

EXHIBIT 1

Curry County Community Development Department PLANNING COMMISSION STAFF REPORT

Application AD-1911 is a request for conditional use approval for a proposed vintage Recreation Vehicle (RV) Park called Silver Cypress. Silver Cypress is proposed to have eleven (11) upgraded Vintage Silver Stream Units catering to couples, yoga retreats and artists within a tranquil landscaped natural environment. The project includes two parcels with a total of 3.01 acres in the Rural Commercial (RC) zoning district. The Planning Commission held a public hearing on this project September 19, 2019. At the conclusion of the public hearing, the Planning Commission closed the hearing and kept the record open for an additional 14 days. This revised staff report addresses the public comments received for the project and concludes with a staff recommendation based on information in the record. Revisions to this August 20, 2019 staff report are underlined.

1. Background Information

| | |
|------------------------------|---|
| Owners: | Garth Evey Jeven Showers PO Box 1093 Talent, Oregon 97540 |
| Applicants: | Garth Evey Jeven Showers PO Box 1093 Talent, Oregon 97540 |
| Agent: | Pacific Geographic Consultants, LLC 140 Brierwood Dr. Talent, OR 97540 |
| Land Use Review: | Administrative Conditional Use Review Referred to the Planning Commission by Planning Director. |
| Property Description: | Assessor's Map 35-14-31B, Tax Lots 1400 and 1500; |
| Location: | Property is located at 32990 and 32982 Nesika Road. The two parcels are adjacent to each other on the west side of Nesika Road, about 0.3 miles north of the Nesika Market. |



Existing Site Conditions

| | |
|-------------------------------|---|
| Surrounding Land Uses: | North – Residential |
| | South – Vacation rental |
| | East – Nesika Road, existing residential development |
| | West – Pacific Ocean |
| Existing Development: | Tax Lot 1400 is developed with a 998 sq. ft. residence and Tax Lot 1500 is developed with a 945 sq. ft. commercial building (former restaurant). |
| Proposed Development: | Vintage AirStream RV Park with 11 upgraded AirStream trailers. Existing dwelling converted to Manager's Quarters and conversion of the former restaurant into a small community gathering hall for park guests. |
| Zone: | Rural Commercial (RC) Zoning District |

Background:

AD-1911 is a proposal for 11 vintage Airstream trailers to be placed on two adjacent ocean view parcels within the Nesika Beach community. The proposal is based on a unique and successful RV camping concept established in a few other areas of the country. It is a blend of high-end vintage modified Airstream trailers within an environment of tranquility next to the ocean. Silver Cypress is planned for an adult vacation camping experience. The proposed vegetative walking paths will be illuminated with low voltage, low profile lighting. Each vintage trailer will have its own BBQ, Jacuzzi on a private deck and vegetative separation from other campers for a private intimate setting.



Example Silver Cypress Trailer

Application AD-1911 is similar in concept to an application proposed in 2018. Application AD-1812 for an RV park was approved by the Planning Director in October, 2018 and then was appealed to the Planning Commission. The Planning Commission scheduled a public hearing on AD-1812 for December 20, 2018 but was not able to hold the public hearing because they did not have a quorum. The applicant then decided to withdraw the application on January 22, 2019

in order to complete additional work on the RV proposal and to develop additional technical information to guide the proposed development.

II. Applicable Review Criteria

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the Curry County Comprehensive Plan and the Curry County Zoning Ordinance (CCZO):

Curry County Comprehensive Plan (CCCP)

Goal 17 – Coastal Shorelands Section 15.10, Policy 6

Curry County Zoning Ordinance (CCZO)

| | |
|---------------------|---|
| Section 2.070 | Noticing Requirements, Evidentiary Hearing 3. |
| Section 2.090 | Procedure for Conditional and Permitted Use Permits |
| Section 3.130 | Rural Commercial Zone (RC) and Use Table 3.130 |
| Section 3.251 | Floodplain |
| Section 3.252 | Development in Areas of Geologic Hazards |
| Section 3.320 | Erosion Prevention and Sediment Control Plan |
| Section 3.400-3.450 | Storm and Surface Water Management Standards |
| Section 4.020-4.022 | Off-Street Parking and Loading |
| Section 4.050 | Access Management |
| Section 7.010 | Authorization to Grant or Deny Conditional Uses |
| Section 7.040(1) | Conditional Uses Generally |
| Section 7.040(6) | Mobile/Manufactured Home Parks, or Recreational Vehicle Park, or Campground |
| Section 7.045 | Conditional and Permitted Uses – Director Periodic Review |
| Section 7.050 | Time Limit on a Permit for Conditional Uses |

