



MEMORANDUM

TO: Deschutes County Planning Commission
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: January 4, 2024
SUBJECT: Deliberations – RVs as Rental Dwellings

On January 11, 2024 the Deschutes County Planning Commission will conduct deliberations to consider legislative text amendments to allow recreational vehicles as rental dwellings (File No. 247-23-000700-TA). The primary purpose of the amendments is to consider allowing RVs as rental dwellings subject to the requirements set forth in Senate Bill (SB) 1013 and any locally developed standards.

I. BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) 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 record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/rvamendments

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 testimony received is as follows. Note that many people provided both written testimony and verbal testimony; both are captured in the below counts and as such the total number of individuals providing testimony is likely slightly less than the sum of the written and verbal testimony.

- Written testimony (received between October 4 and December 28): 36 comments received (some

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>

individuals provided more than one comment)

- Public hearing verbal testimony (November 9 and December 12): 23 individuals

A. Dominant Themes

Below is a general summary of the dominant themes that emerged in the testimony received—both written and oral.

Themes 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 for those who are unable to afford the rent on a larger home. This in turn could allow people to remain in the county who otherwise might be forced out by the housing market. Several commenters 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.

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 smaller minimum acreage than one acre to allow for more opportunities for this type of housing—suggestions mostly ranged from half an acre to just under one acre to allow for numerous properties that are 0.97-0.99 acres
- Request to minimize requirements for permits/parking pads in order to reduce as many barriers as possible
- Clarifications/explanations concerning tiny houses as RVs with respect to Oregon DMV titling
- Provided explanations of options for winterization of RVs
- Several people stated there is no need to require storage
- Several people stated there is no need to require fencing/screening
- Several people stated there is no need to provide rent maximums (an option provided in SB 1013 but not included in the draft amendments)
- Some support for some type of setback from neighboring properties

Themes 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 Compliance 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 all 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. They also voiced concerns that tenants would not necessarily be invested in the local community. 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.

Traffic. Similar to above, the potential additional population from RV rental dwellings could cause a significant traffic increase; commenters had concerns about impacts to traffic and roads and available funding to address these issues.

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 area.

Other concerns from opponents:

- Concerns about impacts on wildlife
- Concerns about domestic animals disturbing humans and agriculture
- RVs as rental dwellings are not noted in the Comprehensive Plan or the Tumalo Community Plan
- Some areas do not have trash pickup and would need for this to be addressed so trash does not accumulate
- No evidence of how this could help affordable housing or homelessness
- Concerns about landlord-tenant law and the inability to evict in a timely fashion
- Concerns about effect on water
- 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

III. AGENCY / SPECIAL DISTRICT / QUASI-MUNICIPAL TESTIMONY

Fire Marshals

As currently written, the proposed draft contains no fire protection/access standards aside from a 10-foot separation distance from the RV; SB 1013 does not include any requirements for wildfire protection or mitigation. Staff reached out to fire protection districts and fire marshals concerning the proposed amendments. Several responded with recommendations or clarifications, summarized below:

- Maintain fire access to the RV dwelling
- Require a five-foot non-combustible ground cover around the RV
- Any fire requirements that applied to ADUs should also apply to RVs
- Proposed 10-foot distance between RV and other structure is reasonable
- All exterior portions of the RV should be within 150 feet of the fire apparatus access lane
- Building/RV/pedestal requirements: fire extinguishers; circuit breaker protection; smoke and CO2 alarms
- Access roads should have an all-weather surface and not just dirt
- Addressing should be clarified to easily identify the RV for emergency purposes

Staff notes that matters pertaining to addressing will be addressed in an amendment to DCC Title 16, Addresses and Road Names, in the next round of amendments provided for the Board of County Commissioners public hearing.

Deschutes County Community Development – Building Safety and Onsite Wastewater

Facility Requirements

Both the Building Safety Division and the Onsite Wastewater Manager recommended that the RVs should include facilities for living, sleeping, eating, cooking, and sanitation (toilet/sink/shower or tub), similar to any other type of dwelling.

