

STAFF REPORT

Planning Department File No. 2019-10-017

CONDITIONAL USE APPLICATION FOR Private Campground and Minor Home Occupation

Planning Commission Meeting Date: November 19, 2019

1. **APPLICANT:** Owyhee River Ranch
1880 Owyhee Lake Road
Nyssa, Oregon 97913
2. **PROPOSED ACTION:** Conditional use approval for a private campground consisting of one RV pad, 10 tent sites, and up to 6 yurts. This is all on C-A2 or Exclusive Range Use.
3. **PROPERTY IDENTIFICATION:** Tax Lot 102, T21S, R45E, Sec. 35; Assessors Map 21S45E; Malheur County Reference #10282.
4. **PROPERTY LOCATION AND DIRECTIONS:** From Adrian follow OR-201 N for 1.8 miles, turn left onto Overstreet for 5.3 miles, then turn left on Owyhee Lake Road for 5.5 miles. The proposed property will be on the left.
5. **ZONING:** C-A2 (Exclusive Range Use).
6. **PARCEL SIZE:** The parcel is 40.0 acres.
7. **PARCEL USE:** Existing dwelling with some irrigated pasture.
8. **SURROUNDING USE:** The property is wholly surrounded by Exclusive Range use operated by the Bureau of Land Management.
9. **ACCESS:** Owyhee Lake Road.
10. **SANITATION REQUIREMENTS:** No restrooms are proposed with the private campground nor with the bed and breakfast. An authorization notice for the increase of flow to the existing onsite wastewater treatment system may be required.
11. **FIRE PROTECTION:** The parcel is not located within a Fire Protection District (see letter from Adrian Rural Fire Protection District).
12. **NATURAL HAZARDS:** A portion of the property is within the regulatory floodplain. A floodplain development permit will be required if development is within the floodplain.

13. ZONING HISTORY: In 2004 a non-farm dwelling replacement was approved. In 2005 the planning commission approved a nonfarm dwelling and then an accessory building was also approved.

I. MALHEUR COUNTY CODE 6-6-7: General Criteria to Evaluate Suitability:

In considering the suitability of proposed conditional uses, the planning commission shall base its decision upon the following criteria:

A. Comprehensive Plan Goals: Comprehensive plan goals and policies, as applicable.

PROPOSED FINDING: The proposed private park and bed and breakfast will promote the scenic Owyhee River Canyon, and provide guests with access to the many recreational activities associated with the Owyhee River and Reservoir.

B. Specific Plans: Specific plan recommendations.

C. Development and Viewpoints: Existing development and viewpoints of property owners in the surrounding area.

PROPOSED FINDING: Notice was sent out to properties within 750 feet of the proposed parcel. No comment was received.

D. Services and Utilities: Availability of services and utilities.

PROPOSED FINDINGS:

ROADS: There will be no significant increase in road traffic because the number of potential guests is minimal relative to regular canyon traffic. Since we will be providing overnight accommodations, it will reduce nighttime travel out of the canyon and should increase road safety.

FIRE & POLICE PROTECTION: The campgrounds will not require more services than currently exists. Malheur County Sheriff personnel regularly patrol the single road access and a letter from the Adrian Rural Fire District is attached. All campsites are surrounded by gravel buffers. No open fires will be allowed.

SEWER & WATER: RV guests will not connect to the property septic system, and yurt guests will have access to composting toilets and the property's private well for potable water. There will be no new grey or black water introduced to the existing septic system, or left on the property or surrounding area.

ELECTRICAL & TELEPHONE: The RV park guests will have access to property power and telephone in the office on premises. Tent and yurt guests will have solar power and the same access to the office telephone on the premises.

SOLID WASTE DISPOSAL: The property has private trash pick-up by the

same company currently serving other campgrounds in the canyon. The applicant has confirmed the haulers ability to expand service to the proposed property on an as-needed basis.

- E. Effect: The effect of the proposed use on the stability of the community's social and economic characteristics.

PROPOSED FINDING: The proposed use will not have a negative effect on the stability of the community's social and economic characteristics.

- F. Fish and Wildlife: It does not interfere with traditional fish and wildlife use of habitats determined critical or sensitive in the fish and wildlife habitat protection plan for Malheur County.

PROPOSED FINDING: The proposed private campground will not be placed in areas that affect sensitive wildlife habitat, streambanks, or where erosion is a concern. The applicant will provide guests with written policies and warning regarding health and preservation of the area and it's protected plant and animal wildlife.

- G. General Criteria:

1. Increasing setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances.

PROPOSED FINDING: There are no surrounding properties which would benefit from increasing the setbacks of structures.

2. Landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and county.
3. Location and size of driveway access points and right of way widening and improvement for present and future traffic circulation consistent with the adopted county road standards or the standards of the appropriate road district and the access management standards of the Malheur County transportation system plan.

PROPOSED FINDING: The Malheur County Road Department had no objections to this application (see attached letter).

4. Visual Screening of outdoor waste and storage areas.

PROPOSED FINDING: Outdoor waste storage will be minimal.

5. Control and focusing of outdoor lighting to avoid glare being directed beyond property limits.

6. Special criteria listed below, as applicable.

H. Allowance of Certain Uses: A use allowed under section 6-3a-3 of this title shall be approved only where it is found that the use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

PROPOSED FINDING: The proposed campground will not increase, nor have significant impact on the surrounding farms. The primary agricultural business at the property will be cultivation of lavender plants and processing of essential oil from these plants on site and the applicant will share their respect for and appreciation of agri-business with visitors.

II. 6-6-8-7: RECREATIONAL VEHICLE PARKS:

A. Performance And Dimensional Standards: A recreational vehicle park shall conform to state standards in effect at the time of construction and the following conditions:

1. The space provided for each recreational vehicle shall be not less than seven hundred (700) square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.

PROPOSED FINDING: This recreational vehicle park will allow only one, self-contained recreational vehicle on the property at any given time. The space reserved for a single, self-contained, recreational vehicle guest measures 23.5' x 60' = 1410 square feet, exclusive of any common space.

2. Roadways shall be not less than thirty feet (30') in width if parking is permitted on the margin of the roadway, or not less than twenty feet (20') in width if parking is not permitted on the edge of the roadway and shall be covered with crushed gravel or paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.

PROPOSED FINDING: There are no roadways on the property. The driveway/parking lot is all crushed gravel and well in excess of 20' in all areas allowing for easy ingress and egress to the single recreational vehicle space.

3. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an accessway to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the

area is landscaped or otherwise treated to prevent dust or mud.

PROPOSED FINDING: The space intended for a single, self-contained, recreational vehicle, including the accessway to the recreational vehicle and all outdoor patio area, is covered with crushed gravel and has been in existence for multiple years. It is appropriately crowned such that surface water does not pool or otherwise remain or saturate this area. The area does not have any exposed dirt from which either mud or dust could develop.

4. A recreational vehicle space shall be provided with piped potable water service. Unless the park is designed for self-contained recreational vehicles only, each recreational vehicle space shall also be provided with sewage disposal service. Sewage disposal service when required by this section shall consist of all spaces equipped for full sewage hookup or a minimum of twenty five percent (25%) of the available spaces equipped for full sewage hookup and a recreational vehicle dumping station on site.

PROPOSED FINDING: The site contains piped potable water service. The site is designated exclusively for a single self-contained, recreational vehicle and, as such, no sewage disposal either grey or black water will be offered or allowed. There will be no additional impact on the existing septic system.

5. A recreational vehicle space shall be provided with electrical service.

PROPOSED FINDING: The single, self-contained, recreational vehicle space has electrical service available at the space.

6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.

PROPOSED FINDING: The single, self-contained, recreational vehicle space has convenient access to the large dumpster style trash receptacles for disposal of solid waste material. There will be no uncovered accumulation of trash or solid waste at any time.

7. No recreational vehicle shall remain in the park for more than thirty (30) days in any sixty (60) day period.

PROPOSED FINDING: No guest at our single, self-contained, recreational vehicle space will be allowed to stay more than thirty (30) days in any sixty (60) day period.

8. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or

paved with asphalt, concrete or similar material.

PROPOSED FINDING: The parking area on the property is covered with crushed gravel. There is more than the single space required for the single, self-contained, recreation vehicle allowed. At all times, there will be at least one space available for a single, self-contained, recreational vehicle guest.

9. Unless the park is designed for self-contained recreational vehicles only, the park shall provide one toilet and one lavatory for each sex for each fifteen (15) recreational vehicle spaces.

PROPOSED FINDING: The park is designed for, and will only allow, one, single, self-contained, recreational vehicle at any given time.

10. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and fifteen (15) square feet of space for clothes drying lines for each ten (10) recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three (3) miles and are adequate to meet these standards.

PROPOSED FINDING: There is one utility room with one clothes washing machine and one clothes drying machine available for use by one single, self-contained, recreational vehicle guest.

11. Building spaces required by subsections A9 and A10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a minimum room temperature of sixty-five degrees Fahrenheit (65°F), shall have floors of waterproof material, and shall have sanitary ceiling, floor and wall surfaces. Floor drains adequate to permit easy cleaning are recommended but not required.

