



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, FEBRUARY 28, 2024

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend
(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT: In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. **To attend the meeting virtually via Zoom, see below.**

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *9 to indicate you would like to speak and *6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

Time estimates: The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: Citizen Input may be provided as comment on any topic that is not on the agenda.

Note: In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734.

CONSENT AGENDA

1. Approval of Board signature on letters appointing Smita Mehta and Lisa Keown; reappointing Michael Fisher, Jason Gritzner and Chris Converse; and thanking Nancy Gilbert, Chuck Newport and Carey Kraybill for service on the Upper Deschutes Watershed Council Board or Directors
2. Approval of minutes of the February 16, 2024 BOCC Legislative Update meeting

ACTION ITEMS

- [3.](#) **9:10 AM** Central Oregon Veterans Outreach Application for Property Tax Exemption
- [4.](#) **9:25 AM** Approval of County Administrator signature of revised County Policy No. BLDG.-3, Donation of Property policy
- [5.](#) **9:35 AM** Acceptance of an Emergency Response grant from the State of Oregon Office of Developmental Disabilities Services
- [6.](#) **9:40 AM** Application for Wolf Depredation and Financial Compensation Grant Funds
- [7.](#) **10:10 AM** Work Session – Recreational Vehicles as Rental Dwellings

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 28, 2024

SUBJECT: Central Oregon Veterans Outreach Application for Property Tax Exemption

RECOMMENDED MOTION:

Move to support the application from Central Oregon Veterans Outreach which seeks a nonprofit property tax exemption for properties it owns in the City of Bend.

BACKGROUND AND POLICY IMPLICATIONS:

Central Oregon Veterans Outreach (COVO) provides food, clothing, case management and assistance, temporary shelter and very low-income permanent housing to households which are experiencing homelessness or at imminent risk of losing housing.

In accordance with the City of Bend’s enactment of State law (ORS 307.540 – 307.548), eight tax lots owned by COVO in Bend are eligible for a nonprofit property tax exemption. All eight properties are deed-restricted for low-income rental housing for veterans and their families. Seven of the lots support 16 individual housing units, and one vacant lot is reserved for future low-income housing.

BUDGET IMPACTS:

If the property tax exemptions are approved for these eight lots, the current annual financial impact to Deschutes County is estimated at \$7,792.24.

ATTENDANCE:

- J.W. Terry, COVO Executive Director
Les Bivens, President, COVO Board of Directors
Kerry Bell, Middle-Income Housing Coordinator, City of Bend



February 13, 2024

To: Deschutes County Board of County Commissioners
Commissioner Patti Adair, Chair
Commissioner Tony DeBone, Vice Chair
Commissioner Phil Chang

Subject: Central Oregon Veterans Outreach (COVO) request for approval of NONPROFIT TAX EXEMPTION application

In accordance with Bend Code Chapter 12.30, COVO is applying for Nonprofit Property Tax Exemption for eight properties deeded solely for low-income rentals. COVO is requesting that the County approve this request.

COVO is a 501(c)3 non-profit corporation that provides food, clothing, case management and assistance, temporary shelter, homeless camp outreach and low-income rental housing to military Veteran individuals and families who are homeless or at imminent risk of losing housing. Our goal is to get as many homeless Veterans as possible into permanent housing. Our case management process focuses on achieving stability in the lives of Veterans and their families so they can return to or remain able to take care of themselves and their families.

COVO serves the homeless community at large in Bend. COVO was founded to assist military veterans and their families experiencing homelessness, and that remains the core of our services. Many Veterans experiencing homelessness or who are at risk of losing their housing live with problems associated with their military service that become barriers to having stable lives and therefore to keeping housing. These Veterans are among those whom without assistance can stay caught in a cycle of failure which only exacerbates mental and physical struggles that resulted from their service. Many of our Veteran clients are not receiving Veterans Administration benefits to which they are entitled. Our case managers help Veterans to obtain these benefits, including housing assistance, medical care, behavioral health care, disability payments and vocational rehabilitation. Non-veteran clients receive the same type of case management support, but by trust deed are only eligible for COVO housing in two properties, one (1407 NE 10th Street) of which is on this request for property tax exemption.



COVO is requesting your support for our Nonprofit Tax Exemption Application for eight low-income properties that COVO is paying property tax on, consisting of 16 individual housing units and 1 vacant lot reserved for building low-income housing.

All funds not paid in taxes will benefit our renters by being applied to maintaining low rents, property maintenance and continued support services for Veterans and the homeless community.

Thank you for your consideration,

J.W. Terry
 Executive Director
 COVO

Les Bivens
 President
 COVO, Board of Directors



CITY OF BEND
HOUSING

February 20, 2024

Deschutes County Board of Commissioners
1300 NW Wall Street
Bend, Oregon 97703

Dear County Commissioners,

On April 4, 2022, City of Bend staff presented to the Board of County Commissioners that the City would be considering a Nonprofit Property Tax Exemption to support existing and planned affordable housing developments. Oregon’s legislature enacted the Nonprofit Property Tax Exemption in 1985 (ORS 307.540 – 307.548) to benefit low-income renters by easing property tax burden on those organizations providing affordable rental housing. City Council adopted by resolution its Nonprofit Property Tax Exemption under Bend Code Chapter 12.30 with applications being eligible for exemptions for tax years beginning on or after July 1, 2023.

Under Bend Code Chapter 12.30, a nonprofit organization or charitable corporation under 501c(3) or (4) may annually apply for a property tax exemption for affordable housing developments, including bare land holding intended to be developed into affordable housing. The qualified housing must be limited to households at 60 percent Area Median Income (AMI) or less for the first year and up to 80 percent AMI each subsequent consecutive year of occupancy. If approved by 51 percent of the taxing districts, then the exemption applies to 100 percent of the property taxes.

The annually required Nonprofit Property Tax Exemption application must be filed on or before March 1. Within 30 days of the applications filing, City Council must determine whether the applicant meets the requirements under Bend Code Chapter 12.30. If the applicant meets the requirements, then the City will bring the property tax exemption before the County Assessor and certify the property is exempt from property taxation by the April 1 deadline pursuant to ORS 307.540 – 307.548.

The City of Bend expects to receive an application for a Nonprofit Property Tax Exemption from Central Oregon Veteran and Community Outreach (COVO), an Oregon nonprofit corporation, for eight tax lots, where deed restricted affordable rental housing units house veterans and their families. The total property tax for these tax lots is projected below, with a standard deviation of \$200 to \$300, depending on the County Assessor’s valuation.

LOCATION

710 NW Wall Street
Downtown Bend

MAILING ADDRESS

PO Box 431
Bend, OR 97709

PHONE

(541) 323-8550
Relay Users Dial 7-1-1

WEB

bendoregon.gov/housing

MAYOR

Melanie Kebler

MAYOR PRO TEM

Megan Perkins

CITY COUNCILORS

Anthony Broadman
Barb Campbell
Ariel Méndez
Megan Norris
Mike Riley

CITY MANAGER

Eric King

Property	Total Amount	Schools	City	County	Parks	Other
1407 NE 10 th Street	\$7,512.44	\$3,040.59	\$1,618.58	\$1,718.04	\$736.23	\$399.00
466 NE Dekalb Avenue	\$4,594.00	\$1,859.54	\$989.88	\$1,069.05	\$450.22	\$225.32
61172 Larkwood Drive	\$3,587.00	\$1,451.92	\$772.89	\$834.71	\$351.53	\$175.95
475 Emerson Avenue	\$1,765.00	\$714.46	\$380.33	\$410.75	\$172.97	\$86.49
1985 NE Monroe Lane	\$2,941.00	\$1,190.38	\$633.67	\$684.35	\$288.22	\$144.38
20900 Spinnaker Street	\$4,438.00	\$1,796.29	\$956.21	\$1,032.69	\$434.93	\$217.88
3079 NE Wells Acres Rd	\$4,232.00	\$1,712.71	\$911.72	\$984.64	\$414.74	\$208.19
476 NE Dekalb Avenue	\$4,547.00	\$1,840.33	\$979.65	\$1,058.01	\$445.61	\$223.40
Total	\$33,616.44	\$13,606.22	\$7,242.93	\$7,792.24	\$3,294.44	\$1,680.61

COVO provides food, clothing, case management and assistance, temporary shelter and very low-income permanent housing to households experiencing homelessness, in housing crisis or at imminent risk of losing housing. The organizational goal is placing houseless community members into permanent housing and keeping them there. COVO’s Case Management Specialists help with providing stability for clients and enabling them to take care of themselves and their families. A significant part of stabilization is to provide low-income housing.

Many of those COVO serves are military veterans with problems connected to their military service and without assistance are often under employed and unhoused. Frequently COVO clients are not receiving Veterans Administration benefits to which they are entitled. COVO’s Case Management Specialist help veterans obtain these benefits, including housing assistance. Non-veteran clients receive the same type of case management and assistance.

COVO owns 26 apartment and housing units, all of which are utilized for low-income housing.

COVO requests the Board of County Commissioner’s support for its Nonprofit Tax Exemption application. All funds not paid in taxes will benefit low-income renters by maintaining low rents and property maintenance.

Please let me know when COVO may be able to make such a request to the Board. If you have any further questions, don’t hesitate to contact me.

Sincerely,

Racheal Baker
Affordable Housing Manager
Housing Department
rbaker@bendoregon.gov



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 28, 2024

SUBJECT: Approval of County Administrator signature of revised County Policy No. BLDG.-3, Donation of Property policy

RECOMMENDED MOTION:

Move approval of County Administrator signature of revised County Policy No. BLDG-3, Donation of Property Policy and re-name BLDG-3 to GA-24, Donation of Property Policy.

BACKGROUND AND POLICY IMPLICATIONS:

County Policy BLDG-3, Donation of Property, was originally drafted in 2004 and has not been updated since it was originally approved.

BLDG-3 applies to personal property donated to Deschutes County and Deschutes County personal property donations to other government agencies and non-profit organizations.

Staff is proposing updates to the policy that include:

- a. Updated thresholds for department and Administrator approval for donating surplus property.
b. New guidance on the process for considering surplus light fleet donations.
c. Re-classifying the policy from its current Facilities designation to a broader General Administrative policy.

BUDGET IMPACTS:

None

ATTENDANCE:

Whitney Hale, Deputy County Administrator
Chris Doty, Public Works Director



Deschutes County Administrative Policy No. ~~BLDG-3GA-24~~ Effective Date: December 6, 2004

Updated:

DONATION OF PROPERTY

STATEMENT OF POLICY

It is the policy of Deschutes County to accept donations and to donate surplus county property in accordance with federal and state law. The purpose of this policy is to establish rules and regulations governing donations of ~~personal~~ property to Deschutes County and Deschutes County personal property donations to other government agencies and non-profit organizations.

APPLICABILITY

This policy applies to personal property donated to Deschutes County and Deschutes County personal property donations to other government agencies and non-profit organizations.

DEFINITIONS: The following definitions shall be followed when accepting donations:

County Donation: An agreement under which the County provides money, property or other assistance for the purpose of stimulating a program or activity and in which no substantial involvement by the County is anticipated in the program other than perhaps monitoring compliance with any conditions that may be attached to the donation.

Department: [any County Department or Office.](#)

Donation to the County: the act of voluntarily transferring property to the County without consideration being paid by the County.

Property: personal or real property, services and money.

Personal property: tangible and intangible personal property as those terms are defined in ORS 307.020

Real Property: Any interest in land, as defined in ORS 307.010 (b).

POLICY AND PROCEDURES

PROCEDURES: The following procedures shall be followed:

A. Where County is Receiving Donation:

1. All donations to the County must be approved by the department head of the receiving department prior to acceptance. All real property donations and donations of other than real property requiring the expenditure of public monies due to repairs, storage, or maintenance or for any other reason in excess of \$1,500 must be approved by the Board of County Commissioners ("the Board") prior to acceptance.

2. When receiving a donation, the department shall complete, a "Receiving Asset Donation Form," consisting of the following information:

- ~~a.~~ Department receiving the donation
- ~~a.~~ _____
- ~~b.~~ Date of donation
- ~~b.~~ _____

- ~~b.~~ Name and address of donor (unless the donor wishes to remain anonymous)
- ~~c.~~
- ~~a.~~ Description of donated asset, including manufacturer and model.
- ~~d.~~
- ~~b.~~ Value of donation (donor’s estimate may be used)
- ~~e.~~
- ~~c.~~ Serial number or other identifying marks
- ~~f.~~
- ~~d.~~ Location of asset
- ~~g.~~
- ~~e.h.~~ ~~a~~Any conditions or restrictions on use or receipt of the property

3. The receiving department shall retain the Receiving Asset Donation Form and shall furnish copies to the County Finance Department and to the donor upon request.

4. It is the responsibility of the department receiving the donation to insure the donated asset is assigned an asset number, and where practical, affix a county tag. The receiving department shall also be responsible for repair, storage, maintenance and any conditions under which the property was received, consistent with the department’s adopted budget.

5. The county disclaims any responsibility for assuring the donor any particular income tax consequences arising from the donation.

6. Donations of services to the County are subject to county policies governing volunteers.

B. Where County is donating Surplus Property

1. The County may donate surplus property to other government agencies and non-profit organizations.

2. A county department wishing to donate property (not including light fleet) with a value ~~less more~~ than ~~\$250-2,000 but less than \$5,000~~ shall first obtain approval from the County Administrator.

~~3.~~ A county department wishing to donate property with a value of ~~\$250-5,000~~ or more (not including light fleet) must first ~~submit a resolution for the Board of County Commissioners~~ obtain a Board Order declaring the property as surplus.

~~3.4.~~ ~~After Board approval, t~~The department shall complete an Asset Donation Form and submit it to the County Finance Department. The Asset Donation Form includes the following information:

- a. Asset number
- b. Department which originally acquired asset
- ~~i.~~ Original cost (if known)

- ~~c.~~
- ~~ii.~~ Year acquired (if known)
- ~~d.~~
- ~~iii.~~ Reason asset determined to be surplus
- ~~e.~~
- ~~iv.~~ Resolution number
- ~~f.~~
- ~~v.~~ Asset description, including make, model and serial number, if any
- ~~g.~~
- ~~e.h.~~ Information of the recipient: name, address, tax status, and copy of recipient's IRS determination letter of 501(c) (3) non-profit status or Section 115 (municipality) entities.

5. Prior to donation, any county asset tag must be removed and forwarded to the County Finance Department.

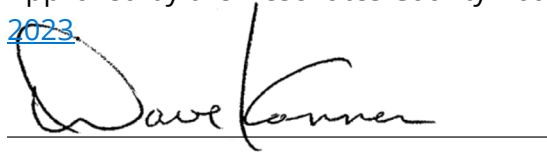
6. Surplus Light Fleet Donations (non-DCSO): Funding from the sale of surplus Light Fleet is used to offset the cost of vehicle replacement within individual departments. Non-profit and other community groups frequently request donation of surplus Light Fleet from the County.

