



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

FILE #: AD-2110

July 20, 2021

Owner/Applicant: Susan and Willis Sayne

Assessor's Map: Township 40 South, Range 14 West W.M., Section 10A
Tax Lot: 107

Acreage: 5.01 acres

Land Use Request: Approval to use a Recreation Vehicle as a residence during construction of a single-family dwelling. The property is 2.91 acres and has **RR-5 (Rural Residential, 5 acre minimum)** zoning.

Location: 95871 Sundown Dr, Brookings, OR
This property is approximately ½ mile east of Sundown Dr's intersection with US Hwy 101. The 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 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 (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

Application. The Applicant has removed a manufactured dwelling and is preparing for construction of a site-built single-family residence. The proposed temporary RV use and intended replacement dwelling 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 an RV as a temporary residence during the construction of a single-family dwelling. Justification and documentation have 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 (#221-21-000160) has been approved to proceed with septic authorization of an existing system and upon review of building plans a building permit will be issued for to replace the single-family dwelling. This requirement is 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 zone at the location described above. Properties surrounding the proposed location for the RV are all large lot residential areas with buffering vegetation. Although the RV site is near the road, 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. 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 Cape Ferrelo Rural Fire Protection District provides structural fire protection. Signed notifications were provided from CCEC and Cape Ferrelo RFPD for those services. The existing septic system for the home site was certified on 1/15/1993; however, the Applicant intends to pump the RV's septic tank when needed and will install a portable toilet for contractors and carpenters use. The water source will be the existing onsite dug well (OR Well ID#L-143020).

The applicant has coordinated with all the affected utility providers to ascertain the requirements, terms, and conditions for the proposed temporary use of an RV as well as the replacement dwelling. The applicant has demonstrated the commitment to develop the site for a residential dwelling. This requirement 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).

COMMENTS RECEIVED

Notice of Application was sent out on 6/9/2021. Oregon Department of Transportation (ODOT) sent notification that they had no concerns with the proposed temporary RV. No other comments were received.

CONCLUSION

The Applicant has demonstrated that the proposal to use a recreational vehicle temporarily as a residence during the construction of a replacement 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-2110, an application requesting conditional use approval to allow the temporary use of an RV as a residence during the construction of a replacement single-family dwelling on property described as Township 40 South, Range 14 West W.M., Section 104A, tax lot 107, 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 replacement 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

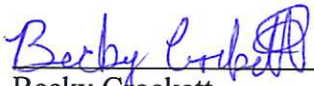
applicant may apply for an extension of this one-year approval upon filing a request under Curry County Zoning Ordinance Section 7.050 (5).

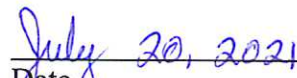
4. Before issuance of the occupancy permit for the permanent dwelling, the Recreational Vehicle must be either removed from the property or put into storage.

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


Date

Cc: File, Applicant