

**North Powder City Council Public Hearing
September 14, 2020
6PM Wolf Creek Grange**

Attendance: Mayor Mike Wisdom, Councilors Joyce Lawyer, David “Shorty” Schwehr, & Jeff Grende, City Recorder Beth Wendt (Councilors Logan McCrae, Dennis Lefever & Mike Morse were excused).
Others in attendance: Rick & Lori Daniels, Harmony Daniels, Andrew Frzil, Jane Wisdom, Jean & Larry Murphy, Sue DeHaas.

Mayor Mike Wisdom called the meeting to order for the Public Hearing for a Conditional Use Permit application from Rich and Lori Daniels for and RV Park and asked for ex parte contact. Joyce noted that she called about permits and talked to the building inspector. Mayor Mike commented that he is a property owner in the area.

Beth gave a staff report. The Daniels’ applied for a Conditional Use Permit for a 5 space RV Park with a coffee shop and retail store. The property is located at 995 3rd Street on tax lot 1900. Criteria pertaining to the Conditional Use is identified in Ordinance 1983-3, Sections 3.01 & 3.02 & Section 2.02 regarding permitted uses, Sections 8.07 and 8.08 pertaining to parking, and Section 10.04 regarding required conditions for a travel trailer park. In addition to the required conditions, the Council may set other conditions as they determine desirable to minimize adverse effects which could be attributed to the use. The property in question is located in the Commercial Zone. A coffee shop and retail store are allowable uses but an RV Park must have a Conditional Use Permit. All are on the same lot so all are included in the Conditional Use Permit. The site plan included the location of the proposed RV spaces with parking facilities for each site, the location of the proposed coffee shop with drive thru and retail store with parking and traffic flow. Water and sewer are already available to the property but will need to be extended. The 2” waterline that runs parallel with the northeast side of the property, from Second to Third Street, was abandoned during the water project in 2014-2015 so a new water line will need to be extended to the RV spaces and a meter installed to adequately service the RV Park. There is a sewer clean out indicated on the site plan. Sewer facilities will need to be installed and inspected at each RV site. OAR Chapter 333, Division 31 identifies the Oregon Health Authority as the administrator of the rules and regulations regarding construction, operation and maintenance of an RV Park within the State of Oregon. If approved, the applicant will need to obtain all required applicable licensing, permits, and inspections from the State, County, and City, including but not limited to business licenses, building permits, health inspections, and water & sewer connections.

Mr. Daniels commented that everything was in paperwork. He felt they met all the criteria. This was the first he heard about the sewer connections and the abandoned 2” water line. Beth noted that she, too, just learned about the 2” water line. It is different than the water line that is connected to the building on the property. Rich agreed that it will have to be explored. There is enough space to do what they want to do. They need to bring in people who will participate in their endeavors. The clientele they bring into town would benefit the rest of the businesses in town. They have talked to electricians, OTEC, the building department, ODOT, etc. They have a commercial range hood in the restaurant and are trying to get the fire suppression system set up. He assured the Council that they would get everything done. His daughter has been staying on the for security.

Mayor Mike felt the application was well presented in writing but there were some new things added. Before taking oral testimony, he read the 3 written comments that were received.

Meadow Outdoor Advertising has a Grant of Easement on the property that allows them to operate an existing billboard. As long as they are able to access the sign and nothing is place on the property to block the view of the sign, they had no objections with an RV Park.

