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Curry County Community Development Department
Staff Report
February 6, 2023

Application AD-2228 is a request for Conditional Use approval for a 31 space, full-service RV Park at Arizona Ranch in the Rural Commercial (RC) zoning district.

Background Information

Owner: Silver Butte Investments, LLC
P.O. Box 395
Port Orford, OR 97465

Applicant: Bret O'Brien
P.O. Box 395
Port Orford, OR 97465

Agent: Stephanie Martell, Principal Landscape Architect
HGE Architects, Inc.
333 South 4th Street
Coos Bay, OR 97420

Property Description: Assessor's Map 34-14-20, Tax Lot 201

Location Subject property is located 0.2 miles east on Arizona Ranch Road at 337015 Arizona Ranch Road.

Existing Development: Unoccupied small motel with a well and septic system.

Proposed Development: Thirty-one (31) space, full-service RV Park.

Access: Access is east from Highway 101 at Arizona Beach on to Arizona Ranch Road for 0.2 miles and then on to the site on the south side of the road.

Adjacent Land Uses:	Surrounding land use includes rural residential, State Parks and forestry.
Zone:	Rural Commercial (RC)
Acreage:	Parcel is 5.38 acres
Rural Exception Area – 15:	Comprehensive Plan designation recognizing historical RV Park and Motel

Applicable Review Criteria

The proposed application for a thirty-one (31) space full-service RV Park located at Arizona Ranch must be found in compliance with the following sections of the Curry County Zoning Ordinance (CCZO).

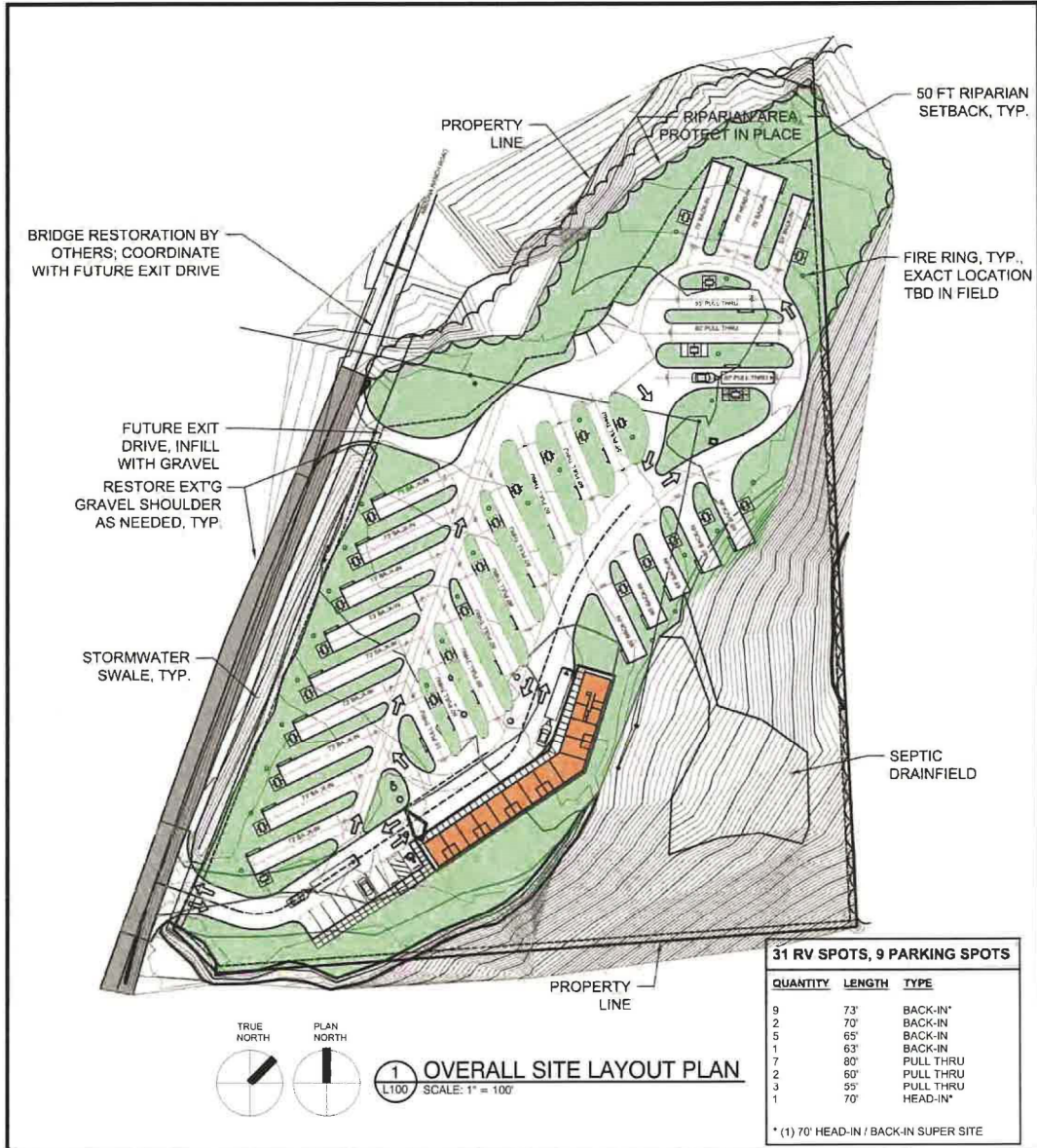
Curry County Zoning Ordinance (CCZO)

