



CURRY COUNTY COMMUNITY DEVELOPMENT  
94235 MOORE STREET, SUITE 113  
GOLD BEACH, OREGON 97444

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Planning Director

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**EXHIBIT 1**  
**Curry County Community Development Department**  
**Staff Report**

Application AD-2106 is a request for Conditional Use approval for expansion of an existing RV Park (Honey Bear Campground) to 162 spaces and correcting violations for prior unauthorized expansion in the Rural Commercial (RC) and Forestry Grazing (FG) zoning districts.

**1. Background Information**

**Owner:** Dacia RV Adventures Fund III, LLC  
11874 Albissola Ave.  
Las Vegas, Nevada 89138

**Applicant:** Daniel Mulcahy  
Honey Bear Campground  
34161 Ophir Road  
Gold Beach, Oregon 97444

**Land Use Review:** Conditional Use Review for RV Park expansion.

**Property Description:** Assessor's Map 35-14-00 TLs 2702 & 2703 and 35-14-19A  
TLs 301 & 302

**Location** Subject property is located off of Ophir Road from  
Highway 101 north of Gold Beach.

**Existing Development:** Property is an existing RV Park at Honey Bear by the Sea  
RV Resort and Campground.

**Prior Land Use Actions:** C-8801 – Conditional Use Permit for expansion of RV and tent camping sites (PC Approval 1988).  
AD-0538 – Conditional Use Permit for sanitary septic system (PC Approval February 2006)

**Proposed Development:** Expansion of existing RV Park and correcting violations for prior unauthorized expansion. Prior approved spaces include 65 full RV hook-ups with water, sewer and electric services and 5 tent sites; Unauthorized expansion included 30 RV sites and 15 tent sites; An additional 42 new RV sites are proposed.

**Access:** Access is from Ophir Road off of Highway 101 north of Gold Beach.

**Adjacent Land Uses:** North – Forestry Grazing  
East – Forestry  
West – Large lot residential; Hwy 101; Ocean  
South – Large lot residential

**Zone:** Rural Commercial (RC) and Forestry Grazing (FG)

**Acreage:** 51.31 acres

## **II. Applicable Review Criteria**

The proposed application for expansion of the existing RV Park (Honey Bear Campground) must be found in compliance with the following sections of the Curry County Zoning Ordinance (CCZO).

### **Curry County Zoning Ordinance (CCZO)**

<b>Section 2.090</b>	<b>Procedure for Conditional and Permitted Use Permits</b>
<b>Section 3.050</b>	<b>Forestry Grazing (FG)</b>
<b>Section 3.052</b>	<b>Conditional Uses Subject to Approval by the Director</b>
	<b>22. Park and Campground subject to Section 7.040 (1 &amp; 17).</b>
<b>Section 3.130</b>	<b>Rural Commercial Zone (RC) – Conditional Uses</b>

Section 3.280	Riparian Corridor Buffer Overlay Zone
Section 3.300	Erosion Prevention and Sediment Control
Section 3.400	Storm and Surface Water Management Standards
Section 4.020	Off-Street Parking
Section 4.050	Access Management
Section 7.040	Standards Governing Conditional Uses
Section 7.050	Time Limit on a Permit for Conditional Uses

### III. Background Information



Honey Bear by the Sea is an older, well established Recreational Vehicle (RV) Resort and Campground located about seven (7) miles north of Gold beach between Nesika Beach and Ophir. The Park is located on the east side of Highway 101 and Ophir Road providing

