



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

8:30 AM, WEDNESDAY, NOVEMBER 13, 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. Consideration of Board signatures on letters thanking Carol Bauer and appointing Karen Stone for service on the Newberry Estates Special Road District Board
2. Consideration of Board signatures on letters reappointing Liz Lotochinski, Mary Fleischmann and Gary Bracelin to the Cannabis Advisory Panel
3. Approval of the minutes of the BOCC October 2, 7 and 9, 2024 meetings

ACTION ITEMS

- [4.](#) **8:40 AM** Recognition of Central Oregon Community College's 75th Anniversary
- [5.](#) **8:50 AM** Recognition of Assessor Scot Langton's 25 Years of Service
- [6.](#) **9:00 AM** 5 Member Commission: Potential Creation of Districts
- [7.](#) **9:15 AM** ARPA Update and Reallocation Considerations
- [8.](#) **9:35 AM** Distribution of Remaining Grant Funds - Wolf Depredation and Financial Compensation Committee
- [9.](#) **9:45 AM** Deliberations – RVs 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: November 13, 2024

SUBJECT: Consideration of Board signature on letters reappointing Liz Lotochinski, Mary Fleischmann and Gary Bracelin to the Cannabis Advisory Panel

RECOMMENDED MOTION:

Move to reappoint Liz Lotochinski, Mary Fleischmann and Gary Bracelin to the Cannabis Advisory Panel for three-year terms expiring October 17, 2027.

BACKGROUND AND POLICY IMPLICATIONS:

The Cannabis Advisory Panel (CAP) was formed in October 2021. The CAP consists of eight voting members appointed by the Board of County Commissioners (BOCC). All appointments and reappointments shall be made by the BOCC.

The terms of three CAP members expired on October 17, 2024. All three have indicated interest in serving an additional three-year term.

The three members, and their specific designated representation on the panel, are as follows:

1. Liz Lotochinski (CAP Chair)--member of the public
2. Mary Fleischmann—member of the public
3. Gary Bracelin—a representative of the county who is knowledgeable about economic development in the county

BUDGET IMPACTS:

None

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: Recognition of Central Oregon Community College's 75th Anniversary

BACKGROUND:

Central Oregon Community College, founded in 1949, is celebrating its 75th anniversary of offering higher education in Deschutes County. COCC was the first community college in the state and has campuses in Bend, Redmond, Madras and Prineville.

ATTENDANCE:

Dr. Laurie Chesley, COCC President



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: Recognition of Assessor Scot Langton's 25 Years of Service

ATTENDANCE:

Nick Lelack, County Administrator

Scot Langton, County Assessor



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: 5 Member Commission: Potential Creation of Districts

BACKGROUND AND POLICY IMPLICATIONS:

Staff will discuss the process associated with creating a ballot measure to create districts for five commissioners.

Preliminary election results appear to indicate that Measure #9-173 has passed. The ballot measure expands the Board of Commissioners to include five elected members. It sets a schedule for the election of commissioners to coincide with the Presidential Election cycle. The two new positions will be elected in 2026, for an initial two-year term which will begin in January 2027.

BUDGET IMPACTS:

None

ATTENDANCE:

Dave Doyle, County Counsel
Nick Lelack, County Administrator
Steve Dennison, County Clerk



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: ARPA Update and Reallocation Considerations

RECOMMENDED MOTIONS:

- 1. Move approval to reallocate \$1,883,608 in returned ARPA funds to ARPA Revenue Replacement category and reserve in the General Fund.
2. Move approval to reallocate \$1,064,626 in internal project funds remaining after 12/31/2024 to roll over to the ARPA Revenue Replacement category.
3. Move approval of specific projects from General Fund reserve funds as determined by the Board of Commissioners.

BACKGROUND AND POLICY IMPLICATIONS:

On November 4, 2024, Finance staff presented proposed next steps for remaining ARPA funds and this is a continuation of that conversation. The request includes three parts:

- 1. Reallocate returned ARPA funds to the ARPA Revenue Replacement category
In August 2023, the Board of Commissioners fully allocated all remaining ARPA funds. With the return of some funds due to the completion of some of those projects, there are now ARPA funds available for reallocation, in the table below.

Table with 2 columns: Project, Funds Available for Reallocation. Rows include Homeless/Managed Camp, Homeless/Managed Camp reserve, District Attorney's Office Community Violence Prevention, Health Services Contact Tracing, and Total \$1,883,608.

2. Reallocate remaining internal ARPA funds to ARPA Revenue Replacement category
 For existing internal ARPA projects, the funds listed below are projected to be expended after December 31, 2024. These funds would be reallocated to revenue replacement and then earmarked within the General Fund reserve for the same projects until completion of their intended use as previously approved by the Board. This request is to update approved ARPA reporting categories only and does not change the amount of funds available nor funds requested.

Rollover Project	Proposed Rollover Funds
ARPA Administration	\$79,658
DCHS Homeless Outreach Services	\$529,662
DCHS Covid Unit Team & Public Health Response and Recovery	\$455,306
Total	\$1,064,626

3. Consider projects to earmark with new General Fund Reserve funds.
 Proposed projects include the original \$1,800,000 allocation for homeless/managed camp and new requests, listed in the table with summaries below and full requests attached.

Proposed Project	Proposed Earmarks for GF Reserve from ARPA funds
Homeless/Managed Camp	\$1,800,000
ARPA Administration	\$111,000
Terrebonne Sanitary District	\$75,000
Tumalo Sanitary District	\$25,000
Health Services: Homeless Outreach Services Team Additional Funds	\$45,000
Health Services: Public Health Response and Recovery Timeline Extension	\$0
Shepherd's House	\$225,000
Proposals Total Amount	\$2,367,000

Homeless/Managed Camp

On behalf of the Coordinated Houseless Response Office (CHRO), on March 12, 2024, the Central Oregon Intergovernmental Council (COIC) issued a solicitation from qualified entities to design, develop, and operate temporary shelter sites in Deschutes County. Of the \$1.8 million allocated to homeless/managed camps, \$1.5 million has been allocated to the CHRO Request for Qualifications (RFQ) process, although funds have yet to be contracted out. The remaining \$300,000 has not yet had a specific contract/purpose finalized.

ARPA Administration

Funds allocated to ARPA administration support ongoing staff time for management of the

grant. Previous allocations include \$392,000 in July of 2021, and \$162,000 in March 2024. Due to several factors including large increases in health plan costs and PERS rates, the most recent allocation was too low based on a projection for covering costs through December 2026. Finance is requesting \$111,000 to partially cover an existing 1.0 regular duration FTE position, responsible for both ARPA management and countywide budget functions.

Sanitary Districts (requests attached)

Terrebonne and Tumalo Basin Sanitary Districts both presented to the Board of Commissioners on Monday October 28, 2024, with their requests as noted below. Their related memos are attached to this staff report.

- Terrebonne Sanitary District Request: \$75,000
- Tumalo Basin Sanitary District Request: \$25,000

Health Services (request attached)

Homeless Outreach Services Team:

Allocate an additional \$45,000 to the Homeless Outreach Services Team through the approved June 2026 budget timeline. The Board of County Commissioners (BOCC) originally approved supporting 3.0 full-time equivalent (FTE) with ARPA funds through June 30, 2026, with an overall amount of \$1,518,619. Due to higher personnel costs than originally budgeted, Health Services is requesting an additional \$45,000 to the original allocation of \$1,518,619 to support the team through June 30, 2026.

Public Health Response and Recovery:

Allow expenditure of unspent Public Health Response and Recovery ARPA funds after December 2025. Approximately \$157,000 of ARPA-1.9 will be unspent, and the department requests approval to continue expenditure on the remaining 2.0 FTE after December 2025 until December 2026. This will allow Public Health to maintain a needed expert emergency preparedness team to plan for, and quickly respond to, emerging health threats, and coordinate timely health alerts and communications to the public with continued logistical support for emergency and medical supply needs.

Shepherd's House (request attached)

Shepherd's House is requesting \$225,000 for the purchase of a home to expand shelter services for houseless women and children. That request is attached.

BUDGET IMPACTS:

Any funds reallocated to the ARPA Revenue Replacement category would increase funds within the General Fund. Staff would create a General Fund reserve with the amount approved today and would earmark funds for specific projects as approved.

ATTENDANCE:

- Robert Tintle, Chief Financial Officer
- Cam Sparks, Budget and Financial Planning Manager
- Laura Skundrick, Management Analyst



PO Box 2171
Terrebonne, Oregon 97760
www.terrebonnesd.org
terrebonnesanitary@gmail.com
(425) 224-2458

Terrebonne Sanitary District Update & Funding Request

District Update: The Terrebonne Sanitary District has made significant progress in 2024 thanks to past ARPA allocations by the BOCC. Nearly 100 annexation applications were received from property owners in Terrebonne, signaling growing community interest and support for the system. The Terrebonne STEP Collection System Project is on the DEQ CWSRF funding Intended Use Plan, including \$2 million in principal forgiveness. Additionally, \$1 million in Community Project Grant Funding for the Terrebonne Sewer system is included in HR 8998, thanks to Representative Lori Chavez-DeRemer. ODOT has awarded the US 97 / Lower Bridge Way project to High Desert Aggregate & Paving, who has begun installing sewer mains within the highway project limits. The District is currently working on finalizing the sewer system design and securing funding to construct the system over the next several years. The Terrebonne Sewer Planning & Design project is nearing a critical phase in where additional funding is essential to ensure its successful completion in 2024 with "shovel-ready" status. To cover unanticipated efforts and wrap up the project effectively, we are requesting an additional \$75,000 in ARPA funding.

Unanticipated efforts: The Terrebonne Sewer Planning & Design project faced several unanticipated efforts, including additional work for the annexation process, cultural/historical surveys, and biological evaluations, as well as legal and regulatory agency coordination. These unforeseen activities have contributed to the need for additional funding to ensure the project's successful completion.

Opportunity for Successful Completion: Securing this additional funding will enable us to complete several key activities that are crucial for the project's success. These include finalizing the Planning Loan Application and checklist requirements, completing the CWSRF design/construction loan application, and wrapping up the annexation process. Additionally, we will be able to engage subconsultant services from Nancy Blankenship for administrative counsel and support, and Linda Swearingen for public outreach/involvement. Continued meetings, project management, finalizing plans and specs for DEQ review and approval, and preparing bid documents for contractor bidding are also part of this request.

Funding Request: We are requesting an additional \$75,000 to cover these critical activities and ensure the project's successful completion. If \$75,000 is not available, a minimum of \$35,000 is requested to assist the District with securing the CWSRF funding it needs to cover its administrative expenses and continue sewer planning and design efforts next year. This reduced budget would cover the services described above, except for final plans/specs and bid documents which would be deferred until future funding is available via other sources.

Project Benefits: The additional funding will help reduce the risk of exposure to wastewater effluent, preserving public and environmental health. It will also help preserve low-income housing at risk of septic system failure, which could lead to houselessness, and facilitate the development of workforce and affordable housing. Additionally, it is expected to eventually reduce the burden on Environmental Health Division staff resources related to dealing with onsite wastewater system issues in Terrebonne.

Conclusion: The additional funding will support the successful completion of the Terrebonne Sewer Planning & Design project. This investment will help finalize the project and secure necessary funding for future efforts. Thank you for considering this request.

Tim Brown
Terrebonne Sanitary District
Board President

Subject: Tumalo Basin Sanitary District (TBSD) Updates and Additional Funding Request

District Updates:

The Tumalo Basin Sewer District (TBSD) has been legally formed with strong community support and predominantly positive feedback. We are pleased to report that five volunteers are running for the five District board positions in the current November election. Draft ordinances have been prepared for the Board to approve in early 2025, and initial coordination with funding agencies such as the Infrastructure Finance Authority (IFA), Department of Environmental Quality (DEQ), and USDA Rural Development (USDA-RD) has begun to secure funding for future phases of work.

The TBSD is seeking to begin exploring alternatives for effluent treatment and disposal, with the goal of preparing a Preliminary Engineering Report (PER) next year. This report will be crucial for securing future project funding and ensuring the sustainability of our community’s future sewer system. The TBSD also will need administrative support and materials to facilitate effective operations, after board members are sworn into their positions in early 2025.