- a. Light Fleet shall be considered surplus per Section 3 of the Deschutes County Light Fleet Policy and DCC 2.37.110.
- b. Donation of Light Fleet to qualified non-profit entities per DCC 2.37.110(7) shall occur as follows:
 - a. The owning department shall obtain Board approval of donation or sale at a reduced cost to a non-profit entity via Board Order.
 - b. The Board Order shall note the value of the donation as determined by the County Fleet Manager.
 - The Board Order shall specify the replacement revenue source to backfill vehicle sale revenue loss in the department's vehicle replacement fund administered by the Road Department.
 -

C. Nothing contained herein is intended to limit the authority of the Board ~~of~~ County Commissioners to make grants of funds to nonprofit agencies.

D. In approving a donation, the Board may attach conditions under which the property will be used by the donor, including without limitation, restrictions on transfer or use of the property.

Approved by the Deschutes County Board of Commissioners ~~December 6, 2004~~ _____,
2023

A handwritten signature in black ink that reads "Dave Kanner". The signature is written over a horizontal line.

Dave Kanner
County Administrator



RECEIVING ASSET DONATION FORM

Date: _____

Department: _____

Name of Non-Profit Organization: Deschutes County

Mailing Address: 1300 NW Wall Street, Bend, Oregon 97703

EIN: 93-6002292

Donor & Donation Information

Donor's Name: _____

Donor's Address: _____

Donor Restrictions (donor-imposed restrictions; default = none): _____

Cash contribution (cash/check/credit card). Include photo copy of check/cash/credit card support.

Thank you for your donation with a value of _____ Dollars (\$ _____), made to Deschutes County.

Non-cash (Do not write an "estimated value") just description of the contribution.

Donation Description (serial #s / make/model): _____

I, the undersigned representative, declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that there were no goods or services greater than \$75 value received as part of this donation. [I declare I am the lawful owner and no other person has any right to the of the above-described property.](#)

Donor's Name _____ Donor's Signature _____

County Employee's Name _____ County Employee's Signature _____

Department Director Signature _____

Sent to Finance.



RECEIVING ASSET DONATION FORM

Asset Donation Form (County is Donating Surplus Property)

1. Asset Number

2. Department:

3. Original Cost:

4. Year Acquired:

5. Reason for Surplus

6. Resolution Number
(Attach Copy)

7. Serial Number:

8. Asset Description:

9. Recipient Information:

Signature of
Department Head:

Date:



**Deschutes County Administrative Policy No.
GA-24 Effective Date: December 6, 2004
Updated:**

DONATION OF PROPERTY

STATEMENT OF POLICY

It is the policy of Deschutes County to accept donations and to donate surplus county property in accordance with federal and state law. The purpose of this policy is to establish rules and regulations governing donations of property to Deschutes County and Deschutes County personal property donations to other government agencies and non-profit organizations.

APPLICABILITY

This policy applies to personal property donated to Deschutes County and Deschutes County personal property donations to other government agencies and non-profit organizations.

DEFINITIONS: The following definitions shall be followed when accepting donations:

County Donation: An agreement under which the County provides money, property or other assistance for the purpose of stimulating a program or activity and in which no substantial involvement by the County is anticipated in the program other than perhaps monitoring compliance with any conditions that may be attached to the donation.

Department: any County Department or Office.

Donation to the County: the act of voluntarily transferring property to the County without consideration being paid by the County.

Property: personal or real property, services and money.

Personal property: tangible and intangible personal property as those terms are defined in ORS 307.020

Real Property: Any interest in land, as defined in ORS 307.010 (b).

POLICY AND PROCEDURES

PROCEDURES: The following procedures shall be followed:

A. Where County is Receiving Donation:

1. All donations to the County must be approved by the department head of the receiving department prior to acceptance. All real property donations and donations of other than real property requiring the expenditure of public monies due to repairs, storage, or maintenance or for any other reason in excess of \$1,500 must be approved by the Board of County Commissioners (“the Board”) prior to acceptance.
2. When receiving a donation, the department shall complete, a “Receiving Asset Donation Form,” consisting of the following information:
 - a. Department receiving the donation
 - b. Date of donation
 - c. Name and address of donor (unless the donor wishes to remain anonymous)
 - d. Description of donated asset, including manufacturer and model.
 - e. Value of donation (donor’s estimate may be used)
 - f. Serial number or other identifying marks
 - g. Location of asset
 - h. Any conditions or restrictions on use or receipt of the property
3. The receiving department shall retain the Receiving Asset Donation Form and shall furnish copies to the County Finance Department and to the donor upon request.
4. It is the responsibility of the department receiving the donation to insure the donated asset is assigned an asset number, and where practical, affix a county tag. The receiving department shall also be responsible for repair, storage, maintenance and any conditions under which the property was received, consistent with the department’s adopted budget.
5. The county disclaims any responsibility for assuring the donor any particular income tax consequences arising from the donation.
6. Donations of services to the County are subject to county policies governing volunteers.

B. Where County is donating Surplus Property

1. The County may donate surplus property to other government agencies and non-profit organizations.
2. A county department wishing to donate property (not including light fleet) with a

value more than \$2,000 but less than \$5,000 shall first obtain approval from the County Administrator.

- 3. A county department wishing to donate property with a value of \$5,000 or more (not including light fleet) must first obtain a Board Order declaring the property as surplus.

- 4. The department shall complete an Asset Donation Form and submit it to the County Finance Department. The Asset Donation Form includes the following information:
 - a. Asset number
 - b. Department which originally acquired asset
 - c. Original cost (if known)
 - d. Year acquired (if known)
 - e. Reason asset determined to be surplus
 - f. Resolution number
 - g. Asset description, including make, model and serial number, if any
 - h. Information of the recipient: name, address, tax status, and copy of recipient's IRS determination letter of 501(c) (3) non-profit status or Section 115 (municipality) entities.

- 5. Prior to donation, any county asset tag must be removed and forwarded to the County Finance Department.

- 6. Surplus Light Fleet Donations (non-DCSO): Funding from the sale of surplus Light Fleet is used to offset the cost of vehicle replacement within individual departments. Non-profit and other community groups frequently request donation of surplus Light Fleet from the County.
 - a. Light Fleet shall be considered surplus per Section 3 of the Deschutes County Light Fleet Policy and DCC 2.37.110.

 - b. Donation of Light Fleet to qualified non-profit entities per DCC 2.37.110(7) shall occur as follows:
 - a. The owning department shall obtain Board approval of donation or sale at a reduced cost to a non-profit entity via Board Order.
 - b. The Board Order shall note the value of the donation as determined by the County Fleet Manager.
The Board Order shall specify the replacement revenue source to backfill vehicle sale revenue loss in the department's vehicle replacement fund administered by the Road Department.

- C. Nothing contained herein is intended to limit the authority of the Board to make grants of funds to nonprofit agencies.

D. In approving a donation, the Board may attach conditions under which the property will be used by the donor, including without limitation, restrictions on transfer or use of the property.

Approved by the Deschutes County Board of Commissioners _____, 2023.

Nick Lelack, County Administrator



RECEIVING ASSET DONATION FORM

Date: _____

Department: _____

Name of Non-Profit Organization: Deschutes County

Mailing Address: 1300 NW Wall Street, Bend, Oregon 97703

EIN: 93-6002292

Donor & Donation Information

Donor's Name: _____

Donor's Address: _____

Donor Restrictions (donor-imposed restrictions; default = none): _____

Cash contribution (cash/check/credit card). Include photo copy of check/cash/credit card support.

Thank you for your donation with a value of _____ Dollars (\$ _____), made to Deschutes County.

Non-cash (Do not write an "estimated value") just description of the contribution.

Donation Description (serial #s / make/model): _____

I, the undersigned representative, declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that there were no goods or services greater than \$75 value received as part of this donation. I declare I am the lawful owner and no other person has any right to the of the above-described property.

Donor's Name _____ **Donor's Signature** _____

County Employee's Name _____ **County Employee's Signature** _____

Department Director Signature _____

Sent to Finance.



RECEIVING ASSET DONATION FORM

Asset Donation Form (County is Donating Surplus Property)

1. Asset Number

2. Department:

3. Original Cost:

4. Year Acquired:

5. Reason for Surplus

6. Resolution Number
(Attach Copy)

7. Serial Number:

8. Asset Description:

9. Recipient Information:

Signature of Department Head: Date:



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 28, 2024

SUBJECT: ODDS ARPA Emergency Response grant acceptance

RECOMMENDED MOTION:

Move approval of Chair signature of Document No. 2024-174, accepting an Emergency Response grant from the State of Oregon Office of Developmental Disabilities Services.

BACKGROUND AND POLICY IMPLICATIONS:

The Oregon Department of Human Services' Office of Developmental Disabilities Services (DHS-ODDS) has awarded Deschutes County Health Services \$249,002 in one-time American Rescue Plan Act (ARPA) funding to help clients prepare for future emergency situations. DCHS is seeking Board approval to accept this funding.

Individuals and families of people with intellectual or developmental disabilities (IDD) have needs related to the individual's disability that require special planning in order to be prepared for emergencies. There are equipment and supply needs specific to each person, based on aspects of their disability. DCHS's IDD program addresses emergency preparedness and safety planning in Individual Support Plans, but often individuals and families lack the resources to be able to purchase the needed supplies or equipment.

If approved, \$226,365 of funding will be used to provide needed materials and supplies to the IDD population with \$22,637 (10%) used to cover indirect costs. \$62,251 of funding will be budgeted for use in fiscal year (FY) 2024, with \$186,752 budgeted in FY 2025. With this funding, IDD will be able to assist its clients in increasing preparedness and independence and decreasing reliance on first responders or other professionals during emergency situations.

BUDGET IMPACTS:

A Budget resolution to recognize Miscellaneous State revenue and increase appropriations by \$62,251 will be forthcoming on March 18th.

ATTENDANCE:

Paul Partridge, Manager, BH Program



February 7, 2024

ODDS Emergency Response Grant Award Notice

Thank you for submitting an application for the Office of Developmental Disabilities Services (ODDS) Emergency Response grant.

Deschutes County has been awarded a grant of **\$249,002.03**

Up to 10% (**\$24,900**) may be used for administrative expenses.

These funds will be disbursed through the Express Payment and Reporting System (eXPRS) in two payments as outlined in your application materials (attached).

This one-time Emergency Response funding is intended to prepare individuals with intellectual and/or developmental disabilities (IDD) for emergencies.

Allowable Expense Categories for Grant Funding:

- 1. Administrative expenses:** CMEs may use up to 10% of emergency response funds for administrative costs.
- 2. Emergency hub:** CMEs may use emergency response funds for providers and CME locations that will serve as an emergency hub.
- 3. Power equipment:**
 - **Portable generators:** powered by gas or diesel fuel to create usable electricity. *Note: whole house generators, equipment installation, maintenance and ongoing subscriptions for fuel are disallowed expenses.*
 - **Power stations:** portable batteries for backup emergency power storage.

Funds for portable generators and power stations are limited to:

- up to \$2,000 per person
- up to \$5,000 per service location or emergency hub

Any combination of power equipment can be purchased within these limits.

Emergency supplies are supplies to prepare for emergency situations that a household or service location may need in the event of an emergency. Funds for emergency supplies are limited to:

- up to \$300 per person
- up to \$3,000 per service location
- up to \$5,000 per emergency hub

Disallowable expenses

- ARPA funds cannot supplant existing funding and services that can be billed to Medicaid or other insurance.
- ARPA funds are not allowed to fund retroactive expenses incurred prior to the disbursement of funds.
- Whole house generators, equipment installation, maintenance, and ongoing subscriptions for fuel.

Grant Reporting Schedule

Progress Expenditure report	Due no later than <u>June 30, 2024</u>
Final Expenditure report	Due <u>March 1, 2025</u>

Funding requirements

Every CME awarded funds will be required to:

- Maintain records for audits
- Spend grant funds by March 1, 2025
- Report on grant expenditures by March 1, 2025
- Return to ODHS any unspent grant funds at the time of final reporting

Reservation of ODHS Rights:

ODHS reserves all rights regarding this Agreement, including, without limitation, the right to amend or extend the term of any Agreement that is issued as a result of this grant.

Signature: _____ **Date:** _____

ODDS will accept scanned or authenticated digital signatures only.

If you have questions regarding this grant, please contact the ODDS ARPA Special Projects Team at ODDSARPA.funding@odhsoha.oregon.gov.

Thank you for your partnership with ODDS and dedication to serving Oregonians with Intellectual/Developmental Disabilities.

“Safety, health and independence for all Oregonians”
An Equal Opportunity Employer



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 28, 2024

SUBJECT: Application for Wolf Depredation and Financial Compensation Grant Funds

RECOMMENDED MOTIONS:

Move to authorize staff to submit an application for Wolf Depredation and Financial Compensation Grant Funds.

BACKGROUND:

The Deschutes Board of County Commissioners established a Wolf Depredation and Financial Compensation Committee in May of 2023. The first committee meeting took place on June 26, 2023. The committee has been meeting regularly since June and has established depredation compensation rates per the requirements of the statewide program as well as received expert advise on preventative measures that have been successfully implemented in other counties in the state.

The Oregon Department of Agriculture opens a grant opportunity once a year. Counties who have established Wolf Depredation and Financial Compensation Committees are eligible to apply for grant funding. There are three categories of grant funds the committee is recommending the County apply for:

Category 1 - Grant funds requested for compensation for death or injury to livestock or working dogs due to wolf depredation from February 1, 2023 through January 31, 2024.

Category 2 - Grant funds requested for livestock and working dogs that are missing due to wolf depredation from February 1, 2023 through January 31, 2024.

Category 3 - Total requested grant funds to implement livestock management activities and nonlethal wolf deterrence techniques to prevent interactions between wolves and livestock or working dogs from March 22, 2024 through January 31, 2025.

A requirement of the grant program includes a county contribution equal to 10% of the total expenditures incurred for implementing the grant program. The County contribution requirement will be met by staff time dedicated to supporting the committee setup and meetings.

The Oregon Department of Fish and Wildlife has confirmed one wolf depredation in Deschutes County on Ashanti Samuels' Long Hollow Ranch. Additionally, Mr. Samuels is providing documentation attesting to missing livestock within Deschutes County. The committee is recommending applying for grant funding on behalf of Ashanti Samuels in all three categories. A requirement of accepting depredation funds is to implement preventative measures, which Mr. Samuels has extensively demonstrated before the committee.

The committee is also recommending applying for funds to use for educational and outreach to other Deschutes County producers (ranch and livestock owners and managers) and additional preventative measures for Central Oregon producers to be determined.