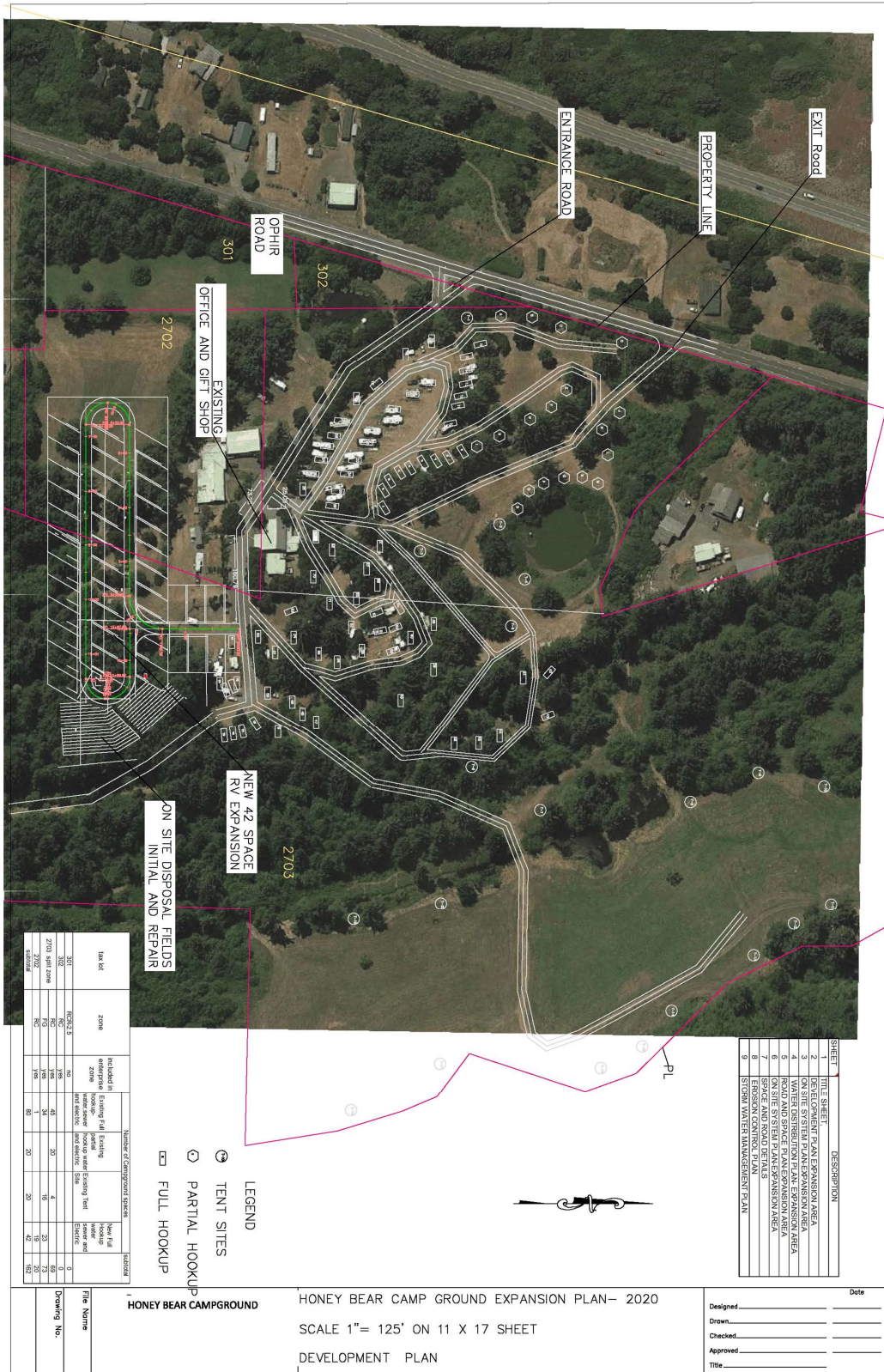
pedestrian access to the beach via a well-maintained private trail ownership. The existing Park includes several amenities including a lodge, country store, game room, showers, laundry facilities, Wi-Fi, Direct TV access and several acres of open space. The Park is a very pleasant place with a wonderful ambiance complete with mature woodland species throughout and an open meadow frequented by elk.

Honey Bear was recently (2020) purchased by Dacia RV Adventures Fund III, LLC out of Las Vegas, Nevada from the long-time Park owner Gerhard Sakschewski. The new owner desires to expand the Park and address the unauthorized minor expansions that occurred under the prior ownership.

According to Curry County records, the lodge and RV Campground was established in June, 1971. It is, by definition under the Curry County Zoning Ordinance (CCZO) Section 1.030 (103), a legal non-conforming use on the subject property which has a zoning designation of Rural Commercial (RC) and Forestry Grazing (FG). This determination is based on the campground being established on June 1, 1971, which predates the July 7, 1972, adoption of Curry County's first zoning code. Section 5.060 of the 2018 CCZO provides for the continuation and alteration of a non-conforming use. Specifically, *"a nonconforming use may be continued and maintained in reasonable repair; however the alternation of a nonconforming use shall be an administrative decision of the Director who may impose such conditions as are necessary to carry out the intent of the particular zone an ordinance"*. Further, *CCZO Section 5.062 requires that "the proposed alteration in the use will be of no greater adverse impact to the neighborhood or area in which it is located"*. The expansion of the Park is also allowed as a Conditional Use in both the Rural Commercial (RC) and Forestry Grazing (FG) zones that it is in.

Conditional Use approval expanding the initial RV campground from 42 RV hookups to 65 RV hookups and five (5) tent campground sites was granted by the Curry County Planning Commission on February 23, 1988 (C-8801). In February 2006 the Planning Commission approved (AD-0538) for the purpose of extending sanitary sewer to existing RV sites. The Park then conducted an unauthorized expansion of 30 more RV sites and 15 more tent campground sites some time after 2006. This past unauthorized expansion is requested to be considered with this current application. Therefore, the requested action by the Planning Commission is for 72 RV sites and 15 tent camp sites at Honey Bear by the Sea. The currently proposed expansion plan is outlined on the following schematic:





SHEET	TITLE SHEET	DESCRIPTION
1	TITLE SHEET	
2	DEVELOPMENT PLAN EXPANSION AREA	
3	WATER DISTRIBUTION PLAN EXPANSION AREA	
4	WATER DISTRIBUTION PLAN EXPANSION AREA	
5	ROAD AND SPACE PLAN EXPANSION AREA	
6	ON SITE SYSTEM PLAN EXPANSION AREA	
7	EROSION CONTROL PLAN	
8	EROSION CONTROL PLAN	
9	STORM WATER MANAGEMENT PLAN	

LEGEND	DESCRIPTION
	TENT SITES
	PARTIAL HOOKUP
	FULL HOOKUP

ROW	ZONE	INCLUDED IN	EXISTING FULL HOOKUP	EXISTING PARTIAL HOOKUP	NEW FULL HOOKUP	NEW PARTIAL HOOKUP
301	RES-2	no	48	34	0	0
302	RES-2	no	48	34	0	0
2702	RES-2	no	48	34	0	0
2703	RES-2	no	48	34	0	0
2704	RES-2	no	48	34	0	0
2705	RES-2	no	48	34	0	0
2706	RES-2	no	48	34	0	0
2707	RES-2	no	48	34	0	0
2708	RES-2	no	48	34	0	0
2709	RES-2	no	48	34	0	0
2710	RES-2	no	48	34	0	0
2711	RES-2	no	48	34	0	0
2712	RES-2	no	48	34	0	0
2713	RES-2	no	48	34	0	0
2714	RES-2	no	48	34	0	0
2715	RES-2	no	48	34	0	0
2716	RES-2	no	48	34	0	0
2717	RES-2	no	48	34	0	0
2718	RES-2	no	48	34	0	0
2719	RES-2	no	48	34	0	0
2720	RES-2	no	48	34	0	0
2721	RES-2	no	48	34	0	0
2722	RES-2	no	48	34	0	0
2723	RES-2	no	48	34	0	0
2724	RES-2	no	48	34	0	0
2725	RES-2	no	48	34	0	0
2726	RES-2	no	48	34	0	0
2727	RES-2	no	48	34	0	0
2728	RES-2	no	48	34	0	0
2729	RES-2	no	48	34	0	0
2730	RES-2	no	48	34	0	0
2731	RES-2	no	48	34	0	0
2732	RES-2	no	48	34	0	0
2733	RES-2	no	48	34	0	0
2734	RES-2	no	48	34	0	0
2735	RES-2	no	48	34	0	0
2736	RES-2	no	48	34	0	0
2737	RES-2	no	48	34	0	0
2738	RES-2	no	48	34	0	0
2739	RES-2	no	48	34	0	0
2740	RES-2	no	48	34	0	0
2741	RES-2	no	48	34	0	0
2742	RES-2	no	48	34	0	0
2743	RES-2	no	48	34	0	0
2744	RES-2	no	48	34	0	0
2745	RES-2	no	48	34	0	0
2746	RES-2	no	48	34	0	0
2747	RES-2	no	48	34	0	0
2748	RES-2	no	48	34	0	0
2749	RES-2	no	48	34	0	0
2750	RES-2	no	48	34	0	0

**HONEY BEAR CAMPGROUND**

HONEY BEAR CAMPGROUND EXPANSION PLAN- 2020  
 SCALE 1"= 125' ON 11 X 17 SHEET  
 DEVELOPMENT PLAN

Date \_\_\_\_\_  
 Designed \_\_\_\_\_  
 Drawn \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Title \_\_\_\_\_

#### IV. Findings

**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.*

**Finding:** The applicant submitted an application for an Administrative Conditional Use permit on March 31, 2021. At that time, the Planning Director determined that it was probable that there would be interest in the project by surrounding property owners and interested persons who are familiar with the RV campground, and that these persons would desire to have a public hearing. Further, prior land use actions for expansion of the Park have required action by the Planning Commission therefore the public's expectation is that current changes to the Park would also require review by the Planning Commission and the opportunity by the public to provide input to the Planning Commission on the pending application. Therefore, the Planning Director is referring the proposed project to the Planning Commission for a public hearing and subsequent consideration of a decision. This finding is met.