III. Findings of Conformance with the CCCP and CCZO

Goal 17 – Coastal Shorelands CCCP Section 15.10, Policy 6 – *Curry County Recognizes that seacliffs and coastal headlands in the county are eroding as part of the natural coastal erosion process and present a hazard to development. In such instances Curry County will require a site specific geologic hazard analysis by a competent geologist or engineering geologist licensed in*

the State of Oregon to verify the safety of any development in these areas under the Natural Hazard Overlay requirements of its zoning ordinance.

Facts: The CCCP states that the coastal shoreland boundary for the project site follows the top of the cliff (pg. 318). The site is located on a coastal bluff bordered to the west by an actively eroding sea cliff which is undergoing coastal erosion. The County has required that the applicant prepare a Geotechnical Site Assessment to address the safety of the proposed development and potential site development issues associated with coastal erosion. A Geotechnical Site Assessment was completed by Eric Oberbeck of Cascadia Geoservices, Inc., an Oregon Certified Engineering Geologist.

Finding: The proposed project is within an area identified by the CCCP as being potentially subject to natural coastal erosion. The sea bluff on the site currently exhibits active coastal erosion. A Geotechnical Site Assessment was completed by a Certified Oregon Geologist which contains recommendations and mitigation for development on the site which, when implemented, are intended to verify the safety of the proposed development. This finding is met.

Section 2.070 – Noticing Requirements, Evidentiary Hearing 3. – *Written notice shall be provided to the Oregon Division of State Lands of applications which involve lands that are wholly or partially within areas that are identified as wetlands on the State-wide Wetlands Inventory.*

Facts: The National Wetland Inventory (NWI) identifies the area along the western edge of the site as a potential wetland. The NWI Classification System includes a notation that the wetland areas identified are M2USP which is Marine, Intertidal Unconsolidated Shore, regularly flooded back beach along the shore. Curry County has not adopted a site specific wetland inventory based on field verification of wetlands. However, the CCZO requires notification of projects where a wetland has been identified to the Oregon Division of State Lands (DSL). The DSL utilizes the NWI data in areas of the state where more detailed wetland data has not been completed and may notify the applicant that further investigation related to wetlands may be required for the project.

Finding: The NWI identifies a wetland along the western edge of the proposed project site. The County does not have an adopted program for management of wetlands. The County has notified DSL as required by Section 2.070 of the CCZO. This finding is met.

Section 2.090 – Procedure for Conditional and Permitted Use Permits – *After accepting a completed application for Administrative Action pursuant to Section 2.060, the Director shall act on or cause a hearing to be held on the application pursuant to Section 2.062.*

Facts: The applicant submitted an application for an Administrative Conditional Use permit for a vintage RV park on June 22, 2019. The applicant was notified on July 15, 2019 that the application was determined to be incomplete. On July 22, 2019 additional information was submitted by the applicant. The Planning Director determined the application to be complete on July 24, 2019. At that time, the Planning Director also determined that it was probable that there would be interest in the project by surrounding property owners and the community of Nesika Beach, and that interested parties would desire to have a public hearing.

Finding: The Planning Director found the application complete on July 24, 2019 at which time it was determined that there would be an interest by surrounding property owners, the community of Nesika Beach and interested persons. Therefore, the Planning Director referred the proposed project to the Planning Commission for a public hearing and subsequent consideration of a decision. This finding is met.

Section 3.130 – Rural Commercial (RC) Zone and Use Table 3.130 – The RC zoning classification is applied to all rural lands with existing commercial uses in built and committed exception areas to the Statewide Planning Goals as of the date of adoption of this ordinance. Table 3.130 lists Recreational Vehicle Park (rural or urban) or campground as allowed subject to a Conditional Use Permit as specified in Section 7.040(6).

Facts: The proposed project is within the Nesika Beach rural community which is a Land Conservation Development Commission (LCDC) adopted exception area to the Statewide Planning Goals. Both parcels had prior existing development on them including a dwelling and a commercial restaurant. The proposed vintage RV park is identified as a type of use that is allowed in the RC zoning district through a conditional use permit process.

Finding: The applicant has submitted a complete application for a conditional use permit for a vintage RV park within the RC zoning district. The application contains the appropriate land use findings and supplemental requirements pursuant to the CCZO. This finding is met.

Section 3.251 – Floodplain – Portions of zones may be subject to flooding. Restrictions, conditions and regulations for the construction of buildings and uses of land lying in the flood plain zones are subject to the Flood Damage Prevention Ordinance of Curry County. The flood plain zones, as indicated on Flood Plain Maps, are an official part of the County Zoning Maps. Flood Hazard Development Permits under the Flood Damage Prevention Ordinance are subject to administrative approval by the Director.

Facts: Curry County adopted a new Flood Damage Prevention Ordinance in 2018 which included updated flood hazard maps (FEMA Flood Plain Maps). These updated FEMA Flood Plain maps identify ocean flooding along the western edge of the proposed project site. No structures are proposed within the area designated as being within the Flood Plain. The uses proposed within the flood hazard area associated with the vintage RV park are passive recreation including viewing the scenic ocean, bird watching, enjoying the native vegetation and general relaxation.

Finding: The proposed vintage RV park site includes a flood hazard designation along its western edge. No structures are proposed within this area and no uses that will be subject to flooding will occur on site, therefore the provisions of the Curry County Flood Damage Prevention Ordinance are not applicable. This finding is met.

Section 3.252 – Development in Areas of Geologic Hazards – *Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the Director.*

1. *The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on a contiguous and adjacent property and on upslope and downslope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:*
 - a) *A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.*
 - b) *A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Section 3.250.*
2. *If the assessment provides a certification pursuant to Section 3.252(1) (a.), the development activity may proceed without further requirements of this Section.*
3. *If the assessment provides a statement pursuant to Section 3.252(1) (b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.*

Facts: The western portion of the two parcels proposed for the vintage RV park are located within an area identified by the Department of Geology and Mineral Industries (DOGAMI) as being subject to coastal erosion. The potential coastal erosion hazard areas identified by DOGAMI for this site have not been adopted by Curry County and therefore are not included as a County Geologic Hazard subject to Section 3.252 of the CCZO. However, Section 7.010 *Authorization to Grant or Deny Conditional Uses* states *“In permitting a conditional or permitted use the County may impose conditions in addition to the provisions set forth for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole.* During discussion and review of the prior application for a proposed vintage RV park on this site (AD 1812 which was withdrawn by the applicant), the Planning Director recognized the critical importance of the coastal erosion issues surrounding multiple Nesika Beach properties. Further, the issue of coastal erosion needs to be taken into consideration for this site in order to adequately address the requirements for an Erosion and Sediment Control Plan and a Storm Water Management Plan. Based on these considerations, the Planning Director required the applicant to prepare a Geologic Hazards Assessment in accordance with Section 3.252 of the CCZO.

A Geotechnical Site Assessment (attached) was prepared by Eric Oberbeck of Cascadia Geoservices, Inc., (Oregon Certified Engineering Geologist). The Geotechnical Assessment includes a detailed evaluation of the site conditions, including the actively eroding sea cliff along the western boundary and subsurface explorations. The Assessment also includes mitigation recommendations for development of the vintage RV park. The Assessment concludes with the following statement:

“Based on our surface and subsurface investigation and our knowledge of the area, it is our opinion that the subject property is suitable for the proposed development provided development is done in accordance with our recommendations”

A critical recommendation of the Assessment is that:

“no permanent surface or subsurface structures be built closer than 125 feet from the break in slope of the sea cliff”.

Finding: A geologic hazard has been identified on the site for the proposed vintage RV park. The applicant has submitted a geologic hazard assessment that evaluates the risk to the proposed development in accordance with Section 3.252 of the CCZO. This finding is met provided the applicant carries out the recommended mitigation strategies set forth

in the Assessment. The recommendations will be included as conditions to this conditional use permit if approved by the Planning Commission.

Section 3.320 – Erosion Prevention and Sediment Control Plan – *All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that reaches waterways, wetlands, public improvements and the property of others. These provisions are intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation. And*

Section 3.321 – Development Affected – *The requirements of this section must be met by all development activities that: b) will result in the construction of either 2,000 square feet of impervious surface on a site or will result in the coverage of 25% or more of the area of a site in impervious surfaces, whichever is less.*

Facts: The development as proposed will result in less than 2,000 square feet of impervious surface in accordance with the site plan. The applicant has stated:

“that the development plan minimizes the removal of vegetation including that no trees are planned to be removed and native vegetation, including ferns, escallonia and other ornamental grasses will be added to the site to provide additional buffers between RV spaces and to minimize erosion on the property”.

