



MEMORANDUM

TO: Deschutes County Planning Commission
FROM: Tanya Saltzman, AICP, Senior Planner
DATE: January 18, 2024
SUBJECT: Continued Deliberations – RVs as Rental Dwellings

On January 25, 2024 the Deschutes County Planning Commission will continue deliberations from January 11 to consider legislative text amendments to allow recreational vehicles as rental dwellings (File No. 247-23-000700-TA). The primary purpose of the amendments is to consider allowing RVs as rental dwellings subject to the requirements set forth in Senate Bill (SB) 1013 and any locally developed standards.

I. BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.¹ The Planning Commission held an initial public hearing on November 9, 2023,² which was continued to December 14, 2023.³ At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2023⁴ and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board of County Commissioners (Board).

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

Attached to this memorandum are the proposed text amendments and findings for reference. Within the proposed amendments, added language is shown underlined and deleted shown as ~~struckthrough~~.

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. JANUARY 11 DELIBERATIONS

On January 11, after summarizing the public and agency testimony received, 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. Staff will relay to the Board the Planning Commission's reasons for its recommendation as well as the dissenting opinions.

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

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 in the next section of this memorandum for discussion on January 25. The Planning Commission can choose to discuss and relay a recommendation concerning any combination of these items, including forwarding just the "no" recommendation and its immediate context as summarized above.

III. ADDITIONAL TOPICS FOR DELIBERATION

Remaining Staff Items for Deliberation

Below, staff has provided its remaining issues for the Planning Commission to consider that have been carried over from the initial January 11 session. The Planning Commission has discretion over which items, if any, it would like to discuss.

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

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
- 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)

Other Items for Planning Commission Consideration

The following additional items were provided by Commissioner Altman for Planning Commission consideration, in the interest of providing a comprehensive recommendation to the Board. The Planning Commission may choose to issue a recommendation concerning all, some, or none of these items.

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

- a. 2 acres
- b. 3 acres
- c. 5 acres
- d. No

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

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

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

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

- a. Yes
- b. No

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

- a. Yes
- b. No

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

IV. NEXT STEPS

At the conclusion of the meeting, the Commission can:

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

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

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

Attachments:

1. Proposed Text Amendments and Findings