



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

FILE #: AD-2015

November 18, 2020

Owner: Carol L. Crockett Trust
Cindy Freeman, Trustee

Applicant: Timothy R. Devereaux

Assessor's Map: 4113 – 15C
Tax Lot: 700

Acreage: 6.48 acres

Land Use Request: Approval to use a Recreation Vehicle as a residence during construction of a single family dwelling. The property is 6.48 acres, has **RR - 5 (Rural Residential)** zoning and is within the City of Brookings Urban Growth Boundary (UGB).

Location: This property is located off of Woodruff Lane, a private road from Camellia Lane, that is located off of Highway 101 south of Harbor, Oregon. The property does not yet have an address.

Applicable Review 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 applicant is in the process of developing the site for a single family residence. 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 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. Justification and documentation has been presented to the Curry County Planning and Building Department demonstrating the intent to build a residence on the site. Specifically, a Planning Clearance Application has been submitted to proceed with construction of an on-site septic system. The applicant has building plans in hand and will submit them when the County offices are allowed to open again at the time the COVID-19 cases have subsided.

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 includes 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. Properties to the west and north include residential uses. An open field exists between the northern residential uses in Camellia Park and the RV site. Properties to the east and south are open fields and predominantly agricultural uses. The temporary RV site is placed such that open fields exist surrounding the RV. Further, vegetative buffers are present at the edges of the fields between the residences and the RV. The temporary use of an RV 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 Harbor Rural Fire District provides structural fire protection. Signed notifications were provided from CCEC and Harbor RFPD for those services. A septic evaluation was completed and the applicant has initiated the process of installing the septic system. Permits have been filed and construction of the required sand filter system will commence when weather permits. The applicant currently rents a portable toilet and periodically takes the RV to a local dump station as needed. Water is currently used from a 200 gallon tank located on site. A permanent water source utilizing a well will be developed as part of the construction process. 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. Further, the applicant has demonstrated the commitment to develop the site for a residential dwelling.

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 RECEIVED

A Notice of Application was mailed to adjacent property owners on October 21, 2020. An email message was received from ODOT noting that this application should have no effect on ODOT facilities. Three additional letters containing comments were received from persons residing in Camellia Park. There were several issues identified in the letters including: applying for a permit after the fact, sewage disposal, noise from dogs barking, noise from a loud generator, eventual construction noise and dust, time limits for construction, and potential impacts to views.

The Planning Director conducted an on-site review of the RV placement with consideration of the potential impacts identified by the residents in near-by Camellia Park. The first issue regarding applying for a permit after the fact was addressed by the County Enforcement Officer. The applicant was given a warning citation for living in an RV without a permit. As a result of the enforcement action, the applicant has applied for the proper permits herein.

Sewage disposal is always a concern when persons reside in an RV. The applicant has placed a port-a-potty on site for waste solids and takes the RV off site as needed to empty grey water collected in the RV tank.

The applicant understood from talking to one of the neighbors in Camellia Park that the generator was loud. As a result, the loud generator has been replaced with one which is much quieter. The Enforcement Officer and the Planning Director have visited the site to assess the noise from "barking dogs". "Barking dogs" were not heard during these site visits. It appears that the dogs are inside the RV during the day. The neighbors can always contact the County Enforcement Officer if "barking dogs" becomes a continuing problem. Normal construction noise and dust are an acceptable consequence of developing a house. However, any unusual or obnoxious noise or actions by contractors on site should be referred to the Building Official during construction. Obnoxious noise can include loud boom boxes being played by contractors during the day.

In regards to time limits for construction, the County Building Official does place time limits on the required phases of construction. These time limits will be established at the time the applicant applies for their building permit.

The County does not have a view shed protection ordinance to protect views from Camellia Park that might be impacted by the construction of the planned residence. However, the Curry County Zoning Ordinance Section 4.010 Setback Requirements establishes a not to exceed height limit of 15 feet. Any additional height of a structure is required to set back an additional ½ foot from the property line for every foot the structure exceeds 15 feet.

CONCLUSION

The Applicant 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-2015, 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 41 South, Range 13 West, Section 15C, tax lot 700, is hereby **APPROVED** with the following conditions:

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 **\$250.00** 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

Nov. 18, 2020
Date