Section 2.090	Procedure for Conditional and Permitted Use Permits
Section 3.130	Rural Commercial Zone (RC)
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 7.040 (6)	Recreational Vehicle Park or Campground

Project Information (Brief Summary)

Project Background: The property has historically included an eleven (11) unit motel with a few RV spots available for the traveling public. This historic business pre-dates the Curry County Comprehensive Plan and Zoning Ordinance and provided the justification for the Rural Commercial (RC) zoning district in the vicinity (Rural Site Exception Area Number 15). It appears that the original site was established as a “car camping” and motel facility which dates back to at least 1959.

More recently, it has been used as both a commercial motel with various site set ups for RVs and tent camping. Antidotal information of the use of the site in recent years indicate that it included nefarious activities with unpermitted RV and tent camping. The site and commercial use was shut down when it was purchased by the new owner and applicant, Silver Butte Investments, LLC in 2020.



<p>333 S. 4TH STREET COOS BAY, OR 97420 P: 541.269.1166 general@hge1.com www.hge1.com</p>	<p>PRELIMINARY NOT FOR CONSTRUCTION</p>	<p>PROJECT NO.: 20.36</p> <p>ARIZONA RANCH RV PARK</p> <p>SILVER BUTTE INVESTMENTS 37015 ARIZONA RANCH ROAD, PORT ORFORD, OR 97465</p>	<p>L100</p>
		<p>SHEET TITLE: OVERALL SITE PLAN</p> <p>0 SCALE 1"</p>	



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 final application for an Administrative Conditional Use permit was submitted on December 15, 2022 and determined to be complete on December 27, 2022. 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 live in the area, and that these persons would desire to have a public hearing. 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 3.130 – Rural Commercial (RC) Zone - *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. 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 utilities. Recreational vehicle park/rural campground is allowed as a conditional use subject to criteria set forth in Section 7.040(6).*

Finding: The proposed full-service RV Park is located on property within the adopted rural lands exception area #15. Therefore, the proposed use is consistent with the Statewide Planning Goals and the Curry County Zoning Ordinance (CCZO). The exception area designation was based on the rural commercial site historically being used as both a RV Park and a motel. The proposed development will use on-site well water and an on-site septic system. There are no agricultural uses on adjacent lands. The east property line abuts a forestry parcel. However, the proposed RV Park drain field/vegetated area provides a buffer between the RV Park and the forest land. This criterion has been met.

Section 3.280 – Riparian Corridor Buffer Overlay Zone (RB) - *The purpose of the RB 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.*

The riparian area is the area adjacent to a river, lake or stream, consisting of the area of transition from aquatic ecosystems to a terrestrial ecosystem. The riparian corridor to be protected by the provisions of this section is defined as the area:

2. Along all lakes, and streams within a river drainage basin in which the principal river or creek has an average annual stream flow less than 1000 cubic feet per second (cfs), the riparian corridor shall be fifty (50) feet from the top of the bank.

Finding: Myrtle Creek runs along the northern property line. The applicant has developed project site plans that include a minimum setback of fifty (50) feet from the top of the bank of Myrtle Creek. All proposed improvements on the site are to be located outside of the setback area. This finding is met.

