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**E-MAILED**

**City Hall**  
255 N. Main Street • P.O. Box 188  
Brownsville, OR 97327 • 541.466.5666  
Fax 541.466.5118 • TT/TDD 800.735.2900

July 16<sup>th</sup>, 2019

**Mr. John McKinney, Liberty Country LLC**  
42053 Cut-Off Drive  
Lebanon, OR 97355

*Email Transmittal:* [countrydevelopment8@gmail.com](mailto:countrydevelopment8@gmail.com), [jdk@wtlegal.com](mailto:jdk@wtlegal.com)

**RE: Notice of Decision**

City of Brownsville Land Use File

*Proposal: Conditional Use Permit – RV Park, W Bishop Way, Brownsville, OR*

Dear Mr. McKinney:

The City of Brownsville Planning Commission conducted a review and public hearing of the above referenced planning action on April 29<sup>th</sup>, 2019, a Continuance on June 17<sup>th</sup>, & a meeting to finalize Recommended Conditions of Approval on July 9<sup>th</sup>, 2019. Upon consideration of the record and testimony at the public hearing and based upon Findings of Fact as stated in the Staff Report, *the Planning Commission voted 4 – 1, to approve the proposed & revised Conditional Use Permit application for a one hundred-fifty (150) space recreational vehicle park, with ten (10) tent camping spaces, subject to listed Conditions of Approval.*

**I. Summary of Planning Commission Decisions:**

The Planning Commission finds the proposal complies with the application requirements and the applicable decision criteria in the Brownsville Municipal Code. The Planning Commission has approved the findings and conclusions included in the staff report dated April 11<sup>th</sup>, 2019, and recommended conditions of approval at the July 9<sup>th</sup>, 2019 meeting.

**II. Conditions of Approval**

- 1) The conceptual plan for the Bishop Way RV Park is approved for up to one hundred fifty (150) RV spaces and ten (10) tent spaces. The Applicant shall submit a final development site plan for City review and approval. Final design plans shall be consistent with the conceptual site plan approved by the City.
- 2) The RV Park shall be limited to one hundred and fifty (150) spaces for trailers and RVs and ten (10) tent camping sites. The applicant shall not expand or otherwise operate beyond or above the proposed level of one hundred and fifty (150) sites and ten (10) tent camping sites without additional permit issued by the City and reviewed by the Planning Commission or committee appointed by the Planning Commission.

- 3) The facility shall be a short-term facility only. Tires and wheels shall remain attached to recreational vehicles at all times, and no foundations or permanent plumbing connections shall be allowed. Any stay at the RV Park shall be limited to 45 days in any one hundred and eighty (180) day period. The one hundred and eighty (180) day period begins when the guest registers for their stay. The City shall be entitled to review any registration information for users of the RV Park upon request of the City at any time. Registration data shall include vehicle registration, make and model and shall be provided to the City Administrator monthly by the 15<sup>th</sup>.
- 4) Regarding the northernmost area of the RV Park, RV sites shall not be closer than the area referenced on the attached maps (Exhibits A & B). Areas within this set back may be used for landscaping and utilities serving the park.
- 5) Initial tent camping shall be located on the west side of the property.
- 6) A caretaker's residence, RV Park office and common area guest facilities are permitted as shown on the conceptual plan. Occupancy of the caretaker's residence may begin when the RV Park use begins.
- 7) Planning Commission approval of the conceptual plan for the Bishop Way RV Park does not constitute engineering approval.