However, the Geologic Hazard Assessment includes recommendations that are intended to minimize erosion on site. These provisions are included as conditions to this conditional use permit if approved by the Planning Commission. A detailed erosion and sediment control plan (ESCP) has not been included with this application and typically would not be requested until immediately prior to on-site construction activities commencing.

Finding: The applicant has submitted some elements of erosion and sediment control as included within the recommendations of the Geologic Hazards Assessment. A detailed ESCP will be required to be submitted for Planning Director review and approval prior to on-site construction. This is included as a condition to this conditional use permit if approved by the Planning Commission. This finding is met.

Section 3.400 – 3.450 – Storm and Surface Water Management Standards – *No permit for construction of new development or tenant improvements that results in impervious cover greater than 500 square feet for development activity on any land within Curry County that is not within the limits of an incorporated city, or under federal ownership, at the date of an*

application shall be issued until effects on stormwater management are evaluated. The level of review varies according to the affected area: 1.) 500-1,999 square feet – No storm water management measures beyond mitigation measures for pollution reduction or flow are required; 2.) 2,000-4,999 square feet – Conceptual plans shall be submitted for approval; 3.) 5,000+ square feet – A comprehensive storm water management plan shall be submitted for approval.

Facts: The applicant has indicated that the proposal will result in the construction of at least 2,000 square feet of impervious surfaces. However, this amount of impervious surface includes a determination that the RV pads, walking paths and parking areas are constructed with hard (impervious) surfaces. The proposal indicates that these surfaces will actually be constructed from washed, crushed decomposed granite which are considered semi-impervious surfaces. Based on this information, the Planning Director has determined that the amount of impervious surfaces associated with this development is less than 2,000 square feet therefore Section 3.401(1) is the applicable criteria for this application. No storm water management measures beyond mitigation measures for pollution reduction or flow are required.

The mitigation measures for storm water are identified in the Geologic Hazards Assessment based on the recommendation stated therein:

“We further believe that near-surface groundwater, which is recharging seeps on the sea cliff slope, is causing undercutting and mass wasting of the slope and is a significant cause of bluff retreat on this site. We note that, based on our borings, that groundwater occurs between 5 to 7 feet below ground surface (bgs). Because of this, it is our opinion that wasting of the sea cliff slope can be slowed by installing a perimeter interceptor drain east of the sea cliff. The drain should be discharged away from the western sea cliff slope and should be sited in a low area based on a grading plan for the site. The purpose of the interceptor drain would be to intercept shallow groundwater and to divert it from the sea cliff, thus partially dewatering the upper part of the slope. We recommend that the drain be installed to a depth of at least 5 feet bgs, be sized in accordance with the drainage area which it will serve and be located based on the grading plan for the site. Finally, we recommend that the site be graded such that all surface drainage is directed into the perimeter drain and that outfalls from all surface and near-surface drains, including rain gutter (where applicable) be discharged away from the western boundary of the property.”

The proposed site plan shows three (3) infiltration ditches to be constructed. However, it does not indicate where the interceptor drain is to be constructed. It is recommended that the applicant work closely with the Geotechnical Engineer to identify the location of the

interceptor drain and to also indicate if there will be a discharge of storm water from the interceptor drain and if so, where that discharge will occur.

Finding: The proposed project will result in less than 2,000 square feet of impervious surfaces therefore the CCZO Section 3.401 (1) is the applicable criteria for storm water management. The applicant has commissioned a Geotechnical Hazards Assessment which includes mitigation measures consistent with CCZO Section 3.401 (1). This finding is met with the condition that the applicant identify the interceptor drain location on the site plan and implement the mitigation measures for storm water set forth in the Geotechnical Hazards Assessment.

Section 4.020-4.022 – Off-Street Parking and Loading – *Off-street parking and loading requirements for types of building and uses not specifically listed herein shall be determined by the Commission, based upon the requirements of comparable uses listed; and in the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Facts: The off-street parking and loading requirements in the CCZO do not specifically list recreational vehicle parks. The closest use to this use is a motel which requires one space per guest room or suite, plus one additional space for the owner or manager. In the case of the proposed development, an RV park provides “guest rooms” or “suites” in the form of recreational vehicles. Considering the proposed use includes eleven (11) RV spaces and a dwelling for an onsite manager, the total number of spaces required would be twelve (12), plus one (1) van-accessible handicapped parking space. The proposed plan includes the construction of eighteen (18) spaces.