Additional Funding Request:

While the initial \$75,000 ARPA funding has instrumental in the TBSDs success thus far, several opportunities have been identified to maintain momentum and prepare the District for comprehensive sewer planning next year. An additional \$25,000 would provide for the following:

- 1. Conduct Initial Evaluations on Effluent Treatment and Disposal Options: \$17,500**
 - Alternatives to be Explored: Wastewater Lagoons, Textile Filters (Orenco AX), Membrane Bioreactors (MBR)
 - Deliverables: Existing Conditions Base Map for layout and illustration of system alternatives, calculations for land requirements, memo on effluent disposal/reuse options, and conceptual figures
- 2. Acquire Essential District Materials: \$500**
 - Projector & Screen: \$400
 - Mouse for the district laptop: \$30
 - Miscellaneous/Contingency: \$70
- 3. Secure Professional Services: \$5,000**
 - Retainer for Bookkeeper: \$2,500
 - Retainer for Lawyer: \$2,500
- 4. Prepare Funding Applications: \$2,000**
 - DEQ CWSRF Planning Grant: \$1,000
 - Business Oregon Water/Wastewater Technical Assistance Grant: \$1,000

Total Additional Funding Requested: \$25,000

Immediate Needs and Benefits:

- **Identify System Alternatives:** This research will lay the groundwork for sewer system options that can be further studied and refined in the coming year, providing a clear path forward for our community’s wastewater management.
- **Community Engagement:** The materials and professional services funded by this request will support ongoing community conversations and engagement, fostering transparency and trust.
- **Strategic Planning:** Early evaluations and preparations will provide a solid foundation for the Preliminary Engineering Report, making our future funding applications more robust and compelling.

Conclusion:

We believe that this additional funding will support TBSD and the continuation of efforts towards District setup and sewer planning. The proposed budget will enable us to gather critical information, support community discussions, and prepare for future funding applications. We appreciate your consideration and support in this matter. Thank you for your time, attention, and support thus far.



Rob Fish, Tumalo Basin Sanitary District



Memo

October 25, 2024

TO: Robert Tintle, CFO, Deschutes County Finance Department
 FROM: Janice Garceau, Director, Health Services Department
 RE: Health Services ARPA Funds Request

Health Services requests the following with respect to the upcoming review of planned American Rescue Plan Act (ARPA) funds expenditures.

- **Allocate an additional \$45,000 to the Homeless Outreach Services Team through the approved June 2026 budget timeline:** The Board of County Commissioners (BOCC) approved supporting 3.0 full-time equivalent (FTE) with ARPA funds through June 30, 2026, with an overall amount of \$1,518,619. Due to higher personnel costs than originally budgeted, Health Services is requesting an additional \$45,000 to the original allocation of \$1,518,619 to support the team through June 30, 2026.
- **Allow expenditure of unspent Public Health Response and Recovery ARPA funds after December 2025:** The BOCC approved ARPA funds to support 3.0 FTE through December 2025 to continue outreach and support for vulnerable populations as well as maintain core preparedness and response functions. At the time, Public Health committed to using alternate funding as it became available to support these positions and is honoring that commitment.
 - In January 2024, 1.0 FTE Public Health Manager moved from ARPA onto Public Health Modernization funding.
 - The department anticipates transitioning an additional ARPA funded 1.0 FTE Management Analyst focused on outreach and engagement onto Public Health Modernization as of July 2025.

As a result, approximately \$157,000 of ARPA-1.9 will be unspent, and the department requests approval to continue expenditure on the remaining 2.0 FTE after December 2025 until December 2026. This will allow Public Health to maintain a needed expert emergency preparedness team to plan for, and quickly respond to, emerging health threats, and coordinate timely health alerts and communications to the public with continued logistical support for emergency and medical supply needs.

Sincerely,

Janice Garceau

C.c. Erik Kropp, Deputy County Administrator
 Nick Lelack, County Administrator
 Cheryl Smallman, Health Services Business Officer

Discretionary Grant Program Application

Items with a red asterisk are required fields. Deschutes County, Oregon Applicants Only.



Before you Begin - Requirements

To ensure all the requirements are met prior to filling-out this form, please read the information provided on the [Deschutes County Discretionary Grant web page here.](#)

If you have any questions, please contact: grants@deschutes.org.

Applicant Information

Name of Applicant/Organization *		Tax ID Number *	
Shepherd's House Ministries		75-320-7723	
Street Address/PO Box *	City *	State	Zip Code *
PO Box 5484	Bend	Oregon	97708
Contact Name *		E-mail Address *	
Jerry Kaping		jerryk@shministries.org	
Telephone Number *	Fax Number		
541-480-8068	N/A		

Project Information

Project Name *			
Eband Abi's House for Women & Children			
Project Begin Date *	Project End Date *	Amount Requested *	Date Funds Needed *
2024-09-01	2024-11-30	\$225,000.00	2024-11-30

Applicant/Organization Description *

Our mission is to feed the hungry and shelter the homeless. Our purpose is to help those struggling with homelessness to access housing and services, to be transformed and transition into secure housing. We were founded in Bend in 2006 as a long-term recovery program for men and later added a long-term women's recovery program. 10 years ago we launched low-barrier winter shelter programs in Bend and Redmond and in the last 3 years expanded these shelters to full-time, including operating the Lighthouse Navigation Center, the Franklin Center (both in Bend) and our new Redmond Center. Our services include:

1. Meals for the homeless (about 200,000 meals each year)
2. Long-term recovery communities for men, women, and children, including housing, meals, case management, drug and alcohol counsel, mentors, education, and support.
3. Low-barrier shelters: We operate the Lighthouse Navigation Center, Franklin Shelter and our new Redmond Center as low-barrier navigation centers include housing, meals, case management, and counselling. We partner with over 25 other agencies to provide wrap around services for those in need. We serve about 200 people per night in these locations.
4. SHARE: This is our client focused mobile outreach program in Bend and Redmond. We provide

food, clothes, mobile showers, connection referrals, and access to shelters, other programs, and housing. 5. Extended Living: T housing and support for program graduates to transition back into society.

We are governed by a volunteer board comprised of business men and women from central Oregon, and led by our Executive Director, Curt Floski and local Program Directors who oversee each of our program sites.

Our primary activities are to provide overnight shelter, daily meals, case management, counseling and education for houseless, addicted and abused men and women with children. Our staff of over 80 people directly operate local shelters, long-term and transitional housing, food programs and mobile outreach. Hundreds of volunteers serve in a variety of capacities in our programs including meal services and direct client care.

Please describe the applicant organization, including its purpose, leadership, structure, and activities.

Project Description *

We plan to expand services for houseless women and children by expanding , Abi's House, our home for women and children. Abi's house only has room for eight (8) residents. Our plan is to purchase seven (7) homes bordering Abi's House to serve as transitional, affordable homes for an additional 24 women and children. This will expand our capacity from 8 to 32 residents. Each women and her children will have access to safe, affordable housing, case management, counseling and supportive services.

These new homes will be transitional, affordable homes where women work towards independent living. Women will be able to access these homes rent free, or for a subsidized rate based on low-income for those who are able to work towards employment. All residents will have stable, affordable housing, meals and supportive services.

The total cost to acquire these 7 new homes will be \$2.375M. We have begun fundraising and are seeing very strong private donor and foundation interest in this project. We have already secured \$1,065,000.

Specifically, for this project, we are asking for your help to purchase a 1 bedroom home at a cost of \$285,000. This home will house up to 2 women or a women and her children.

Please describe the proposed project or activity.

Timeline Description *

We are moving very quickly on this project as the seller has asked us to close in October/November. We have put up \$30,000 in earnest money to hold and then purchase this first home for \$285,000. We hope to secure your grant of \$225,000 for this purchase and we will cover the \$30,000 remaining balance. We will close as soon as your funds are available. We have women waiting to access homes, so as soon as we close we can furnish and place residents in the new home.

Please provide a timeline for completing the proposed project or activity.

Benefit Identification *

Houseless, addicted and abused women or women with children will be the primary beneficiaries of this project. The majority of the women we serve are no income or extremely low income and will transition from Abi's House or our low-barrier shelters into this supportive transitional housing community. Here they will be able to access affordable housing, meals, case management and other supportive services. Their children will have a stable home and be able to go to day care or school, and also receive supportive services including counseling as needed. Women who are able will be able to get jobs and work towards independent living. Abi's House, within easy walking distance, will serve as a hub for supportive services for each resident. This will directly benefit each woman and each child by providing secure housing and supportive services.

Please identify the specific communities or groups that will benefit.

Impact *

We currently provide over 200 people a night with low-barrier shelter or recovery services, but it is very difficult for these people to transition to affordable housing. The primary impact will be that 24 women and children will be able to access secure, affordable housing and supports. These women will be able to address the issues that led to homelessness and work towards independent living. Having secure housing with supports and food security are key social determinants of health.

Please explain how the project or activity will impact the community or groups.

Fund Use Description *

We are asking for \$225,000 to purchase the first home. The total cost to purchase is \$285,000 for a 1 bedroom home, which is a tremendous value in central Oregon. We have just begun fundraising for this home and will be able to fund the \$60,000 balance through individual and foundation gifts (\$30,000 already paid in Earnest Funds).

Please describe how grant funds will be used and include the source and amounts of matching funds or in-kind contributions, if any. Applicants may be contacted to provide a complete line-item budget.

Previous Grant Funding *

Yes No

Has your organization previously received grant funding from Deschutes County for the project you are applying for?

Ongoing Project Sustainability

This is a one-time cost to purchase the home, and on-going operating costs will be low. We will provide supportive services and home maintenance through our general operating fund supported by individuals, foundations, businesses and churches. In addition, some women may pay a subsidized rental amount as they are able. However, this and the other 6 homes will only be for no income or low income women and women with children.

If the grant will support an ongoing activity, explain how it will be funded in the future.

Grant Funding in Last Two Years *

Yes No

Has your organization received grant funding from Deschutes County in the last two years?

Grant Funding in the Last Two Years Detail *

Other ARPA Grants

City of Bend – ARPA Community Assistance \$50,000, 2022 (Shower Truck and COVID care related)

Deschutes County – ARPA SLRF Award \$300,000, 2022 (Redmond Center Kitchen Remodel)

Please describe the amount and purpose of the grant award(s) received in the last two years.

Non-Profit Status File Upload *

TSH 501(c)(3) Determination Ltr.pdf

454.62KB

Please upload proof of the applicant/organization's non-profit status. PDF format desired. Other file formats supported: pdf,png,jpg,jpeg,gif,bmp,rtf,doc,docx. 25mb file limit.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: Distribution of Remaining Grant Funds - Wolf Depredation and Financial Committee

RECOMMENDED MOTIONS:

Move to approve the distribution of remaining grant funds as proposed.

BACKGROUND:

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

The Oregon Department of Agriculture (ODA) granted Deschutes County \$32,620.75, for FY '24 and '25 for wolf depredation and compensation for missing livestock, and for preventative measures to reduce conflict between wolves and livestock. The Board previously approved \$24,620.75 of this grant award for the prescribed uses. \$8,000 in grant funds remain which must be returned to ODA if not expended by January 31, 2025.

The Wolf Committee met on October 8, 2024, and recommends the following distribution of grant funds for the Board's consideration:

1. \$2,500 to Oregon Department of Fish & Wildlife to purchase fox lights.
2. \$2,000 to Wildlife Services to support carcass removals from properties in or around known wolf activity areas within Deschutes County.
3. \$3,500 to Long Hollow Ranch to use for preventative measures. Long Hollow Ranch has had a confirmed livestock depredation and continues to have wolf activity on or near their ranch.

BUDGET IMPACT:

None

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 13, 2024

SUBJECT: Deliberations – RVs as Rental Dwellings

RECOMMENDED MOTION:

Given the factors outlined in the attached memo, the Board can choose to:

- Proceed with deliberations: staff can return with a deliberative matrix addressing the issues raised in this memo as well as others that have been discussed thus far in public testimony.
- Pause the legislative process and resume the process at a future date. This would allow for potential action by those outside of CDD concerning funding mechanisms, and/or waiting to assess the experiences of other counties, as suggested by some public testimony.
- Withdraw the proposed amendments. The Board would have the option to reinstate the legislative process at any time.

BACKGROUND AND POLICY IMPLICATIONS:

On November 13, 2024, staff will continue deliberations after a record extension with the Deschutes County Board of Commissioners (Board) concerning a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013.

BUDGET IMPACTS:

None

ATTENDANCE:

Tanya Saltzman, Senior Planner
Will Groves, Planning Manager



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner
Will Groves, Planning Manager

DATE: November 6, 2024

SUBJECT: Continued Deliberations – RVs as Rental Dwellings

On November 13, 2024, staff will continue deliberations after a record extension with the Deschutes County Board of Commissioners (Board) concerning a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The entirety of the record can be found at www.deschutes.org/rvamendments.

I. PROCEDURAL BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.¹ The Planning Commission held an initial public hearing on November 9, 2023,² which was continued to December 14, 2023.³ At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2024⁴ and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board. After deliberating, the Planning Commission voted 4-3 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments if the Board chooses to move forward with adoption.

Staff provided a summary of the amendments and the process thus far at a February 28 work session⁵ to the Board and followed up with additional information on several topics on March 27,⁶ at which time the Board directed staff to proceed with a public hearing. A public hearing was held before the Board on

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>
⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-157>
⁶ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-161>

May 8, 2024. At that time, the public hearing was closed, and the written record was held open until 4 p.m. on May 29.⁷

Staff met with the Board on June 10⁸ to begin the deliberative process, orient the Board to issues raised in the record, and receive feedback on areas of Board interest or concern. During that meeting, the Board directed staff to further research issues relating to fire protection and associated resources, and to gather information about the status of other counties regarding SB 1013 before proceeding with further deliberations.

On August 14, staff returned to the Board to request that the record be reopened in order to receive additional information, most notably from the fire districts, which were occupied at the time during the height of fire season. The Board signed Order No. 2024-029, directing staff to reopen the record until November 1, 2024.

II. SUMMARY OF ADDITIONAL TESTIMONY RECEIVED

Additional testimony consisted of input from individuals, fire districts, and CDD staff. Below is a summary of the input provided, followed by a general staff response.

Individual Testimony

Thirteen individuals provided testimony; of these, eight had provided comments during the initial open record period and/or the Planning Commission process. Six individuals testified in support of the amendments (of which three already provided such testimony); seven individuals testified in opposition (of which five had already provided such testimony). Issues stated in support included providing additional housing options and providing a legal pathway to allow people to live in RVs. One individual requested that RV rental dwellings be allowed on properties that did not already have a dwelling or properties where establishing a dwelling would be difficult, costly, or impossible. Those in opposition cited reasons of health and safety, septic capacity, compatibility, and enforcement.

Fire Protection Districts

As noted previously, there has been significant concern from not only the fire districts, but also members of the public and the Planning Commission, about the impacts RVs as rental dwellings could have on fire and emergency services given the large number of eligible properties. Staff reached out to the fire districts during the second open record period, presenting at a meeting of the Central Oregon Fire Chiefs Association (COFCA) on August 14, reintroducing the issues at hand and requesting additional information. Representatives from COFCA provided several pieces of testimony.⁹

⁷ The record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/rvamendments

⁸ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-175>

⁹ [2024-09-20 T Riley \(CO Fire Chiefs Association\) Comment](#); [2024-10-21 J Barram \(CO Fire Chiefs Association\) Comment](#); [2024-10-22 J Barram \(CO Fire Chiefs Association\) Comment w attachment](#)

In general, the fire districts supported the proposal concept as a way to alleviate housing pressures but continued to have significant unresolved concerns. The primary piece of testimony noted that the program could work if RV rental dwellings are subject to the same permit requirements as an ADU. Specifically:

“If treated like an ADU, then we can be assured that the following will happen:

- *Permit fees can be assessed, both for initial permitting and annual renewal, and these monies can be directed to the appropriate fire, EMS, and law enforcement agencies who will be required to respond to these dwellings.*
- *Defensible space requirements will be met, including distance from primary residence, and vegetation cleared around the RV.*
- *Access to the RV will meet current fire code requirements for single family occupancies.*
- *Proper addressing of the RV, including size and location of the numbers.” (2024-10-21 T Riley Comment)*

Additional testimony noted concerns for the additional workload, concerns about enforcement, and the need for proper addressing.

CDD Building Safety Official

Testimony has been submitted to the project record by several CDD divisions throughout the legislative process, including Building Safety, Code Enforcement, and Onsite Wastewater. In prior testimony, Code Enforcement identified existing caseload/staff capacity, the difficulty of investigating and proving violations of proposed criteria, and the potential high cost for a property owner to come into compliance with proposed new rules as challenges (2024-05-29 CDD Code Enforcement Memo). Onsite Wastewater noted the need for RV rental dwellings to have the wastewater disposal requirements of a permanent dwelling rather than a temporary one and that a 1-acre minimum lot size for RV dwellings would reduce but not eliminate septic denial issues, as installing an additional septic system for the RV may still not be feasible due to limited space or soil conditions (2023-11-02, 2023-12-21, 2024-05-08 T Cleveland Comments). Building Safety noted the challenges of using vehicles designed for temporary use as permanent dwellings. Staff’s memo summarizing CDD divisions’ testimony in greater detail is attached to this memorandum.

Randy Scheid, CDD Building Official, provided additional testimony during the record extension period expressing significant concerns about adoption of the proposed amendments and noted that he “does not support the use of these temporary living units for permanent dwelling accommodations.” Specifically, he noted the differences between RVs as permanent rental dwellings and ADUs, which recently became available in certain circumstances:

- *“These ADU’s currently must meet the R327 Wildfire Mitigation section of the ORSC [Oregon Residential Specialty Code]. RV’s do not.*
- *These ADU’s must meet the energy efficiency requirements of the ORSC. RV’s do not.*
- *These ADU’s must be constructed to the ORSC so they are safe, sanitary, and durable and will allow lending agencies to issue 30-year mortgage loans. Since the 1980’s dwelling fires and their associated*

deaths and injuries in the United States have been cut in half. [NFPA Journal - Fire Progress, Fall 2021] RV's do not.

- These ADU's are taxable real property that is the funding mechanism for most of the services that we all enjoy, including first responder services. RV's are not.
- We have issued construction permits for several Rural ADU's and will see the first ones becoming available for occupancy this year. These new units will provide the same level of safety and protection under the law as other ORSC governed structures. RV's do not." (2024-08-23 R Scheid Comment)

Staff Response

Staff appreciates the input received during the reopened record period and provides the following observations.

RVs are an inherently different type of dwelling than ADUs. This was noted repeatedly in testimony given by the County Building Official as noted above, and therefore presents challenges to the request of the fire districts to utilize the same permitting structure for RVs as for ADUs.