### **Final Development Plans**

- 8) The City Engineer and City Administrator will review and approve final development plans and engineering plans for the Bishop Way RV Park. The final plans shall be consistent with the approved concept plan for the RV park and shall comply with the City of Brownsville public works design standards, flood plain regulations, other applicable regulations and these conditions of approval. The applicant shall obtain required local, state or federal permits prior to city approval of construction plans for the project.
  - a) Final site development/engineering plans for construction of the RV site improvements, streets and public utilities shall be submitted to the City no later than July 23<sup>rd</sup>, 2021. If final development/engineering plans are not submitted to the City of Brownsville by that date, this approval expires.
  - b) Building permits for the caretaker residence and common area building shall be filed with the City within one (1) year of the date the City Engineer grants written approval for the engineering plans for site improvements and public utilities on the site.
- 9) Applicant shall submit a Traffic Impact Analysis & Transportation Plan acceptable to the ODOT prior to approval of a site plan for construction. Applicant shall obtain an ODOT Access Permit & ODOT Construction Permit for work in the state highway Right-of-Way.

- 10) Internal circulation shall provide for minimum thirty-two foot (32') wide driveway right-of-ways or wider if required by ODOT or the Brownsville Fire Department.
- 11) Applicant shall provide a pedestrian walkway plan along Highway 228 acceptable to ODOT.
- 12) The Applicant shall provide secondary access for emergency vehicles as required by the Fire Department regulations. Pearl Street is not to be used for this purpose. The Applicant may utilize a locked gate with limited access if approved by the Fire Department. The Applicant shall provide for necessary fire hydrants required by the Fire Department.
- 13) A floodplain development permit application must be filed with the City as a condition of development. The application will require a "No Rise Certification" prepared by a professional engineer with supporting data showing there will not be any increase in the height of the 100-year floodplain.
- 14) The final development plans shall include a parking plan showing additional guest/visitor parking areas, distributed throughout the RV park. The parking plan shall include at least one additional parking space for every five RV sites.
- 15) The final development plans shall include a designated dog area, playground, picnic area and common open space area for use by RV Park guests and visitors only.
- 16) The final development plans shall include a detailed landscaping plan and lighting plan for approval by the City Administrator.

**Site Development Requirements:**

- 17) Applicant shall place fencing seven feet (7') in height around the perimeter of the property. A fencing plan shall be submitted to the Planning Commission for final approval.
- 18) The fencing material shall be made of materials designed not to impede the flow of water during high water events (e.g. chain link, hurricane fencing). All fencing and landscaping barriers shall be installed subject to flood requirements.
- 19) The Applicant shall be responsible for continually maintaining fencing in good condition.
- 20) No trespassing signs shall be placed by the Applicant on unfenced areas of the RV Park.
- 21) Landscaping shall include a mixture of trees and shrubs to allow for the park to be less visible to adjacent uses. All landscaping and screening shall be kept in good condition in accordance with the approved landscape plan. Vegetation shall be replanted as necessary.

- 22) All lighting shall be designed to be “dark sky” to avoid glare and ambient lighting to neighboring properties and to minimize light pollution. Lighting shall be minimized during quiet hours (10:00 p.m. to 8:00 a.m.) to the extent permitted for safety within the park. If the City identifies that lights create a nuisance to adjacent property owners, the City will notify the RV Park Owners/Managers to correct the lighting within 30 days of notice by the City.