Finding: The proposed 11 space vintage RV park is required to have 12 parking spaces plus one van-accessible handicapped space. There are 18 parking spaces proposed for the development which exceeds the Off-street Parking and Loading requirements. This finding is met.

Section 4.050 – Access Management – *All lots in the RC zone shall abut a county, public or private road as defined by the Curry County Code Article 3 – Roads for a distance of at least twenty-five (25) feet to provide adequate access for a private driveway, except flag lots which shall have a 20 foot minimum access.*

Facts: The proposed vintage RV park abuts Nesika Road which is a county road. There are two existing access points for the project that were established prior to the CCZO that are each twenty (20) feet. These existing driveways have been used for both a commercial restaurant and a residence. These pre-established access drive-ways meet the

definition of a non-conforming use and therefore can be used at the discretion of the decision making body even though they do not meet the current standard of twenty-five (25) feet. The application states that each driveway has been designed for two-way access and has a width of 20-feet that is at a 90 degree angle to Nesika Road.

Finding: The proposed development includes two (2), twenty-foot (20) access driveways that are pre-existing non-conforming access driveways. The access driveways will allow for two-way access into and out of the RV park. This finding is met.

Section 7.040 Standards Governing Conditional Uses – *In addition to the standards of the zone in which the conditional use is located and the other standards in this ordinance, conditional uses must meet the following standards:*

Conditional Uses Generally

- a. *The County may require property line set-backs or building height restrictions other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land use.*

Facts: The setback requirements for the Rural Commercial (RC) zoning district include: ten (10) feet from lot lines bordering existing roads and at least a thirty-five (35) foot setback from the center of existing road right-of-ways. The required setbacks are five (5) feet from all other lot lines for a structure not to exceed 15 feet in height. The proposed structures for the vintage RV park are all significantly less than 15 feet in height and according to the site plan, are set back more than five (5) feet from the lot lines. According to the site plan the three (3) proposed RV spots located along the southern lot line do not appear to have existing or proposed vegetation screening from the adjacent vacation rental. The Planning Commission may consider requiring that a vegetative buffer be established along this southern lot line to further screen the vintage RV trailers.

There is an existing structure that is located near Nesika Road that is planned to be renovated and used as an accessory building. This structure was built prior to the Curry County Zoning Ordinance and is therefore a non-conforming use and appears to closely meet the setback requirement of thirty-five (35) feet from the center of Nesika Road. Staff was unsure based on the submitted site plan.

Finding: The proposed site plan indicates that the RV locations are setback consistent with the requirements set forth in the CCZO for the RC zoning district. All of the sites are planned to be surrounded with native vegetation and therefore screened from adjacent land uses except the three located along the southern lot line. The Planning Commission may

desire to add a condition to this conditional use permit, if approved, that a vegetative buffer be established at this location. This finding has been met.

- b. The County may require access to the property, off-street parking, additional lot area, or buffering requirements other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land uses.*

Facts: The applicant has stated that the proposed parking areas will be will be surfaced with washed/compacted decomposed granite to provide an all-weather, durable and dust free surface. The parking area will also include lighting in the parking area, drive aisles and pedestrian paths. The lighting will be 4-feet high, low voltage lighting that will be downward facing and directed away from neighbors.

Finding: The additional requirements that the Planning Commission may include as conditions to this application, if approved, are: the applicant proposed all-weather surface for parking areas and low impact lighting for the parking area, drive aisles and walking paths. It is also recommended that the access entrance to the vintage RV park include the all-weather surface consistent with the parking area. This finding is met with these provisions as conditions to this application.

- c. The County may require that the development be constructed to standards more restrictive than the Uniform Building Code or the general codes in order to comply with the specific standards established and conditions imposed in granting the conditional use permit for the proposed use.*

Finding: No additional UBC or CCZO standards are recommended. Therefore, this standard does not apply.

- d. 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 applicant's proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.*

Facts: The proposed project will utilize utility services from the Ophir Fire District, the Nesika Beach/Ophir Water District and Coos Curry Electric Cooperative. Statements and signatures have been provided from these service districts indicating that these utility services can be available and provided to the subject property for the vintage RV park. There is currently water and electrical services to the property.