Grant funds to be requested are as follows:

Category 1:

- \$1,935 (one confirmed depredation of a yearling)

Category 2:

- \$5,371.50
 - Missing livestock funded at 50% of the established depredation rates

Category 3:

- \$45,000 on behalf of Long Hollow Ranch
 - One tower for invisible fencing
 - One year lease for collars on livestock
 - One seasonal Range Rider for 200 days at four hours per day
- \$5,000 for general committee fund
 - Educational and outreach campaign
- \$20,000 for general committee fund
 - Preventative measures to be distributed to ranchers and livestock owners as requested in the upcoming calendar year

Grant funds can be used on other eligible expenses that arise that may not be specifically listed above. Grant funds not used can be returned to the state at the end of the year.

Committee established depredation compensation rates are:

	<u>Price/Pound</u>	<u>Max Lbs.</u>	<u>Replacement Cost</u>
Calves	\$2.86	600	\$1,716
Yearlings	\$2.15	900	\$1,935
Butcher Animals	\$1.50	1200	\$1,800
Cows	\$1.15	1500	\$1,725
Bulls	\$1.16	2000	\$2,320
Heifers			N/A

Lambs	\$2.00	100	\$200
Ewes	\$1.10	160	\$176
Goats			\$100
Livestock Guardian Dogs, Small animals			TBD

Any producer who feels their livestock are worth more than fair market value would need to provide detailed information justifying their claim.

Budget Impact:

If awarded, this grant would result in increased revenues of up to \$77,306.50 for FY '24, which would be passed through to grant recipients and used for committee work as detailed above. Grant funds are expected to be expended in the 2024 calendar year.

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager



**OREGON
DEPARTMENT OF
AGRICULTURE**

Wolf Depredation Compensation and Financial Assistance Grant Program

GRANT APPLICATION PACKET 2024

Oregon Department of Agriculture
635 Capitol St NE
Salem, OR 97301-2532
503-986-4550

Introduction and Purpose	
<p>In June 2011, the Oregon Legislature passed House Bill 3560 (HB 3560) directing the Oregon Department of Agriculture (ODA) to establish and implement a wolf depredation compensation and financial assistance grant program. HB 3560 established the Wolf Management Compensation and Proactive Trust Fund to provide grants to counties to assist in implementing their wolf depredation compensation programs. These programs can be used to:</p> <ul style="list-style-type: none"> • Reimburse persons for livestock or working dogs that are injured or killed due to confirmed or probable wolf depredation. • Assist with the implementation of livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock. • Reimburse persons for livestock or working dogs that are missing due to wolf depredation. • Reimburse counties for allowable expenses associated with implementing the block grant program in their county. <p>ODA's wolf depredation compensation and financial assistance grant program complements the ODFW Wolf Conservation and Management Plan in developing and maintaining a cooperative livestock producer assistance program that proactively minimizes wolf-livestock conflict and assists livestock producers experiencing wolf-related livestock losses.</p> <p>* Note: At least 30% of ODA's total grant program award for each year must be distributed for livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock.</p>	
Grant Schedule – 2024 Timelines	
Application Schedule	
February 1, 2023	Grant application process opens for counties.
March 1, 2023	Grant applications due to ODA.
March 22, 2023	Award notification and grant agreements to be mailed.
* Late submissions may be accepted at the discretion of ODA.	
County Eligibility	
<p>Counties must meet specific requirements – OAR 603-019-0015. In short, they include:</p> <ul style="list-style-type: none"> • Establish a county advisory committee to oversee the county wolf program. • Establish a procedure by which producers experiencing a high rate of depredation are given priority. • Establish compensation rates for death/injury of livestock or working dogs. • Establish compensation rates for missing livestock attributable to wolf depredation. • Establish eligibility requirements for producers to access grant funds based on current statutes and rules. • Assure that at least 30% of a county's total grant funds are used for nonlethal prevention. • Contribute money equal to 10% of the allowable expenditures needed to implement the program. 	
Submission Process	
<p>Complete the attached grant application and attach required documentation (see page -5-) for consideration of funds. The completed grant application must be received by ODA by Friday – March 1, 2023 – by 5:00 pm.</p> <p>Address applications to: Oregon Department of Agriculture Wolf Depredation Compensation and Financial Assistance Grant Program 635 Capitol St NE Salem, OR 97301 wdcfa@oda.oregon.gov</p>	
2024 County Block Grant Application	
Applicant Agency Legal Name: Deschutes County	
Mailing Address: 1300 NW Wall Street, Suite 206	
City: Bend	ZIP: 97703
Name of County Contact:	Jen Patterson
County Contact Title:	Strategic Initiatives Manager

Phone No: 541-388-6654	FAX No:
County Contact Email:	jen.patterson@deschutes.org
Grant Fund Request	
Category 1 – Grant funds requested for compensation for death or injury to livestock or working dogs due to wolf depredation from February 1, 2023 through January 31, 2024.	\$ 1,935
Category 2 – Grant funds requested for livestock and working dogs that are missing due to wolf depredation from February 1, 2023 through January 31, 2024.	\$ 5371.50
Category 3 – Total requested grant funds to implement livestock management activities and nonlethal wolf deterrence techniques to prevent interactions between wolves and livestock or working dogs from March 22, 2024 through January 31, 2025.	\$ 70,000
Category 4 – Grant funds requested for the expenses allowed under OAR 603-049-0015(g) to implement the County Block Grant Program for 2024. (May only request 90% of actual expenses. The remaining expenses are to be included under Item 5 as a monetary contribution.)	\$
Total grant funds requested	\$ 77,306.50
Category 5 – County contribution. The County must contribute money equal to 10% of the total expenditures incurred for implementing the grant program (OAR 603-049-0015(g)).	\$ County has contributed at least \$7,731 in the amount of staff time and committee meeting supplies and support.
Authorized Official:	Title:
Signature of Authorized Official:	
Date:	

Advisory Committee Membership

In the space below, list your Advisory Committee members' names, contact phone number, and email (if available).

Co. Commissioner: Phil Chang	Ph#: 541-388-6569	Email: phil.chang@deschutes.org
Livestock Owner: Ethan O'Brien	Ph#: 541-213-8717	Email: ethan.ob1@gmail.com
Livestock Owner: Johnny Leason	Ph#: 541-815-7847	Email: johnnyleason1@gmail.com
Coexist. Member: Sarahlee Lawrence	Ph#: 541-279-0841	Email: sarahlee.lawrence@gmail.com
Coexist. Member: Donna Harris	Ph#: 541-593-1970	Email: kermit.donna@gmail.com
Business Rep: Stephen Pappa	Ph#: 541-389-7778	Email: bendanimalhospital@bend.or.gov
Business Rep: Gordon Jones	Ph#: 503-702-1555	Email: gordoncjones@gmail.com

Certification

I certify that this application is a true and accurate representation of the proposed work that will be performed by this county in relationship with the Oregon Department of Agriculture's Wolf Depredation Compensation and Financial Assistance Grant Program and that I am authorized to sign as the Applicant. By the following signature, the Applicant certifies that they are aware of the requirements of the Wolf Depredation Compensation and Financial Assistance Grant Program as stipulated OAR 603-019-0001 to 603-019-0040, are in full compliances with the requirements specified in OAR 603-019, and are prepared to distribute the grant funds to qualified participants as summarized in this document.

Applicant signature: _____ Date: _____

Print name: _____ Title: _____

Required Documentation
Attach documents and materials for each one of the categories included in the application.
Category 1 – Death or injury of livestock
If your county is applying for Category 1 funds for compensation of death or injury to livestock or working dogs due to wolf depredation, provide the following for each claim: <ol style="list-style-type: none">1. Producer name.2. Location of death/injury incident (within or outside area of known wolf activity).3. Copy of ODFW Wolf Depredation Investigation Summary Report.4. Animal type.5. Was the animal insured.6. Number of animals included in the claim.7. Determined value of the animal(s).8. Was the producer using wolf deterrence methods before depredation?
Category 2– Missing livestock/working dogs
If your county is applying for Category 2 funds for missing livestock or working dog/s due to wolf depredation, provide the following for each claim: <ol style="list-style-type: none">1. Logistics information (map or other documentation) showing that the missing animals were within an area of known wolf activity.2. What tools, documentation, or other information did the committee use to rule out or eliminate other possible causes of the missing animals?3. What tools, documentation, or other information did the committee use to rule out circumstances that may have attracted wolves or encouraged conflict between wolves and the animals for each specific claim?4. What tools, documentation, or other information did the committee use to determine that each producer filing a missing animal claim was implementing best management practices and reasonable non-lethal methods to deter wolves?
Category 3 – Prevention
If your county is applying for Category 3 funds to assist with implementing livestock management activities and nonlethal wolf deterrence techniques to prevent interactions between wolves and livestock/working dogs, provide a brief description of the preventative techniques you will be offering and the estimated costs.



**OREGON
DEPARTMENT OF
AGRICULTURE**

Protect. Promote. Prosper.

Wolf Depredation Compensation Program
635 Capitol St NE, Salem, OR 97301-2532
503.986.4550 | Oregon.gov/ODA

CATEGORY 1 – DIRECT LOSS CLAIM APPLICATION

Claimant Information – livestock/working dog owner completing this form	
Name: Ashanti Samuels	
Mailing Address: 71285 Holmes Rd	
City: Sisters, OR	ZIP: 97759
Home Phone No:	Cell Phone No: 541-350-9727
Email: ashanti.samuels@gmail.com	

Certification and Signature

By signing below, I certify that:

1. I am the claimant, or I represent the claimant listed on this document.
2. All information provided in the application is true and accurate to the best of my ability.
3. I understand the requirements of the Oregon Department of Agriculture's Wolf Depredation Compensation and Financial Assistance Grant Program. I am in full compliance with the program's requirements specified in OAR 603-019.

Applicant signature: *Ashanti Samuels* Date: 2/12/24

Complete information below for ODFW confirmed losses.						
Date	Quantity	Species	Age	Ave. Weight	Killed/Injured	Est. Fair Market Value
5/16/23	1	Calf/steer	>1	600lbs	Killed	1,935
Total amount of direct loss compensation being requested:						\$1,935

Are any of the above losses covered by insurance?

Yes (if yes, provide the insurance information below.)

No

Insurance Company	Policy No.	Anticipated Settlement

ODFW Investigation Reports

Date reported to ODFW

Name of ODFW Investigator

Brief description of loss

Describe method used to determine value (provide documentation if applicable)

Is there a current ODFW Wolf-Conflict Deterrence Plan in effect at the location of your loss?

- Yes
- No
- Unknown

Check each of the non-lethal wolf deterrent techniques that were being implemented during the date of this depredation incident and give a brief description of activities and frequencies:

- Reducing attractants (remove of bone piles, carcass disposal)
- Barriers (flady and fencing)
- Human presence (range riders, hazers, herders, individual response)
- Guardian animals (protection dogs, etc.)
- Alarm or scare devices (alarm systems, lights and sound devices)
- Livestock management/husbandry changers (changing pastures, night feeding, changes in calving season and herd structure, etc.)
- Experimental practices (bio-fencing, bellling cattle, airman, etc.)
- Other

Brief description of non-lethal wolf deterrence

Putting heifers with weaned cattle to help deter wolves by protect the weaned calf

[Empty rectangular box]

Depredation Property Description

County Deschutes Total grazing acreage

Township Range Section Holmes Pasture LHR

Is the location designated as an Area of Known Wolf Activity (AKWA) by ODFW?
 Yes (if yes, attach a current AKWA map showing the location of wolf depredation.)
 No

Is the claimant the owner of the property where livestock loss occurred?
 Yes
 No (if leased, rented, or publicly owned, provide the information below.)

Property owner/manager name ~~Stacy E. Goodlands~~ Property owner/manager phone no.

Long hollow Ranch

Ashanti Samuels



**OREGON
DEPARTMENT OF
AGRICULTURE**

Protect. Promote. Prosper.

Wolf Depredation Compensation Program
635 Capitol St NE, Salem, OR 97301-2532
503.986.4150 | Oregon.gov/ODA

CATEGORY 2 – MISSING CLAIMS APPLICATION

Claimant Information – livestock/working dog owner completing this form	
Name: Ashanti Samuels	
Mailing Address: 71285 Holmes Rd	
City: Sisters, OR	ZIP: 97759
Home Phone No:	Cell Phone No: 541-350-9727
Email: ashanti.samuels@gmail.com	

Certification and Signature	
By signing below, I certify that:	
1. I am the claimant, or I represent the claimant listed on this document.	
2. All information provided in the application is true and accurate to the best of my ability.	
3. I understand the requirements of the Oregon Department of Agriculture's Wolf Depredation Compensation and Financial Assistance Grant Program. I am in full compliance with the program's requirements specified in OAR 603-019.	
Applicant signature: 	Date: 2/12/24

Complete information below for qualified missing claims.						
Date	Quantity	Species	Age	Avg. Weight	Killed/Injured	Est. Fair Market Value
Feb 2023	1	calf	2 1/2	350 lbs	killed	1,716
2/20/23	1	calf	2 1/2	500 lbs	killed	1,935
2/28/23	1	Booby heifer	2	800 lbs	killed	6,725
3/2/23	1	heifer	2 1/2	600 lbs	killed	1,935
May-July	2	calves	2 1/2	300-500 lbs	missing	3,432
Total amount of missing claim compensation being requested:						\$ 10,743

Did all of the above claims occur in an area of known wolf activity (AKWA)?
 Yes (If yes, attach a current AKWA map showing the location of wolf depredation.)
 No

Missing Property Description		
County Deschutes	Total grazing acreage 12,000 acres	
Township	Range	Section(s)

[Empty header box]

Is the claimant the owner of the property where livestock loss occurred?

- Yes *first 4*
- No (If leased, rented, or publicly owned provide the information below.)

The 2 that went missing on ~~the~~ Range May-July

Property owner/manager name <i>Ashanti Samuels</i>	Property owner/manager phone no. <i>941-350-9727</i>
---	---

Was the missing livestock reported to the local ODA brand inspector?

- Yes (If yes, provide the information below.)
- No

ODA brand inspector name	ODA brand inspector phone no.
--------------------------	-------------------------------

Is the current missing livestock claim above your typical/historical percentage of loss records for this herd/allotment/band?

- Yes (If yes, provide the information below.)
- No

Brief description of current and historical loss documentation/data for comparison purposes

Typical to lose a calf when its young to natural causes/sickness. But the loss of ~~weaned~~ weaned Cattle at that size range is not usual for us. 500-600 lb range.

Please check those factors identified below that were considered for ruling out other possible causes of missing livestock: (include documentation when applicable)

- Expected losses from birthing complications that are normal when livestock are left unattended during the birthing.
- Other possible diseases.
- Changes in herd management or stocking rates.
- Adverse weather conditions for the period in question.
- Livestock age - Natural causes of death are more common in older animals.
- Poisonous plants and other dangers in the area.
- History of theft in the area.
- History of other predators in the area.
- Other

Explain

We contacted ODFW & Central OR Wolf Biologist for autopsy

Describe any evidence of wolf presence at the suspected area of the AKWA during the alleged date your livestock went missing - i.e. tracks, scat, reported sighting data from ODFW or other governmental or private parties, photos, VHF or GPS collar data, etc.

