



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: March 20, 2024
SUBJECT: Work Session – RVs as Rental Dwellings

Staff is providing the Board of County Commissioners (Board) with additional background information concerning legislative text amendments to allow recreational vehicles (RVs) as rental dwellings (File No. 247-23-000700-TA). This work session is in response to Board requests made during a work session on February 28. Staff seeks Board direction concerning next steps on the amendments.

I. PROCEDURAL 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 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 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments in the event that the Board chooses to move forward with adoption.

Staff provided a summary of the amendments and the process thus far at a February 28 work session, at which time, the Board requested additional information on several topics outlined below.

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

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>

II. ISSUES FOR CONSIDERATION

The following topics were recommended by the Board for staff to provide additional information. Staff from the Code Enforcement and Onsite Wastewater Divisions will be available to answer questions as well.

A. Septic/Wastewater

A significant factor in the decision to adopt amendments allowing RVs as rental dwellings relates to septic capacity and impacts. Under the proposal, the property owner would be required to provide a connection to dispose of wastewater from the RV—this is a requirement from Senate Bill 1013. This means that the property would be subject to an Authorization Notice for a new connection and potentially a Site Evaluation and related construction permits if applicable.

Onsite Wastewater Manager Todd Cleveland will be present to discuss RVs as rental dwellings and answer the Board's questions relating to wastewater, including:

- How do wastewater loads for RVs as rental dwellings compare to those for single family dwellings or Accessory Dwelling Units?
- Will most people need to expand or replace their septic system?
- What would this process entail for the property owner (applications and cost) and for staff (staff time, evaluation, code enforcement)?
- Are there concerns about the proposed 1 acre minimum in the County as a whole, and in South County specifically, particularly in light of the recent letter from the Oregon Department of Environmental Quality concerning groundwater quality?

B. Illegal RVs and Code Enforcement

A concern noted repeatedly in public testimony and acknowledged by the Board is the current presence of illegal RVs as dwellings. While it is difficult to assess the actual number of illegal RVs used as dwellings in the County, the Code Enforcement Division notes that since calendar year 2023, they received complaints of 92 violations of RV occupancy in the County, which would be roughly 13% of their caseload. The actual count of illegal RVs is likely significantly higher, however, since they are only recording formal complaints.

In addition, those RV complaints usually have an associated violation of non-approved septic disposal, which is another violation that typically gets tied with each RV case. Since they are usually combined, it doubles the violation count to 184 and from 13% to roughly 26% of the Code Enforcement workload since 2023.

Common issues other than waste disposal are typically either unpermitted work for the connections to the electrical or septic systems. Solid waste is sometimes an issue, though it is not specifically correlated.

The division noted some enforcement complications regarding RV occupancy: for instance, proving an RV is being occupied full time on lots where there is only an allowance for 30 out of 60 days.⁵ To verify a violation, Code Enforcement must be able to prove that the RV is occupied constantly, and there is not a time efficient way to do that other than gathering enough data points over the course of several weeks or months.

Dan Smith, Lead Code Enforcement Specialist and Angie Havniear, Administrative Manager, will be available to answer further questions from the Board.

C. Comparison to medical hardship dwellings in RVs

Staff noted that Deschutes County Code already allows people to live in RVs temporarily in certain circumstances; one of these options is as a medical hardship dwelling. Like the current proposal, many of the limitations for the use come directly from statute. Per Board request, staff is providing an overview in Table 1 of medical hardship dwellings in RVs and how they compare to RVs as rental dwellings for both the applicant and for staff.

Table 1 - RV Comparisons

Criteria	RV as Medical Hardship Dwelling	RV as Rental Dwelling
Eligible Zones	All zones	RR-10, MUA-10, SR 2 ½, UAR 10, WTZ
Lot Size	No minimum	Minimum 1 acre
Dwellings on Property	A single-family dwelling must be located on the property. No restrictions on additional dwellings, guest houses, etc.	A single-family owner-occupied dwelling must be located on the property. No other dwelling, guest houses, etc. are allowed.
Duration	If there continues to be a medical hardship, there is no limit on the duration.	Any duration
Allowed Occupant	Property owner or relative.	Anyone
Required Facilities & Wastewater Disposal	RV must have a bathroom. Four wastewater disposal options: 1. RV can be pumped by a licensed sewage disposal service; 2. RV can be driven to a permitted dump station; 3. RV can connect to an onsite septic system; or 4. RV can connect to sewer system.	RV must have an operable toilet and sink. Two wastewater disposal options: 1. RV can connect to an onsite septic system; or 2. RV can connect to sewer system.

⁵ DCC 18.116.095(B)(1) allows a single recreational vehicle to be located on a lot or parcel that does not contain a dwelling for a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit.

	In resource zones, if the RV will use a septic system, the RV must connect to the <i>existing</i> septic system, if capacity allows.	
Unique Requirements	<p>To qualify, the property owner or a relative of the property owner must have a medical condition.</p> <p>Property owner must submit a doctor's note annually.</p> <p>In all zones, a manufactured home can be used as a hardship dwelling.</p> <p>In resource zones, structures that existed on March 29, 2017, can be converted to a hardship dwelling.</p>	<p>RV must have a title.</p> <p>10-foot setback from other structures required.</p> <p>If in a structure, must be open on at least two sides.</p> <p>Property owner must provide permitted "essential services" (electric, wastewater).</p> <p>RV site requires parking pad.</p> <p>Restrictive covenant is required to prohibit the RV from being rented as a short term rental.</p>
Eligible Properties/Prevalence of Use	Every rural property in the county is technically eligible for a medical hardship dwelling if it can meet the requirements in DCC to establish one.	Approximately 12,410 properties meet baseline zoning/acreage/existing dwelling criteria; additional 2,900 are vacant but meet other criteria.
CDD Permitting	<p>Planning: One permit. However, if the person with the medical condition changes, a new permit is required.</p> <p>Septic: Onsite Authorization required to assess existing system/capacity, but there is more discretion for next steps due to the limited duration of use.</p> <p>Building: If the connection points are not located adjacent to where the RV is parked, permits are required to install these features: power source connection, water source connection & septic connection.</p>	<p>Planning: Two permits: one for RV site, one for RV tenant, which would change with each new tenant.</p> <p>Septic: Onsite Authorization required to assess existing system/capacity, which may lead to Site Evaluation and potential septic alteration or installation permit.</p> <p>Building: If the connection points are not located adjacent to where the RV is parked, permits are required to install these features: power source connection, water source connection & septic connection.</p> <p>If ramada is required, a residential structural building permit will be required.</p>
Other	The use is inherently non-permanent in nature. Balances property owner needs with off-site impacts to address a specific medical hardship.	

D. Ramadas and potential property tax implications

Planning staff raised the issue of snow load on RVs and the possibility of requiring the property owner to build a ramada. While it is still yet undetermined if this will be a requirement, staff refers to testimony in the record (2023-11-16) from Todd Straughan, Chief Appraiser, for comments regarding the potential tax implications of any improvements made to the property to accommodate an RV. Straughn noted that the RV itself is not considered real property and therefore would not affect property taxes, but improvements made to the property for the parking pad, pedestal providing essential services, or similar improvements, would:

We, by statute have to measure market value. So in this instance, we would have to estimate what is the added value of the "pad" with electric, septic, concrete, etc. We can add any value to the real market value of a property; however, if the real market value does not exceed \$18,200 (2024 limit), then we cannot add any taxable value (maximum assessed value). If what the owner adds is more than \$18,200 in RMV, the value added would be added to the existing RMV and it would be multiplied by the ratio for that property type, for that year to calculate how much of that value would be added to the Maximum Assessed Value/Taxable Assessed Value.

In other words, if the appraiser determines that any property upgrades—including the pad and a ramada—is more than \$18,200 then it could add to the value of the property and thus raise property taxes by the formula the appraiser uses to calculate those taxes—just like any other addition or improvement. But if it's less than \$18,200 it would not trigger an increase in the value used to calculate the taxes.

E. Progress in other counties on SB 1013

It is staff's understanding that Deschutes County has moved forward with potential implementation of SB 1013 before other Oregon counties. Tillamook County was scheduled to hold its initial public hearing with the Planning Commission on March 14, and Clackamas County is beginning to consider SB 1013. The Board could choose to wait to hold its public hearing until other jurisdictions have proceeded further with SB 1013, allowing for an assessment of those programs and the lessons learned therein.

III. NEXT STEPS

Staff seeks Board direction for next steps. Options include:

1. Conduct a public hearing.
2. Postpone the public hearing until other jurisdictions have progressed further with similar programs.
3. Withdraw the text amendment.
4. Other.