



MALHEUR COUNTY

PLANNING DEPARTMENT
251 B Street West, #12 Vale, Oregon 97918 Phone (541)473-5185 Fax (541)473-5140

File Number: 2021-12-016
Application Fee: \$350.00
Date Received: 12/20/2021
Date Deemed Complete: 12/27/2021

CONDITIONAL USE APPLICATION

LANDOWNER INFORMATION

Name: Jimmy & Janice Simpson
Address: 709 Owyhee Grocery
City/State/Zip: Nyssa OR 97913
Phone: 541-372-2121
Email: rockstore@fmtc.com

APPLICANT INFORMATION ☐ Check box if same

Name: Jimmy Simpson
Address: 709 Owyhee Ave
City/State/Zip: Nyssa OR 979163
Phone: 541-372-2121
Email: rockstore@fmtc.com

PROPERTY INFORMATION

Township: 20S Range: R46E Section: 35 Tax Lot: 101 Ref #: 20605 Acres: 5.14 Zoning: C-A1
Address: 2499 201 Hwy Nyssa OR 97913

Current use: Vacant Use of surrounding properties: Residential, farm, commercial
Proposed use: 15-space RV Park Permitted subject to section: _____
Water source: Well Sewage disposal method: Septic & Leachfield

Are the wetlands/water waterways on your property? ☐ No ☐ Yes (description): None present

Do you own neighboring property? ☐ No ☐ Yes (description): Tax lots 100, 102, 103

Name of road providing access: State Highway 201 (Succor Creek Highway)

LEGAL PARCEL STATUS

Partition: Plat 16-10, filed 12/8/16 Subdivision: _____
or Most Recent Pre- 09/04/1974 Deed #: _____ Date Filed: _____
Current Deed #: _____ Date Filed: _____

**The deed and a map showing the property described in the deed(s) must accompany this application.*

**Additional descriptive maps and pictures may be attached.*

SIGNATURES:

Property Owner(s): [Signature] Date: 10-28-21

Property Owner(s): [Signature] Date: 10-28-21

Applicant(s): [Signature] Date: 10-28-21

Applicant(s): [Signature] Date: 10-28-21

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Legal Parcel	<input type="checkbox"/> NO <input type="checkbox"/> YES
Deed/Land Use Action: _____	
Previous Map and Tax Lot: _____	
Past Land Use Actions: If yes, list file #(s) _____	<input type="checkbox"/> NO <input type="checkbox"/> YES
Subject to previous conditions?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Assessor Property Class: _____ Zoning: _____	
Water Resources: Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Describe (include setback distances): _____	
<input type="checkbox"/> Fish bearing <input type="checkbox"/> Non fish bearing <input type="checkbox"/> Seasonal Creek	
<input type="checkbox"/> Irrigation ditch <input type="checkbox"/> Wetland <input type="checkbox"/> Pond/Lake <input type="checkbox"/> Not identified	
(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)	
Access: County or ODOT approach permit on file? <input type="checkbox"/> NO <input type="checkbox"/> YES, # _____	
Address: Address exists and has been verified to be correct?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Address needs to be assigned after approval?	<input type="checkbox"/> NO <input type="checkbox"/> YES
Fire District: _____	



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CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

Please see attached sheet.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED IMPROVEMENTS				
Structure/Development	Length	Width	Height	Square Footage
Dwelling				
Driveway				
Accessory Structure				
Agricultural Structure				
Other				
Restroom/shower	42 feet	42 feet		
Please note that the shower/	restroom building	will NOT be con-		
structed where shown.	It will be moved to	the west of the		
current location to the area	now designated as	"overflow parking"		
EXISTING				
Dwelling				
Accessory Structure				
Agricultural Structure				
Other				

DETAILED SPECIFIC WRITTEN REQUEST

This application is for a Conditional Use Permit to create a 15-space RV park on a 5.14 acre parcel located in an Exclusive Farm Use zone (C-A1) adjacent to a Rural Service Center zone at 2499 Hwy 210 (Succor Creek Highway), Nyssa OR, T20S R46E Sec 35 Tax lot 101. Currently this property is vacant.

Partly due to Covid 19, there is a nationwide surge in recreational vehicle use and sales. This is an ideal location to provide accommodation for these RVs and access to existing outdoor recreational opportunities of vital importance in the area. The nearby Owyhee River corridor and adjacent lake draw recreationists devoted to boating, skiing, fishing, hunting, hiking, rock hounding, camping and mountain biking. Although many of these recreationists are day users, this RV park would facilitate Malheur County as a destination for multi-day use and would benefit the area in question and the county as a whole.