On site sewerage disposal is proposed for wastewater. The applicant has indicated that there are two existing septic drain fields on the property. However, the suitability of these drain fields to service the proposed RV park has not been indicated. Therefore, it is recommended that the applicant provide confirmation from the Department of Environmental Quality that the existing on-site septic systems are appropriate for the proposed use.

Finding: The applicant has provided statements from the affected utility services that they can provide services for the proposed vintage RV park. This finding is met.

e. If the proposed conditional use involves the development or expansion of a community or non-community public water system, the applicant shall submit a water right permit(s) or documentation that a permit is not required from the Oregon Water Resources Department which indicates that the applicant has the right to divert a sufficient quantity of water from the proposed source to meet the projected need for the proposed use for the next twenty year planning period.

Finding: The proposed development of the subject property for a vintage RV park does not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

f. If the proposed conditional use involves the development or expansion of a community or non-community public water system, the applicant shall install a raw water supply flow monitoring device (flow meter) on the water system and shall record the quantity of water used in the system on a monthly basis. The monthly record of water usage shall be reported to the Curry County Department of Public Services-Planning Division and Health Department Sanitarian on an annual basis.

Finding: The proposed development of the subject property for a vintage RV park does not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

g. If the proposed conditional use included the development or expansion of a community or non-community public water system and the use is located within the service area of a city or special district water system the applicant shall utilize the city or special district water system rather than developing an independent public water system. An independent community or non-community public water system can be developed for the use if the applicant can prove that it would be physically or economically not feasible to connect to the city or special district water system. The city or special

district must concur in the conclusion that connection of the proposed use is not feasible.

Finding: The proposed development of the subject property for a vintage RV park does not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

Section 7.040(6) Mobile/Manufactured Home Parks, or Recreational Vehicle Park, or Campground b) – *Recreational vehicle park (rural or urban) and related parking facilities. (1) Campgrounds and recreational vehicle parks generally. The size and design of the park or campground at a minimum shall conform to any limitations established by law on the proposed public road access or driveway used for access to the park or campground.*

Finding: There are no CCZO limitations pertaining to public road access or driveways other than those noted above for access management. This finding is met.

Section 7.040 (6) b) (3) Recreational vehicle park/rural – i. *Utilities shall be limited to a size and scale appropriate for rural uses. Drinking water facilities and sewage disposal facilities shall be limited to those located wholly within the property in which the park is located. Water, electric, telephone, and other utilities may only be developed at a park by extending existing distribution lines located along roads or utility easements contiguous to the park.*

Finding: The utility services to support the park development are limited to a size and scale for rural use and the applicable service districts have confirmed that they can provide the services requested to support the 11 space RV park. This finding is met.

ii. Accessory uses within the park shall be limited to a level appropriate for rural uses and shall be limited to a store, laundry facilities, outdoor recreation play area which are of a size and design to serve the patrons of the park.

Finding: The proposed vintage RV park development plan includes the conversion of two existing buildings to accessory uses including a manager's residence and a small community hall for patron gatherings. No outdoor play areas are included. This finding is met.

iii. One dwelling for a manager shall be allowed on the park site.

Finding: One of the existing buildings on site will be converted to a manager's dwelling. This finding is met.

Section 7.045 – Conditional and Permitted Uses – Director Periodic Review – *The Director may issue Conditional or Permitted Use Permits that must be periodically reviewed to ascertain that the conditions of the permit are being complied with on a continuing basis.*

Finding: The Director is proposing a condition for this proposed use, if approved, to review the conditions with the owner at least every three (3) years to ascertain that the conditions of the permit are being complied with. This finding is met with this condition.

Section 7.050 (1) Time Limit on a Permit for Conditional Uses - *authorization of a conditional use, in general, shall become null and void after one year unless substantial construction on the single family dwelling has taken place or 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 (4).

IV. Response To Public Comments Received

The detailed public comments received for Application AD-1911 have been posted to the Curry County Planning Commission web site for reference. The following section identifies the public comments received by category of the issue identified. Several opponents identified similar issues of concern which are addressed below:

Disturbance of Sea Cliff/Bluff – Several comments were received regarding the status and potential for erosion and sloughing of the coastal bluff along the western edge of the applicants property. Public suggestions included prohibition of any activity on the bluff, allowance of plantings to stabilize the bluff, limits on public access to the bluff, signage and barriers to keep people away from the bluff.

