

**Curry County Community Development - Planning Division  
ADMINISTRATIVE REPORT AND DECISION**



**File #: AD-2102**

**March 9, 2021**

**Applicant:** Barbara Wilson

**Property Owner:** Barbara, Robert and Frederick Wilson

**Assessor's Map:** T.40 S, R.13 W, W.M., Section 33AA; Tax Lot 400

**Land Use Request:** Approval to allow a Recreational Vehicle (RV) as a Temporary Hardship Dwelling on a 1.43 acre parcel in the Rural Residential (RR) zoning district.

**Location:** 17265 Mountain Dr, Brookings, OR 97415

**ANALYSIS**

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**Applicable State, Comprehensive Plan and Zoning Ordinance Provisions:**

Section 2.060(1)(2) of the Curry County Zoning Ordinance (CCZO) authorizes the Planning Director to administratively approve or deny uses listed as "Conditional Uses Subject to Administrative Approval by the Director" in each of the various zoning classifications of Article III of the CCZO.

Section 3.082 (3) of the CCZO, provides for one manufactured home, mobile home or recreational vehicle (RV) in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident (Temporary Hardship Dwelling), on property in the Rural Residential (RR) zone. A request for a Temporary Hardship Dwelling in the RR zone is subject to specific standards and criteria for the use as found in Section 7.040 (1) and (18). Conditional use approvals are also subject to the time limitation for conditional uses as set forth in Section 7.050.

The proposed development must also comply with applicable provisions of the CCZO and the Curry County Comprehensive Plan (CCCP). Generally, unless otherwise noted, if a request is found to be consistent with the CCZO, it is considered to be consistent with the CCCP.

**Nature of Request:**

The subject property is a 1.43 acre parcel located at 17265 Mountain Dr, Brookings, Oregon. It is outside the Brookings Urban Growth Boundary and it supports a single-family residence. The Applicant seeks conditional use approval to temporarily site a RV on this property as a hardship dwelling under CCZO Section 3.082 (3). The hardship dwelling is for the temporary care of a

family member, the property owner's son.

The Planning Director has duly accepted the application filed in accordance with Section 2.060 of the CCZO for application of a conditional use, and has given notice of this matter to affected property owners as set forth in Section 2.070 (2) of the CCZO.

**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 providing temporary living quarters in conjunction with an existing dwelling for the term of a hardship suffered a family member. The RR land use zone provides for the use of a Temporary Hardship Dwelling during the term of a hardship suffered by the existing resident or relative of the resident upon review and approval of a conditional use application. Pursuant to Section 7.040 (18) of the CCZO, the hardship dwelling may include an existing dwelling used on a temporary basis, a manufactured home, or a RV that can be removed from the site once the hardship need has ended. The proposed temporary RV use is therefore consistent with the purpose of the RR zoning district.

**Section 3.082 (3) - Conditional Uses Subject to Administrative Approval by the Director**

*3. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as specified in Section 7.040 (18) (Note, the CCZO incorrectly specifies Section 7.040 (17).)*

**Finding:** The Applicant has submitted the appropriate application for conditional use approval and is requesting authorization to utilize a RV for temporary use during a medical hardship. The Applicant has provided a letter (dated 1/28/2021) from Mark E. Silver, M.D. of Brookings Harbor Medical Center, confirming that the Applicant's son is disabled and would benefit from nearby, daily care from his family.

The Applicant is one of the listed owners the subject property, but resides across the road at 98330 Thomas Ln (Tax Lot 602). Per the County Assessor, the subject property is improved with a single-family residence (1531sf with 2 bedrooms), an attached garage (843sf) and a detached general purpose (GP) building (1160sf). The applicant desires to place the RV in the existing GP building on the subject property as a Temporary Hardship Dwelling. The RV will not be visible from the road or from neighboring properties. The Applicant's son will be able to use the existing bath in that structure. A building permit was issued for the GP building in 1988.

**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 Rural Residential zone at the location described above. The subject property is within a rural subdivision and properties surrounding the subject are all zoned for residential use. The proposed use appears compatible with the surrounding residential. This requirement is met.

**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 Co-Op provides electricity to this area, Brookings City Water Department provides water service, and Brookings Rural Fire Protection Department provides fire protection. The Applicant has coordinated with all of the affected utilities in order to ascertain the requirements, terms and conditions for the proposed temporary RV. These service providers did not have any requirements and signed notifications from these service providers were included with the application. This requirement is met.

**Section 7.040 (18) - Hardship Dwelling**

*The following criteria and conditions shall be applied to the use of a hardship dwelling on a lot or parcel where there is an existing dwelling:*

- a) The hardship dwelling may include an existing dwelling used on a temporary basis or a manufactured home or recreational vehicle that can be removed from the site once the hardship need has ended or the temporary residential use of an existing building;*

**Finding:** The Applicant proposes to use a RV on the subject property as the Temporary Hardship Dwelling. This requirement is met.