Sue DeHaas was not opposed to an RV Park but was concerned if tiny homes fit into the definition of a Recreational Vehicle. She wondered if the RV spaces could become permanent spaces for tiny homes instead of opening up to travel trailers. Will there be a limit on the length of stay? Will spaces be available as daily or monthly rentals or will they be longer? Will the site be limited to only 5 units? ODOT noted that Tax Lot 1900 is adjacent to the relocated North Powder River Road (frontage road) that is under ODOT jurisdiction and the use of the property is subject to state laws administered by ODOT and requires a right of access for ingress and egress with written permission from ODOT to gain access to the highway. ODOT owns complete access control where the subject tax lot abuts the frontage road except for a 50' reservation of access to serve tax lot 1900. This is the only place traffic will be allowed to enter and exit directly from the frontage road. The remainder of tax lot 1900 where it abuts the frontage road must be delineated with a barrier to stop vehicular traffic from traveling to and from the frontage road where there is not an approved connection. An Upgrade Approach Application and site plan must be submitted to and approved by ODOT in order for this access to be permitted. The site plan indicates a future exit for the coffee shop drive thru traffic if approved by ODOT. This would allow traffic to cross over tax lot 1300 and could be approved only if additional conditions are met. Mayor Mike asked for testimony in support of the Conditional Use Permit.

Rich interjected that the additional access is not really a requirement but it would be nice, convenient, and safer if there was an additional exit off of the tax lot 1900. The plan for now is for traffic to loop around the building to use the existing exit. He felt there was plenty of room. It would be a good idea to have a barrier to the property but he didn't agree with it because there is a potential for trucks to enter the property and not have room to turn around.

Jean Murphy wanted clarification of where the RV Park would be and if it would only be tiny homes. She supported the project and added that Byrnes Oil did, too. She was concerned about weeds, goat heads in particular, that are coming from the neighboring property that also belongs to the Daniels. She wondered if they were going to bring in more soil or something and continue to change the landscape. Sue DeHaas wondered if they would maintain tax lot 1900 like the other two empty lots. Rich said they plan to plant grass and do some paving. Lori assured that it will look nice. Rich has talked to the "weed guys" but hasn't had any help yet. One of these days that tax lot will come up. Jean was concerned that he would haul in more foreign soil. Rich said he brought in pure deep soil from his Anthony Lakes property.

Mayor Mike asked for testimony in opposition. There was none.

The Daniels' were given an opportunity for rebuttal. Rich remarked that the State is no longer involved in regulating RVs. As long as they stay within the national standard of 400 square feet or less and it is not attached to the land, it is considered an RV. An RV has no permanent hook-ups. You can live in an RV full time if it is in an RV Park. They will have at least one cabin, and will likely put in more but it is not a high priority. The idea is to start small and bring people in who would like to buy a cabin. It could be placed in the RV Park until they decide to go somewhere else with the cabin. Rich didn't know if they would own all of the cabins, but they are trying to create an opportunity. There may be travel trailers that come in. He thought it should be his call and hated to see any restrictions put on them. They are not 100% certain as to how it would all go. As far as the number of units, he thought there were some double standards requiring them to be 15' apart. But with the newer units, they probably do need larger spaces. They can only fit 5 spaces there. He didn't know how long people would stay, but if they are spending money around town, who cares. People need a place to live. Sue asked if the spaces could be rented by the month or year. Rich said he wouldn't sign an annual lease but there are no restrictions within the City regarding the length of stay. Jean wanted to clarify that this would not be a B&B. Rich said it might be. Sue thought the definition of tiny homes as an RV should be clarified. Jeff noted that an RV Park is exempt from the limits set for staying in an RV outside of an RV Park. Mayor Mike added that the intent of the RV Ordinance is to encourage people to live in an RV Park and not a back yard.

Hearing was closed to public testimony and opened for Council deliberations and work toward making a decision.