Brief description

- Tracks frequent behind Ranch for months

- Visual sightings - Pictures on game cams

- Howling - worked closely with Aaron Bott of ODFW, trapping/tracking

Indicate and describe the "best management practices to deter wolves" that you were implementing during the time your livestock went missing:

- Reducing attractants (remove of bone piles, carcass disposal)
- Barriers (flady and fencing)
- Human presence (range riders, hazers, herders, individual response)
- Guardian animals (protection dogs, etc.)
- Alarm or scare devices (alarm systems, lights and sound devices)
- Livestock management/husbandry changes (changing pastures, night feeding, changes in calving season and herd structure, etc.)
- Experimental practices (bio-fencing, bellling cattle, airman, etc.)
- Other

Brief description - we removed and buried dead carcasses
 - worked with ODFW on fencing / flagging, cameras
 - I was horseback everyday checking and riding with cows daily

- Also used Vance collars



OREGON DEPARTMENT OF AGRICULTURE

Protect. Promote. Prosper.

Wolf Depredation Compensation Program
635 Capitol St NE, Salem, OR 97301-2532
503.986.4550 | Oregon.gov/ODA

CATEGORY 3 – NON-LETHAL PREVENTATIVE TECHNIQUES

Claimant information – livestock/working dog owner completing this form	
Name: Ashanti Samuels	
Mailing Address: 71285 Holmes Rd	
City: Sisters, OR	ZIP: 97759
Home Phone No:	Cell Phone No: 541-350-9727
Email: ashanti.samuels@gmail.com	

Certification and Signature	
By signing below, I certify that:	
1. I am the claimant, or I represent the claimant listed on this document.	
2. All information provided in the application is true and accurate to the best of my ability.	
3. I understand the requirements of the Oregon Department of Agriculture's Wolf Depredation Compensation and Financial Assistance Grant Program. I am in full compliance with the program's requirements specified in OAR 603-019.	
Applicant signature:	Date: 2/12/24

Identify the non-lethal measures you are requesting funding for:

- Reducing attractants (removal of bone piles, carcass disposal)
- Barriers (fladry and fencing)
- Human presence (range riders, hazers, herders, individual response)
- Alarm or scare devices (alarm systems, lights, and sound devices)
- Livestock management/husbandry changes (changing pastures, night feeding, changes in calving season and herd structure, etc.)
- Experimental practices (bio-fencing, bellling cattle, airman, etc.)
- Other

Explain Pitchfork T Ranch is requesting \$25,000 to cover the cost of a new tower for the invisible livestock fencing and one years yearly lease cost for collars. Additionally Pitchfork T Ranch is requesting \$20,000 for a seasonal Range Rider (200 days at 4 hours a day at \$25 an hour)

Total grant funds requested (\$) \$45,000	Project start date 2/12/24	Project end date We will continue going forward
--	-------------------------------	--

Project description (including history on existing projects or estimated length for multi-year projects)
Range riding, Fladry, fence collars, Sharing data with the Wolf Biologist + ODFW. Protection dogs around cattle. ODA Contact and awareness

[Empty rectangular box]

Has ODFW or USFW been consulted regarding the prevention project?

- Yes (if yes, provide the information below)
- No

Contact Name	Avron Bott	Contact Number	541-699-2873
--------------	------------	----------------	--------------



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 28, 2024

SUBJECT: Work Session – Recreational Vehicles as Rental Dwellings

RECOMMENDED MOTION:

Options for Board direction include:

- 1. Conduct a public hearing.
- 2. Postpone the public hearing indefinitely.
- 3. Withdraw the text amendment.
- 4. Other.

BACKGROUND AND POLICY IMPLICATIONS:

Staff seeks direction from the Board concerning next steps for legislative text amendments to allow recreational vehicles (RVs) as rental dwellings (File No. 247-23-000700-TA).

BUDGET IMPACTS:

No budget impacts identified at this time.

ATTENDANCE:

Tanya Saltzman, Senior Planner
Peter Gutowsky, Community Development Director



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: February 21, 2024
SUBJECT: Work Session – RVs as Rental Dwellings

Staff seeks Board of County Commissioners (Board) direction concerning next steps for legislative text amendments to allow recreational vehicles (RVs) as rental dwellings (File No. 247-23-000700-TA), given that the Planning Commission did not recommend approval. Options include holding a public hearing, delaying a public hearing (either to a date certain or indefinitely), or other.

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. The Planning Commission held an initial public hearing on November 9, 2023, which was continued to December 14, 2023. 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, 2023 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. A summary of the Planning Commission’s complete recommendations is included in Attachment 1.

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 following:

- Planning Commission Process and Recommendation (Attachment 1)
• Proposed Text Amendments and Findings (Attachment 2)
• SB 1013 (Attachment 3)

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. OVERVIEW OF AMENDMENTS

The Oregon Legislature adopted SB 1013 into law on July 23, 2023; the law became 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 RV 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 accessory dwelling unit (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 (UGB) 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).

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 a rental dwelling. As noted above, SB 1013 shares some similarities with SB 391, which allows for rural ADUs. 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)(1)(a) and DCC 19.92.170(A)(1)(a) 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)(1)(b) and DCC 19.92.170(A)(1)(b) 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)(3) 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)(1)(d) and DCC 19.92.170(A)(1)(d) 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)(2)(b) and DCC 19.92.170(A)(2)(b) are consistent with SB 1013. The RV may either be owned by the tenant or leased by the tenant from the property owner.
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)(1)(f) and DCC 19.92.170(A)(1)(f) 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
<p>Reasonable appearance, repair, inspection, or siting standards</p>	<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 developed at the local level:</p> <p>DCC 18.116.095(D)(1)(c) and DCC 19.92.170(A)(1)(c) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(2)(c) and DCC 19.92.170(A)(2)(c) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(1)(h) and DCC 19.92.170(A)(1)(h) 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)(1)(e) and DCC 19.92.170(A)(1)(e) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(1)(g) and DCC 19.92.170(A)(1)(g) require that the property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(1)(e) 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 1-acre minimum 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.

III. ADDITIONAL OPTIONS FOR CONSIDERATION

SB 1013 provides the following additional options for counties, which were deemed not necessary by the Planning Commission based on public testimony received.

SB 1013 Section 2(3) allows counties these options to require from the property owner:

- Register the use with the county.
- 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.

Ramada Requirement

Staff did not include a ramada as a requirement in the initial amendments. In retrospect, it should have. RVs are regulated by the Department of Motor Vehicles and not the Oregon Residential Specialty Code. Since they are not designed as permanent structures, if the Board proceeds with the text amendment, staff recommends a ramada for all RVs used as a rental dwelling. This will increase the cost of a project and will require some additional staff time to develop code language that enables feasible implementation across CDD divisions. However, requiring a ramada ensures the public living in an RV is protected from snow accumulation that could, over time, undermine the integrity of the vehicle.

IV. RESOURCE LIMITATIONS

The Community Development Department (CDD) is experiencing structural and operational vulnerabilities. Implementing SB 1013 will require coordination throughout the entire department. CDD must update its website so the public can understand eligibility criteria and the application process, develop workflows, customize its computer software to take in fees and submittals, and train its staff to disseminate onsite, land use, and building code requirements. As customer inquiries and pre-application requests occur, staff expend significant time ensuring the public makes an informed decision. Quite often, this level of customer service does not lead directly to development permits and corresponding revenue for CDD. All the divisions, except for Building Safety, lost staff this fiscal year, creating significant limitations in managing our day-to-day responsibilities let alone taking on additional tasks.

V. NEXT STEPS

Given the Planning Commission’s recommendation that the Board not approve the proposed amendments, staff requests Board direction. Options include:

1. Conduct a public hearing.
2. Postpone the public hearing indefinitely.
3. Withdraw the text amendment.
4. Other.

Attachments:

1. Planning Commission Process and Recommendation Summary
2. Proposed Text Amendments and Findings
3. SB 1013

Attachment 1

PLANNING COMMISSION PROCESS AND RECOMMENDATION

A. 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 individuals provided more than one comment)
- Public hearing verbal testimony (November 9 and December 12): 23 individuals

B. 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

C. 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 amendments provided for the Board of County Commissioners public hearing, if conducted.

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 has subsequently drafted amendments to the addressing code in anticipation of the next phase of the legislative process.

D. Planning Commission Recommendations

Staff provided the Planning Commission with several questions aimed at guiding deliberation discussions. The first question under consideration was the following:

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?

After extensive discussion (summarized below), the Planning Commission voted 4-3 to **not** recommend adoption of the proposed amendments.

The following issues were raised in discussion of the majority opinion of not supporting the amendments:

- Amendments apply to a very large number of rural residential lots (approximately 12,500-13,000 1 acre minimum or greater; 5,000 additional lots between 0.5 acre and 1 acre).
- These amendments generate unprecedented land use impacts that have not been fully vetted at a community-wide level (traffic, road maintenance, wildlife, rural fire protection, garbage, etc.).
- It will be difficult enforcing code violators based on CDD’s backlog of active cases that involve imminent public health and safety issues.
- RVs are an incompatible land use with adjoining residences.
- The amendments create unfunded responsibilities on rural fire protection districts because RVs aren’t recognized as real property.
- RVs increase the threat of wildfire because they are not fire hardened

The following issues were raised in support of the amendments:

- It is necessary to provide options for another type of housing and the County does have a role to play with respect to this issue
- While RVs as rental dwellings might not solve the affordable housing problem, it can provide a pressure release
- RVs would be a less expensive option than ADUs
- Concerning rural character, resource lands (farm and forest) would remain untouched under this proposal

Additional Planning Commission Recommendations

The Planning Commission also voted to continue deliberating additional components of the amendments to provide maximum context to the Board should the Board consider adoption despite the Planning Commission’s “no” recommendation. Those items are outlined below. The first three items were provided by staff as guidance for discussion, with the selected option in **bold**, with additional notes as applicable:

1. 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

2. 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**

Notes: In this scenario, staff would ask the fire districts to provide further input for a hearing before the Board

3. 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**

Notes: The Planning Commission chose this option because additional finite setbacks such as 100 feet might eliminate large areas with narrow lots, such as Deschutes River Woods; other options, such as (c), presented too many variables to be effective—for instance, what if the adjacent property was vacant?

- 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)

The following additional items were provided by Planning Commissioner Altman for Planning Commission consideration, in the interest of providing a comprehensive recommendation to the Board. The Planning Commission chose to issue a recommendation on some, but not all, of these items, as noted below.

4. Should there be a maximum acreage for RVs as rentals?

- a. 2 acres
- b. 3 acres
- c. 5 acres

d. No

Notes: Staff interpreted this question as aiming to keep RVs as rental dwellings closer to urban areas and their services, using an assumption that smaller parcels are generally closer to cities and larger ones are generally in more rural areas. However, geographic analysis was not performed to analyze lot sizes in relation to urban areas.

5. Should there be a limit to the number of permits issued for the first two years?

- a. 100
- b. 250
- c. 500
- d. No

Notes: The Planning Commission chose not to vote to issue a recommendation on this.

6. Should the allowed use be within a certain distance from the UGB?

- a. 1 mile
- b. 2 miles
- c. 5 miles
- d. No

Notes: The Planning Commission chose not to vote to issue a recommendation on this.

7. Should the Wildlife Area Combining Zone be excluded from the program?

a. Yes

b. No

Notes: The Planning Commission chose this in order to be consistent with rural ADU regulations.

8. Should the county issue SDCs or a high permit fee to offset the increased road usage and emergency services?

a. Yes

b. No

The Planning Commission voted to recommend that the BOCC explore funding mechanisms to support services and infrastructure (which are likely out of the land use arena), as there were concerns that allowing RVs as rental dwellings would add demands to the system (fire protection, code enforcement, etc.) without adequate funding to support the use.

9. Does the Planning Commission suggest that the BOCC pause reviewing this issue until ADUs are fully implemented (or for a period of 6-12 months)?

a. Yes

b. No

Notes: The Planning Commission chose not to vote to issue a recommendation on this.

CHAPTER 16.12 ADDRESS NUMBERING

[16.12.020 Procedures And Standards For Assigning New Address Numbers](#)

[16.12.030 Procedures And Standards For Changing Existing Address Numbers](#)

[16.12.040 Posting Of Address Numbers](#)

* * *

16.12.020 Procedures And Standards For Assigning New Address Numbers

The procedures for assigning new address numbers are as follows:

- A. When a building permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the Community Development Department shall assign an address number based on the street location of the structure's access and its location in the Deschutes County Grid System.
- B. A new dwelling or structure with its access point on a North/South road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- C. A new dwelling or structure with its access point on an East/West road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- D. A new dwelling or structure with access on a North/South road will have an even address number assigned to it if it is on the East side of the road, and an odd address number assigned to it if it is on the West side of the road.
- E. A new dwelling or structure with access on an East/West road will have an even address number assigned to it if it is on the North side of the road, and an odd address number assigned to it if it is on the South side of the road.
- F. The numbers assigned to new dwellings or structures shall increase sequentially going North on a North/South road, and shall increase sequentially going East on an East/West road.
- G. New dwellings or structures on cul-de-sacs shall be numbered in a consecutive alternating sequence with even and odd numbers, as illustrated in [Appendix "B,"](#) attached hereto.
- H. New dwellings or structures on circles or loops shall be numbered as illustrated in [Appendix "C,"](#) attached hereto.
- I. Each new single-family dwelling or recreational vehicle as rental dwelling shall have one address number.
- J. New duplexes, triplexes and four-plexes shall be given an address number for each living unit.

- K. New apartment complexes, mobile home parks and other multi-unit complexes shall be given an address number as one dwelling. The owner of each such multi-unit establishment shall assign unit address numbers in a manner that is acceptable to the Community Development Department.
- L. After the effective date of Ordinance 2011-009, for the areas served by Redmond Fire and Rescue:
 - 1. A new dwelling or structure with access on an East/West road will have an odd number assigned to it on the North side of the road, and an even number assigned to it on the South side of the road, to the extent possible, consistent with existing addresses in the immediate area; and
 - 2. The addresses shall increase going north of Antler Avenue and shall increase going south of Antler Avenue.
 - 3. Numbers shall increase going east of 1st Street, and shall increase going west of 1st Street.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

Amended by Ord. [2012-009](#) §2 on 5/2/2012

[Amended by Ord. 2024-xxx §x on x/x/2024](#)

[16.12.030 Procedures And Standards For Changing Existing Address Numbers](#)

The provisions of DCC 16.12.020 shall apply. In addition, the following procedures and standards shall apply to the changing of existing address numbers.