- Recreational vehicles are not regulated by the building code that regulates ADUs, including wildfire hardening, energy efficiency, and general safety. The fire hardening requirements in ORSC, known as R327, are applied to ADUs by law because ADUs are structures that are regulated by ORSC.
- As such, RVs do not receive an inspection from the Building Safety Division for the above-mentioned criteria.
- Access: It is likely that concerns about emergency access could be adequately addressed with standards relating to access driveway surface and unobstructed width, as well as emergency vehicle turnaround standards.
- Defensible space requirements for ADUs are required to be met prior to receiving a building permit. No building permits are issued with RV rental dwellings, though septic, electrical, plumbing, and land use permits will be required. It may be possible to utilize portions of the code language for ADUs but a solution would have to be developed to address inspection/approval of these requirements.

Staff has been unable to identify a mechanism within the Community Development Department's authority for establishing additional fees/creating additional funding to support the services necessary to support the proposed amendments. As noted previously, RVs are not taxed as real property and as such, would not generate additional property taxes that could provide funding for fire and emergency services, among others. Staff consulted with several experts both within and beyond CDD, including CDD's Senior Management Analyst, to determine potential options.

- As noted in testimony by the Chief Appraiser (2023-11-16 T Straughan Comment), measurement of real market value is governed by statute and as such cannot be altered to accommodate special concerns or situations such as the one posed by RV rental dwellings.

- Concerning the potential of utilizing business licenses to generate revenue, the County currently does not operate a business license program. To institute one specifically for RV rental dwellings would require establishing a business license program from scratch, which would come at a high cost to purchase software modules and train staff. A licensing program would likely be a significant cost burden to applicants, as any fees would need to durably fund the program and convey adequate funds to first responders.
- Fire district testimony stated that “Permit fees can be assessed, both for initial permitting and annual renewal, and these monies can be directed to the appropriate fire, EMS, and law enforcement agencies who will be required to respond to these dwellings.” As noted above, if RVs were taxed as real property, this could provide additional revenue as stated. However, in light of RVs not generating property tax increases, there is no existing mechanism to create a separate additional fee for RVs that could be directly passed on to fire or emergency services, whether that is an initial permit or a renewal.
- If fire districts wanted to establish a fee that they receive to offset the additional workload generated by RV rental dwellings, this would have to be established by a governing body that includes all of the fire districts (unless each fire district wanted to run a separate process, which would likely be unwieldy), not by the Planning Division. Such a process would likely entail this governing body determining an appropriate fee and undergoing their public process to establish this fee.
- Should first responder agencies lawfully develop and implement a system development charge (SDC), CDD has mechanisms to collect and distribute those funds, but those efforts, in turn, would need to be funded. It is unclear at this time if first responder agencies can lawfully or, as a practical matter, implement SDCs.

III. ACTIONS IN OTHER COUNTIES

As noted previously, Deschutes County is often one of the first counties to adopt legislative changes based on changes to state law. As of the date of this memorandum, only Clackamas County has adopted legislation for SB 1013, and Lane County has its first evidentiary hearing scheduled for November 19. According to staff outreach, Washington County is not pursuing the amendments at this time; Umatilla was considering them but pulled back due to staffing as well as concerns about groundwater nitrate. Staff is not aware of any other efforts at this time.

A copy of Clackamas County’s FAQ and RV zoning code, which became effective September 3, has been entered into the record. To date, Clackamas has received two RV applications but one is incomplete and one is in progress, so no further information is available to share. Clackamas County added several requirements beyond the baseline requirements of SB 1013, in which RVs:

- Cannot be located in the 100-year floodplain
- Must comply with the same setbacks that apply to the primary dwelling.
- Must be at least 10 feet and no more than 100 feet from the primary dwelling (the same as state law for ADUs, but is not in SB 1013 concerning RVs).

- Must have a working toilet and sink (same as Deschutes County).

Clackamas County’s regulations do not address fire hardening, defensible space, or emergency access. Issues relating to wildfire and snow load were raised as an option for certain areas above specific elevations, but ultimately not included in the final adopted version.

Lane County is scheduled to conduct its first evidentiary hearing with the Planning Commission on November 19. Its draft code, which is included in the record, contains the following requirements beyond the baseline requirements of SB 1013:

- Cannot be located in the floodplain
- The lot or parcel cannot be subject to an open code enforcement action
- If the property is in an unincorporated community or water quantity limited area, they must demonstrate adequate supply of water (similar to Deschutes County)
- The RV must have an operable toilet and sink (same as Deschutes County)
- The property owner must provide a parking pad for the recreational vehicle with a surface material of compacted gravel, concrete or asphalt (same as Deschutes County)
- If the recreational vehicle will be located within a structure, the structure must be entirely open on at least two sides; (same as Deschutes County)
- The recreational vehicle must be setback 10 feet from the single family dwelling and other structures on the lot or parcel; (same as Deschutes County)
- The recreational vehicle must be setback at least 30 feet from properties zoned F1, F-2 or EFU;
- The property owner may provide residential accessory structures and uses for use by the tenant of the recreational vehicle as permitted by Lane Code 16.290(2)(t).

Note that Lane County’s regulations are still in the draft stages and subject to change depending on public and Planning Commission input. Like Clackamas, Lane County’s draft regulations do not address fire hardening, defensible space, or emergency access, which are significant concerns for Deschutes County but may not have as much relevance in other areas of the state.

IV. OPTIONS FOR NEXT STEPS

Before proceeding, staff requests Board direction on the general direction of the proposed amendments. While there has been noteworthy support for the amendments by the public throughout the open record period, staff seeks Board direction in light of the testimony summarized in this memo.

The testimony from the fire districts requested the requirements of ADUs be applied to RVs but as staff has noted, several components of this are not feasible, particularly with respect to funding but also certain elements of fire hardening and building safety. The Board may want to consider the impact on the fire districts if some portion of those requests are not achievable. Similarly, concerns expressed by

the County Building Official concerning fire and life safety do not have any solution or mitigation identified in the record.

Given the factors outlined in this memo, the Board can choose to:

- Proceed with deliberations: staff can return with a deliberative matrix addressing the issues raised in this memo as well as others that have been discussed thus far in public testimony.
- Pause the legislative process and resume the process at a future date. This would allow for potential action by those outside of CDD concerning funding mechanisms, and/or waiting to assess the experiences of other counties, as suggested by some public testimony.
- Withdraw the proposed amendments. The Board would have the option to reinstate the public process at any time.