**Section 3.050 – Forestry Grazing (FG) Zone** - *The Forestry Grazing (FG) zone is applied to resource areas of the county where the primary land use is commercial forestry with some intermixed agricultural uses for livestock uses. The purpose of the Forestry Grazing Zone is:*

- a. to implement the forest land policies of the Curry County Comprehensive Plan; and*
- b. to implement the Statewide Planning Goal 4 with respect to forest lands in the county; and*
- c. to implement the agricultural land policies of the Curry County Comprehensive Plan with respect to livestock grazing and related farm uses which are intermixed with forest land in some parts of the county; and*
- d. to implement Statewide Planning Goal 3 with respect to intermixed farmland forest land in the county.*

**Finding:** This section of the CCZO states the purpose of the Forestry Grazing zoning district. The primary use currently established on the site is recreation. The Forestry Grazing zone provides for a mix of recreational uses including hunting, camping, fishing, water quality protection, provisions for protection, restoration and enjoyment of wildlife and fisheries resources, etc. Adjacent uses in the area are predominantly large lot residential with a mix of agriculture and forestry. The applicant has submitted a Conditional Use application for a proposed use that is consistent with the purpose and the identified uses allowed in the Forestry Grazing zoning district. This criterion has been met.

**Section 3.052 – Conditional Uses Subject to Administrative Approval by the Director** – This section of the Curry County Zoning Ordinance states: *The following uses may be allowed provided a land use application is submitted pursuant to Section 2.060 of the Curry County Zoning Ordinance and the Planning Director approves the proposed use based upon relevant standards for review in this Ordinance. Numbers in parenthesis following the uses indicate the standards described in Section 7.040 that must be met to approve the use.*” Item 22 of Section 3.052 states: *Park and campground. For purposes of this rule, a campground is an area devoted to the overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds in this zone shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations (1, 17).*

**Finding:** The use of the site for an RV park including camping sites is identified as being allowed within the Forestry Grazing (FG) zoning district through the review and compliance with the applicable conditional use standards in the CCZO. The applicant has submitted a complete conditional use application for a public hearing and review by the Planning Commission under the provisions of CCZO Section 2.060 (1) (2). The CCZO Section 3.052 identifies the proposed use as being allowed through a conditional use review. The proposed RV and camping activity is one that is devoted to the overnight temporary use for vacation, recreational, or emergency purposes and is not for residential purposes. The County limits camping to no more than 14 consecutive days and does not allow any long-term stays. There currently are no existing or proposed intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations proposed or planned on site. There is a small incidental store for camping needs and refreshments within the existing lodge. The store is not for general retail commercial use as it is intended only for the park patrons. Honey Bear by the Sea is promoted as a quiet recreational establishment intended to provide the patrons a relaxing experience with a connection to nature. It is not proposed as an intensively developed recreational area. This criterion has been met.

**Section 3.052 (17) – Uses on Resource Land** – The following three criteria are required to be addressed for the expansion of the RV and camping use in the Forestry Grazing zoning district:

- a) *The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest land.*

**Finding:** The area proposed for the expansion of the RV and camping sites has not historically and is not currently used for farming or forestry. The area has been utilized almost exclusively for natural open space in conjunction with the Park recreational purposes for many years. The proposed use will not force a change in or significantly increases the cost of farm or forest practices because the site has not been managed for these purposes. This criterion is met.



b) *The proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.*

**Finding:** The Honey Bear Campground is a well-established and well-maintained passive recreational site with multiple water sources for fire suppression. The Park includes two ponds and a water service line from the Ophir Water District. The maintenance of the Park is impeccable. Natural vegetation in the Park is well manicured. The large site contains minimal dead branches and debris that naturally falls from the large fir trees within the Park. Further, the Ophir Rural Fire Protection District will require a 25,000-gallon water tank with an electric pump, a 4-inch main from the water tank to two fire hydrants to be strategically placed in the Park and adequate fire engine turn around locations for the proposed Park expansion project. Therefore, the proposed use will decrease fire suppression costs and decrease the risks to fire suppression personnel while minimizing concerns raised by the Ophir Rural Fire Protection District. This criterion is met.

c) *A written statement is to be recorded with the deed or written contract with the County or its equivalent shall be obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.*

**Finding:** There are properties managed for forestry on three sides of the Honey Bear Park. The applicant/owner will be required to record a statement with the deed of record with the County recognizing the rights of adjacent landowners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.