- A. The changing of an existing address number may be initiated by the Community Development Department, or by application by the property owner or any public agency that may be affected by the address number.
- B. All changes in address numbers shall conform to the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Any application or proposed change not in conformance with these standards shall be denied.
- C. An existing address number may be changed by the Community Development Department if it is not in conformance with the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Proposed address number changes shall be carried out pursuant to the procedures set forth in DCC 16.12.030(F) through (I).
- D. An application to change an address number shall be made to the Community Development Department and shall include, at a minimum, the following:
 - 1. Name of applicant;
 - 2. Location of dwelling or structure;

- 3. Existing address number;
 - 4. Reason for address number change; and
 - 5. Fee, if any, as established by the Board.
- E. The Community Development Department shall evaluate any proposed change to determine whether it conforms to the standards set forth in DCC 16.12.020. If it does not, the application shall be denied. If the Community Development Department determines that the application is consistent with the standards set forth in DCC 16.12.020, it shall proceed consistent with the procedures set out in DCC 16.12.030(F) through (I).
- F. Notice of a proposed address number change shall be provided to the property owner and occupant. The notice shall inform the property owner and occupant of the County's intent to change the subject address 30 days from the date of the notice and the reason for the change. The property owner and occupant shall be given 10 days from the date of the notice to comment in writing on the proposal.
- G. The proposed address change shall become effective 30 days from the date of the notice provided for in DCC 16.12.030(F), unless the County determines from the comments received in response to the notice provided under DCC 16.12.030(F) that the proposed change does not conform to the standards set forth herein.
- H. Within 10 days of receipt of timely comments, notice shall be sent to commenting owners or occupants informing them of whether the proposed address number change was corrected in response to their comments. In cases where proposed address number changes are corrected in response to comments, the corrected address number shall become effective as of the effective date proposed in the original notice of proposed address change, unless the corrected address is the address already in use by the owner or occupant.
- I. The Community Development Department shall notify the offices of the County Clerk, County Assessor, Road Department, Postmaster and any affected public safety departments of a changed address number within 30 days of the date the new number becomes effective. In addition, on a monthly basis, the Community Development Department shall publish a list of changed address numbers in a newspaper of general circulation designated for the purpose by the Board.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

16.12.040 Posting Of Address Numbers

- A. General Requirements.
 - 1. All property located outside the incorporated cities of Bend, Redmond and Sisters on which a structure is located shall display an address number.
 - 2. Such address numbers shall be permanently affixed in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted upon or affixed to the dwelling or

structure in a contrasting and visible color, and shall comply with zoning or other ordinance standards for signs.

- 3. In cases where the dwelling or structure is not visible from the access road and where the mailbox is not located at the end of the access driveway, the applicable fire district or emergency services agency, if any, shall be contacted to determine another location for address display so that emergency vehicles can quickly locate the house or building.
 - 4. All construction sites or structures under construction shall display a street address number. The numbers as displayed shall conform to the requirements in DCC 16.12.040(B) and (C), except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.
 - 5. Every owner or commercial lessee of any structure shall be responsible for having the address number displayed thereon in conformance with the requirements of DCC 16.12.040(A).
- B. Assigned or Changed Address Numbers. Address numbers assigned or changed by the County under DCC 16.12 shall comply with the requirements of DCC 16.12.040 in addition to the requirements of DCC 16.12.040(B)(1).
- 1. Address numbers assigned or changed by the County must be displayed within 30 days from the date on which construction begins or on which the address becomes effective, as provided in DCC 16.12.030(G), except that address numbers assigned to sites with new construction shall be displayed from the start of construction on site.
 - 2. Address numbers assigned by the County to structures erected after the effective date of DCC Title 16 must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the building official or his designee shall verify that assigned address numbers have been affixed as required above.
 - 3. Every owner or commercial lessee shall be responsible for ensuring that the address number as assigned or changed by the County is displayed in accordance with the requirements of DCC 16.12.040(B).
- C. Failure to display an address number in conformance with the requirements set forth in DCC 16.12.040, or the display of an address number other than one assigned or changed in accordance with the provisions of DCC 16.12, shall be a violation.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

18.04.030 Definitions

* * *

"Recreational vehicle" means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

~~mobile unit which is designed for temporary human occupancy and licensed as a motor home, recreational trailer or camper by the Oregon Motor Vehicles Division or similar units licensed by another state. This mobile unit is designed to be:~~

- ~~A. self propelled or permanently towable by a light duty truck;~~
- ~~B. built on a single chassis; and~~
- ~~C. 400 square feet or less when measured at the largest horizontal projection~~

HISTORY

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [82-013](#) §1 on 5/25/1982*
- Amended by Ord. [83-037](#) §2 on 6/1/1983*
- Amended by Ord. [83-033](#) §1 on 6/15/1983*
- Amended by Ord. [84-023](#) §1 on 8/1/1984*
- Amended by Ord. [85-002](#) §2 on 2/13/1985*
- Amended by Ord. [86-032](#) §1 on 4/2/1986*
- Amended by Ord. [86-018](#) §1 on 6/30/1986*
- Amended by Ord. [86-054](#) §1 on 6/30/1986*
- Amended by Ord. [86-056](#) §2 on 6/30/1986*
- Amended by Ord. [87-015](#) §1 on 6/10/1987*
- Amended by Ord. [88-009](#) §1 on 3/30/1988*
- Amended by Ord. [88-030](#) §3 on 8/17/1988*
- Amended by Ord. [88-030](#) §4 on 8/17/1988*
- Amended by Ord. [89-004](#) §1 on 3/24/1989*
- Amended by Ord. [89-009](#) §2 on 11/29/1989*
- Amended by Ord. [90-014](#) §2 on 7/12/1990*
- Amended by Ord. [91-002](#) §11 on 2/6/1991*
- Amended by Ord. [91-005](#) §1 on 3/4/1991*
- Amended by Ord. [92-025](#) §1 on 4/15/1991*
- Amended by Ord. [91-020](#) §1 on 5/29/1991*
- Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991*
- Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992*
- Amended by Ord. [92-034](#) §1 on 4/8/1992*
- Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992*
- Amended by Ord. [92-066](#) §1 on 11/25/1992*
- Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993*

Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
Amended by Ord. [93-038](#) §1 on 7/28/1993
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
Amended by Ord. [94-038](#) §3 on 10/5/1994
Amended by Ord. [94-053](#) §1 on 12/7/1994
Amended by Ord. [95-007](#) §1 on 3/1/1995
Amended by Ord. [95-001](#) §1 on 3/29/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [95-077](#) §2 on 12/20/1995
Amended by Ord. [96-003](#) §2 on 3/27/1996
Amended by Ord. [96-082](#) §1 on 11/13/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-003](#) §1 on 6/4/1997
Amended by Ord. [97-078](#) §5 on 12/31/1997
Amended by Ord. [2001-037](#) §1 on 9/26/2001
Amended by Ord. [2001-044](#) §2 on 10/10/2001
Amended by Ord. [2001-033](#) §2 on 10/10/2001
Amended by Ord. [2001-048](#) §1 on 12/10/2001
Amended by Ord. [2003-028](#) §1 on 9/24/2003
Amended by Ord. [2004-001](#) §1 on 7/14/2004
Amended by Ord. [2004-024](#) §1 on 12/20/2004
Amended by Ord. [2005-041](#) §1 on 8/24/2005
Amended by Ord. [2006-008](#) §1 on 8/29/2006
Amended by Ord. [2007-019](#) §1 on 9/28/2007
Amended by Ord. [2007-020](#) §1 on 2/6/2008
Amended by Ord. [2007-005](#) §1 on 2/28/2008
Amended by Ord. [2008-015](#) §1 on 6/30/2008
Amended by Ord. [2008-007](#) §1 on 8/18/2008
Amended by Ord. [2010-018](#) §3 on 6/28/2010
Amended by Ord. [2010-022](#) §1 on 7/19/2010
Amended by Ord. [2011-009](#) §1 on 10/17/2011
Amended by Ord. [2012-004](#) §1 on 4/16/2012
Amended by Ord. [2012-007](#) §1 on 5/2/2012
Amended by Ord. [2013-008](#) §1 on 7/5/2013
Amended by Ord. [2014-009](#) §1 on 8/6/2014
Amended by Ord. [2015-004](#) §1 on 4/22/2015
Amended by Ord. [2016-015](#) §1 on 7/1/2016
Amended by Ord. [2016-026](#) §1 on 11/9/2016
Amended by Ord. [2016-006](#) §1 on 2/27/2017
Amended by Ord. [2017-015](#) §1 on 11/1/2017
Repealed by Ord. [2018-005](#) §8 on 10/10/2018

Amended by Ord. [2018-006](#) §4 on 11/20/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-016](#) §1 on 2/24/2020
Amended by Ord. [2020-001](#) §1 on 4/21/2020
Amended by Ord. [2020-010](#) §1 on 7/3/2020
Amended by Ord. [2020-007](#) §7 on 10/27/2020
Amended by Ord. [2021-013](#) §3 on 4/5/2022
Amended by Ord. [2023-001](#) §2 on X/XX/2023
Amended by Ord. 2024-xxx §x on X/XX/2024

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.095 Recreational Vehicle As A Residence On An Individual Lot

* * *

18.116.095 Recreational Vehicle As A Residence On An Individual Lot

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, mobile home park or recreational vehicle park, consistent with ORS 197.493(1), provided that:
 - 1. The recreational vehicle is occupied as a residential dwelling; and
 - 2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.

- B. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within in a manufactured dwelling park, mobile home park or recreational vehicle park and used as a temporary dwelling unit:
 - 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
 - 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.

- C. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:
 - 1. The dwelling has been repaired or replaced and an occupancy permit has been issued;
 - 2. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
 - 3. Twenty-four months after the date the dwelling first became uninhabitable.

D. In the RR-10 and MUA-10 Zones, a single recreational vehicle, as defined in DCC Title 18, may be established as a rental dwelling provided the following requirements are met:

- 1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:**
 - a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;**

- i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
 - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy. This prohibition does not apply to RVs under 18.116.095(C).
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
 - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes;
 - ii. 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; and
 - iii. A letter confirming that the supplier of water is “Willing and Able to Serve” the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
- g. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4”, concrete with a minimum thickness of 3.5”, or asphalt with a minimum thickness of 3”;
- h. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
- i. For properties located in the Wildlife Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.88.060(B); and

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-062](#) §1 on 12/9/1998

Amended by Ord. [2007-019](#) §4 on 9/28/2007

Amended by Ord. [2023-001](#) §16 on 5/30/2023

Amended by Ord. 2024-0XX §XX on X/XX/2024

DRAFT

CHAPTER 18.120 EXCEPTIONS

18.120.020 Nonconforming Lot Sizes

* * *

18.120.020 Nonconforming Lot Sizes

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section acreage reduction is due to a survey adjustment or other man made barriers over which the applicant has had no control.
- C. Any lot or parcel that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
 - 1. The lot or parcel is a lot of record, as defined in DCC 18.04.030, Lot of record.
 - 2. The use conforms to all other requirements of that zone.
 - 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 - a. For residential uses with minimum acreage standards specified elsewhere in Title 18, those standards shall prevail.
 - 4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot dimension of 10 acres in size. Such parcels may be partitioned only as separated by the right of way and shall not be smaller than one acre.

HISTORY

Adopted by Ord. [PL-15](#) §6.020 on 11/1/1979
Amended by Ord. [87-015](#) §§1 and 2 on 6/10/1987
Amended by Ord. [93-034](#) §2 on 6/30/1993
Amended by Ord. [2017-015](#) §2 on 11/1/2017
[Amended by Ord. 2024-xxx §x on x/x/2024](#)

CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS

19.04.040 Definitions

19.04.040 Definitions

* * *

“Recreational vehicle” means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

HISTORY

- Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980*
- Amended by Ord. [82-011](#) on 8/9/1982*
- Amended by Ord. [83-041](#) §2 on 6/1/1983*
- Amended by Ord. [86-032](#) §1 on 4/2/1986*
- Amended by Ord. [86-033](#) §1 on 4/2/1986*
- Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986*
- Amended by Ord. [86-055](#) §1 on 6/30/1986*
- Amended by Ord. [86-058](#) §1 on 6/30/1986*
- Amended by Ord. [88-042](#) §3 on 12/19/1988*
- Amended by Ord. [90-038](#) §1 on 10/3/1990*
- Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990*
- Amended by Ord. [91-001](#) §1 on 1/28/1991*
- Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991*
- Amended by Ord. [92-043](#) §1 on 5/20/1992*
- Amended by Ord. [93-018](#) §1 on 5/19/1993*
- Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994*
- Amended by Ord. [95-045](#) §15 on 6/28/1995*
- Amended by Ord. [96-071](#) §1D on 12/30/1996*
- Amended by Ord. [97-017](#) §1 on 3/12/1997*
- Amended by Ord. [97-038](#) §1 on 8/27/1997*
- Amended by Ord. [99-001](#) §§2-4 on 1/13/1999*
- Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*
- Amended by Ord. [2013-013](#) §1 on 7/25/2013*
- Amended by Ord. [2014-016](#) §1 on 12/29/2014*
- Amended by Ord. [2016-016](#) §1 on 6/1/2016*
- Amended by Ord. [2017-009](#) §7 on 7/21/2017*
- Amended by Ord. [2020-001](#) §17 on 4/21/2020*
- Amended by Ord. [2020-010](#) §8 on 7/3/2020*
- Amended by Ord. [2021-009](#) §2 on 6/18/2021*
- Amended by Ord. [2024-xxx](#) §x on x/x/2024*

CHAPTER 19.76 SITE PLAN REVIEW

19.76.020 Site Plan Requirements

* * *

19.76.020 Site Plan Requirements

In all zones, except for a single-family dwelling, accessory dwelling unit, duplex or triplex unit on one lot, all new uses, buildings, recreational vehicles as rental dwellings, outdoor storage or sales areas and parking lots or alterations thereof shall be subject to the provisions of DCC 19.76.020. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25 percent of the size of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of DCC Title 19 or other ordinances of the County.

HISTORY

Adopted by Ord. PL-11 on 7/11/1979
Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990
Amended by Ord. 2024-0XX §XX on X/XX/2024

CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS

19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones

* * *

19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones

A. In the UAR-10, SR 2 ½, and WTZ Zones, a single recreational vehicle, as defined in DCC 19.04, may be established as a rental dwelling provided the following requirements are met:

1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:

- a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;
 - i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
 - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy;
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
 - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
 - ii. 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.

iii. A letter confirming that the supplier of water is “Willing and Able to Serve” the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.

g. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4”, concrete with a minimum thickness of 3.5”, or asphalt with a minimum thickness of 3”; and

h. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides.

