



**Curry County Public Services-Planning Division
Administrative Report and Decision**

FILE #: AD-2011

July 13, 2020

Applicant: Matthew and Rachel Flescher

Brookings, OR 97415

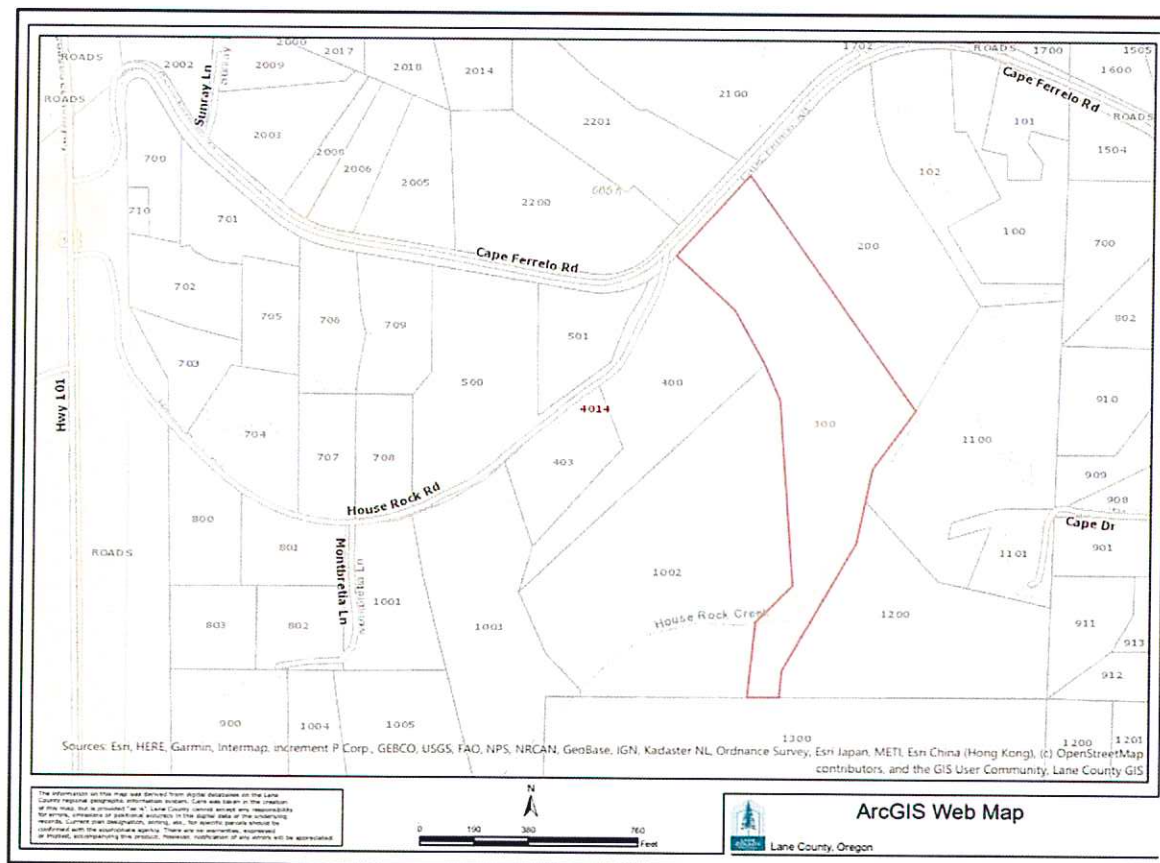
Assessor's Map: 4014-15A

Tax Lot: 300

Land Use Request: Approval to use a Recreation Vehicle as a residence during construction of a single family dwelling. The property is 8.67 acres and has **RR-5 (Rural Residential)** zoning.

Location: This property is off Cape Ferrelo Rd, about 2100 ft (0.40 mile) east of its intersection with US Highway 101. The property is outside the Brookings Urban Growth Area.

Exhibit 1: Vicinity Map

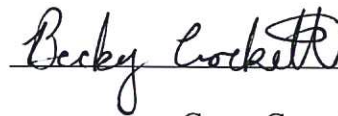


1. The applicant is permitted to use a single Recreational Vehicle as temporary residence during the construction of a single family dwelling.
2. The Applicant/Property Owner shall comply with all on-site sewage disposal requirements of the Oregon Department of Environmental Quality (ODEQ) for the home placement and for the temporary use of the RV.
3. The permit to use a Recreational Vehicle as a temporary residence during the construction of a single family dwelling is valid for a period of one year. The applicant may apply for an extension of this one year approval upon filing a request under Curry County Zoning Ordinance Section 7.050 (5).
4. Before issuance of the occupancy permit for the permanent dwelling the Recreational Vehicle must be either removed from the property or put into storage.