**Section 3.130 – Rural Commercial Zone (RC)** – *The RC zoning classification is applied to all rural lands with existing commercial uses built and committed exception areas to the Statewide Planning Goals as of the date of adoption of the ordinance. Land uses shall be limited to commercial; church; school; community building for public or non-profit organization; single-family residential; multiple-family residential; residential care; or mixed (commercial and residential) uses appropriate for the rural area in which the property is located. Commercial uses in this zoning designation must be compatible with any adjacent agricultural or forestry uses and are limited to development which is suitable to individual water wells and septic systems or existing public facilities.”*

The Honey Bear Park is located within the Ophir Rural Community Committed Exception Area as adopted by Curry County and Acknowledged by the Department of Land Conservation and Development (DLCD). The Park is identified as an established rural commercial use within the Ophir Rural Community. The proposed expansion of the Park is intended to simply enlarge the



existing type of use that currently is in operation and recognized as being consistent with the purpose and intent of the Rural Commercial Zone. This finding is met.

**Section 3.130 – Rural Commercial Zone Table 3.130 Conditional Uses** – *Recreation vehicle park/rural or campground as specified in Section 7.040(6). Mobile/Manufactured home parks, or recreational vehicle park or campground (b) Recreational vehicle park (rural) and related parking facilities. (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 on 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 applicant has coordinated with the rural utility service providers to continue and expand services at the level desired to serve park patrons. The Nesika Beach - Ophir Water District currently provides drinking water to the Park and has submitted a letter for the record based on discussions with the applicant regarding future water service. Specifically, the District has stated: *“The expansion may result in about a 30 to 40 percent increased water demand over typical water usage during the warm summer months. Honey Bear campground is currently provided water through a two-inch water meter. Although we have not conducted a detailed engineering evaluation of maximum flow that could be delivered through this meter, we believe it will be more than adequate to provide the amount of additional water your representative indicated might be needed for the campground expansion. If the existing service proves to be inadequate, NBOWD will work with you to either install a larger meter or an additional service connection.”*

Coos-Curry Electric has submitted a letter for the record indicating that the electrical service provider is able to provide electrical service to the proposed park expansion area.

A site suitability evaluation for expansion of the on-site sewage treatment system was conducted by Josephine County (Josephine & Curry County onsite septic program) on January 5 and March 4, 2021. The proposed expansion will have a design peak flow of 4200 gpd (estimated at 42 new RV spaces). The test pits evaluated for development of an on-site septic system were found suitable for the installation of an onsite wastewater absorption facility. Specifically, the Josephine County representative found based on the observations made during the January 5, 2021 and March 4<sup>th</sup> site visits, the sites were found to be suitable for a standard subsurface drain field system or an ATT system with drain field(s). The minimum drain field requirements are 75 linear feet per 150 gallons of projected daily

sewage flow for both the proposed drain field and the future repair system. The location of the sewage system and drain fields are depicted above on the site layout.

In summary, the utilities for the Park will utilize both existing distribution lines as well as be wholly included within the park (sewage). The appropriate service districts have evaluated the proposal and provided supportive comments for the expansion. 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 only the patrons of the park.*

**Finding:** The existing Honey Bear Park has a small store located within the lodge, laundry facilities and an outdoor play area. These amenities are intended for use by the patrons of the park and are not available to serve as a commercial establishment for the general public. This finding is met.

- (iii) *One dwelling for a manager shall be allowed on the park site.*

**Finding:** The existing Park includes a dwelling for the general manager. This finding is met.

**Section 3.280 – Riparian Corridor Buffer Overlay Zone** – *The purpose of the riparian zone is to insure that riparian corridors identified in the County’s Goal 5 water resources inventory are protected as habitat for fish, other aquatic life and wildlife, to control erosion and limit sedimentation, and to reduce the effects of flooding. The provisions of this section attempt to accomplish these goals by excluding structures from buffer areas around lakes, streams and associated wetlands, and by prohibiting vegetation removal or other alteration to those buffers.*

**Finding:** The applicant has approximately 14 existing and proposed tent camp sites in the area identified as the “Bear’s Meadow”. According to the National Wetland Inventory (NWI), which is adopted as a component of the Curry County Comprehensive Plan, this area has a predominance of wetlands and streams. The campsites are located both within and alongside wetlands and streams. The applicant was advised by staff that campsites should be set back from these natural ecosystems and IF the desire was to place campsites in this area, then a wetland delineation would be required to make sure the actual disturbed campsite areas are outside of the wetlands and stream corridors.