2. Prior to siting any recreational vehicle as a rental dwelling, the property owner must obtain County approval for each recreational vehicle used as a rental dwelling and demonstrate compliance with the following standards:

a. The recreational vehicle rental dwelling is subject to a written residential rental agreement as defined in ORS 90.100(39);

b. The recreational vehicle shall be owned or leased by the tenant;

c. The recreational vehicle shall include an operable toilet and sink;

d. The recreational vehicle has not been rendered structurally immobile; and

e. The recreational vehicle shall be titled with a Department of Transportation.

3. Prior to issuance of a Building Division permit, the property owner shall sign and record with the County Clerk a restrictive covenant stating a recreational vehicle unit allowed under this section cannot be used for vacation occupancy, as defined in DCC 19.92.170(A)(3)(a) and consistent with ORS 90.100, or other short-term uses.

a. “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

i. The occupant rents the unit for vacation purposes only, not as a principal residence; and

ii. The occupant has a principal residence other than at the unit; and

iii. The period of authorized occupancy does not exceed 45 days.

4. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

5. A permit shall be obtained from the Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.
6. A recreational vehicle shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.
7. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
8. As identified in this section, a recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 19.72.

HISTORY

Adopted by Ord. 2024-00x §x on [date]

DRAFT



FINDINGS

I. PROPOSAL

This is 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.

II. BACKGROUND

A. Senate Bill 1013

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.

Rural residential exception areas and their corresponding 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. State law allows counties to permit an additional dwelling on a property containing a house built prior to 1945 and SB 391 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.

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).

B. 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 residential 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)(1)(a) and DCC 19.92.170(A)(1)(a) 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)(1)(b) and DCC 19.92.170(A)(1)(b) 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)(3) are consistent with SB 1013. Both require a restrictive covenant be recorded to ensure compliance.
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)(1)(d) and DCC 19.92.170(A)(1)(d) 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)(2)(b) and DCC 19.92.170(A)(2)(b) are consistent with SB 1013. The RV may either be owned by the tenant or leased by the tenant from the property owner.
Essential Services	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). 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	DCC 18.116.095(D)(1)(f) and DCC 19.92.170(A)(1)(f) are consistent with SB 1013. 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

Topic	SB 1013 Requirements	Comment
	<p>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>served by any water source other than an onsite domestic well.</p>

Topic	SB 1013 Requirements	Comment
<p>Reasonable appearance, repair, inspection, or siting standards</p>	<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 developed at the local level:</p> <p>DCC 18.116.095(D)(1)(c) and DCC 19.92.170(A)(1)(c) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(2)(c) and DCC 19.92.170(A)(2)(c) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(1)(h) and DCC 19.92.170(A)(1)(h) 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)(1)(e) and DCC 19.92.170(A)(1)(e) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(1)(g) and DCC 19.92.170(A)(1)(g) require that the property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(1)(e) 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.

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the

responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

IV. FINDINGS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission and Board of County Commissioners.

Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
 - 1. The Planning Commission.***
 - 2. The Board of County Commissioners.***

- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: The Deschutes County Planning Commission held the initial public hearing on November 9. The Board then held a public hearing on [DATE TBD]. These criteria are met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes will be implemented by Ordinance No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

B. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on October 4, 2023. The Planning Commission held a public hearing on November 9, 2023 and the Board of County Commissioners held a public hearing on [DATE TBD]. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: No changes related to agricultural lands are proposed as part of the text amendments. This goal does not apply.

Goal 4: Forest Lands: No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicle as residential tenancy (or rental dwelling), to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013’s development standards. Goal 5 does not apply.

However, to the extent it is determined that Goal 5 does apply, local governments apply Goal 5 to a PAPA when the amendment allows a new use and the new use could be a conflicting use with a particular Goal 5 resource site on an acknowledged resource list. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, contain Goal 5 resources because they are overlaid with a Wildlife Area Combining Zone. These two zones are being amended to allow RVs as rental dwellings and are therefore subject to an ESEE Analysis. No other changes to the code warrant specific ESEE Analysis as they are not adding new uses that conflict with Goal 5 resources. The ESEE analysis is included in *Appendix A* which is attached to this document.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose changes to the County’s Comprehensive Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance. However, it is worth noting that the amendments require a minimum lot size of 1 acre in an effort to protect sensitive groundwater resources that can be further stressed by the wastewater disposal of denser development patterns. To further protect these resources, SB 1013 requires that the property owner provide sewage disposal, and applicants must receive a permit from Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Comprehensive Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Recreational vehicles as rental dwellings are not a recreational use or need, but rather are intended to provide housing. This goal does not apply.

Goal 9: Economic Development: Recreational vehicles as rental dwellings are not primarily economic in nature. This goal does not apply.

Goal 10: Housing: This goal is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Recreational vehicles as rental dwellings in the rural county typically rely on domestic wells and onsite wastewater treatment systems. A Goal 11 exception would be required for a centralized sewer system and would need to be applied on a property specific, needs related basis. This goal does not apply.

Goal 12: Transportation: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicles as rental dwellings, to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013's development standards. Staff does not anticipate that the addition of recreational vehicles as rental dwellings on approximately 12,410 currently eligible lots will create a significant or adverse effect to the County transportation system and thus complies with the TPR.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County's implementing regulations regarding energy conservation. This goal does not apply.

Goal 14: Urbanization: The purpose of Goal 14 is to direct urban uses to areas inside UGBs. As the proposed amendments do not seek to allow urban uses on rural land, nor do they seek to expand an existing urban growth boundary, this goal does not apply.

Goals 15 through 19: Deschutes County does not contain any of the relevant land types included in Goals 15-19. Therefore, these goals do not apply.

C. Deschutes County Comprehensive Plan

Chapter 3, Rural Growth

Section 3.3, Rural Housing

Goal 1 Maintain the rural character and safety of housing in unincorporated Deschutes County.

Policy 3.3.5 Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.

FINDING: Implementing SB 1013, which allows recreational vehicles as rental dwellings to be sited in rural residential exception areas, is consistent with Policy 3.3.5, providing a needed housing option in the rural county.

V. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to allow an owner of a lot or parcel within a rural residential exception area to site a recreational vehicle as rental dwelling subject to certain restrictions and limitations.

Recreational Vehicles as Rental Dwellings Text Amendment

Appendix A: ESEE Analysis Document to File No. 247-23-000700-TA

Deschutes County Community Development

October 4, 2023

Table of Contents

Chapter 1: Overview of Goal 5 and ESEE Analyses 11

Chapter 2: Deschutes County Goal 5 Inventory and Methodology 14

Chapter 3: Conflicting Use Analysis 16

Chapter 4: Impact Areas 19

Chapter 5: ESEE Analysis 20

Chapter 6: ESEE Decision 27

Chapter 7: Program to Achieve Goal 5 28

References

- Attachment 1 – Deschutes County Goal 5 Inventory Summary Table
- Attachment 2 – Inventory Site Maps

Chapter 1: Overview of Goal 5 and ESEE Analyses

Introduction

This appendix report was prepared to supplement the findings document associated with File No. 247-22-000700-TA. Deschutes County is amending Deschutes County Code (DCC), Titles 18 and 19 to allow recreational vehicles (RV) as rental dwellings consistent with Senate Bill (SB) 1013 (2023) in Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zones (WTZ). DCC Chapter 18.88 is the Wildlife Area (WA) Combining Zone, which recognizes four Goal 5 inventories: Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, are overlaid with a Deer Migration Corridor, Deer Winter Range, and/or Significant Elk Habitat.

In addition, there are some areas zoned MUA-10 and RR-10 that contain Goal 5 riparian resources and their associated fish, furbearer, waterfowl, and upland game bird habitat. Recognizing that an RV as rental dwelling is a new conflicting use in the WA Combining Zone, Deschutes County is applying Goal 5 in consideration of this Post Acknowledgment Plan Amendment (PAPA). The full findings document provides additional detail and background information regarding the intent of the amendments and compliance with other applicable local and state regulations outside of Statewide Land Use Planning Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces*.

Deschutes County Goal 5 Program

The purpose of Goal 5 is “to protect natural resources and conserve scenic and historic areas and open spaces.” Local governments, as part of the Comprehensive Planning process, are required to inventory the extent, location, quality, and quantity of significant natural resources within their jurisdictional boundaries. Following this inventory, local governments then conduct an economic, social, environmental, and energy (ESEE) analysis to determine the extent to which land uses should be limited in order to adequately protect significant resources. Following an ESEE analysis, governments then establish a program to protect significant natural resources. Deschutes County established its initial Goal 5 natural resource inventory, ESEE analyses, and protection programs between the years of 1988-1994, as part of periodic review.

In reviewing this document, it is important to acknowledge there are six policies and development standards within the Deschutes County Comprehensive Plan and DCC that were established through ESEEs over time that could still limit the development of RVs as rental dwellings near inventoried Goal 5 resources. Deschutes County finds the proposed amendments do not alter the following existing protections.

1. Setback Protections: 100-foot structural setback from the ordinary high water mark (OHWM) of rivers and streams.

2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by Oregon Department of Fish and Wildlife (ODFW).
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain must obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Elk Habitat, and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and/or seasonal construction requirements to prevent impacts to sensitive species and habitat.

Required Steps and Discretionary Review

Local governments are required to comply with Goal 5 when a PAPA allows a new use and the new use “could be” a conflicting use with a particular Goal 5 resource site on an acknowledged resource list.¹ Deschutes County is amending the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zoning chapters to allow recreational vehicles as rental dwellings consistent with SB 1013 (2023).

Residential RVs have the potential to generate a certain level of noise and habitat alteration. As this new use could potentially impact Goal 5 resources, Deschutes County is conducting an ESEE Analysis to identify potential consequences and protections related to the amendments. RVs as rental dwellings will be added as a new permitted use in the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zones. As shown below, only two of those zones, MUA-10 and RR-10, contain Goal 5 resources and are being reviewed as part of this ESEE analysis.

Table 2: Zones Containing Goal 5 Resources

Contain Goal 5 Resources	Do Not Contain Goal 5 Resources
<ul style="list-style-type: none"> • DCC Chapter 18.32, Multiple Use Agricultural Zone • DCC Chapter 18.60, Rural Residential Zone 	<ul style="list-style-type: none"> • DCC Chapter 19.12, Urban Area Reserve Zone • DCC Chapter 19.20, Suburban Low Density Residential Zone • DCC Chapter 19.22, Westside Transect Zone

¹ OAR 660-023-0250(3)(b)

ESEEs are meant to be analytical tools. The content of the ESEE is discretionary and is intended to be conducted by planning staff using existing information. An ESEE is not meant to focus exclusively on environmental impacts such as an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Additionally, Goal 5 explains “the ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected.”² In utilizing this analytical tool, there are a few steps jurisdictions must include and address in accordance with OAR 660-023 – *Procedures and Requirements for Complying with Goal 5*:

1. Identify Conflicting Uses – Does the land use or activity negatively impact natural resources?
2. Determine Impact Area – What is the geographic extent to which land uses or activities adjacent to natural resources could negatively impact those resources?
3. Analyze ESEE Consequences – What are the positive and negative consequences (both for development and natural resources) of a decision to fully protect natural resources, fully allow conflicting uses, or limit conflicting uses?
4. Develop a program – How and to what extent will the natural resources be protected based on the ESEE analysis?

A response to each of these steps is included throughout this report. The relevant page and chapter can be found in the table of contents.

² OAR 660-023-0040(1)

Chapter 2: Deschutes County Goal 5 Inventory and Methodology

660-23-0030 – Inventory Goal 5 Resources

Stemming from periodic review, Deschutes County adopted inventories for a variety of Goal 5 natural resources (Attachment 1). Some of these resources have mapped geographic boundaries such as Deer Winter Range, whereas others are described as being located in general areas – such as furbearer habitat in riparian corridors. The inventories were produced at a countywide scale, with additional detail for the Deschutes River and its tributaries through the Deschutes County/City of Bend River Study. County staff digitized these habitat boundaries into Geographic Information Systems (GIS) shape files in the 2000s for public awareness. The shape files were created from hard copy maps and descriptions found in the ordinances establishing the County’s Goal 5 program, in consultation with the Oregon Department of Fish and Wildlife (ODFW).

Maps provided in this document include inventoried habitat that spatially overlaps with the MUA-10 and RR-10 zones impacted by the proposed text amendments (Attachment 2). The habitat areas include: deer migration corridor, deer winter range, elk habitat, flood plain, and wetlands. Staff utilized the County’s WA Combining Zone layers to determine the general extent of habitat for big game species as the Combining Zone was designed to cover a larger area than the habitat itself (Ordinance 92-046). Inventoried streams and rivers are shown on the map, as well as wetlands and flood plains. Goal 5 Riparian areas (flood plain, wetlands and 100 feet measured from ordinary high water mark) associated with these water bodies is also the habitat area for fish, furbearers, waterfowl, and upland game birds (Ordinance 92-041, 94-007). As the proposed text amendments are legislative and do not impact any specific properties, staff did not review Goal 5 impacts on an individual parcel level basis. Instead, staff identified the following potential resource sites in which the allowance of RVs as rental dwellings could potentially intersect with Goal 5 resources:

Riverine Resources: Some properties in the MUA-10 and RR-10 zones are located in relative proximity to the Deschutes River, Little Deschutes River, Paulina Creek, and Whychus Creek and its associated Goal 5 Riparian Area.³ Ordinance 92-041 stated the following additional Goal 5 resources depend on riparian corridors for habitat: furbearer, waterfowl, and upland game bird habitat. As the extent of the habitat locations for these species are not detailed in a boundary description or on a map, staff assumes the species habitat is found entirely inside the Riparian Area boundary shown in Attachment 2.

Wildlife Area Combining Zone: The WA Combining Zone was adopted as a protection measure for antelope, deer, and elk in Deschutes County. As an overlay zone, the mapped area conservatively identified typical habitat and migration areas and provided additional development requirements to ensure impacts to wildlife are properly mitigated alongside the underlying base zone regulations.

³ There are 404 RR-10 tax lots that are one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. The Flood Plain Zone is not recognized as a rural residential exception area. RR-10 and MUA-10 split zoned properties will be required to contain the minimum lot or parcel area to qualify for an RV as rental dwelling.

The zone encompasses the previously inventoried area for Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. The proposed amendments add a conflicting use, RVs as rental dwellings, which affect three habitat ranges in MUA-10 and RR-10: Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. These habitat ranges are shown in Attachment 2. The maps include federal land; however, these properties are not subject to Deschutes County land use regulations.

The Deschutes County Goal 5 inventory also includes scenic and open space sites such as Landscape Management Rivers and Streams, State Scenic Waterways and Federal Wild and Scenic Rivers, and Ecologically and Scientifically Significant Natural Areas - Little Deschutes River / Deschutes Confluence (Attachment 1). Protection of these resources is focused on mitigating visual impacts of individual development proposals. Staff finds these resources are not impacted by the proposed amendments and therefore are not reviewed in this document.