Attachment

1. 2024-06-10 Deliberation Memo – RVs as Rental Dwellings



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner
Will Groves, Planning Manager

DATE: June 5, 2024

SUBJECT: Deliberations – RVs as Rental Dwellings

On June 10, 2024 the Deschutes County Board of Commissioners (Board) will conduct deliberations on a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The purpose of this memorandum and this first deliberation meeting is to provide an opportunity for staff to orient the Board to issues raised in the record and to receive feedback on areas of Board interest or concern.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

I. PROCEDURAL BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.¹ The Planning Commission held an initial public hearing on November 9, 2023,² which was continued to December 14, 2023.³ At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2024⁴ and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board. After deliberating, the Planning Commission voted 4-3 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments if the Board chooses to move forward with adoption.

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>

Staff provided a summary of the amendments and the process thus far at a February 28 work session⁵ to the Board and followed up with additional information on several topics on March 27,⁶ at which time the Board directed staff to proceed with a public hearing. A public hearing was held before the Board on May 8, 2024. At that time, the public hearing was closed, and the written record was held open until 4 p.m. on May 29.⁷

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

II. OVERVIEW OF TESTIMONY

A summary of the testimony received is provided below. Many people provided both written and verbal testimony; both are captured in the count and, as such, the total number of individuals providing testimony is less than the sum of the written and verbal testimony.

- Written testimony (received between January 23 and May 29):
 - 60 comments received (some individuals provided more than one comment)
 - One comment received after the close of the written record
- Public hearing verbal testimony (May 8): 6 individuals

A. Testimony 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 options. This could allow people to remain in the county who otherwise might be forced out by the housing market. One commenter 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. Another noted that this option could help her age in place and feel safer having another resident on the same lot.

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 for smaller minimum acreage than one acre to allow for more opportunities for this type of

⁵ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-157>

⁶ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-161>

⁷ The record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/rvamendments

- housing—specifically, to just under one acre to allow for numerous properties that are 0.97-0.99 acres
- Request for other alternatives for sewage disposal, such as a pumping contract as is utilized for temporary medical hardship dwellings
- Request for no will-serve letter for water be required for those not utilizing wells; water company has previously indicated it would not support an Accessory Dwelling Unit (ADU), but would support an addition, for example
- Opportunity for community building, promotes inclusivity via diverse housing opportunities
- No need for snow protection via a ramada. The three RV parks the commenter reached out to stated they've never had a collapse due to snow
- Funding could perhaps be supported by a yearly permit fee

B. Testimony 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 Enforcement 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 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. 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.

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 region.

Legal complications and landlord-tenant law. Some testimony noted the difficulties in the event of landlord-tenant disputes and landlord-tenant law that could potentially involve the County.

Other concerns from opponents:

- Concerns about impacts on wildlife
- Concerns about additional traffic
- Concerns about effect on water
- Concerns about impacts on sewer system that does not have adequate capacity (Oregon Water Wonderland 2 Sanitary District)
- 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

- Concerns using the Oregon Revised Statute definition of RV because it allows self-certification of fire safety standards.
- Concerns about additional vehicles parking on the street to accommodate RVs on properties

III. AGENCY / SPECIAL DISTRICT / QUASI-MUNICIPAL TESTIMONY

A. Fire Districts

The Planning Commission recommended developing wildfire protection requirements in coordination with local fire districts, since SB 1013 did not include any wildfire-related criteria. Based on the comments from various fire districts regarding the proposed amendments for RVs as rental dwellings in unincorporated Deschutes County, the main concerns and recommended actions are:

1. Maintain fire access to the RV dwelling and ensure it is within 150 feet of the fire apparatus access lane.
2. Require a 10-foot spacing between the RV and any other structure for fire safety.
3. Assign RV dwellings an address (e.g. adding a letter to the main property address) and post signage visible from the street to indicate there are separate dwellings. This is important for emergency response.
4. Apply defensible space, fuel break, and non-combustible ground cover requirements similar to those for ADUs. Suggestions include a 5-foot non-combustible ground cover around the RV and meeting Oregon Defensible Space Code and Wildland Urban Interface Code standards.
5. Require RVs to have circuit breaker protection for power supply, smoke and CO alarms, and portable fire extinguishers.
6. Ensure access roads to RV sites have an all-weather surface, not just dirt, to enable fire truck and ambulance access.
7. Consider an annual "emergency response surcharge" fee for RVs since they likely won't be assessed taxes.

The entirety of the comments received by the fire districts can be found in the record and are summarized on page A1-3 of the February 28 Board work session memorandum.⁸

B. Code Enforcement Division

During the public hearing, the Board requested additional information from the Code Enforcement Division regarding its capacity to enforce existing and potential future code enforcement cases related to RV dwellings. A memo from the Community Development Department (CDD) to the Board, dated May 29, outlines several key concerns and challenges:

⁸ <https://mccmeetingspublic.blob.core.usgovcloudapi.net/deschutes-meet-b746d6af07a64a99a2c2e8e673a79fa3/ITEM-Attachment-001-fa025865385948e593f969020f17863c.pdf>

1. Code Enforcement case load is already high and increasing - new cases are up 21% in 2024 compared to 2023, with each enforcement officer currently managing about 124 violations across 68 properties on average. The department has limited staff (1 lead and 3 officers).
2. Analyzing current RV occupancy violation cases (78 open), 47% may meet minimum proposed requirements to allow the RV as a rental dwelling under SB 1013. However, this does not account for resolving other violations that may be occurring or demonstrating compliance with things like septic requirements, which can be costly for property owners (around \$30K for a new septic system).
3. Investigating and proving violations of proposed SB 1013 criteria could be very time-consuming and complicated if property owners do not grant access, as the County carries the burden of proof. Officers would need to send certified letters to start investigations. Key challenges include:
 - Verifying if a single-family dwelling is the owner's primary residence
 - Confirming the RV is owned/leased by the tenant
 - Determining if essential services like sewer, water, power are provided
 - Inspecting inside the RV to check for operable toilet/sink
4. Landlord-tenant laws and disputes could further complicate enforcement, requiring significant legal input. Safety concerns may necessitate Sheriff escorts during inspections.