The RV spaces will consist of one 50x85 space, eight 30x100 spaces, and six 30x120 spaces—all with power, water, and sewer hook-ups. Solid waste disposal will be in cans with tight fitting lids. A building will be constructed for restrooms, showers, laundry and 500 gallons of water storage.

The building will contain two stalls with one disabled accessible and a sink on the men's side, two stalls with one disabled accessible and a sink on the women's side, four separate coin-op showers, a laundry area with two coin-op washers and two coin-op dryers, and water storage. Drying space will be provided as well. A well will supply fresh water. Sewage disposal will be by 2-3500 gallon underground septic tanks plus 750' of leach line. Access will be provided by a 30-foot wide graveled roadway from Hwy 201/Succor Creek Highway.

CONDITIONAL USE CRITERIA – Malheur County Code (MCC) CHAPTER 6-6-7

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and MCC.
2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:
The RV park is harmonious and appropriate with current and future uses of the surrounding area. The small size of the park presages little in the way of traffic increases or other disruptions. An RV park is permitted use subject to approval.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:
24-Hour occupancy--check out by noon. Flexible check-in times; no heavy equipment used, except for the occasional grading of roadway.

Describe the number of people/employees/customers associated with the proposed use:
4-5 employees.

3. What are the existing developments and viewpoints of property owners in the surrounding area?
On the same property is a commercial grocery and a mobile home. To the north and east are homes and mobile homes. There is farm ground to the south and west past applicant's property. The properties immediately around the subject parcel to the southeast, south-west, west and two parcels across Owyhee Avenue to the north all belong to the applicants.
4. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services and provide letters from the appropriate entities:

Roads: Please see the attached letter from Oregon Department of Transportation.

Fire & Police Protection:

Please see the attached letter from the Adrian Rural Fire District.

Sewer & Water:

Please see the attached letter from Old Owyhee Ditch Improvement District.

Electrical & Telephone:

Electrical and telephone are already on site.

Solid Waste Disposal:

No municipal service available. This will be privately contracted.

5. What effect will the proposed use have on the stability of the community's social and economic characteristics?

The proposed use will help stabilize the community as it presently is. It will provide local job opportunities and ensure certain existing jobs (such as at the Owyhee Grocery) are more likely to remain.

It will contribute to keeping the grocery open--certainly a great local resource. By turning a vacant property into a maintained, landscaped area, it will make the area a more desirable place to live.

6. Demonstrate that the proposed use will 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.

The small size of the parcel and the fact of its being surrounded by cropped and residential land most likely preclude it from posing a threat to traditional wildlife use of critical habitat.

There are no live streams on the property, nor are there wetlands or lakes/ponds.

7. How will the proposed use increase setbacks of structures to reduce possibilities of overshadowing adjoining property, noise, odor or night lighting nuisances during development and operation?

There are six residential parcels along the north boundary of the proposed project. Overshadowing would not be an issue. Noise would be mitigated by quiet-hours rules. Shielded night lighting will be used to reduce light spillover and preserve dark sky. Limited construction hours and dust reduction measures will address concerns during the construction phase.

8. What are the proposed landscaping improvements for the visual benefit of the subject site and for the improved appearance of the neighborhood and County?

The project will be graveled and/or landscaped in its entirety. Lawn will be installed near the highway, south of the grocery store portion, as well as on the southern section over leach lines

9. The 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.

The driveway immediately south of the proposed project, which runs along the property line dividing tax lot 101 from 100, has not been identified by ODOT as creating any operational or safety concerns. The project's proposed access would abut the aforementioned driveway, immediately to the north. As such, it would not seem to pose any additional risks, as identified by ODOT.

10. What is the proposed visual screening of the outdoor waste and storage areas?

Water storage will be inside the restroom/shower/laundry building. Solid waste disposal bins will be conveniently placed and tightly lidded. Septic tanks and leach field will be under a grass lawn.

11. What efforts will be in place to control and focus the outdoor lighting to avoid glare being directed beyond property limits?

Shielded yard lights will be employed to direct light downward, rather than outward or upward, also helping maintain dark sky.

12. Demonstrate how the proposed use will not significantly increase the cost of, or force a significant change to, accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.

