

January 18, 2022

Eric Evans, Planning Director
Malheur County Planning Commission
251 B Street West #12
Vale, OR 97918

Sent via email & first class mail

**RE: LETTER IN OPPOSITION TO CONDITIONAL USE APPLICATION FOR PROPOSED
RECREATIONAL VEHICLE PARK IN EXCLUSIVE FARM USE ZONE;
FILE NUMBER: 2021-12-016; APPLICANT MR. JIMMY SIMPSON.**

Dear Mr. Evans and Planning Commission Members,

Thank you for the opportunity to address the Planning Commission and for your careful consideration of this matter.

My name is Sarah Martin, and I am a resident of the Owyhee Corner Community in Malheur County. I am also a property owner of Lot No. 500 abutting the land where Mr. Simpson seeks to construct the above-mentioned recreational vehicle (RV) park. I, along with my husband Bobby Martin and the Undersigned Property Owners, wish to register our opposition to the proposed RV park and respectfully request that you reject Mr. Simpson's Conditional Use Application.

After reviewing the proposal as detailed in Mr. Simpson's Application, we believe that the proposed RV park will have a serious harmful impact on the use and enjoyment of our properties, will put a strain on the community by attracting crime for which local law enforcement is not prepared to effectively handle, and will be inconsistent with both county and state provisions governing conditional uses of land zoned for agriculture. Indeed, we believe any of the foregoing reasons in and of themselves provides the Commission with sufficient grounds for rejection.

As an especially small community, the addition of a fifteen (15) spot RV Park immediately adjacent to our backyards will have an undeniable impact on the character of our current community. At any given time, the proposed RV park could enable the population of our quiet neighborhood to be multiplied overnight with transient and unknown guests moving in for thirty (30) days at time. Here, it is important to note that allowing tenants to stay for 30 days is simply not consistent with a hunter or family staying for a recreational weekend. A 30-day stay is a semi-permanent living situation and will likely be much longer under the State's liberal landlord/tenant laws as applied to squatters, campers, and homeless populations.

This is all the more concerning given that the proposed RV pads will be constructed with the minimally required 15-foot setback from our property lines. Because of this, it is difficult to imagine how the current use and enjoyment of our properties will not be negatively impacted. For visual reference, I have included a photo of my property illustrating where the proposed RV Park pads will be located, just 15 feet from the fence at the edge of my backyard. (See, Ex. "A").

Living in a small community like the Owyhee Corner affords residents the ability to allow their children to play outside absent the worries of parents in large towns and cities unfamiliar with the people who live

next to them. This desirable aspect of our community is irreplaceable and will cease to exist if strangers from anywhere can simply situate a short-term living arrangement less than 20 feet from the space where our children play and where we routinely host friends and family for outdoor gatherings. A cursory review of Oregon news publications tells us that law enforcement officials are routinely called to RV Parks across the state to address crime. Various offenses such as assault,^[1] domestic abuse and disturbances,^[2] ^[3] ^[4] battery and disorderly conduct,^[5] burglary,^[6] vehicle theft,^[7] and even murder^[8] routinely require law enforcement intervention at RV Parks. In one particularly alarming example last year, law enforcement officials arrested an out of state man in a Medford area RV park who took advantage of the park's Wifi access to upload child pornography.^[9] It's unclear how we will benefit from an RV park adjacent to our homes which all too often tends to act as a magnet for the types of crime and social problems that we intend to avoid by living in a rural farm setting.

This becomes even more alarming considering that our community is too small to support its own law enforcement. Instead, we rely in large part on the Malheur County Sheriff's Department to protect our property and our families' safety. While this is typically sufficient now, we expect that deputies will have a difficult time maintaining the presence necessary to deter the types of crimes caused by occupants of RV parks. Here, it is important to note that Mr. Simpson's application lacks a statement from the Malheur County Sheriff's Department addressing the impact his proposal will have on its resources. However, a review of recent Conditional Use Permits considered by this Commission yielded an application from nearby Ridgeview containing a statement from the Malheur County Sheriff's Department advising that only two (2) deputies are typically on duty for the entire County.^[10] The letter further advised that Ridgeview residents, not far from the RV Park proposed in this matter, might expect two (2) hour response times depending where deputies are located throughout the county. Clearly, Sheriff deputies already have their hands full with problems stemming from drugs and crime in other parts of the County which attract these nuisances, including the RV park located at Cow Hollow Park. Importantly, the impact of additional burdens placed on Sheriff's deputies will not be limited to residents of Owyhee Corner. Rather, it will affect the County as a whole since many communities rely on Sheriff's deputies for protection. Our communities simply cannot afford the additional strain this proposal would place on law enforcement at the expense of our safety and property.