- (1) A manufactured home hardship dwelling shall use the same on-site sewage disposal system as the existing dwelling if public sewage disposal service is not available;*

**Finding:** The Applicant will not be using a manufactured home as a Temporary Hardship Dwelling. Nevertheless, the existing primary dwelling has a certified septic system. The RV being considered for hardship use will be required to have a proper water-tight RV connection installed in order to share the septic system with the existing dwelling. As condition, this requirement will be met.

- (2) The County shall review the permit authorizing such manufactured homes every two years; and*

**Finding:** The Planning Director has determined that a one-year review is appropriate

based on concerns with allowing RVs as a hardship dwelling in the Rural Residential (RR) zoning district. As a condition of approval, this requirement will be met.

- (3) *The applicant shall sign an agreement that, within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished, or in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.*

**Finding:** The Property Owners have provided a signed and notarized agreement indicating that they agree to remove the temporary dwelling within three months of when the hardship need has ended. This requirement is met.

- b) *the need for the hardship dwelling shall be verified by a medical doctor by a written certification explaining the reasons why the resident of the hardship dwelling has to be located in close proximity to the existing dwelling;*

**Finding:** The Applicant has provided a written statement from a medical doctor verifying the medical hardship.

- c) *the applicant shall agree to provide the County a new written certification from a doctor as to the continuing need for the hardship dwelling every year after the initial approval of the conditional use permit;*

**Finding:** As a condition of approval, the Property Owners shall provide a new written certification from a medical doctor as to the continuing need for the hardship dwelling on an annual basis. With this condition, this requirement is met.

- d) *the County will provide notice as per Section 2.070 each time renewal of the hardship is requested and public comment received will be considered in the decision regarding the renewal of the permit;*
- e) *A temporary residence approved under Sections 3.041, 3.051, 3.061, or 3.071 is not eligible for replacement under subsection 7.040(26). Department of Environmental Quality review and removal requirements also apply.*
- f) *As used in the section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person.*

**Finding:** The County will provide notice of, and will consider written comment on, annual renewal of the hardship if requested. This requirement will be met.

#### **Section 7.050 (1) - Time limit on a Permit for Conditional Use**

*Authorization of a conditional use and permitted use, inside an urban growth boundary shall become null and void under the subsections (a) and (b) below unless substantial construction has taken place or an extension has been granted under Section 7.050 (5). Substantial construction*



*in this case means obtaining all necessary permits required by governmental agencies to commence construction of any structures or to commence the principal activity permitted by the Conditional Use Permit.*

*a) Authorization for uses in Sections 3.040 and 3.060 shall be void after four years.*

*b) Authorization for all other uses shall become null and void after one year.*

**Finding:** This conditional use review is of Section 3.080 of the CCZO. Hence, this authorization will become null and void after one year. This shall be made a condition of approval.

## **COMMENTS**

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Notification of the Application was mailed on Feb 8, 2021 to surrounding property owners and applicable jurisdictions. Oregon Department of Transportation (ODOT) confirmed receipt of the notice, but did not have any comments regarding this proposal. Curry Co. Road Dept confirmed that this property does not front a County right-of-way.

## **CONCLUSION**

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Use of a mobile home, manufactured home or recreational vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or relative of the resident may be permitted as a conditional use in the Rural Residential (RR) zone provided that all of the applicable criteria and standards are met. The Applicant has demonstrated that this request meets, or is able to meet through appropriate conditions of approval, all applicable requirements and standards for the requested use in the Rural Residential zone.

### **Decision:**

Based on the above review criteria, findings of fact and conclusions, this request, **AD-2102**, for a Temporary Hardship Dwelling on property in the Rural Residential (RR) zone is **APPROVED**, subject to the following conditions:

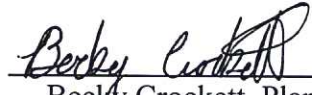
1. A notarized agreement (provided by the Planning Department) shall be provided by the Property Owners indicating that they agree to re-certify the Temporary Hardship Dwelling on an annual basis.
2. Written certification from a medical doctor as to the continued need for the hardship dwelling must be provided by the Property Owners on an annual basis. This certification must state the nature of the medical hardship of the resident and that the resident should live in close proximity to the existing dwelling in order for care to be provided. The certification shall be provided no later than 60 days of the anniversary date of this approval, which shall be the date this decision is final.

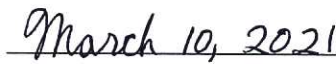
3. The Temporary Hardship RV approved herein must utilize a proper water-tight connect sewage connection and will share the existing septic system to the primary dwelling.
4. The Applicant shall obtain all other permits required for the establishment and conduct of the use approved herein including but not limited to building and sanitation, and shall maintain those permits for the life of the use.
5. Failure to comply with all conditions of approval, or violations concerning the use approved herein, may result in nullification of this approval by Curry County, after the Property Owners have been given due process.

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.

  
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Becky Crockett, Planning Director  
Curry County Planning Department

  
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Date