To that end, Onsite Wastewater Manager Todd Cleveland stated, “Because these things are required for a proper healthy dwelling and human environment, this use will generate wastewater and must be connected to an approved onsite wastewater system (sanitary facilities). Having healthy and safe dwellings reduces illness and health risks, and will provide citizens with the opportunity to thrive in the community. It is our role to promote healthy and safe living conditions for all Deschutes County residents and visitors.”

Lot Size

Cleveland also noted the potential wastewater disposal limitations of a 0.5-acre minimum lot size rather than a 1-acre lot size. Owing to DEQ rules that restrict wastewater flows on lots with highly permeable rapidly draining soils with an unprotected aquifer on lots between 0.5 acre and 1 acre, those lots would be unable to add additional dwellings because the primary residence would have already consumed the capacity of the lot. As such, the Onsite Division would be obligated to deny RVs as rental dwellings to large numbers of properties between 0.5 and 1 acre.

Deschutes County 9-1-1

Deschutes County 9-1-1 provided recommendations supporting amendments to the addressing code to ensure that address assignments are consistent, that address signs are posted properly, and that the RV pad be identified on a site plan. As noted above, staff will draft amendments to the addressing code in the next phase of the legislative process.

IV. DELIBERATION

Based on testimony received throughout the public process, staff has highlighted several issues for the Planning Commission to consider. Staff notes that the Planning Commission is not limited to the listed issues; rather, the Planning Commission may choose to discuss any issue that was raised in the record.

1. Does the Planning Commission recommend to the Board of County Commissioners that RVs as rental dwellings should be allowed in rural residential exception areas (RR-10, MUA-10, UAR-10, SR 2 ½, WTZ) pursuant to SB 1013 and subject to certain additional standards?

- a. If yes, proceed to the next items to determine what changes, if any, the Planning Commission may recommend.
- b. If no, additional issues associated with the below list are unnecessary, and staff will forward a “no” recommendation to the Board.

2. Should there be a minimum acreage requirement for RVs as rental dwellings?

- a. 1 acre minimum (current draft amendments)
- b. 0.5 acre minimum
- c. Other minimum
- d. No minimum - SB 1013 does not propose a minimum acreage

3. Should wildfire protection standards be included in the proposed amendments?

- a. No wildfire protection standards should be included - SB 1013 does not contain fire protection standards
- b. The wildfire protection standards that are utilized for ADUs should apply to RVs where applicable, specifically:
 - Adequate access standards for road and driveway (DCC 18.116.355(B)(11)(a))
 - Wildfire Hazard Mitigation Defensible Space Standards (DCC 18.116.355(B)(11), customized where necessary for RVs)
- c. Other recommendations from various fire protection districts:
 - Require a five-foot non-combustible ground cover around RV
 - Access roads to the living sites should have an all-weather surface and not just dirt
 - All exterior portions of the RV should be within 150 feet of the fire apparatus access lane
 - Recommend that staff further refine specific recommendations from fire districts

4. Should RVs as rental dwellings be subject to special setbacks or other standards to dictate location on the property?

- a. No additional setbacks – current draft requires all RVs to meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot
- b. Setback of a certain distance. Examples include:

Campgrounds – Developed areas of campgrounds must be set back 100 feet from property lines. Staff notes that there are important similarities between campground and the proposed RV use (including indoor/outdoor living) and similar setbacks may be appropriate to buffer noise and visual impacts from the use.

Home Occupations – outdoor storage is limited and, where allowed, has a minimum 20-foot setback and screening requirements.
- c. Require the RV to be sited within a certain distance of the primary dwelling (example: 100 feet)

V. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting.

Ultimately, the Planning Commission will provide a recommendation to the Board. Options include:

- Recommend approval of amendments as drafted;
- Recommend approval of amendments with suggested edits or recommendations;
- Recommend denial of amendments;
- Other.

Attachments:

1. Proposed Text Amendments and Findings