Crime and safety concerns aside, the proposed RV park will effectively overshadow the southerly view from our properties. We currently enjoy unobstructed views of the Owyhee Mountain vistas by virtue of the Exclusive Farm Use (EFU) zoning regime surrounding our properties in any direction. As evidenced by the photo in Ex. A, it is implausible to suggest our current views will be unaffected. Instead, this proposal would drastically alter the visual aspects of our community. The views we currently have to the south are appealing and part of what draws people to live here. Taking this away would significantly diminish the country living aspect of our homes which we value so highly. Moreover, it is inevitable that the close proximity to our homes will cause us to experience an increase in noise and other nuisances such as litter and rodents. We are concerned that these negative impacts will cause a diminution in the value of our properties and make it difficult to sell properties abutting the proposed RV Park.

The proposed RV Park suffers from additional defects. First, the proposal is inconsistent with the stated purpose of Goal 3 under Malheur County's Comprehensive Plan, which purports "[t]o preserve and maintain agricultural land in the county for agricultural purposes."^[11] The proposed RV Park is indisputably inapposite to this goal which exists to further the principal driver of our local economy—that being agriculture—not recreation. Because of the agricultural based economy where we live, nobody in the local community stands to benefit from the proposed RV Park but Mr. Simpson himself. It is also notable that there is already an RV Park in the area, six (6) miles away from Owyhee Corner, at Cow Hollow Park. The difference is that the RV Park at Cow Hollow is not abutting a neighborhood with young families and elderly residents. It is isolated by itself at the public park. As noted above, the Proposal being considered here threatens to strain law enforcement which is already stretched thin in the area. For example, the Malheur County Sheriff's Department has been dispatched to Cow Hollow Park/RV Park 22 times in the last 5 years, including an arrest of a wanted person. Indeed, as described above, the bulk of the community stands to experience various irreparable harms. To this end, it is evident that we will be the ones charged with paying the high price for Mr. Simpson's exclusive economic gain.

We also suspect the proposal is inconsistent with Oregon's Statewide Planning Goals and Guidelines.^[12] The proposal as submitted is entirely distinguished from those which this Commission typically considers, such as a Conditional Use Permit for a non-farm dwelling. The provisions which govern the evaluation of a proposed private RV Park in an EFU zone expressly prohibit approval of RV Parks like the one contemplated by Mr. Simpson.^[13] This distinction is underscored in *Linn County Farm Bureau v. Linn County*, where the Land Use Board of Appeals of the State of Oregon elaborated on "[t]he Goal 3 rule [which] places specific limits on the intensity of uses allowed in *private* campgrounds on EFU land."^[14] Of those specific limitations, the Goal 3 rule expressly "prohibits providing separate sewer, water, or electric service hookups to individual campsites in a *private* campground."^[15] Here, it is evident that the proposed RV Park would be of a much higher intensity than contemplated by the Goal 3 rules controlling conditional uses. We hope that the Commission considers this thoroughly and that the matter is referred to County legal counsel to properly evaluate the governing rules as applied to the particular facts of this proposal.

While we fully understand the desire for Mr. Simpson to further his business, we believe that the burdens of this particular proposal will fall disproportionately on the surrounding property owners and that any benefits will be exclusively realized by Mr. Simpson. Because of this, we think it is in the community's best interest that the Commission does not allow the development of an RV Park next to our properties which we own and pay taxes on. We believe, and hope the Commission agrees, that RV Parks are best situated in towns and areas away from neighborhoods, where there is full-time law enforcement and other existing municipal services in close proximity. We firmly do not believe such private RV Parks belong beside family homes on rural agriculture lands, requiring intense transformations, and requiring law enforcement to drive across the county to arrive on scene when issues inevitably arise.

