



CURRY COUNTY PLANNING DEPARTMENT
ADMINISTRATIVE STAFF REPORT AND DECISION

Requested Land Use Action: Approval for a home occupation for the purpose of establishing one-on-one personal training activities.

Applicant: Mary and Raymond Ravare **FILE: AD-2009**

Gold Beach, Oregon 97444

Property Owner: Mary and Raymond Ravare

Gold Beach, Oregon 97444

Map Description:

TWP: 37S RANGE: 14W SECTION: 31C TAX LOT: 300

Location: Subject property is located at 26642 Sebastian Lane. From Highway 101 south of Gold Beach to Myers Creek Road to Sebastian Lane.

Background Information:

Parcel Size:	1.05 acres
Zoning:	Rural Residential (RR-5)
Zoning Overlays:	None
Fire District:	Pistol River Volunteer Rural Fire District

Applicable Review Criteria: The proposed application for a home occupation within the Rural Residential Zoning District must comply with the following sections of the Curry County Zoning Ordinance (CCZO):

Section 3.080	Rural Residential (RR-5)
Section 3.082	Conditional Uses Subject to Administrative Approval by the Planning Director
Section 3.082(1)	Home Occupation as defined in CCZO
Section 7.010	Authorization to Grant or Deny Conditional Uses
Section 7.040(7)	Home Occupation
Section 7.050	Time Limit on a permit for Conditional Uses for Home Occupations

Findings of Fact:

Section 3.080 – Rural Residential – Purpose.

Purpose of Classification: *The Rural Residential Zone is designed to allow for low density residential development outside urban growth boundaries and rural communities defined by the Comprehensive Plan.*

Finding: The proposed use is for the purpose of establishing a one-on-one personal training opportunity in conjunction with an existing rural residential use on the property. The proposed home occupation would occur within the existing garage which is an allowed accessory use to the dwelling. The primary residential use with the personal training home occupation activity will not change. The primary activities on site are consistent with those set forth in the RR zoning district. This finding is met.

Section 3.082 – Conditional Uses Subject to Administrative Approval by the Planning Director.

A Home Occupation is allowed within the RR Zoning District subject to Administrative Approval by the Director.

Finding: The applicant has submitted the appropriate application for conditional use approval and is requesting authorization to utilize an existing accessory building on site (garage) to establish a fitness activity for customers which is a home occupation as defined in the Curry County Zoning Ordinance (CCZO). The CCZO defines home occupation as “a secondary use of a dwelling, enclosure, or building accessory to a dwelling (but not accessory to a resource use), which constitutes an occupation carried on solely by a member or members of the family residing in the dwelling”. The proposed use meets the definition of the CCZO. Applicable conditional use standards and criteria will be addressed in subsequent sections of this report. If applicable standards and criteria are met based on the definition of the CCZO the proposed use may be approved.

Section 7.010 – Authorization to Grant or Deny Conditional Uses.

Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 7.020 through 7.050. In permitting a conditional use the County may impose conditions in addition to the provisions set forth for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole. A change in use, the size of the site area of use, or a structure that is classified as conditional and in existence prior to the effective date of this ordinance shall conform to all provisions of this ordinance pertaining to conditional uses.

Finding: The County will condition this home occupation as necessary to insure that it is compatible with the adjacent rural residential land uses.

Section 7.040(7) – Home Occupation.

A home occupation is a permitted use and a lawful commercial activity that is conducted in a dwelling or accessory building on a parcel by a business operator, is subordinate to the residential use of the premises, and complies with the following:

- a.) The on-site business functions of the home occupation shall take place entirely within a dwelling unit or enclosed accessory building on the premises, except for employee and customer parking and allowed signage. No outdoor storage, business activities or displays shall occur outside of an enclosed building.*

Finding: The proposed business will be located totally within an existing accessory building on the premises. No outdoor storage or business activities are planned outside of an enclosed building. The applicant has stated that the training facility will use a portion of the enclosed garage. This finding is met.

- b.) The home occupation shall not exceed 25 percent of the total gross floor area of the dwelling, attached garage and accessory buildings or 1,000 sq. ft., whichever is less.*

Finding: The home occupation will use approximately 250 square feet of the existing garage. The garage is 900 square feet. The total area of the proposed home occupation is significantly less than 25% of the total gross floor area of the dwelling and the garage. This finding is met.

