



CURRY COUNTY COMMUNITY DEVELOPMENT
94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444
Phone (541) 247-3304

ADMINISTRATIVE REPORT AND DECISION
July 29, 2021

I. APPLICATION INFORMATION

AD-2109

Applicant: Michael Shea

Owner: Kathryn J. Kruse, Trustee et al.
Barbara A. Shea Revocable Living Trust
C/O Barabara A. Shea

Assessor's Map: 4014-13C
Tax Lot: 901

Situs: 96461 Duley Creek Rd
Brookings, Oregon 97415

Acreage: 2.37 acres zoned Rural Residential-Five (RR-5)

Land Use Request: Approval to use a Recreational Vehicle as a temporary residence during re-construction of a single-family dwelling. A Letter of Authorization was submitted to County Planning from Kathryn (Shea) Kruse on June 21, 2021.

Location: This property is located approximately ¼ mile west of Duley Creek Road's intersection with Ostenberg Road. Duley Creek Road passes through the subject property, with most of the acreage located east of Duley Creek Road. As proposed, the RV will be placed on the western end of the portion of property that lies east of Duley Creek Road. This property is outside the City of Brookings Urban Growth Boundary (UGB).

Applicable Review Criteria:

The proposed application to place an RV on site for the purpose of temporary living quarters 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)
Section 3.082	Conditional Uses Subject to Administrative Approval by Planning Director
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

II. 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-5 zoning district. The RR-5 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 replacing the single-family dwelling. The proposed temporary RV use is therefore consistent with the purpose of the RR-5 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 an RV as a temporary residence during the replacement of the single-family dwelling since the original residence was destroyed in a fire. Justification and documentation have been presented to the Curry County Planning and Building Department demonstrating the intent to build the residence on the site. Applicant must submit Planning Clearance Application for construction, on-site septic system and building permit by October 29, 2021.

With the submission of the Planning Clearance this condition will be met.

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 RV will be compatible in the RR-5 zone at the location described above. Properties surrounding the proposed location for the RV are all large lot residential areas with significant buffering vegetation. Vegetative buffers are present between the surrounding residences and the proposed RV site. The temporary use of an RV is compatible with the surrounding residential use properties as proposed.

Therefore, this condition 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 (CCEC) provides electricity to this area and Cape Ferrelo Rural Fire Protection District provides structural fire protection. Signed notifications were provided from CCEC and Cape Ferrelo RFPD for those services. CCEC noted that structures are not allowed underneath and Coos Curry Facilities; and to stay 10-feet away.

Water will be from an onsite spring. The existing septic system will not be used for the temporary RV. Applicant intends to use RV's sewage storage and will have Roto-Rooter periodically pump the RV's tank.

The applicant has coordinated with all the affected utilities to ascertain the requirements, terms and conditions for the proposed temporary use of an RV. Further, the applicant has demonstrated the commitment to replace the residential dwelling.

Therefore, this condition is met.

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).
Therefore, this condition is met.

III. COMMENTS RECEIVED

Notice of Application was sent out on May 25, 2021. One comment was received from the Oregon Department of Transportation, stating that ODOT does not have comments on this proposal. No other comments were received during the 20-business day comment period.

IV. CONCLUSION

The Applicant has demonstrated that the proposal to use a recreational vehicle temporarily as a residence during the construction of 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-2109, 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 13C, tax lot 901, is hereby **APPROVED with the following four (4) conditions:**

1. The applicant is permitted to use a single Recreational Vehicle as temporary residence for a period of one year during the construction of a single-family dwelling. 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).
2. The Applicant shall comply with all on-site sewage disposal requirements of the Oregon Department of Environmental Quality (ODEQ) during the temporary use of the RV.
3. Before issuance of the occupancy permit for the permanent dwelling, the Recreational Vehicle may no longer be used as a residence. It must be either removed from the property or put into storage.
4. Submission of Planning Clearance packet to County Planning for replacement dwelling by October 29, 2021.

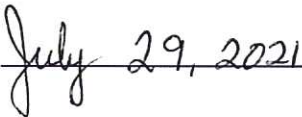
This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The 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.

v. 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


Date