As such, we respectfully request that the Commission reject the proposed Conditional Use Permit.

Very Truly Yours,

Sarah Martin and The Undersigned Property Owners and Residents of Owyhee Corner.

Property Owner #1:

Robert F. Martini
Printed Name

Robert F. Martini
Signature

1-21-22
Date


Tax Lot 800 & 700

Property Owner #2:

Robin A. Martin Robin A. Martin 1-21-22
 Printed Name Signature Date

Tax Lot 500

Property Owner #3:

Robert Martin Jr.  1/18/22

Printed Name Signature Date

Tax Lot 500

Property Owner #4:

Sarah Martin Sarah Martin 1/18/22
Printed Name Signature Date

Tax Lot 400

Property Owner #5:

Daniel Mininger  1-18-22
Printed Name Signature Date

Tax Lot 400

Property Owner #6:

Klarisa Mininger Klarisa Mininger 1.18.22
Printed Name Signature Date

Tax Lot 300

Property Owner #7:

Joan Gordon Joan M. Gordon 1/20/22
 Printed Name Signature Date

Tax Lot 200

Property Owner #8:

Printed Name _____ Signature _____ Date _____

Tax Lot 200

Property Owner #9:

Printed Name _____ Signature _____ Date _____

Enclosures

CC:

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- [1] News of Record, The Lake County Examiner, Tuesday May 11, 2021, https://www.lakecountyexam.com/townnews/police/news-of-record/article_eba4043e-80cb-5b10-92c1-9d44f0a92201.html (reporting incident where RV Park tenant and landlord involved in an assault resulting from disagreement over rent).
- [2] David Rupkalvis, Coquille Police Log, The Bandon Western World, July 13, 2020, https://theworldlink.com/news/local/crime-and-courts/coquille-police-log/article_f0766be4-c4c9-11ea-9bab-f33111917149.html (reporting police response to RV Park and charging individual with harassment, disorderly conduct and criminal mischief).
- [3] Public Safety, The East Oregonian, September 4, 2021, at A6 (reporting on a domestic disturbance at Boardman Marina and RV Park).
- [4] Public Safety, The East Oregonian, September 11, 2021, at A7 (reporting on a domestic disturbance at Stanfield RV Park).
- [5] Sheriff's Report, The Lake County Examiner, July 28, 2021, https://www.lakecountyexam.com/announcements/law_enforcement/sheriffs-report/article_1a82cf9c-ef1a-11eb-bc0d-5308ba549905.html (reporting a police response to disorderly conduct at Fort Rock RV park).
- [6] Public Safety, The East Oregonian, October 12, 2021, at 5A (reporting police response to a burglary at Stanfield RV Park).
- [7] Public Safety, The East Oregonian, Tuesday June 22, 2021, at 5A (reporting police response to vehicle theft).
- [8] Donovan Brink, Authorities Suspect Homicide in Azalea RV Fire, The News-Review, August 11, 2021, https://www.nrtoday.com/news/crime/authorities-suspect-homicide-in-azalea-rv-fire/article_039b38ce-afa5-5448-8c94-3a84b6cfa82e.html.
- [9] Nick Morgan, Montana Man Sentenced for Uploading Child Porn in Southern Oregon, The Medford Mail Tribune, June 4, 2021, <https://www.mailtribune.com/crime-courts-and-emergencies/2021/06/04/montana-man-sentenced-for-uploading-child-porn-in-southern-oregon/>.
- [10] Conditional Use Application, Planning Department File #2020-12-012; Malheur Co. Ref. #10960, at Ex. 4.
- [11] Goal 3: Agricultural Lands, Malheur Co. Comp. Plan, at 16, (Malheur Co. Planning Comm., 2010).
- [12] Or. Admin. R. 660-015-0000(3).
- [13] Or. Admin. R. 660-033-0130(19).
- [14] Linn County Farm Bureau v. Linn County, 63 Or LUBA 347 (2011) (emphasis in original).
- [15] Id.

Exhibit A
Current views from our backyards