### **RV Park Operating Requirements and RV Park Rules**

- 23) A set of Park Rules regulating hours of operation, maximum occupancy, noise, and other pertinent information for the RV Park shall be submitted to the City for review and approval prior to construction. The Park Rules shall include the minimum following standards:
  - a) All overnight guests must register at the office.
  - b) Tires and wheels shall remain attached to all recreational vehicles at all times, and no foundations or permanent plumbing connections shall be allowed.
  - c) No more than eight persons per site, not including children of the immediate family.
  - d) The storage of other vehicles and personal property at the RV Park is prohibited.
  - e) Repair and maintenance activities of RVs or trailers at the park is prohibited.
  - f) Limit each RV site to one RV or trailer and one vehicle.
  - g) Allow parking only on designated areas.
  - h) No recreational use of motorized bikes, motorcycles, or ATVs within the park.
  - i) No campfires except in designated locations.
  - j) Visitors must be accompanied by registered guests always.
  - k) Park Owners shall notify RV Park users that users, guests and/or visitors should not trespass onto adjacent private properties. The RV Park users will be provided information on available public parks and public access points to the Calapooia River.
  - l) Clearly state that the RV Park Owners/Managers have the right to evict RV Park users, guests and visitors from the RV Park in the event any RV Park user, guest or visitor creates a disturbance, violates park rules, or trespass onto adjacent private properties or are cited for violating a local, state or federal regulation, rule or law. Any such violator may lose their right to use the RV park and may forfeit their stay for 180 days.
  - m) Quiet time shall be observed from 10 p.m. to 8 a.m.
- 24) Pets must always remain on leash, except in designated areas. A maximum of two pets per site is allowed. Barking dogs shall be kept indoors. No dangerous breeds are permitted including Dobermans, pit bulls, and rottweilers.
- 25) Applicant shall comply with all requirements of applicable laws, ordinances and development regulations, Uniform Building Code requirements, State regulations, & OAR Chapter 918-650-0000 through 918-650-0080 for the construction and operation of RV Parks. The applicant shall comply with the provisions of the sign code.

## **Modification of Approved Plans and Revocation of Conditional Use Permit**

- 26) Any major modification to the plan shall be reviewed by the Planning Commission. The Planning Commission shall have the right to approve or deny any such plan modification. The City Administrator will refer the issue back to the Planning Commission for review and approval if one or more of the following changes are proposed in the final engineering or development plans for the RV Park:
- a) A change in land use to a more intensive use, as evidenced by an increase in the total number of RV and tent camping spaces beyond the 150 spaces approved in the conceptual plan.
  - b) An increase in automobile/truck traffic (peak and/or average daily trips) beyond the initial base line traffic data. The base line traffic data shall be included in a Traffic Impact Analysis for 150 RV/tent spaces, caretaker residence and RV Park recreation/service buildings, as shown on the concept plan.
  - c) Any changes in the proposed hours of operation.
  - d) The flood development permit application does not include a “No-Rise Certificate” from a registered professional engineer or the City Engineer concludes the final site development/construction plans may pose a flood hazard or risk to adjacent property owners.
- 27) The City of Brownsville’s Planning Commission shall have authority to revoke this conditional use permit, after written notice and hearing, upon appropriate findings by the City of the property owner’s and/or RV Park operator’s failure to either:
- a) Construct the RV Park in accordance with the approved final development plans, or
  - b) Continuously comply with these conditions of approval, or
  - c) Continuously operate the RV Park in accordance with the RV Park Rules, as approved by the City of Brownsville, or
  - d) Comply with OAR Chapter 918-650-0000 through 918-650-0080 for the construction and operation of RV Parks.

### III. Right of Appeal:

Any person aggrieved by this decision may file an appeal with the Brownsville City Council in accordance with the appeal deadlines and filing requirements listed in Section 15.75.020 and Chapter 15.75 of the Brownsville Municipal Code. Any appeal of this decision must be filed within fifteen (15) days of this written Notice of Decision and no later than 5:00 p.m. on March 15, 2018.

### IV. Effective Date of Planning Commission Decisions:

If no appeal is filed with the City of Brownsville, this decision will be final on July 31<sup>st</sup>, 2019 @ 5:01 p.m. If an appeal is filed, then the decision is not final until the City Council considers the appeal and makes its decision. If you have any questions regarding the Planning Commission's decision, you may contact Elizabeth Coleman at Brownsville City Hall at (541) 466-5880. Mrs. Coleman will continue to be the point of contact for your project.