Describe the agricultural uses (orchards, wheat, grazing, etc.) that are within 0.25 miles of the proposed development. How will the proposed development interact with surrounding agriculture uses?

The proposed conditional use should not result in significant changes in current farm practices.

Normal farming and ranching activities that are currently in place and apparently compatible with the nonfarm uses already present in the area, will no doubt continue without interference.

One of the drawing cards of the RV park is its situation in a rural, farming setting, with cattle, hay, crops, etc. present. These farm practices add to the interest of the locale to future occupants of the park. Since there are already a number of non-farm residences and a commercial grocery in the rural service center, any impact in regard to changes of accepted farm practices have already occurred, due to the presence of the aforementioned houses and store. Apparently current farm practices are conducted in a way compatible with nearby residential and commercial activity. Therefore, there should be no impact, change or cost difference to current farm practices in the the surrounding area. Within 1/4 mile fo the proposed project there is a crop field to the south and pasture to the northwest. The proposed development may result in a slight increase in traffic, seasonally on Owyhee Avenue and Hwy 201.

RECREATIONAL VEHICLE PARKS – Malheur County Code (MCC) 6-6-8-7

All recreational vehicle parks shall conform to state standards in effect at the time of construction and the following conditions of MCC 6-6-8-7.

1. Will the space provided for each recreational vehicle 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? The smallest RV spaces, of which there are eight, will each be 3,000 sq. ft. All other spaces will be larger than 3,000 sq. ft.

2. Roadways 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. If parking will be permitted on the margin of the roadway, will the roadways be not less than 30' in width? Roadways will be gravelled, and, if parking is allowed, they will be 30' in width.

If parking will not be permitted on the margin of the roadway, will the roadway be not less than 20' in width?
Roads where no parking are allowed will be 20' wide.

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 or surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way 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. How will that be achieved? RV spaces will be gravelled. Surrounding areas will be gravelled or landscaped.

4. Will the park be designed for self-contained recreational vehicles only? ☐ Yes ☒ No If no:
- In order to provide all recreational vehicles with piped potable water service, will each recreational vehicle space be provided with sewage and disposal service? Each of the RV spaces will be provided with water, electricity and sewer hookups.
 - Will the sewage disposal service consist of all spaces equipped for full sewage hookup or a minimum of 25% of the available spaces equipped for full sewage hookup and a recreational vehicle dumping station on site? All sites will have sewage hookups.
 - Will there be one toilet and one lavatory provided for each sex for each 15 recreational vehicle spaces? There will be two toilets for each sex, one of each being disabled accessible.
There will be a total of 15 RV spaces.
5. How will it be ensured that all recreational vehicle spaces be provided with electrical service? Each RV space will have its own electrical hookup.
6. Where would the trash receptacles for the disposal of solid waste materials be located and how will their number and capacity ensure that there is no uncovered accumulation of trash at any time? Trash receptacles will be located conveniently to RV spaces, be fitted with tight lids, and be monitored and emptied (if necessary) daily.
7. How will it be ensured that no recreational vehicle remain in the park for more than 30 days in any 60 day period? Computerized registration screens will flag guests as they near the 30-day limit.
I will have a written agreement and a computerized system where the check-in and check-out dates can be entered and will flag the applicable spaces.
When check-out time has arrived, I will then proceed to inform the space tenant that they must vacate the premises.

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. Will this condition be met?

☐ Yes ☐ No

9. Will there be one utility building or room, on site or within 3 miles, containing one clothes washing machine, one clothes drying machine and 15 sq.ft. of space for clothes drying lines for each 10 recreational vehicle spaces? There will be two coin-op washers and two coin-op dryers in the utility building.

There will be at least 25 square feet of drying space for clothes drying lines, which adequately addresses the 15 sq. ft. of space per 10 RV spaces. Note the building will be located in what is now called "overflow parking" not where shown.

10. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. How will the neat appearance of the park be maintained at all times? _____

The utility building will hold some storage. Other storage may occur at the Owyhee Grocery building. RV park guests will be informed of rules forbidding storage of materials and equipment outside of their vehicles.

11. Will the access to the recreational vehicle park be from an arterial or collector street? _____

Access will be from the arterial, Highway 201 (Succor Creek Highway).

The following will be mandatory conditions of approval:

- A. *The building spaces required (restroom and laundry room) 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 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.*
- B. *Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.*