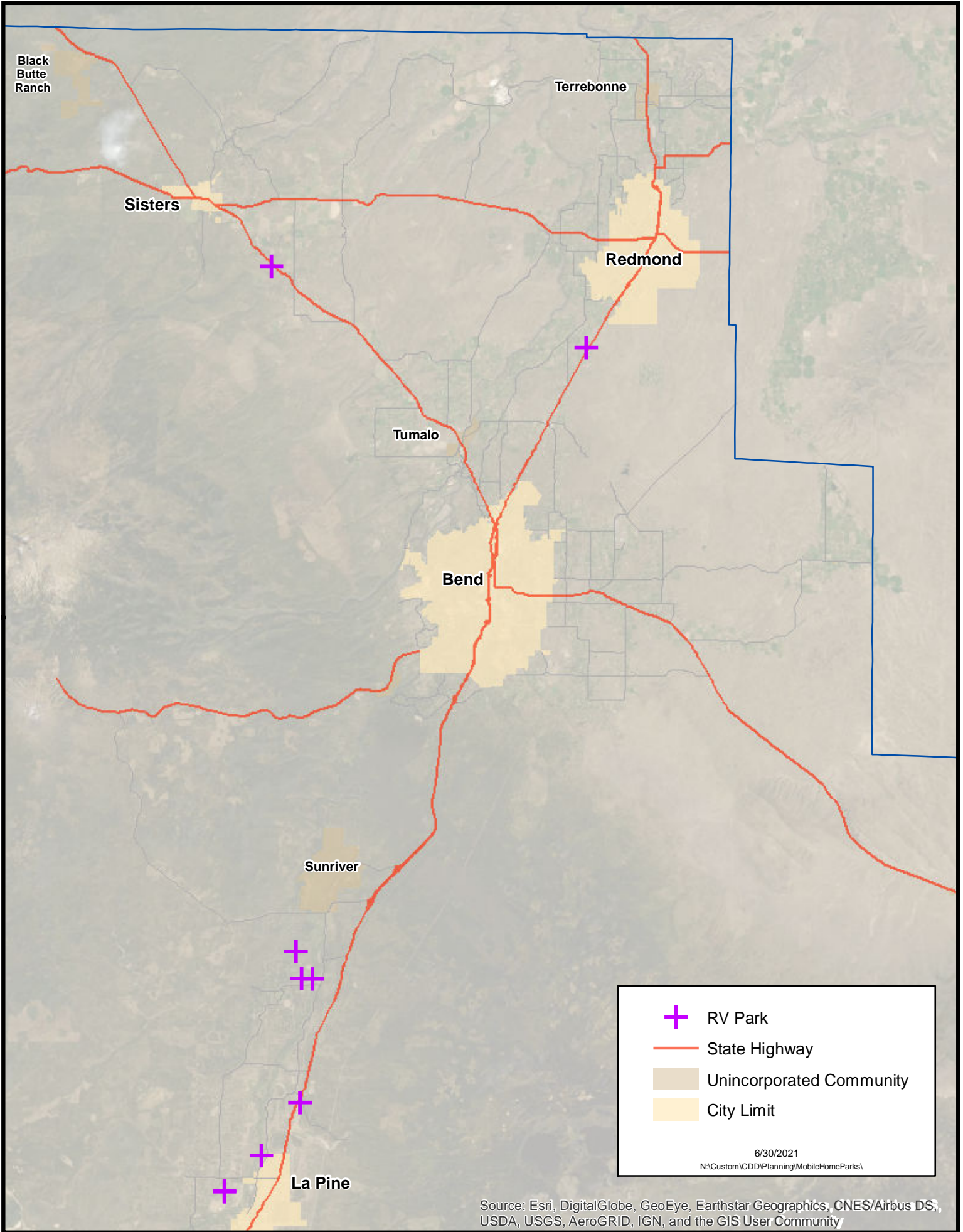
RV Parks	Background Information	Land Use Application Fees	Onsite Wastewater Comments
Bend/Sisters Garden RV Resort (Sisters KOA)	<p>Consists of 27 acres and contains 105 asphalt sites and 11 cabins. The RV resort was established in 1974.</p> <p>Subject property is zoned Exclusive Farm Use (EFU). It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Nonconforming use alteration: \$1,723 (with prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>It has an active WPCF Permit through DEQ.</p>
Cascade Meadows RV Resort	<p>Consists of 5 acres and was originally established in 1966. It includes 100 lots and has received several land use approvals starting in 1972.</p> <p>Subject property is zoned Rural Residential 10 (RR10) and Flood Plain. It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Same as above. 	<p>It has an active WPCF Permit through DEQ. There are significant site limitations to serve the entire facility as well as groundwater concerns.</p>
Thousand Trails RV Resort	<p>Consists of 170 acres and contains 317 sites. It was established prior to 1980. Land use records are incomplete.</p> <p>Subject property is zoned EFU and Flood Plain It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Same as above. 	<p>It has an active WPCF Permit through DEQ.</p>
Hidden Pines RV Park	<p>Consists of 2 acres and contains 18 spaces for RVs. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned RR10. An RV expansion will require a non-conforming use verification and alteration.</p>	<ul style="list-style-type: none"> • Nonconforming use verification: \$1,723 • Nonconforming use alteration: \$2,164 (without prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>Relies on a substandard system monitored by Deschutes County. It is located in a groundwater area that is very sensitive to loading from septic systems creating concerns for impacts to drinking water wells. Any expansion would trigger a WPCF permit through DEQ.</p>

RV Parks	Background Information	Land Use Application Fees	Onsite Wastewater Comments
Riverview RV Park	<p>Consists of 18 acres and contains 19 sites. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned RR10 and Flood Plain. An RV expansion will require a non-conforming use verification and alteration.</p>	<ul style="list-style-type: none"> • Nonconforming use verification: \$1,723 • Nonconforming use alteration: \$2,164 (without prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>Deschutes County oversees their onsite wastewater system. It is located in an area that is very sensitive to nitrate loading. Any expansion would trigger a WPCF permit through DEQ.</p>
Snowy River RV Park	<p>Consists of 1 acre and contains 6 spaces and is recognized as a lawful non-conforming use. It was established prior to 1980.</p> <p>The subject property is zoned Flood Plain. It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Nonconforming use alteration: \$1,723 (with prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>Deschutes County oversees their onsite wastewater system. It is located in a high groundwater area. Any expansion would trigger a WPCF permit through DEQ.</p>
Green Acres RV Park	<p>Consists of 8 acres and contains 55 spaces. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned Multiple Use Agricultural (MUA10). It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Same as above. 	<p>It has an active WPCF Permit through DEQ. There is limited space for an expansion.</p>



1" = 5 Mi

RV Parks



	RV Park
	State Highway
	Unincorporated Community
	City Limit

6/30/2021
N:\Custom\CDD\Planning\MobileHomeParks\

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community