- c.) The home occupation shall not employ more than one non-resident employee. There shall be no more than two customers on the premises at any one time.*

Finding: The employee will be the on-site resident. The estimated clients that will be coming and going to the business is expected to be a maximum of approximately 4-5 per day. Clients will come to the business for one-on-one training and therefore it is not expected that multiple clients will be on the premises at any one time. This finding is met.

- d.) No more than 20 trips per day may be authorized. No deliveries or pick-ups associated with the home occupation between the hours of 7 p.m.-7 a.m. are permitted. The road serving the premises may not be used for loading or unloading purposes. No more than two pick-ups or deliveries shall occur on any given day.*

Finding: The business is not expected to receive deliveries any more than that which is expected from a residential use. The nature of the exercise business does not require multiple deliveries of items to facilitate the business. This finding is met.

- e.) The premises shall have on-site parking to accommodate the total number of employees and customers proposed to be on the premises at any one time. The use, parking or storing of any vehicle in excess of a gross vehicle weight of 11,000 pounds is prohibited.*

Finding: The proposed business is not expected to need or use a vehicle that weighs 11,000 pounds or more. The applicant has stated that the site has the ability to accommodate up to five (5) vehicles if necessary.

f.) Only one, non-illuminated, identification sign not to exceed two square feet in area may be attached to a building used for the business.

Finding: The proposed business is not expected to require signage that exceeds two square feet.

g.) The use shall not generate noise, vibration, glare, flashing lights, dust, smoke, fumes, or odors detectable at the property line.

Finding: The proposed business will take place within an existing residential accessory building (garage). It is therefore not expected that the proposed use will result in off-site nuisance issues. This finding is met.

h.) No repair or assembly of any motor or motorized vehicles.

Finding: The proposed personal training business is not related to or including any use similar to that of repair or assembly of motor vehicles.

Section 7.050 (7): Time Limit on a Permit for Conditional Uses For Home Occupation

The home occupation may continue for a period of three years from the date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation from the property expires automatically unless the permit is renewed for an additional three year period.

Finding: To comply with CCZO Section 7.050 (7) L., the approval of the conditional use permit shall include a condition that it is valid for three years.

Comments Received on AD-2009:

Two comments were received on this application. The Oregon Department of Transportation (ODOT) stated that they did not have any concerns with the proposed fitness training facility because it did not affect any of ODOT's facilities. A neighbor provided comments that included 1. "That the proposed use not adversely affect the general serenity of the area for extended periods of time; and 2. That the proposed use not severely increase the traffic volume on the immediate roadways."

Finding: The proposed use is not expected to adversely affect the serenity of the area because the use will be a one-on-one event that occurs within an enclosed structure (garage). The expected traffic generated will not be more than one vehicle going and leaving the residence at a time. This amount of traffic is not more than that which can be expected from many residential uses common in the area.

DECISION AND CONDITIONS

Application AD-2009 for conditional use approval for a home occupation for the purpose of establishing one-on-one personal training activities on property located on Assessor's Map 37-14-31C Tax Lot 300 in the Rural Residential (RR) zone is **APPROVED** with the following conditions given this date of July 9, 2020.

1. This approval is specific for a home occupation for a fitness activity business. Additional business activities beyond that described in the original application and approved per this Administrative Decision are not allowed on the property unless or until a new application for the change in use or a new use is applied for and approved by the Planning Director.
2. Approval of this home occupation does not run with the land and is not transferred with ownership of the land. Approved home occupation is personal to the business operator and specific to the authorized premises. Approval of a home occupation terminates automatically, immediately and without notification if the business owner ceases to reside full-time on the authorized premises.
3. The home occupation may continue for a period of three years from the date of the final decision provided it is in compliance with the approved permit. At the end of the three year period, the right to operate the home occupation from the property expires automatically unless the permit is renewed for an additional three year period.

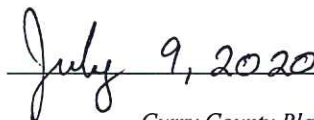
This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating the development.

Appeal Rights

The Planning Director's decision on this matter will be final unless appealed to the Curry County Planning Commission within 15 days following the date of the mailing of the notice of appeal (postmarked date). Any appeal must meet the provisions of CCZO Sections 2.120, 2.170; and 2.180.



Becky Crockett, Planning Director
Curry County Planning Department



Curry County Planning Department
File AD-2009 Ravare
July 8, 2020
Page 5 of 6