The applicant has stated *“Tent sites with minimum improvements are provided adjacent to the wetlands in the lower meadow of the park. These sites are outside the streams and do not affect the wetlands. Restrooms for these sites are portable units located outside the designated wetlands but still in compliance with building code spacing requirements that a restroom be provided no further than 500 feet from a camp unit without sewer hookups. Discussions with*

*Dana Hicks of State Lands regarding the camp sites in the wetlands. Unless fills are placed in area tents and appurtenances in the wetlands are considered as temporary not permanent. She noted that 50 cubic yards per year can be placed in the wetlands without a 404 permit. Since the sites have not been improved by adding fill the Division of State Lands would not have any concerns.*

The applicant has not completed a wetlands delineation for the site and therefore the statements that tent sites are either within or outside of a wetland cannot be determined. Further, the property has large unused areas that do not contain wetlands or stream corridors therefore there is no reason to disturb riparian and wetland habitat for the placement of tent camping sites. Whether the tent sites are permanent or temporary does not preclude impacts to riparian habitat. The statement that less than 50 cubic yards of fill is acceptable without a 404 permit is unrelated to the probability that camping in a wetland or stream riparian area can cause the removal of vegetation in that area. This finding is not met with the current proposal. It can be met with a condition of approval that no tent camping shall be allowed in the “Bear’s Meadow” unless and until a wetland delineation is completed and the sites for proposed tent camping are located outside wetland and stream corridor riparian areas. This wetland delineation information and subsequent approval shall be reviewed and determined by the Planning Director.

**Section 3.300 – Erosion Prevention and Sediment Control** – *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 exist the site of development activity and, thereby, minimize the amount of such materials 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.* **Section 3.321 – Development Affected** – *All development activity can result in altered or increased runoff, erosion and sediment both during and following vegetation removal, grading, construction of improvements, landscaping and other activities that disturb the surface of the soil. Measures must be taken to manage site hazards such as water runoff, soil erosion and sediment deposition. The requirements of this section must be met by all development activities that” a) will result in the excavation of 800 square feet or more of soil surface.*

**Finding:** The applicant has stated that approximately 2.5 acres of land will be affected by grading. Construction activities include “*shaping areas for roads and spaces, the burial of utilities in trenches, and the construction of drainage swales and other drainage improvements*”. *All areas disturbed will be seeded and mulched. Within the proposed development area grass will be planted with selected planning placed as part of the space designs. Silt fences will be placed on the perimeter of all disturbed area.*” The applicant has submitted a detailed Erosion Control Plan which meets the requirements of Section 3.300 of the CCZO. An Oregon

Department of Environmental Quality NPDES Construction Stormwater General Permit 1200-C will also be required since the area to be disturbed is greater than one (1) acre. The NPDES permit will require County review/signature of the Land Use Compatibility Statement (LUCS) for submittal of the NPDES permit. This finding is met.

**Section 3.400 – Storm and Surface Water Management Standards** – *Detention of stormwater collected from impervious surfaces on a given property, or within public rights-of-way, is essential to the management of stormwater in Curry County. This ordinance includes standards for conveyance of surface water in streams, creeks, and channels. It also addresses pollution reduction and flow control for stormwater generated from new and redevelopment. For the purpose of this ordinance, “new” and “redevelopment” refers to any man-made change to improved or unimproved real estate including, but not limited to the placement of buildings or other structures, dredging, filling, grading, or paving. The ordinance provides standards for addressing infiltration, treatment, and detention of stormwater separately as well as an option for a combined approach to mitigating the water quality impacts of developments that fall below a certain size threshold.* **Section 3.401 – Applicability** – *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 of stormwater management are evaluated.*

**Finding:** The applicant has stated: *“The proposed expansions to Honey Bear Park are designed for a minimum impact to streams and waterways. No asphalt or concrete impervious surfaces are proposed in the new development section. The new road system to include RV sites in the new portion of the park will have a gravel surfacing which is not considered an impervious surface. The graveled areas will be bordered with grassed slopes designed to disperse runoff into bioswale type surfaces to prevent scour and naturally filter all runoff.* The road access will require improvements (discussed below) which will likely include some pavement installation. The amount of impervious surfaces associated with the proposed Park expansion is considerably less than 500 square feet therefore, in accordance with the CCZO, no stormwater management plan is required for this proposed expansion. This finding is met.