C. Onsite Wastewater Division

Comments from the Deschutes County Onsite Wastewater Division highlight several key points regarding septic system requirements:

1. RVs used as permanent dwellings must connect all plumbing fixtures to an approved sewer system or onsite wastewater (septic) system, per Oregon Department of Environmental Quality (DEQ) rules. The rules define "dwellings" broadly to include RVs.
2. Permanent dwellings differ from temporary uses - they cannot utilize holding tanks, portable tanks, or portable toilets for sewage disposal. This is to prevent illegal discharges that pose public health hazards.
3. DEQ rules limit wastewater flows based on lot size to protect water resources. Lots between 0.5 and 1 acre with highly permeable soils and unprotected aquifers are capped at 450 gallons per day, which covers a primary residence. Adding an RV dwelling on these lots would exceed the allowed flow and be prohibited.
4. A 1-acre minimum lot size for RV dwellings would reduce but not eliminate septic denial issues, as installing an additional septic system for the RV may still not be feasible due to limited space or soil conditions. Larger parcels provide more flexibility.
5. From a health and safety perspective, the Onsite Wastewater Division with the Building Safety Division that RVs used as permanent dwellings should have living, sleeping, eating, cooking, and

sanitation facilities comparable to a typical dwelling unit. This includes sinks, toilets, showers, etc. connected to proper sewage disposal.

D. Oregon Water Wonderland Unit II Sanitary District

The Board of Directors of the Oregon Water Wonderland Unit II Sanitary District expressed their concern with the proposed amendments and potential adverse effects on its sewer system, both in terms of overall capacity issues as well as potential damage to their vacuum and pressure system. The full testimony, dated May 29, is available in the record.

IV. DELIBERATION DISCUSSION

Based on testimony received to date and questions raised by the Board, staff highlighted several issues for the Board to consider before proceeding with extensive deliberations. Some of the eligibility criteria and development standards might overlap. After June 10, staff will further refine them for the Board's consideration during additional deliberations, ultimately returning at a later date to provide an ordinance-ready code amendment, if applicable. If the Board does not support proceeding with the amendments in any form, further discussion is not necessary.

A. Regulatory Approach

Besides the baseline requirements provided in SB 1013, which cannot be altered locally unless they are made more restrictive than state law, the Board can choose to adopt regulations that reflect its preferred approach. For instance, if the Board wants RVs as rental dwellings to have maximum availability to Deschutes County residents, it might choose to have fewer regulations, ensuring that the largest number of properties are eligible. The Board could also choose to have a more restrictive program, but this would mean that there would be fewer eligible properties.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

The broad issues that arose during the process are discussed below.

B. Rural Character

Many residents noted the potential threat that RVs pose as rental dwellings to the rural character of Deschutes County. Rural character can mean different things to different people (and have repercussions as it relates to traffic, noise, light, impacts on wildlife, wildfire, and nearly every concern noted in public testimony), but in most cases comes down to the additional population density RV dwellings could bring to rural residential zones. Approximately 12,500 properties meet the baseline criteria of the proposal (not taking into account variables such as septic availability or setbacks/lot dimensions), with an

additional 3,000 that could meet the criteria once a primary dwelling is established. If there is interest in reducing the number of eligible lots, it could be achieved by:

- Establishing a larger minimum lot size (in all or some areas)
- Increasing required setbacks, thereby rendering some properties ineligible depending on lot dimensions
- Other.

Reducing the number of eligible lots would lower the potential density of RVs as rental dwellings but would therefore also reduce the availability of this housing type. Similarly, reducing the number of eligible properties would reduce the overall density of RV dwellings but would not necessarily address potential neighbor impacts on individual properties. Increasing setbacks could also reduce neighbor impacts and the number of potentially eligible properties.

C. Impacts on Neighbors

Concern for localized impacts on neighboring properties included noise, light, odor, traffic, animals, and visual qualities. While some of these might be addressed by reducing density, others would not. Strategies to reduce impacts on neighbors could potentially be achieved by:

- Larger setbacks from property lines
- Requiring that the RV be placed closer to the dwelling than to a property line or other regulations to cluster the RV with the existing house.
- Visual screening requirements
- Outdoor storage limitations
- Limitations for on-site waste incineration or fires generally

Some of these measures could also preclude the siting of an RV on certain properties, thereby reducing the availability of this housing type.

D. Code Enforcement

Code enforcement was a dominant theme in public testimony—whether about current issues with illegal RV dwellings, or the potential increase in enforcement cases that could develop with the proposed amendments and new RV dwellings. At the public hearing, the Board requested more information from the Code Enforcement Division concerning capacity, backlog, and the proposed amendments. A memorandum was submitted into the record addressing these topics on May 29 and is summarized above.

The more permissive/less restrictive the proposed amendments are, the less code there is to enforce, but this would not mean that those issues of concern would no longer exist—they would just not be regulated by Deschutes County Code and therefore would not incur a code violation, nor would the County have the ability to rectify them. Amendments with stricter regulations would have more code to enforce and therefore more violations and opportunities to come into compliance but would rely on the Code Enforcement Division’s capacity to do so.

E. Wildfire

Several rural fire districts provided suggestions for wildfire mitigation, summarized above; they also voiced concerns for the lack of resources for enforcement. As discussed previously, RVs as rental dwellings are not taxed as real property; improvements to the property for the parking pad and pedestal for essential services could trigger a nominal increase in property tax collected, but is not anticipated to be significant, or compare to the property tax revenue that could come with other types of dwellings/additions. Therefore, the proposed amendments would potentially place more demands on rural fire districts without a commensurate increase in revenue to pay for it.

Preliminary discussions within CDD indicate that it may have the ability to collect separate fees on behalf of the fire districts and distribute them accordingly. This scenario however, would first require the fire districts to coordinate with each other to determine and adopt the appropriate fee. CDD currently does this for Transportation and Park System Development Charges. This option however, would likely take time for coordination amongst the fire districts.

F. Other Fees

Impacts on traffic/roads could potentially be addressed by System Development Charges. CDD has had preliminary discussions with the Road Department regarding this and if directed by the Board, would likely follow a similar model used for ADUs, which led to charging a lower amount than a single family dwelling.

V. NEXT STEPS

At the conclusion of the meeting, the Board can:

- Continue deliberations to a date certain, at which time staff will return with more specific options based on today's discussion;
- Close deliberations and propose a motion to adopt/deny during this meeting.

Attachment:

Proposed Text Amendments and Findings