PROPOSED FINDING: The utility room containing the clothes washing machine and clothes drying machine is well lit at all times of the day and night. It is well ventilated and heated with a minimum room temperature of greater than 65 degrees Fahrenheit. The floors are ceramic tile and therefore waterproof and sanitary. The ceiling and wall surfaces are finished, primed and painted drywall in good repair and sanitary.

12. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

PROPOSED FINDING: This is the applicant's home and will be kept free from outside storage of materials or equipment belonging to the park or any guest. The property is clean, neat, and beautiful now. The one-at-a-time single, self-contained, recreational vehicle guest will not change how the

applicant keeps the property.

13. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

PROPOSED FINDING: The applicant will provide this certificate promptly upon approval of the requested permit and/or as required by Oregon law.

14. Access to the recreational vehicle park shall be from an arterial or collector street. (Ord., 11-8-1994)

PROPOSED FINDING: The property and the single, self-contained, recreational vehicle space park are accessed directly from Owyhee Lake Road (see attached letter).

III. MCC 6-6-8-6: MINOR HOME OCCUPATIONS, HOME OCCUPATIONS, AND HOME BUSINESSES

- A. Minor Home Occupation: A minor home occupation shall comply with the following standards:

1. Location: Any zone, not excluded below, in which a minor home occupation is a conditional use.

PROPOSED FINDING: The business will take place on the existing property located at 1880 Owyhee Lake Road.

2. Scale: A minor home occupation must fit within the dwelling without expanding the structure or within an existing residential garage or accessory building, and must be incidental to the use of the dwelling as a residence and incidental to the original uses of the residential garage or accessory building.

PROPOSED FINDING: The business will fit within the existing dwelling and incidental to its use.

3. Participants: No persons other than family members living on the property shall be engaged in the minor home occupation.

PROPOSED FINDING: Family members residing on the property will be the primary participants employing no more than a combination of ten fulltime employees.

4. Character: The property upon which the minor home occupation exists shall be kept in a clean, neat, orderly fashion. There shall be no visible evidence of the conduct of a minor home occupation from outside the property except as otherwise allowed by this section.

PROPOSED FINDING: The property will be kept clean, neat and orderly.

5. Storage: All materials associated with the minor home occupation shall be contained within the allowed dwelling, garage or accessory building.

PROPOSED FINDING: Materials associated with the home business will be contained within the dwelling or accessory structure.

6. Display: There shall be no display of products visible from outside the allowed dwelling or accessory structure.

PROPOSED FINDING: There will be not display of products visible from outside the dwelling or accessory structures.

7. Signs: Notwithstanding chapter 7 of this title, there shall be no signs advertising or identifying the minor home occupation.

PROPOSED FINDING: The applicant will comply with chapter 7 of this title.

8. Traffic: Customer, client and/or business traffic shall not exceed five (5) trips per day. Business delivery vehicles shall not exceed gross vehicle weight of eleven thousand (11,000) pounds. U.S. postal service deliveries are exempt from this requirement.

PROPOSED FINDING: Since this is only a two bedrooms and a bath, traffic will not exceed the required maximum.

9. Parking: Vehicles owned, leased or operated by the participants of a minor home occupation shall not be parked or stored on the street or in the public right of way.

PROPOSED FINDING: All vehicles owned, leased and operated by the participants of the minor home business will park on the premises.

10. Noise And Other Nuisance Factors:

- a. Noise: Noise shall be kept to a minimum at all times, especially between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. Equipment that creates a shrill or penetrating sound shall, at all times, be operated only within an enclosure that effectively prevents noise measured at the nearest dwelling exceeding the otherwise ambient noise level of the neighborhood. Where a question arises regarding noise levels, the planning director's determination shall be final.
- b. Odors: Odors shall not be detectable from any boundary of a minor home occupation property at any time.
- c. Electrical Interference: A minor home occupation shall not create visual or audible electrical interference in any radio, television, or other electrical device off the subject property or cause fluctuations in line voltage off the subject property.

PROPOSED FINDING: Policies will be in place enforcing noise containment between the hours of 10:00 pm and 8:00 am. Unacceptable odors from this home business will not be present from any boundary of the property at any time. The home business operates on its own solar power system and will therefore have no impact on interference or power fluctuations.

PROPOSED CONDITIONS OF APPROVAL

1. The conditional use permit granted by the County is valid for a period of two years from the date the permit becomes effective, which is 10 days after the notice of decision is sent provided there is no appeal.
2. A Floodplain Development permit from Malheur County Planning and Zoning will be required prior to the Building Permit approvals if development occurs within the regulatory floodplain.

EXHIBITS

1. Letter from District 9 Watermaster
2. Letter from Malheur County Road Supervisor
3. Letter from Adrian Rural Fire Protection District