Jeff originally thought the application was for an RV Park where people would come into town and stay for a night or two, then leave. He wondered if that was really what we wanted people to see when they first come into town. If the cabins are truly licensed as RVs, Jeff felt they would look nicer than some trailers. He is all for business and liked that it would bring in something that could potentially offer new jobs, even it is only one. If the buildings will be for sale, the property will most likely be kept up. Joyce noted that she talked to Scott Hartell and he felt we couldn't compare this to the other RV Park. The City has the control and an RV Park shouldn't be for long term stay unless they are put on a cement foundation and then it becomes a mobile home. Rich & Lori claimed that was not true. Joyce added that typically an RV Park is for temporary stay. Mayor Mike commented that Parkside has permanent RV set ups with skirting. Shorty added that a "park model" is not necessarily considered an RV. The difference between a travel trailer and a park model is that a park model is built by an RV plant and all appliances are 110 or 220 not propane. They are meant to be somewhat permanent and are not self-contained. They get hooked up to water and sewer, the same as a house. But because they are manufactured by a recreational vehicle plant, they are lumped together as RVs. Joyce agreed that Rich's cabins are very nice but she wants to be sure that we classify this the correct way. Rich said his cabins are allowed in RV parks and park models are suitable to live in. Jeff asked how they would be set up. Rich said they will be on adjustable piers then insulated and skirted. They will look permanent but they aren't. The cabins will also be for sale. Joyce thought an RV Park was required to have a public bathroom and shower. Rich stated that state law says as long as there is a hook up for each spot, a bathroom and shower are not required. Joyce reiterated that if they are looking to have long term living. Rich agreed and thought it important to keep options open. Lori interjected that people need places to live and tiny homes may be the answer. Joyce agreed that North Powder needs housing but she wasn't sure this fit into the RV Park privilege. Lori remarked that the only place you can live in an RV full time is in an RV Park. Mayor Mike noted that the park rules address appearance up front. Jeff asked what the plan was for short term to long term. How many RV spaces would be open and how many will have cabins? Rich noted that for now there will be only one spot with a cabin for Harmony to live in but eventually he hopes to have five set up. Shorty clarified that the main goal was to set up display cabins that can be lived in but if sold they can be pulled away. Joyce thought there were disagreements in the past regarding access to sewer lines. Rich remarked that nobody asked him about it. He thought the clean out was an 8" pipe that goes into the sewer and that is where he wants to tap into. The garage building goes into that as well. Joyce wondered if a bigger pipe might be needed for 5 extra hook-ups. Rich thought not. He felt this was an ideal situation and didn't want to spend a lot of money. He didn't think he would ever make his money back but it would be a good thing for North Powder. He wants it to be easy and to have the City's support. Joyce wondered about restrictions to build on another site. Jeff noted that this application was for 5 spots only and anything more will require coming back to the Council for approval. Shorty suggested the public works department look at the clean-out to be sure it is up to code because you can't just tap into a cleanout. Joyce asked about the water hook-up. Beth suggested that could also be worked out with the public works department. She also suggested the Council think about asking for a privacy fence between the school and RV Park. Lori commented that there is a line of trees on the school's side. Rich said they will extend a wooden fence along the concrete barrier but didn't feel the need to put slabs in the chain-link fence along the school property line. Joyce asked about the parking spaces on the plot plan. Rich explained they were for customer parking.

Mayor Mike asked if the Council had more questions.

Shorty made a motion to approve the Conditional Use Application submitted by Rich & Lori Daniels of Lorich, LLC as it has met the standards and criteria identified in the City of North Powder's Zoning

Ordinance #1983-3 and Land Use Plan for an RV Park, coffee shop, and retail store on a single lot in the Commercial Zone and the following conditions shall be placed on the Conditional Use Permit:

- a. 5 RV Spaces with parking as indicated on the site plan. Water and sewer hook ups for each RV space shall be approved and inspected as required by state and local law prior to any use.
- b. Fencing of a minimum of 4 feet shall be constructed on side abutting the residential zone.
- c. All State and Local required licensing and permitting shall be obtained before any business shall take place. This includes, but is not limited to business licenses, building permits and inspections, health department inspections and licensing, etc.
- d. Any changes to the approved site plan and use will require an amended Conditional Use Permit.
- e. Conditional Use Permit is granted to the applicant and is valid for the life of the use provided there is not more than a 12 month interruption of the use at any time.
- f. The applicant will work with the City's Public Works Department to inspect the clean-out area.

Jeff seconded the motion. All were in favor.

Meeting adjourned at 7:10PM.

Respectfully submitted,

Attest:

Beth Wendt
City Recorder