



**Curry County Community Development – Planning Department
Administrative Report and Decision**

FILE #: AD-2115

September 13, 2021

Owner/Applicant: Michael and Esther Betzinger

Assessor's Map: 41-13 Section 15C

Tax Lot: 504

Acreage: 1.0 acre

Land Use Request: Approval to use a Recreational Vehicle as a residence during construction of a single-family dwelling. The property is 1.0 acre and has **R-2 (Residential-Two) zoning**.

Location: This property is on the east side of Oceanview Drive, just north of Oceanview Drive's intersection with Max Lane. This property is inside 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 3.110	Residential Zone (R-2)
Section 3.110	Conditional Uses Subject to Administrative Approval by Planning Director
Section 7.010	Authorization to Grant or Deny Conditional Uses
Section 7.040	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 Residential Two 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 (UGB) identified by the Comprehensive

Finding: The proposed use is for the purpose of living on site 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 temporary RV use is therefore consistent with the purpose of the R-2 zoning district. This finding is met.

Section 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 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, Building Permit and On-Site Septic Permit has been approved to proceed with construction of a dwelling. This finding 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 R-2 zone at the location described above. Properties surrounding the proposed location for the RV are all large lot residential areas. The temporary use of an RV is compatible with the surrounding residential use properties as proposed provided it is set back from the access road and adjoining neighboring properties. No additional conditions of approval are required. This finding 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 the Harbor Fire District provides structural fire protection. Signed notifications were provided from CCEC and the Fire District for those services. A permit to construct a septic system has been issued for the property. 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 develop the site for a residential dwelling. This finding 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

Two comments were received. 1.) A letter was received from the Oregon Department of Transportation (ODOT) which states that the proposed temporary RV should not significantly affect ODOT facilities; and 2.) a letter of support for the conditional use as proposed was received from an adjacent neighbor stating support *“provided it is placed unobtrusively, mitigating any noise or light it might create and terminating such temporary use as soon as possible, but no later than its receiving certification for occupancy”.*

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-2115, 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 504, 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).

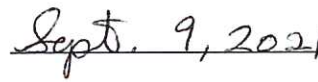
4. Before issuance of the occupancy permit for the permanent dwelling the Recreational Vehicle must be either removed from the property or put into storage.
5. The RV needs to be placed in a location away from the access road and the adjacent neighboring properties.

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