Sincerely,



**S. Scott McDowell**  
City Administrator



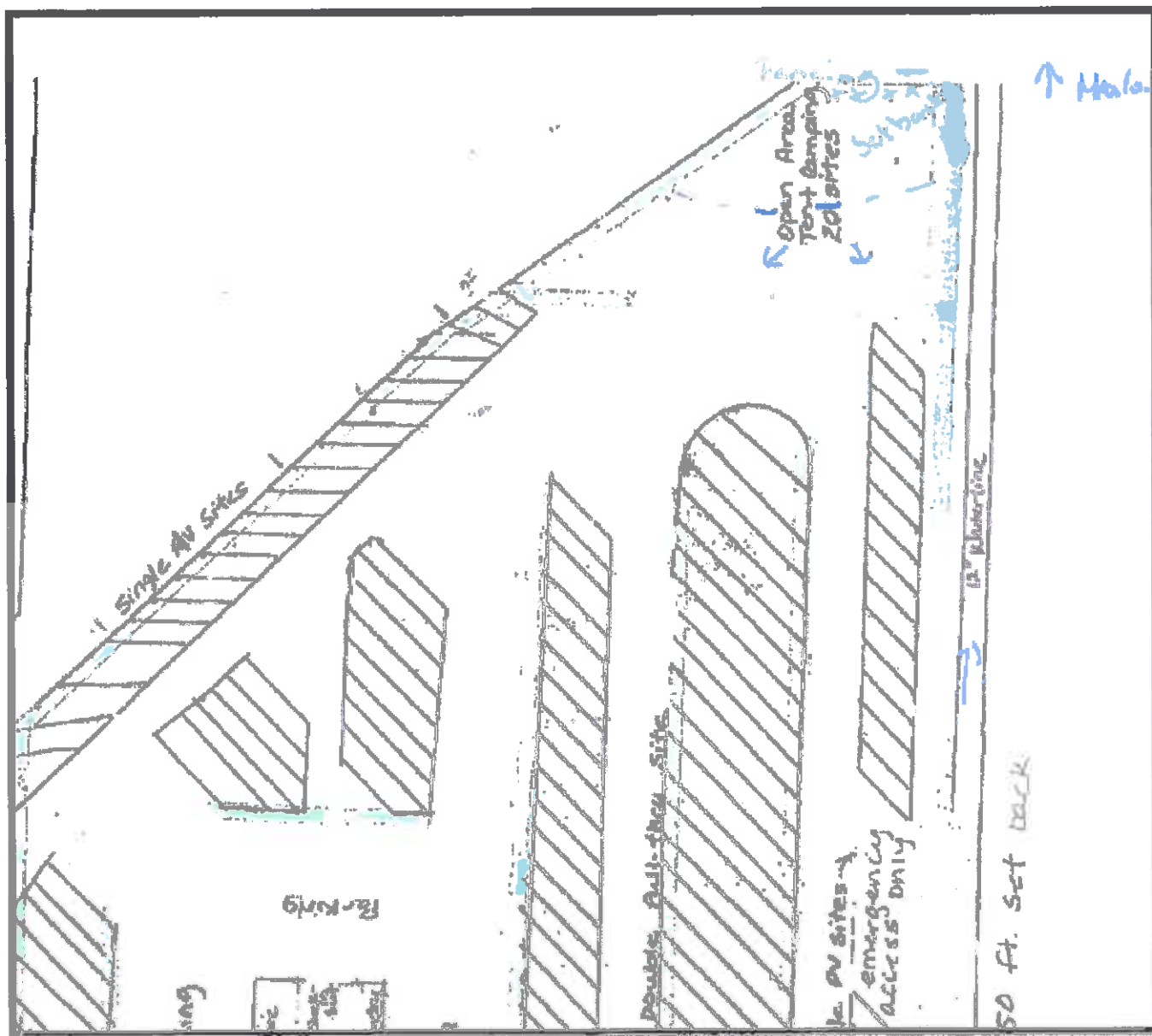
**Elizabeth Coleman**  
Administrative Assistant

c: Joel Kalberer, Weatherford Thompson, Attorney at Law  
Planning Commission  
Karl Frink, Brownsville Public Works  
Ryan Quigley, Dyer Partnership

#### *Enclosures*

Exhibit A – Reference Map for Condition of Approval #4, Applicant  
Exhibit B – Reference Map for Condition of Approval #4, City

# Exhibit A



**Exhibit B**

