



1 Opinion by Sherton.

2 **NATURE OF THE DECISION**

3 Petitioner appeals a city council order approving a  
4 conditional use permit for a recreational vehicle (RV)  
5 campground.

6 **FACTS**

7 The subject property is currently vacant and consists  
8 of approximately 22 acres owned by Grant County (county).  
9 It is bordered on the east by the John Day River, on the  
10 northwest by the county fairgrounds complex, on the west and  
11 southwest by residential development and on the southeast by  
12 Highway 26. A portion of the subject property along the  
13 John Day River is zoned Park Reserve (P-R). The remainder  
14 is zoned Limited Residential (R-7).

15 The county applied to the city for a conditional use  
16 permit for an RV campground on the subject property. The  
17 city's decision<sup>1</sup> summarizes the proposed development as  
18 follows:

19 " \* \* \* 93 full-serviced RV spaces (i.e. served  
20 with sewer, water and electrical hookups), 18 tent  
21 and bicycling camp spaces, 4 restroom-shower  
22 facilities, an administration-maintenance  
23 facility, 7 solid waste collection facilities, an  
24 on-site RV Dump Station, all interior driveways,  
25 and a main access road proposed as an extension of  
26 E. 3rd Street \* \* \* to connect with State  
27 Highway 26. \* \* \*" Record 36.

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<sup>1</sup>The city council's order adopts the decision of the city planning commission, which in turn adopts the findings and conclusions set out in the November 26, 1991 Planning Staff Report. Record 3, 25, 35-44.

1    **ASSIGNMENT OF ERROR**

2           "The Conditional Use Permit granted by the City of  
3           John Day allows a use not permitted by the City  
4           Code."

5           The city's decision approves the proposed RV campground  
6    as a "public use" in the R-7 zone.<sup>2</sup>     Record 3, 37.  
7    Petitioner contends the proposed RV campground will be owned  
8    and operated by a private, for profit business. Petitioner  
9    argues that such a business cannot constitute a "public use"  
10   in a residential zone. According to petitioner, there is  
11   nothing "public" about the proposed RV campground.

12           JDZO 3.010(2)(C) lists "[p]ublic or semi-public use" as  
13   a conditional use in the R-7 zone. JDZO 1.030(46) defines  
14   "public or semi-public use" as follows:

15           "A use owned or operated by a public, governmental  
16           or nonprofit organization for the benefit of the  
17           public generally. This does not include landfill  
18           sites, garbage dumps or utility facilities."  
19           (Emphasis added.)

20   Thus, under JDZO 1.030(46), the proposed RV campground is a  
21   "public or semi-public use" if it will (1) be either owned  
22   or operated by the county or some other public or  
23   governmental entity, and (2) benefit the public.

24           Petitioner does not challenge the city's decision with

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<sup>2</sup>Petitioner challenges the city's decision only with regard to allowing  
an RV campground in the R-7 zone. Petitioner does not contend an RV  
campground is not permitted in the P-R zone. The City of John Day Zoning  
Ordinance (JDZO) lists "[c]ommercial, private or public picnic or  
campgrounds" as a conditional use in the P-R zone. JDZO 3.050(2)(A).

1 regard to (2).<sup>3</sup> With regard to (1), petitioner contends  
2 that although the county is the applicant for the proposed  
3 use, the record shows the RV campground will be owned and  
4 operated by a private business. However, the portions of  
5 the record cited by petitioner do nothing more than indicate  
6 it is possible for the proposed campground to be a source of  
7 revenue and quote potential operating cost and profit  
8 percentages from an RV park management text. Record 47, 48.  
9 The challenged order states the city's decision "limit[s]  
10 the subject approval to a 'public' campground and to the  
11 applicant, a public entity \* \* \*."<sup>4</sup> Record 3. This is  
12 sufficient to establish that the proposed RV campground, as  
13 approved, is a "public use" under JDZO 1.030(46).

14 The assignment of error is denied.

15 The city's decision is affirmed.

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<sup>3</sup>We note that the RV campground "Vision Statement" indicates users of the proposed RV campground will include parents following high school athletics, fishermen, hunters, tourists and visitors to the county fair. Record 45.

<sup>4</sup>In other words, as limited by the quoted language, the challenged decision does not approve an RV campground that is neither owned nor operated "by a public, governmental or nonprofit organization \* \* \*."