



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

FILE #: AD-2107

May 25, 2021

Owner/Applicant: Eric and Claire Schickel

Assessor's Map: 3215-33B

Tax Lot: 400

Acreage: 2.34 acres

Land Use Request: Approval to use a canvas yurt as a temporary residence during construction of a single-family dwelling. The property is 2.34 acres, has **Residential-Two (R-2)** zoning and is within the City of Port Orford's Urban Growth Boundary (UGB).

Location: This property fronts Hensley Hill Road and is about 600ft north of Hensley Hill Road's intersection with Salal Drive.

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

Section 3.110	Residential-Two Zone (R-2) - Purpose of Classification
Table 3.110	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 3.110 – Residential-Two Zone (R-2).

Purpose of Classification: The R-2 zone is designated to be applied to residential areas where a variety of types of single-family dwellings are appropriate. This zone is intended to be applied only within urban growth boundaries identified in the Comprehensive Plan.

Finding: The proposed use is for the purpose of living onsite during the construction of a single-family residence in the R-2 zoning district. The R-2 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 use of a temporary yurt is therefore consistent with the purpose of the R-2 zoning district.

Table 3.110 - 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 Applicants/Property Owners originally applied to the Curry County Planning and Building Department requesting a septic permit with the intent to develop the site for a residence. Upon review of aerial maps, it was discovered that the Applicants had already placed the yurt on the property. The Planning Dept notified the Applicants that a Conditional Use Permit was required for the temporary use of the yurt as a residence. The Applicants then submitted the appropriate application for conditional use approval, requesting authorization to utilize a canvas yurt for residential use during the construction of a single-family dwelling.

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 ensure that the proposed temporary canvas yurt will be compatible in the R-2 zone at the location described above. Properties surrounding the proposed location for the yurt are all large lot residential areas with significant buffering vegetation. Vegetative buffers are present between the surrounding residences and the proposed camping site. The temporary use of a canvas yurt is compatible with the surrounding residential use properties as proposed. No additional conditions of approval are required.

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 Port Orford Rural Fire Protection District provides structural fire protection. Signed notifications were provided from CCEC and Port Orford RFPD for those services. Water will be from an onsite drilled well and a well log entry (CURR_52761) from OR Water Resources Department was provided.

A 1978 site evaluation is on file for the septic system and an application was recently submitted for a septic installation permit through EconoRooter Services Inc, Coquille, OR. Until the septic system is installed, the Applicant is using a grey water line and a compost toilet. As a condition of approval, the Applicant shall comply with all on-site sewage disposal requirements of the Oregon Department of Environmental Quality (ODEQ) for the temporary use of the canvas yurt.

The applicant has coordinated with all the affected utilities to ascertain the requirements, terms, and conditions for the proposed temporary use of a yurt. 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

Notice of Application was sent out to nearby property owners and other interested parties on April 7, 2021. No comments were received during the following 20 business day period.

CONCLUSION

The Applicant's proposal demonstrates that use of a canvas yurt temporarily as a residence during the construction of a single-family dwelling meets the applicable criteria of the Curry County Zoning Ordinance. Therefore, approval of the conditional use is warranted.

Decision:

File AD-2107, an application for conditional use approval to allow the temporary use of a yurt as a residence during the construction of a single-family dwelling on property described as Township 32 South, Range 15 West W.M., Section 33B, tax lot 400, is hereby **APPROVED** with the following conditions:


1. The applicant is permitted to use a single canvas yurt as a 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 temporary use of the canvas yurt and for the future home placement.
3. The permit to use a canvas yurt 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 temporary dwelling (canvas yurt) must be either removed from the property or

decommissioned as living area (does not meet OR Building Code for energy efficiency required for living areas.)

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

May 25, 2021
Date