Chapter 3: Conflicting Use Analysis

660-023-0040(2): Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.

Deschutes County is proposing to add RVs as rental dwellings in the MUA-10 and RR-10 zones in the WA Combining Zone. RVs could be a conflicting use to significant Goal 5 resources as they generate vehicle trips and noise. Other uses that are allowed in the two zones are shown below.

Table 3: Allowed Uses

Zoning	Outright Uses	Conditional Uses
MUA-10	Agricultural uses Single family dwelling or manufactured home Harvesting a forest product Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public use Semipublic use Dude ranch Kennel and/or veterinary clinic Guest house Manufactured home as a secondary accessory farm dwelling Exploration for minerals Private parks Personal use airstrip Golf course Type 2 or 3 Home occupation Destination resorts Planned developments Cluster developments Landfills Timeshare Hydroelectric facility Storage, crushing and processing of minerals Bed and breakfast inn Excavation, grading and fill Religious institutions Private or public schools Utility facility Cemetery Commercial horse stables Horse events Manufactured home park or RV park Wireless telecommunication facilities Guest lodge Surface mining in conjunction with operation and maintenance of irrigation system

Zoning	Outright Uses	Conditional Uses
RR-10	Single family dwelling or manufactured home Utility facility Community center Agricultural use Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public park Dude ranch Personal use airstrip Planned developments Cluster developments Recreation-oriented facility Landfills Cemetery Timeshare Hydroelectric facility Bed and breakfast inn Golf course Excavation, grading and fill Religious institutions Public use Semipublic use Commercial horse stables Private or public schools Manufactured home park or RV park Wireless telecommunication facilities Surface mining in conjunction with operation and maintenance of irrigation system

General Impacts of Conflicting Uses

The proposed amendments would allow RVs as rental dwellings in inventoried Goal 5 resources. As part of the ESEE review “a local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning”.⁴ In reviewing the proposed amendments, Deschutes County finds that the impacts from RVs in the MUA-10 and RR-10 zones as they relate to Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat are of such a similar nature that the impacts for these areas may be reviewed together via the general impacts described below.

- *Noise and Light*

RVs as a secondary dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

⁴ OAR 660-023-0040(4)

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

Greater detail on these potential conflicts and their consequences is provided below.

Chapter 4: Impact Areas

660-023-0040(3): Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

This step is discretionary and allows for the local jurisdiction to define which areas are the most vulnerable and/or most likely to be affected by the proposed amendments. The impact area for this ESEE analysis are properties that are within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat in the MUA-10 and RR-10 zones. As this ESEE is not for any specific property, but instead reflects changes to the code generally, there is no individual property specific data.

Properties in this impact area can be found in Attachment 2 – *Impact Area Maps*

Impact Area Methodology

To understand the impact of the proposed amendments within the areas of significance noted above, an estimate of the number of parcels in those areas that meet the baseline RV as rental dwelling criteria and are non-federal (i.e. subject to Deschutes County zoning) is shown in Table 4 below. The table also provides an estimate for vacant parcels that meet the other eligibility criteria; these properties would not be eligible until a single-family dwelling is constructed first.

Table 4: Number of Affected Non-Federal Properties in Impact Area

Zone	Deer Migration	Deer Winter	Elk
Properties Containing One Single-Family Dwelling	4,059	518	169
Vacant Properties (Not Yet Eligible)	1,317	185	104
Total	5,376	703	273

Chapter 5: ESEE Analysis

660-023-0040(4): Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

Background

Deschutes County is choosing to conduct a single analysis for all resource sites as the impacts from RVs as rental dwellings could have very similar impacts to both riparian areas and fish and wildlife that depend on the riparian area for their habitat, and for big game including deer and elk.

As described above, the potential impacts fall into four general areas:

- *Noise and Light*

RVs as a rental dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

This step is discretionary. The purpose of an ESEE analysis is to provide a qualitative exercise for local governments to weigh the positive and negative consequences of three scenarios in order to determine a preferred outcome. Governments may choose to use quantitative data as necessary but are not required to gather new information or hire wildlife biologists, economists, sociologists, or energy consultants.

ESEE Scenario Descriptions

Scenario (A) – Allow the Conflicting Use

In this scenario, the local government may decide that a conflicting use should be allowed fully, without any restrictions, no matter the potential impacts on the inventory site(s). In this instance, the Goal 5 rule would require the government to determine the conflicting use is of such importance compared to the site that the use should be allowed without any protections or limitations. In choosing this scenario, the local government could still use other tools to protect the inventories that are currently in place.

Scenario (B) – Prohibit the Conflicting Use

In this scenario, the local government may decide that the inventory site is of such importance or the conflicting use has the potential to be so detrimental to the inventory site(s), that the conflicting use should be entirely prohibited.

Scenario (C) – Limit the Conflicting Use

In this scenario, the local government may decide that the inventory site and the conflicting use are both important when compared to each other, and the use should be allowed with limitations to balance the impacts to the inventory site(s).

RVs as Rental Dwellings ESEE Analysis

Scenario (A) Allow the Conflicting Use

In this scenario, Deschutes County would allow RVs as rental dwellings in MUA-10 and RR-10 zones without any additional requirements to protect the inventoried resources.

Economic Consequences:

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region and provide a housing type that has not historically been readily available in the rural county. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties, and coupled with other workforce housing strategies, attract businesses and employment opportunities in Central Oregon.

Allowing RVs could also have negative consequences. The development of RVs as rental dwellings in MUA-10 and RR-10 zones could increase land value, which could price out low and middle-income residents from the opportunity to own a home. Previous testimony from ODFW estimates that hunting and wildlife viewing contributed more than \$50 million to the Deschutes County economy

annually. Deschutes County is proposing to allow RVs in some areas that contain riparian areas and species that rely on the riparian area for habitat including fish, furbearers, upland game birds, and waterfowl. Allowing RVs near these areas could reduce income associated with wildlife viewing and hunting of these species.

In some parts of the county, mule deer populations have declined up to 70% since 2000 as a result of human caused habitat reduction, fragmentation, and disturbance on winter range. By allowing RVs in Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat, there is the potential for greater disturbance of deer and elk populations that could reduce hunting and viewing opportunities.

Social Consequences:

Permitting RVs as rental dwellings could have positive consequences by allowing property owners with an existing single family dwelling to rent out an RV that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

It could also have negative consequences by allowing RVs as rental dwellings in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat. Many residents, advocacy organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region’s rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, however incrementally, Deschutes County’s rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

Environmental Consequences:

In this scenario, RVs as rental dwellings would be permitted outright. As stated previously, RVs could present negative impacts as they have the potential to increase noise and light near fish and wildlife habitats, and in turn cause distress to inventoried Goal 5 species.

Developing an appropriate site for an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could create negative impacts to designated habitat for Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on previous testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions

in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

As previously stated, the following Goal 5 protections established during the creation of the initial inventory would remain in place:

1. Setback Protections: 100-foot structural setback from the ordinary high water mark of rivers or streams.
2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by ODFW.
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain shall obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Significant Elk Habitat and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and seasonal construction requirements to prevent impact to sensitive species and habitat.

Existing protections would prevent riparian areas from being developed with ADUs established near them. As the existing Goal 5 measures in place today protect riparian areas and the fish and wildlife within that habitat area, the addition of ADUs near these areas will be neutral.

Energy Consequences:

RVs as rental dwellings are unlikely to cause any major energy consequences. Per SB 1013, the property owner must provide essential services, which includes electricity and wastewater disposal, to the RV site. It can also rely on an existing domestic well.

A potential negative consequence of the proposed amendments could be additional development in rural Deschutes County. Depending on the location of the RV, it could lead to additional Vehicle Miles Traveled and greater congestion on county-owned roads for employment, education, and basic services.

Scenario (B) Prohibit the Conflicting Use

In this scenario, Deschutes County would not allow RVs as rental dwellings in the MUA-10 and RR-10 zones associated with the WA Combining Zone and Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

Economic Consequences:

Prohibiting RVs could have negative economic consequences, as it prevents certain property owners from using their land and having a secondary dwelling unit. This could contribute to workforce housing deficiencies in the region and compel residents to commute from adjoining areas in Crook, Jefferson, and Klamath Counties.

It could also have neutral consequences based on previous testimony from ODFW. Prohibiting RVs could contribute to stabilizing mule deer populations, thereby maintaining economic benefits from wildlife viewing or hunting. Wildlife viewing, hunting, and fishing experiences in Deschutes County are major economic assets to the region. Prohibiting RVs could minimize further habitat fragmentation and help maintain wildlife viewing, hunting, and fishing revenues in Deschutes County.

Social Consequences:

Prohibiting ADUs could have negative social consequences. Many residents and multi-generational families in Deschutes County need affordable housing and are rent-burdened. Limiting the potential supply of a unique housing type could exacerbate Central Oregon’s housing crisis by forcing some residents to pay higher rents, commute longer distances for basic services, or relocate. Those circumstances could lead to further mental and physical stress.

It could also have positive consequences. Many residents express their appreciation for undisturbed landscapes because they contribute to Deschutes County’s rural character and quality of life. Prohibiting RVs, which generate noise and light would continue to limit disturbance to existing fish and wildlife habitats.

Environmental Consequences:

There are 404 RR-10 tax lots, one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. These properties contain a Goal 5 Riparian Area which is also the habitat for Goal 5 inventoried waterfowl, upland game bird, furbearers, and fish. The WA Combining Zone contains Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. By prohibiting RVs and maintaining the status quo, these species will continue to be protected against habitat fragmentation and distress from second dwellings. The environmental consequences are therefore neutral.

Energy Consequences:

Energy consumption would have neutral consequences as this scenario maintains the status quo. Development associated with RVs may be displaced to other areas of rural Deschutes County, which could still have demands on utilities.

Scenario (C) Limit the Conflicting Use

In this scenario, Deschutes County would allow RVs as rental dwellings in the MUA-10 and RR-10 zones, with additional limitations to protect the inventoried resources, outside of existing protections. For example, a limitation could require the RV to be within a certain distance of the existing dwelling.

Economic Consequences:

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties and coupled with other work force housing strategies, attract businesses and employment opportunities in Central Oregon.

Compared to scenario (a) where there is no required area in relation to the primary residence in which the RV must be sited, the addition of limitations could lessen the impact by minimizing the buildable footprint and ultimately, the number of eligible properties, recognizing that some may not have enough area to accommodate an RV depending on site constraints. This could positively impact the hunting and wildlife viewing economy in Central Oregon, valued at \$50 million annually. While such measures could lessen impacts, the overall burden caused by allowing RVs nevertheless may still overall impact wildlife and thereby impact revenue generated from the recreation economy.

In comparison to scenario (a), which would allow the use outright, Deschutes County finds that this scenario would provide a limitation to reduce the amount of impacts, even if those impacts still exist.

Social Consequences:

The positive social consequences in this scenario are very similar to scenario (a). Permitting RVs could have positive consequences by allowing property owners with an existing single-family dwelling to have a dwelling that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

Adding a limitation requiring the RV to be within a certain distance of the existing dwelling (or other limitation) could establish a negative consequence, depending on siting, of RVs in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat stemming from the possible removal of habitat areas and construction of structures and their associated human presence. Many residents, advocacy

organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region’s rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, incrementally, Deschutes County’s rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near or within the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

Environmental Consequences:

RVs as rental dwellings could present negative consequences as they have the potential to increase activity, noise, and light near fish and wildlife habitats, and in turn cause distress to inventoried Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

Siting of an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by fish and wildlife species, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could result in further negative impacts to the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on recent testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

Existing protections in place today (discussed above) would prevent Goal 5 riparian areas from being developed when RVs are nearby. The establishment of RVs in these areas would likely be neutral.

By limiting the RV to within a certain distance of the existing dwelling, the negative environmental consequences associated with RVs could be mitigated to a certain extent.

Energy Consequences:

The energy consequences in this scenario are the same as in scenario (a). Limiting the RV to within a certain distance of the existing dwelling could decrease the amount of energy used to operate the RV, considering the essential services that are required to be provided.

Chapter 6: ESEE Decision

660-023-0040(5): Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

The graphic below is meant to be a simplified representation to balance each of the ESEE factors. As stated in the ESEE analysis, there are a variety of positive, negative, and neutral consequences associated with each scenario. Deschutes County finds that the issue of allowing an RV as rental dwellings in MUA-10 and RR-10 zones are both a social and economic issue that outweighs the other ESEE consequences. The County considered allowing the use with limitations by limiting the siting of the RV to within a certain distance of the existing dwelling, but this practice could limit the number of affordable housing opportunities. Therefore, the County is choosing scenario (a), which will allow the use fully, notwithstanding the possible impacts on the resource sites.

Table 5: ESEE Factors

ESEE Factors	Support habitat functions (Environmental, economic, social)	Support Affordable Housing (Social, economic)	Support Recreational Economy (Economic, Social)	Preserves Rural Character (Social, economic)	Transportation (Energy)
Prohibit conflicting use (No code change)	0	-	0	0	0
Allow conflicting use Allow RVs with no additional requirements	-	+	-	-	-
Limit conflicting use Allow RVs with additional limitation	-	+	-	-	-

Chapter 7: Program to Achieve Goal 5

660-023-0050(1): *For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).*

660-023-0050(2): *When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:*

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;*
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or ...*

Deschutes County has determined that allowing RVs as rental dwellings within the MUA-10 and RR-10 zones and within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat should be allowed fully, notwithstanding the possible impacts on the inventoried resources. The implementing measures do not include alternative, discretionary procedures for compliance.