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. Notice of this decision is being sent to property owners in the vicinity of this property.

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. Any person who is adversely affected or aggrieved by this decision, or who is entitled to written notice under ORS 215.416 (11) (a) (C) of it, may appeal it to the Curry County Planning Commission. The appeal can only be initiated by filing a written appeal application together with a fee of **\$500.00** with the Curry County Community Development Department – Planning Division within fifteen (15) days of the mailing the Notice of Decision. **Appeals cannot be filed by fax or email correspondence.** A person who is mailed written notice of this decision cannot appeal the decision directly to the Land Use Board of Appeals (LUBA) under ORS 197.830.



Becky Crockett
Curry County Planning Director

July 14, 2020
Date

ANALYSIS

Applicable Criteria: The proposed application to place an RV on site for the purpose of living temporarily during construction of a permanent single family dwelling must comply with the following sections of the Curry County Zoning Ordinance (CCZO):

Section 3.080	Rural Residential Zone (RR) - Purpose of Classification
Section 3.082	Conditional Uses Subject to Administrative Approval
Section 7.010	Authorization to Grant or Deny Conditional Uses
Section 7.040(1)(d.)	Standards Governing Conditional Uses
Section 7.050	Time Limit on a Permit for Conditional Uses

Findings of Fact:

Section 3.080 – Rural Residential Zone (RR).

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 living on site during the construction of a single family residence in the RR zoning district. The RR zone provides for the use of a temporary residence during construction upon review and approval of a Conditional Use Permit (CUP). The proposed temporary RV use is therefore consistent with the purpose of the RR zoning district.

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

Trailer, camping or recreation vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.

Finding: The applicant has been issued a building permit (#221-19-000513-DWL). The applicant has submitted the appropriate application for conditional use approval, requesting authorization to utilize a RV for residential use during the construction of a single family dwelling. Applicable conditional use standards and criteria will be addressed in subsequent sections of this report. If applicable standards and criteria are met, the proposed use may be approved.

Section 7.010 – Authorization to Grant or Deny Conditional Uses

In permitting a conditional or permitted use the County may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole.

Finding: The Planning Director's review and decision included an evaluation of the surrounding properties and uses to determine the need for conditions to insure that the proposed temporary RV will be compatible in the RR zone at the location described above. Except for the property to the south, adjacent parcels have rural residential land use. The property south of the subject had FG (Forestry-Grazing) zoning. The home site is to be developed in the northern

portion of the subject parcel, more than 500 ft from the FG zoned property. The applicant proposes placing the temporary RV near the north lot line, near Cape Ferrelo Rd. The temporary use is compatible with the surrounding residential use properties, as existing and as proposed.

Section 7.040(1)(d.) – Standards Governing Conditional Uses

If the proposed conditional use involves development that will use utility services, the applicant shall provide statements from the affected utilities that they have reviewed the applicants' proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions for providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.

Finding: Coos Curry Electric Coop (CCEC) provides electricity to this area and Cape Ferrelo Rural Fire District provides structural fire protection. Signed notifications were provided from CCEC and Cape Ferrelo RFPD for those services. A septic evaluation was done on 6/20/2019 and the applicant is in the process of installing the septic system. The applicant currently rents a portable toilet and periodically takes the RV to a local dump station. The applicant has coordinated with all of the affected utilities in order to ascertain the requirements, terms and conditions for the proposed temporary use of an RV.

Section 7.050 - Time Limit on a Permit for Conditional Uses

This section provides standards for time limits for conditional use approvals. Section 7.050 (1) states, in part, that authorization of a conditional use, in general, shall become null and void after one year unless an extension has been granted.

Finding: To comply with CCZO Section 7.050 (1), the approval of the conditional use permit shall be valid for a period of one (1) year unless an extension of the conditional use has been granted under the provisions of CCZO Section 7.050 (5).

COMMENTS

A Notice of Application was mailed on 6/18/2020. An email message was received from ODOT noting that this application should have no effect on ODOT facilities. No other comments were received within the 20-day comment period.

CONCLUSION

The Applicant/Property Owner has demonstrated that the proposal to use a recreational vehicle temporarily as a residence during the construction of a single family dwelling has met the applicable criteria of the Curry County Zoning Ordinance. Therefore, approval of the conditional use is warranted.

Decision:

File AD-2011, an application for conditional use approval to allow the temporary use of an RV as a residence during the construction of a single family dwelling on property described as Township 40 South, Range 14 West, Section 15A, tax lot 300, is hereby **APPROVED** with the following conditions: