

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Policy Session Worksheet

Presentation Date: August 7, 2024 **Approx. Start Time:** 11:00 AM **Approx. Length:** 30 min.

Presentation Title: Limiting recreational vehicles (RVs) as second dwellings to a temporary use

Department: Transportation and Development

Presenters: Dan Johnson, DTD Director, and Jennifer Hughes, Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Board direction on whether RVs as second dwellings should be allowed only on a temporary basis

EXECUTIVE SUMMARY:

On August 1, 2024, the Board of County Commissioners (Board) adopted ZDO-285, *Minor and Time Sensitive Amendments and New Housing Options*. This is a package of amendments to the Comprehensive Plan and Zoning and Development Ordinance (ZDO) that includes, among other amendments, an allowance for property owners in certain urban and rural residential zoning districts to place an RV on their property for use as a second dwelling.

An approval for the use of an RV as a second dwelling will include standards that an applicant will need to meet (see Attachment A for the adopted standards). However, the standards do not include any time limit for occupancy of the RV.

The Board initially was scheduled to adopt ZDO-285 at the June 6, 2024, Business Meeting. However, only four Commissioners were present, so the matter was tabled until the full Board could be present. Following the vote to table, the Board expressed interest in considering whether this use should be permitted as a temporary use rather than a permanent one. A motion was passed 4-0 to schedule a policy session to discuss that option.

Considerations

1. *Should RVs as second dwellings be permanent or temporary approvals?*

Some reasons that were discussed by the Board for considering making RVs a temporary use include:

- Allowing an RV as a second dwelling for a defined period of time could serve the purpose of enabling a household to “get back on their feet”
- RVs have a shorter lifespan than other types of housing
- The “condition” of the RV could be inspected after a period of time

In considering this question, the following may be relevant:

- Establishing this use requires a financial investment. Costs include a land use application fee and permits for statutorily required electrical, water and sewage disposal hook-ups. Typically there will also be substantial costs for installing these required utilities. To justify their investment, a property owner may want to be assured that an RV could be placed on the property for long enough for the rental income to recoup the costs.

- Once a property owner invests the money and establishes an RV space on their property, that RV space could be used over time by multiple RVs. Only one RV would be allowed as a second dwelling at a time, but as one household living in an RV moves on to a different living situation, a different household with an RV could rent the space on the property. Alternatively, a single RV could be owned by the property owner and rented to a series of tenants.
- The county does not have a program in place to inspect RVs, and the county's building inspectors do not have the authority or codes in place to inspect RVs. The county would only be authorized to inspect the permitted utility connections, not the RV itself. If the goal is inspect an RV's condition over time, a temporary land use approval would not achieve that goal. In addition and as noted above, there is no requirement that the same RV would occupy the space over time.

2. *If the use of RVs as second dwellings will be temporary, how long should a temporary approval last and should it be renewable?*

As noted above, establishing this use will require a certain amount of investment. Requiring a property owner to invest in permits and utility installation, to only allow the use for a short period of time, would likely cause few people to exercise this option. If the Board is considering a non-renewable, temporary permit but does not want to discourage the RV option, the approval period should be for a relatively long period of time (e.g., five years) so a property owner could recoup some of their initial investment through the collection of rent.

Currently, the county has an allowance for a temporary dwelling for care, which could be a manufactured dwelling or an RV. This use must be justified by the need for a resident of one dwelling to receive care from a resident of the other dwelling due to a medical condition. An approval is valid for two or three years, depending on zoning district, at which time the use may be renewed if there is still a demonstrated need. Similarly, a temporary RV as a second dwelling could be approved on a two- or three-year cycle with the option to renew.

In considering this question, the following may be relevant:

- Each renewal of the land use permit requires a fee from the applicant and staff time to review the application.
- When a temporary dwelling for care is renewed, staff is primarily reviewing whether there is still a demonstrated medical need for the use. Because there is no need to justify an RV as a second dwelling based on any personal circumstances of the applicant, the review at the time of renewal would be limited to whether the RV space still meets the siting standards in the ZDO.

3. *What is the process to change the use of RVs as second dwellings from a permanent to a temporary use?*

Any amendments to the standards for RVs as second dwellings – including making the approval temporary – would require amendments to the text of the ZDO. The amendments would need to follow the required process for any legislative text amendment, including public notice at least 35 days before the first hearing, at least one public hearing before the Planning Commission and at least one public hearing before the Board of County Commissioners. At a minimum, this process typically takes 4 to 5 months before any changes would become effective. RVs approved in the meantime would become nonconforming uses and would be allowed to remain in use unless the use lapsed for more than 12 or 24 months (depending on the specific reason for the discontinuance).

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? X YES NO

What is the cost? Existing staff time for amendments to the ZDO. By assigning staff time to make additional ZDO amendments, it is likely that other projects would be delayed.

What is the funding source? Staff time is funded through existing budgeted General Fund allocation for the Long-Range Planning program.

STRATEGIC PLAN ALIGNMENT:

1. How does this item align with your Department’s Strategic Business Plan goals?

The project aligns with the Long-Range Planning program’s purpose of providing land use and transportation plan development, analysis, coordination and public engagement services to residents; businesses; local, regional and state partners; and County decision-makers so they can plan and invest based on a coordinated set of goals and policies that guide future development.

2. How does this item align with the County’s Performance Clackamas goals? The project aligns with the goal to “ensure safe, healthy, and secure communities”.

LEGAL/POLICY REQUIREMENTS:

The County is not required to make any additional amendments to the ZDO regulations for RVs as second dwellings. If amendments are proposed, county staff would follow the legally prescribed code amendment process, as summarized above.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Public notice will be provided as required by law for any proposed amendments to the ZDO that come before the Planning Commission and Board for consideration at public hearings.

OPTIONS:

1. Initiate an amendment to the ZDO to make RVs as second dwellings a temporary use and direct staff on the parameters for those amendments (renewable or not, associated time limit for the permit)
2. Do not initiate an amendment to the ZDO to make RVs as second dwellings a temporary use at this time.

RECOMMENDATION:

Staff respectfully recommends Option 2: Do not initiate an amendment to the ZDO to make RVs as second dwellings a temporary use at this time.

ATTACHMENTS:

- A. ZDO Section 847, *Recreational Vehicles as Second Dwellings*, as adopted on August 1, 2024

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval **Dan Johnson**

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jennifer Hughes @ 503-742-4518 or jenniferh@clackamas.us

847 RECREATIONAL VEHICLES AS SECOND DWELLINGS**847.01 STANDARDS**

A recreational vehicle as a second dwelling requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall comply with the following standards:

- A. Only one recreational vehicle per lot of record shall be allowed for use as a second dwelling.
- B. The lot of record on which the recreational vehicle will be sited shall:
 - 1. Contain one, and only one, detached single-family dwelling, manufactured dwelling, or prefabricated structure;
 - 2. Not contain any other dwelling, including, but not limited to, dwellings approved pursuant to Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*; and
 - 3. Not contain a guest house.
- C. The existing primary dwelling on the lot of record shall:
 - 1. Be the primary residence of at least one of the property owners. For purposes of this provision, primary residence means a dwelling in which an owner resides for at least six months in each calendar year; and
 - 2. Contain no portion that is rented as a residential tenancy.
- D. Recreational vehicles to be occupied as second dwellings shall comply with the following standards:
 - 1. Notwithstanding the definition of recreational vehicle in Section 202, *Definitions*, the recreational vehicle does not need to be licensed. The recreational vehicle shall be titled with the Department of Transportation and shall not have been rendered structurally immobile.
 - 2. The recreational vehicle shall comply with the minimum setback standards for primary dwellings in the applicable zoning district.
 - 3. For purposes of compliance with the standards of any applicable overlay zoning district(s) regulated by Section 700, *Special Districts*, the recreational vehicle shall be considered a structure. However, the siting of a recreational vehicle as a second dwelling is prohibited in the Floodplain Management District regulated by Section 703, *Floodplain Management District*.
 - 4. The recreational vehicle shall be located a minimum of 10 feet and a maximum of 100 feet from the primary dwelling. This distance shall be measured from the closest portion of each.

5. The recreational vehicle shall be subject to a written residential rental agreement.
6. The recreational vehicle shall be owned by either the tenant or the property owner.
7. The property owner shall provide essential services to the recreational vehicle space, as described in Oregon Revised Statutes (ORS) 90.100 (15)(b), including:
 - a. Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; and
 - b. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730, 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.
8. The recreational vehicle shall:
 - a. Be connected to a sanitary sewer system or to an onsite wastewater treatment system approved by the County. The sewage system shall be installed and connected according to the Oregon Plumbing Specialty Code and Oregon Administrative Rules chapter 340, division 71;
 - b. Be provided with a supply of potable water with at least 20 psi (138 kPa) at the supply connection. All plumbing installations in connection with the recreational vehicle shall be made according to the Oregon Plumbing Specialty Code; and
 - c. Be provided with electric power, the amount of which shall be equivalent to the amperage required for the recreational vehicle. All electrical installations in connection with the recreational vehicle shall be made according to the Oregon Electrical Specialty Code.
9. The recreational vehicle shall contain a working sink and toilet connected to the sewage system approved pursuant to Subsection 847.01(D)(8)(a).
- E. Neither the recreational vehicle nor the primary dwelling shall be used as a short-term rental.
- F. Approval of a recreational vehicle as a second dwelling is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary County development

permits shall be obtained and maintained for the siting of the recreational vehicle on the property.