**Section 4.020 – Off-Street Parking** - Section 4.020 of the CCZO establishes the required number of parking spaces for proposed uses. There is no parking standard established for an RV campground or any other type of campground. The closest representative parking standard in Section 4.020 is a residential hotel or boarding house which requires four parking spaces per five guest accommodations or a motel which requires one parking space per guest room or suite.



**Finding:** The applicant has proposed that each RV camping space will have room to park one vehicle not including the camping structure. The parking will be on gravel immediately adjacent to the camping structure (RV, tent, etc.). This criterion is met for the proposed RV spaces.

The applicant has also proposed a parking and access plan for tent spaces that are located primarily in the wetland meadow. The proposal is as follows: *“Tent spaces are used by tent campers, pull behind tent trailers and Cabover vehicles. A typical space will allow the vehicles with tent campers to drive to the tent site and park there in a vehicle. Spaces are not improved to give a rustic nature. Presently these spaces are not used during wet weather or when there is the potential for rutting to occur. Future improvements might include adding impervious paving stones to the tent sites in the wetlands. All work would be per state land requirements not to exceed 35 cubic yards per year per wetlands.”*

Staff does not support the utilization of tent spaces, access or parking in the wetland meadow area. Therefore, this criterion is not met for the proposed tent camping spaces.

**Section 4.050 – Access Management** – *The purpose of this section of the ordinance is to manage access to land development in order to preserve the county transportation in terms of safety, capacity, and function. The provisions of this section shall apply to all properties within Curry County. This section of the ordinance is intended to implement the access management policies set forth in the Curry County Transportation System Plan (TSP). **Applicability** – The private road standards in this section are applicable to new roads, driveways and bridges and cul-de-sacs on private property in the County. **Frontage requirements** – 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.*

**Finding:** The proposed RV Park expansion includes adequate frontage requirements to meet the CCZO. However, the private access that is required to be 25 feet wide is compromised by an existing flower planter that is in the access and within the County ROW. The large rock planter is in the shape of a heart and symbolizes the theme of the Park – Honey Bear by the Sea. It has been in place for several years and likely prior to the zoning code. This non-conforming use impedes the access clearance for large RVs leaving the park and making a left-hand turn onto Ophir Road. The right turn entrance to Honey Bear Park off of Ophir Road is approximately eighteen (18) feet wide and is more than adequate to accommodate the vehicle movements of patrons entering the Park. However, the exit lane out of the Park is only twelve (12) feet wide and is encumbered by the large rock heart-shaped planter. While the total width of the access meets the standards of the CCZO, the implementation of the separated lanes does not.

The CCZO Section 5.060 sets forth provisions for the continuation and alteration of a nonconforming use. Specifically, “*a nonconforming use may be continued and maintained in reasonable repair; however, the alteration of a nonconforming use shall be an administrative decision of the Director who may impose such conditions as are necessary to carry out the intent of the particular zone and this ordinance*”. As mentioned, the rock planter is within the County ROW and it impedes the turning radius and visual clearance for large vehicles exiting the RV Park and turning left onto Ophir Road. The current CCZO does not allow structures to be placed in the County ROW for these reasons. The County Road Master and Planning Director reviewed the planter on site and determined that an alteration is warranted to increase the safety of exiting vehicles from the Park. A couple of options are identified for discussion with the Planning Commission to address this safety issue. The first option is to significantly widen the exit road from the Park from twelve (12) feet to eighteen (18) feet consistent with the entrance lane to the Park. This exit lane should be widened with asphalt, not gravel, as suggested by the applicant. The second option is to sign the exit road and prohibit the left-hand turn onto Ophir Road from the Park. The access to Highway 101 from Ophir Road upon turning right out of the Park is less than 0.25 miles from the Park and provides a safer route especially for the larger RVs. If both of these provisions are put in place the safety of vehicles leaving the Park would be significantly enhanced. This finding can be met with alterations to the Park exit to enhance the safety for vehicles leaving the Park.