Attachment 1 - Deschutes County Significant Goal 5 Resources

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Fish Habitat (Inventory – Ord. No. 92-041, page 18; creeks, rivers and lakes)</p>	<p>Yes</p>	<p>Major conflicts are removal of riparian vegetation, fill and removal activities within the bed and banks of streams or wetlands, hydroelectric, rural residential development and water regulation</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve fish habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, 100’ setback from OHW, conservation easements and restrictions on boats and docks.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p>Deer Winter Range (Inventory – Ord. No. 92-041, page 22; Metolius, Tumalo, North Paulina, and Grizzly ranges identified by ODFW)</p>	<p>Yes</p>	<p>Major conflicts are dwellings, roads, and dogs. Activities which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences which impede safe passage are also a conflicting use.</p>	<p>Floodplain zone recognized as a program to achieve the goal to protect deer winter range (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include Wildlife Area Combining Zone. Requires 40-acre minimum lot size for all new residential land divisions. Underlying zoning in most of the deer winter range is: EFU, Forest, and Floodplain. These zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p>Deer Migration Corridor (Inventory – Ord. No. 92-041, page 26; Bend-La Pine migration corridor identified by ODFW)</p>	<p>Yes</p>	<p>Major conflicts are dwellings, roads, and dogs. Fences which impede safe passage are also a conflicting use.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the deer migration corridor. Underlying zoning is RR-10. It was amended to require cluster development for all land divisions in the RR-10 zone in the Bend/La Pine migration corridor (92-042). A 20-acre parcel is the minimum size required for a cluster development. Siting and fencing standards also apply in the deer migration corridor. Migration corridor includes some EFU, Forest, and Floodplain zoned land. These resource zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Elk Habitat (Inventory – Ord. No. 92-041 – page 32; identified by USFS and ODFW)</p>	<p>Yes</p>	<p>Major conflict is the loss of habitat due to increased residential densities in the habitat areas. Increased human disturbance can cause conflict with elk. The use of land which necessitates the removal of large amounts of vegetative cover can also alter the quality of elk habitat.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the elk habitat.</p> <p>It was amended to require a 160-acre minimum lot size for areas identified as significant elk habitat. Siting standards are required to minimize conflicts of residences with habitat protection.</p> <p>Underlying zoning in the elk habitat areas is either Floodplain, Forest, or Open Space and Conservation. These resource zones restrict high density residential development and prohibit industrial and commercial uses.</p> <p>* Some lands are zoned RR10, including lots that are split zoned with flood plain. They are already parcelized, preventing future land divisions.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p>Antelope Habitat (Inventory – Ord. No. 92-041 – page 38; identified by ODFW)</p>	<p>No</p>	<p>Land use or development activities which would result in the loss of habitat, and animal harassment and disturbance associated with human activity.</p>	<p>To achieve the goal to conserve antelope habitat, uses conflicting with antelope habitat are limited to the Wildlife Area Combining Zone. In antelope range, the minimum lot size is 320 acres. Except for rural service centers, the antelope habitat is zoned EFU or F1.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>
<p>Habitat for Sensitive Birds (Inventory – Ord. No. 92-041 – page 41 and Table 5; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases).</p> <p>The area required for each nest site varies between species.</p>	<p>No</p>	<p>Nest sites are found in Forest, EFU and Open Space and Conservation zones. Uses that could conflict with the habitat site are surface mining, residential use, recreation facilities, roads, logging, and air strips.</p> <p>Any activity which would disturb the nesting birds, including intensive recreational use or removal of trees or</p>	<p>The Sensitive Bird and Mammal Combining Zone achieves the goal to protect sensitive bird sites.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
		vegetation could conflict with the habitat site.		
<p>(UPDATE - Inventory – Ord. No. 94-004 –pages 3 to 140 Site specific ESEE analysis and decisions follow each site.</p>	No	See above.	<p>Habitat areas for sensitive birds of the Fish and Wildlife Element, adopted in No. 92-041 is repealed and replaced by inventories in Exhibit 1. Area required around each nest site needed to protect the nest from conflict varies between species. It’s called “sensitive habitat area.”</p> <p>Note: Northern bald eagle, osprey, golden eagle, prairie falcon, and great blue heron rookeries are located on federal land. Classified as “2A” Goal 5 Resources. Great Grey owl site no longer exists. Some bald eagle, golden eagle sites are controlled by the Sensitive Bird and Mammal Combining Zone.</p>	Ordinance Nos. 94-004, 94-005 and 94-021
<p>Waterfowl Habitat (Inventory – Ord. No. 92-041 – page 56; includes all rivers, streams, lakes and perennial wetlands and ponds identified on the 1990 US Fish and Wildlife Wetland Inventory Maps; ODFW provided lists of all bird species; Co/City of Bend River Study provides additional information)</p>	Yes	<p>Future resort and vacation home development, human activity associated with recreation along rivers and lakes, timber-cutting around sensitive habitats, fill and removal of material in wetlands and within the bed and banks of rivers and streams, and removal of riparian vegetation are conflicting uses.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve waterfowl habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, rimrock setbacks, 100’ setback from OHW, conservation easements, restrictions on boats and docks, landscape management, state and federal scenic water regulations. In addition, the Forest and EFU zones require large minimum lot size which limits the potential density of development in the areas adjacent to many of the rivers, streams, wetlands, and ponds used for waterfowl habitat.</p>	Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042- 92-045, 92-046

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Upland Game Bird Habitat (Inventory – Ord. No. 92-041 – page 60; ODFW did not identify critical habitat for any of the upland game species except for the sage grouse; habitat for upland game birds is dispersed throughout the county in riparian, forest, agricultural, and rangeland areas)</p>	<p>Yes</p>	<p>Pheasant and quail are affected whenever agricultural land is taken out of production through urban sprawl, road construction, industrial development and other land clearing activities.</p> <p>Farming practices on existing agricultural lands also have an impact. Fence row, woodlots, and riparian vegetation are constantly being removed at the expense of upland bird use.</p> <p>Chapter 6 of County/City of Bend River Study identifies conflicting uses with upland bird habitat.</p>	<p>For all of the upland game birds except sage grouse, the habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect wetlands and riparian areas to achieve the goal of protecting upland game birds.</p> <p>County provisions to protect riparian areas and wetlands protect one of the most significant components of upland game habitat.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p>UPDATE - Inventory – Ord. No. 94-004 – pages 156-201.</p>	<p>Yes</p>	<p>See above.</p>	<p>Habitat areas for Upland Game Bird Habitat, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 4 with the ESEE Analysis and inventory for upland game bird habitat.</p> <p>Conflicts with sage grouse are reduced by the limitations on uses in the EFU and Floodplain zone, by the 320 acre minimum lot size and predominance of BLM lands.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Furbearer Habitat (Inventory – Ord. No. 92-041 – page 65; ODFW has not identified any specific habitat sites other than riparian and wetland areas that are critical for the listed species.</p>	<p>Yes</p>	<p>The conflicting uses are those activities or development which would degrade or destroy habitat, or disturb the animals causing them to relocate.</p> <p>Conflicts between furbearers and other land uses are minimal in the county.</p>	<p>Furbearer habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect farm use and forest zoning, and the provisions to protect wetlands and riparian areas to achieve the goal to protect furbearers.</p> <p>The farm and forest zones require large minimum lot sizes and many uses are permitted only as conditional uses. The measures to protect riparian and wetland habitat are detailed in this plan in the Riparian and Wetland Habitat section.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p>Habitat Areas for Townsend’s Big-Eared Bats (Inventory – Ord. No. 92-041 – page 69; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases)</p>	<p>No</p>	<p>Caves located in EFU zones. Uses permitted in those zones that could conflict with the habitat site are surface mining, recreation facilities including golf courses and destination resorts, roads, logging, and air strips.</p>	<p>Program to achieve the goal is Sensitive Bird and Mammal Combining Zone</p>	<p>Ordinance No. 92-041 and 042</p>
<p>UPDATE - Inventory – Ord. No. 94-004 – pages 140 to 155 Site specific ESEE analysis and decisions follow each site.</p>	<p>No</p>	<p>See above.</p>	<p>Habitat areas for Townsend Bats, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 2. The ESEE for Townsend’s big-eared bats is amended for additional bat sites in Exhibit 3.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Wetlands and Riparian Areas (Inventory – Ord. No. 92-041 – page 73; identified on USFWS NWI)</p>	<p>Yes</p>	<p>Conflicting uses include fill and removal of material, including vegetation which could cause a reduction in the size or quality or function of a wetland, or cause destruction or degradation of the riparian habitat and vegetation.</p> <p>Structural development in wetlands or riparian areas would reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance or wildlife dependent on the habitat. Cutting of riparian vegetation can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can increase the potential for erosion or bank instability in riparian areas.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve wetland and riparian habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, 100’ setback from OHW, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>UPDATE – Riparian inventory – Ord. No. 94-007; Significant riparian habitat is located in three areas:</p> <p>Area within 100’ of OHW of an inventoried stream or river;</p> <p>Area adjacent to an inventoried river or stream and located within a flood plain mapped by FEMA and zoned Floodplain by the county (Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Indian Ford Creek, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River</p> <p>Area adjacent to a river or stream and inventoried as a wetland on the NWI</p>	<p>Yes</p>	<p>Conflicting uses:</p> <p>Locating septic systems in riparian area could cause pollution of ground and surface water systems. The potential for this conflict depends on the characteristics of the soil.</p> <p>Locating structural development in riparian areas can reduce the habitat and the use of structures could cause conflicts such as harassment or disturbance of wildlife dependent on habitat.</p> <p>Recreational use of the riparian area including boat landing areas, formal and informal trails, and camping areas can alter soil composition and cause destruction of vegetation.</p> <p>Increase in density of residential lots in or adjacent to riparian areas could result in a decrease of habitat effectiveness because of disturbance to wildlife.</p>	<p>Riparian Areas inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit A.</p> <p>New parcels meeting the minimum lot size in the resource zones (EFU, Forest, non-exception flood plain) will not cause an increase in residential density that would conflict with riparian habitat values.</p> <p>In RR10, MUA-10, and Floodplain zones found adjacent to inventoried riparian areas, the creation of new 10 acre parcels would not significantly increase the overall density of residential use adjacent to riparian areas because the areas where new parcels could be created, with the exception of Tumalo Creek, are already divided into lots considerably smaller than 10 acres.</p> <p>Program to achieve Goal 5 for Riparian Habitat: fill and removal regulations to protect wetlands, 100’ setback from OHW, Floodplain zone (regulates docks too), Landscape Management zone, Conservation easements, State Scenic Waterway</p>	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>UPDATE – Wetland Inventory – Ord. No. 94-007, Exhibit B – inventory is NWI (Ord. No. 92-045)</p>	<p>Yes</p>	<p>Conflicting uses include fill and removal of material, including vegetation, which could cause reduction in the size, quality or function of a wetland.</p> <p>Locating structural development in wetlands could reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance of wildlife dependent on the habitat.</p> <p>Draining wetlands for agriculture of other development purposes destroys the hydrological function of the wetland and alters the habitat qualities that certain wildlife depend on.</p> <p>Cutting wetland vegetation adjacent to streams can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can also increase the potential for erosion or bank instability in riparian areas.</p>	<p>Wetlands Inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit B, Wetlands.</p> <p>Program to achieve Goal 5 for Wetland Habitat:</p> <ul style="list-style-type: none"> • Fill and removal regulations to protect wetlands • 100’ setback from OHW • Flood plain zone (regulates docks too) • DSL Removal / Fill law 	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Ecologically and Scientifically Significant Natural Areas * Little Deschutes River / Deschutes River Confluence (Inventory – Ord. No. 92-052, Exhibit B, Page 1; identified by Oregon Natural Heritage Program); Analysis of Pringle Falls and Horse Ridge Research Areas, West Hampton Butte and Davis Lakes excluded b/c they’re on federal land and/or not related to flood plains.</p>	<p>Yes</p>	<p>Resort and vacation home development, recreational uses, livestock grazing, and fill and removal in wetlands are conflicting uses.</p>	<p>Programs for resource protection include the zoning of the property, the provisions of the flood plain, wetlands and the river corridor.</p> <p>The implementing measures which protect and regulate development in the confluence area are: EFU zoning, Floodplain zoning, conservation easements, and fill and removal permits.</p> <p>The confluence area is located in the undeveloped open space area of the Sunriver development (Crosswater). 80% of the property is retained as open space.</p> <p>Today, zoning is Floodplain and Forest Use.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>
<p>Landscape Management Rivers and Streams (Inventory – Ord. No. 92-052, Exhibit C, Page 3; identified by state and federal wild and scenic corridors; and within 660’ of OHW of portions of Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Spring river, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River not on the state or federal scenic designations)</p>	<p>Yes</p>	<p>Uses conflicting with open space and scenic resources along the designated Landscape Management rivers and streams include land management activities that result in habitat loss or development within river or stream corridors which would excessively interfere with the scenic or natural appearance of the landscape as seen from the river or stream or alteration of existing natural landscape by removal of vegetative cover.</p>	<p>Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p>Lakes and Reservoirs (Inventory – Ord. No. 92-052, Exhibit C, Page 10; includes Upper Tumalo Reservoir; remaining are on federal land)</p>	<p>No</p>	<p>Conflicting uses with the open space and scenic values of the land adjacent to the inventoried lakes include development which would cause a loss of open space or a decrease in the aesthetic and scenic resources, and land management activities resulting in the removal of natural vegetation which provides wildlife habitat and scenic value.</p>	<p>Conflicting uses around Tumalo Reservoir are specifically limited by Title 18.48, Open Space Conservation Zone and a 100’ setback for any structure from OHW.</p>	<p>Ordinance No. 91-020</p>
<p>State Scenic Waterways and Federal Wild and Scenic Rivers (Inventory – Ord. No. 92-052, Exhibit E, Page 1;</p>	<p>Yes</p>	<p>See County / City of Bend River Study and 1986 River Study Staff Report. Both referenced in Ord. 92-005, Exhibit E.</p>	<p>Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>
<p>Wilderness Areas, Areas of Special Concern, Energy Sources (Ord. No 92-052), and Groundwater Resources (Ord. No. 94-003) not analyzed because they’re on federal land or don’t relate to flood plains.</p>	<p>No</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Attachment 2 - Inventory Site Maps

Enrolled Senate Bill 1013

Sponsored by Senators HAYDEN, LINTHICUM, SMITH DB; Representatives BOICE, DIEHL, GAMBA, HELFRICH, LEVY B, MORGAN (at the request of Clackamas County Chair Tootie Smith)

CHAPTER

AN ACT

Relating to residential tenancies in recreational vehicles; creating new provisions; and amending ORS 197.493.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a) "Recreational vehicle" means a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation.

(b) "Rural area" means 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.

(2) A county may 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, provided:

(a) The property is not within an area designated as an urban reserve as defined in ORS 195.137;

(b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property;

(c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy;

(d) The property owner will not allow the use of the recreational vehicle space or recreational vehicle for vacation occupancy, as defined in ORS 90.100, or other short-term uses;

(e) The recreational vehicle is owned or leased by the tenant; and

(f) The property owner will provide essential services to the recreational vehicle space, as described in ORS 90.100 (13)(b).

(3) A county may require that an owner of a lot or parcel who sites a recreational vehicle under this section:

(a) Register the use with the county.

(b) Enter into a written residential rental agreement with the tenant of the recreational vehicle.

(c) 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.

(d) Require that the recreational vehicle comply with any reasonable appearance, repair, inspection or siting standards adopted by the county.

(4) Notwithstanding ORS 455.405, a recreational vehicle sited under this section is not subject to the state building code.

SECTION 3. ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a) Allowed under section 2 of this 2023 Act;

[(a)(A)] (b)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(B) Occupied as a residential dwelling; and

(C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

or

[(b)] (c) On a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural [disasters] disaster, including wildfires, earthquakes, flooding or storms, until no later than the date:

(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

(B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or

(C) Twenty-four months after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Passed by Senate April 5, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

.....
Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

.....
Rob Wagner, President of Senate

.....
Tina Kotek, Governor

Passed by House May 31, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Dan Rayfield, Speaker of House

.....
Secretary of State