Staff Response - The Planning Director required the applicant to prepare a Geologic Hazards Assessment in accordance with Section 3.252 of the CCZO. A Geotechnical Site Assessment was prepared by Eric Oberbeck of Cascadia Geoservices, Inc. (Oregon Certified Engineering Geologist). A critical recommendation of the Assessment is that “no permanent surface or subsurface structures be built closer than 125 feet from the break in slope of the sea cliff”. Proposed Condition #12 of this application includes this requirement. Research and anecdotal information from people living along the bluff indicates that there are differences of opinion in regards to the potential benefits associated with plantings to slow erosion of the bluff therefore staff has not suggested conditions related to this issue. The applicant has indicated that their approach to signage and barriers include a string/chain line across the restricted area and native vegetative plantings in the area to make it clear that it is off limits to patrons of the park.

Beach Access – Concerns were identified that the applicants have attempted in the past to erect stairs and create a path access from the property to the beach below. Opponents desire to restrict

the applicants from creating beach access from their property.

Staff Response - The application does not include a method for access to the beach. Condition #12 in the proposed recommendations for this project includes a restriction on structures being erected within 125 feet of the bluff. A proposal to create beach access from the property would require a separate administrative review by the Planning Director.

Lighting - Concerns have been identified that lighting may negatively impact adjacent resident and vacation rental uses. A suggestion made is to require the applicant to utilize low impact lighting in the park.

Staff Response – The staff report states that the applicant has proposed “4-foot high, low voltage lighting that will be downward facing and directed away from neighbors”. Further, proposed Condition #9 states “The development shall have the applicant proposed low impact lighting for the parking area, drive isles and pedestrian paths.

Fencing – Public comments include a request for a requirement that the applicant maintain the recently erected fencing on the property.

Staff Response – The CCZO does not include a requirement for fencing. Staff has relied on the applicant’s proposal for vegetative buffers for screening from adjacent land uses and the existing fencing that was newly erected on the property.

Septic System – Concerns have been raised regarding the suitability of the on-site septic system to accommodate the proposed Silver Cypress RV Park. Further, the Oregon Coast Alliance (ORCA) has stated that “the County cannot defer this requirement to a condition of approval unless the County has afforded the public of the same procedural rights – including notice, opportunity to comment, and opportunity to appeal the decision”.

Staff Response – The staff report identifies the two on-site septic systems that may serve the RV Park. Further, the staff report includes proposed Condition # 4 which states “The applicant shall coordinate with ODEQ to complete an evaluation of the existing septic system and its feasibility to accommodate the expected service demands from the RV Park. This information shall be provided to the Planning Director for review”. Review of the applicant’s site plan indicates the existing septic systems are not within the area concern (125) for eroding the bluff. Further, the existing septic systems indicate that it is feasible to have a septic system on the property therefore the only question that remains regarding septic feasibility is whether or not the system needs to be upgraded. Addressing this question does not defer the requirement of whether or not the applicant can have an on-site septic system because they already have one.

Stormwater Interceptor Drain – Several concerns have been raised concerning the location of the stormwater interceptor drain. Most specifically, ORCA identifies that “the location of the stormwater interceptor drain and management for the discharge must be addressed now, not a

later time”.

Staff Response – The location and specifics related to the stormwater interceptor drain are included in the applicant’s original application submitted on June 22, 2019 and shown on the three (3) site plans included in the staff report and then provided to the Planning Commission. Planning staff erred in differentiating the interceptor drain from the infiltration ditches as there are three “infiltration ditches” that are all functioning as “interceptor drains”. Further, the applicant submitted a detail drawing of the infiltration trench in the original application submittal. Staff erred in not providing this detail drawing (attached) with the August 20, 2019 staff report which indicates the site elevations, stormwater flow direction and location of the trenches proposed to manage stormwater. This detail drawing was not included because it was later revised by the applicant to omit the proposed location of RV pads on top of the septic drainfield.

Documentation From AD-1812 – A request from the public included the desire to have all the file documentation from the applicants prior application submitted in 2018 included into the record for this current application AD-1911.

Staff Response – A brief synopsis of the applicant’s prior request (AD-1812) was included in the August 2019 staff report under Background Information. The proposed RV Park in the application submitted in 2018 (AD-1812) is substantially different from the current proposal and the information determined to be not applicable to the current application.

Erosion Prevention and Sediment Control Plan – ORCA has stated that “CCZO 3.320 requires an erosion and sediment control plan” and that “the plan must be submitted now so that the public can comment on it” and further, “If the County would like to defer this vitally important plan concerning measures against erosion until a later time, then the same notice, opportunity to comment, and opportunity to appeal must be provided for in the condition of approval”.

Staff Response – The staff report identifies that the applicant is NOT required to meet the erosion control and prevention requirements of Section 3.320 because the proposed use does not meet the requirements for development affected (Section 3.321). However, the Geologic Hazard Assessment includes recommendations that are intended to minimize erosion on site. Staff has proposed Condition #16 which requires the applicant submit an engineered drainage and erosion control plan. The intent of this condition is for staff to verify that the conditions set forth in the Geotechnical report related to erosion control are carried out on site.

Access 25-foot Requirement – ORCA has stated “the existing access points for the subject property must be expanded to 25 feet. The County cannot approve an enlargement of the nonconforming use that will occur by approving the application and fail to comply with existing standards for access”.

Staff Response – As explained within the staff report, the driveways are 20 foot pre-existing non-conforming access driveways. They have been used historically for uses including a commercial restaurant which is a use with significantly more traffic than that which would occur with the proposed 11 space RV Park. The existing 20-foot driveways are consistent with the location and width of driveways and access points within the surrounding community.

Statewide Landslide Information Layer for Oregon (SLIDO) – “ORCA notes that the subject property is contained within areas subject to moderate and high likelihood for landslide activity and therefore the application must be subject to CCZO 3.250 and 3.252”. ORCA has submitted a map from the SLIDO attached with their comments.

Staff Response – Curry County has not adopted the hazards map (SLIDO) submitted by ORCA and therefore this information is not applicable to this application. Curry County has adopted landslide hazard maps developed specifically for Curry County by the Department of Geology and Mineral Industries (DOGAMI). The adopted landslide hazard maps do not indicate a landslide hazard for the subject property.

V. Staff Recommendation

Application AD-1911 a request for conditional use approval for a vintage Recreational Vehicle (RV) Park called Silver Cypress is recommended for approval with the following conditions:

1. The applicant is permitted to establish an 11 unit recreational vehicle park on the subject property consisting of two tax lots. Establishment of the RV park shall be done in two phases with Phase 1 on Tax Lot 1400 and Phase 2 on Tax Lot 1500, as shown on the approved plot plan.
2. At the completion of Phase two (2) of the RV park, the applicants shall apply for and receive a lot line vacation, thus creating one tax lot.
3. The Applicant/Property Owner shall comply with all on-site sewage disposal requirements of the Oregon Department of Environmental Quality (ODEQ) for recreational vehicle parks.
4. The applicant shall coordinate with ODEQ to complete an evaluation of the existing septic system and its feasibility to accommodate the expected service demands from the RV Park. This information shall be provided to the Planning Director for review.
5. The Applicant/Property Owner shall contact CCEC if there are any changes to the existing electric service system.
6. All construction shall comply with the State of Oregon Building Codes as they apply to recreational vehicle parks.
7. All buildings and RV pads shall meet all side and front yard set backs.

8. The development shall have the applicant proposed all-weather surface for the on-site access and parking areas.
9. The development shall have the applicant proposed low impact lighting for the parking area, drive aisles and pedestrian paths.
10. This permit is valid for a period of one year from the date of approval unless substantial construction has begun. The applicant may apply for an extension of this one year approval upon filing a request under CCZO Section 7.050 (5).
11. The applicant shall follow and comply with the recommendations set forth in the Geotechnical Site Assessment completed by Cascadia Geoservices Inc.
12. No permanent surface or subsurface structures shall be built closer than 125 feet from the break in slope of the sea cliff.
13. A vegetative buffer shall be included along the south property line to buffer the three proposed RV spaces from the adjacent land use.
14. The applicant shall coordinate with the Oregon Division of State Lands in regards to the identified wetland on site to insure its protection.
15. Prior to the issuance of a building permit, the applicant shall submit an engineered drainage and erosion control plan.
16. The proposed vintage RV Park shall be developed consistent with the site plan proposed by the applicant. Any alterations to the site layout shall be reviewed and approved by the Planning Director provided they are consistent with the standards set forth in the CCZO as applied to this application.
17. The Planning Director shall conduct a site review of the project with the owners at least every three (3) years to ascertain that the conditions set forth within this Order are current and being complied with. Deficiencies identified on site will be documented and forwarded to the Planning Commission. The Planning Commission shall find that identified deficiencies can be addressed and resolved by the applicant or the Planning Commission may revoke the Conditional Use Permit and direct the applicant to remove the Vintage Air Stream Units.