**Section 4.050 Access Management – Table 8A – Rural Standards for Curry County** – *The applicable minimum road standard for private roads is 20 feet with paved surfaces. Existing private roads may be graveled as allowed by the decision maker.*

**Finding:** The applicant has stated that the existing roads within the Park are 20 feet in width. Most of these existing roads have a gravel surface. The proposed road associated with the RV expansion area is planned to have a gravel surface. The road system within the Park has been developed as a loop system thereby mostly eliminating the need for vehicle turn arounds. There are two roads within the Park that end without a connecting loop or turnaround. These two roads will be required to have turnarounds that meet the design provisions of Section 4.050 (2) (d) of the CCZO. This finding is met with the condition that the turnarounds be constructed at the termination of the two roads that are not connected to another road (part of a loop).

**Section 7.040 Standards Governing Conditional Uses (Section 3.052 (1))** – *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.*

**Finding:** The proposed RV Park expansion use does not include any new permanent structures. No additional setbacks or building height restrictions are required; therefore, this criterion is 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.*

**Finding:** No additional requirements other than those specified in Article IV are required for this proposed use; therefore, this criterion is met.

- 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:** The proposed Honey Bear Park will be required to meet all State and County health and safety regulations including the Park Regulations set forth in the County Code Article Five – Parks. This criterion is met.

- 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.*

**Finding:** The applicant has submitted service provider letters from the applicable service providers as discussed above. This criterion 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 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 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 does not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

**Section 7.050 Time Limit on a Permit for Conditional Uses** – *Authorization of a conditional use shall become null and void after one year unless substantial construction has taken place or an extension has been granted.*

**Finding:** In order to comply with Section 7.050 of the CCZO, the conditional use for expansion of Honey Bear RV Park will include a condition that the approval expires if development does not commence within one year and if an extension is not requested by the applicant and granted by the Planning Director.

## **VI. Staff Recommendation**



Application **AD-2106** for Conditional Use approval to authorize expansion of an existing RV Park (Honey Bear Campground) to 162 spaces and correcting violations for prior unauthorized expansion in the Rural Commercial (RC) and Forestry Grazing (FG) zoning districts located on Assessor's Map 35-14 Section 00, Tax Lots 2702 & 2703 and 35-14-19A TLs 301 & 302 is recommended for **APPROVAL** with the following conditions:

1. This Conditional Use Permit shall be valid for a period of one (1) year unless there is a failure of the applicant to comply with all the conditions of approval. Failure to comply with all conditions of approval, or violations concerning the use approved herein, may result in nullification of this approval by the County.
2. This approval will expire one (1) year from the date this decision becomes final. This period of time may be administratively renewed upon receipt of a written request for extension prior to the expiration of the permit and upon the Planning Director finding compliance with the conditions of approval.
3. Per Ophir Rural Fire Protection District:
  - a. Install and maintain in good working order a 25,000 (twenty-five thousand) gallon water tank with an electric pump.
  - b. Install a 4-inch main from the water tank to two supply fire hydrants to be placed in the areas discussed by the fire department.
  - c. Provide turn arounds for the fire trucks that meet County Code requirements.
  - d. Provide signage with easy to read, reflective numbers and arrows showing where all the spaces are for the entire park.
4. Provide and record a written statement with the deed or written contract with the County which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.
5. No tent camping is allowed in the wetland meadow until or unless a wetland delineation is completed for the area and tent sites are located outside of the wetland and stream corridor riparian areas. The wetland delineation information and subsequent approval for the tent sites shall be reviewed and determined by the Planning Director.
6. No camping, public vehicle access or parking is allowed in the wetland meadow. Existing tent camping sites need to be eliminated. Tent sites in this area are not to be advertised for rent or rented out.
7. A Complete a Department of Environmental (DEQ) NPDES Construction Stormwater General Permit 1200-C for the area to be disturbed with the expansion construction. The NPDES permit will require County review/signature of the Land Use Compatibility Statement (LUCS) for submittal of the NPDES permit.
8. Widen the exit lane from the Park to eighteen (18) feet of paved surface. Work with the County Road Master to sign the Park exit to eliminate the left hand turn on to Ophir Road.

9. For the two roads within the Park that are not a part of a loop system, include Turn Arounds at the end of those roads consistent with County Road requirements.
10. Quiet time shall be established for the Park patrons after 10:00 pm until 8:00 am.
11. Control lighting in the Park to minimize impacts to the night sky and adjacent properties.
12. Complete the septic program installation and permitting for the new septic system. No new RV sites shall be rented out until final inspection and approval of the septic system is issued.
13. Existing unauthorized RV sites shall not be advertised or rented out until all conditions of this approval have been fulfilled and verified on site by the County Planning Director.
14. Proposed new RV sites shall not be advertised or rented out until all conditions of this approval have been fulfilled and verified on site by the County Planning Director.