



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

FILE #: AD-2129

February 1st, 2022

Owner/Applicant: Garth Evey

Assessor's Map: 3514-31B

Tax Lot: 1808

Acreage: 0.85 acres

Land Use Request: Approval to use a Recreation Vehicle as a residence during construction of a single-family dwelling. The property is 0.85 acres, has **RCR-1 (Rural Community Residential)** zoning.

Location: This property is located on the south side of Stansell Street, less than ¼ of a mile east of Nesika Road in Gold Beach, Oregon. This property is outside the city limits of Gold Beach, and outside the Urban Growth Boundary as well.

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 3.090 Rural Community Residential (RCR) - Purpose of Classification

Section 3.090 Table 3.090- Use Table

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 – Rural Community Residential (RCR)

Purpose of Classification: The RCR zone is applied to residential uses located within the county's four rural communities of Agness, Langlois, Ophir and Nesika Beach. It authorizes higher residential densities than in the RR zone in those portions of the rural communities where the density of residential use is no longer clearly rural. This zone is not intended to be applied outside the boundaries of the four rural communities defined by the Comprehensive Plan and rezoning of lands within a rural community to a minimum lot size smaller than five acres shall only be allowed upon approval of a Goal 2 exception to Goal 14.

Finding: The proposed use is for the purpose of living on site during the construction of a single-family residence in the RCR zoning district. The RCR 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 RCR 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 and is requesting authorization to utilize an RV for residential use 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 building permit (221-21-000184-DWL) was issued on April 28, 2021.

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 RCR-1 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. 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 Ophir Fire provides structural fire protection. Signed notifications were provided from CCEC and Ophir Fire for those services. An application for a septic permit has been approved and the applicant intends to use the on-site septic system for sewage disposal and will coordinate with Nesika Beach-Ophir Water District for water service.

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

The Planning Department received a statement from ODOT that there were no concerns regarding this land use request.

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-2129, 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 35 South, Range 14 West, Section 31B, Tax Lot 1808, is hereby **APPROVED** with the following conditions:

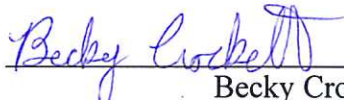
1. The applicant is permitted to use a single Recreational Vehicle as temporary residence during the construction of a single-family dwelling.
2. The permit to use a Recreational Vehicle as a temporary residence during the construction of a single-family dwelling is valid for a period of one year. The applicant may apply for an extension of this one-year approval upon filing a request under Curry County Zoning Ordinance Section 7.050 (5).
3. Before issuance of the occupancy permit for the permanent dwelling, the Recreational Vehicle must be either removed from the property or put into storage.

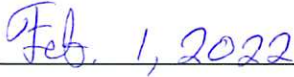
This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The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