Section 3.300 – Erosion Prevention and Sediment Control - *The purpose of this provision, consistent with Goal 5 of the Curry County Comprehensive Plan, is 1) to preserve or enhance the health, safety, welfare and quality of life of the inhabitants of Curry County by providing clean water, and by minimizing risk to inhabitants and property through control of erosion and management of storm water and 2) to maintain or improve water quality within Curry County consistent with the requirements of the State of Oregon and the United States government.*

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 or*
- 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.*

Applications for authorization to undertake development and other activities described above must be accompanied by an Erosion Prevention and Sediment Control Plan.

Finding: The proposed RV Park site improvements include development activities that encompass the majority of the 5.38-acre site. Therefore, a detailed Erosion Prevention and Sediment Control Plan (ESCP) is required. Site development activities include 31 full-service RV spots, renovation of the motel for a park manager, restroom, laundry facilities, recreation room, store, reception area and office; improved road access and parking areas; stormwater treatment; renovation and expansion of the septic system; renovation and expansion of on-site utilities (water, sewer, electrical) including a water storage tank hydrants and landscaping. The applicant has submitted an engineered detailed ESCP (attached) which complies with the ESCP requirements of CCZO Section 3.300. The applicant will also be required to submit and obtain approval from the Department of Environmental Quality (DEQ) for a NPDES 1200-C permit required for the construction disturbance of greater than 1-acre. The 1200-C permit

will require a Land Use Compatibility Statement (LUCS) from the Curry County Planning Department. This finding is met.

Section 3.400 – Storm and Surface Water Management Standards - *This ordinance includes standards for conveyance of surface water to streams, creek, 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.*

This section of the CCZO requires the submittal of a Stormwater Management Plan with calculations to determine the amount of stormwater that needs to be managed and a plan for Infiltration, Treatment and Detention for the anticipated stormwater on the site.

Finding: The applicant has submitted a detailed Stormwater Management Plan prepared by Civil West Engineers. The stormwater collection system will include an underground stormwater collection and conveyance system (catch basins and 12” stormwater piping) that directs the stormwater to an existing County ditch located on the west side of the site, adjacent to Arizona Ranch Road. The ditch is proposed to be rehabilitated to treat the incoming stormwater prior to discharge into Myrtle Creek. The ditch will be excavated, the bottom filled with 6” of drain rock, the sides covered with amended soils and then hydroseeded with water quality plantings. The water quality treatment ditch will have a maintenance requirement every 3 months to remove silt and build-up, obstructions from the flow area and invasive species that have taken root. The ditch is within the County ROW and construction plans, rehabilitation and maintenance will be required to be approved by the County Road Department through a Facility Permit. The County Road Department has verbally authorized the reconfiguration of this ditch for stormwater treatment of the proposed RV Park and its amenities.

Section 4.020 – Off Street Parking - *At the time of construction of a new structure or at the time of enlargement or change in use of an existing structure which would require additional parking spaces, off-street parking spaces shall be provided in accordance with this section.*

- | | |
|--------------------|--|
| 2. a.) Motel | One space per guest room or suite, plus one additional space for the owner or manager. |
| 6.a.) Retail Store | One space per 200 sq. ft. of floor are, plus one space per employee |

Finding: The applicant has stated:

“The existing Motel renovations include changing from 11 units with a storage room, to 3 units (one in which includes the Park Host/Manager), a restroom/laundry facility for RV guests, a recreation room, and a retail space (general store) with a reception counter and office. Per item 6.a.) Commercial Retail Store requires one space per 200 sq. ft. of floor space, plus one space per employee. Thus, the Zoning Ordinance requires (1) space for Park Host, (1) space for Reception/Store Employee, three (3) spaces for the Retail floor space of Store, and (2) spaces for the motel guest rooms for a **total of (7) spaces required**. The proposed Site Layout Plan includes eight (8) standard parking spaces with one (1) van accessible handicap space for a total of nine (9) parking spaces.

Additionally, there are four (4) more spaces available on-site near the north corner of the site which will be reserved for tent camping and overflow.”

Based on the applicants proposed parking plan, the requirements of this Code Section are met.

Section 4.050 Access Management – *The purpose of this section of the ordinance is to manage access to land development to preserve the county transportation in terms of safety, capacity, and function.*

Finding: The existing site and proposed RV Park includes one two-way ingress/egress access point (see site layout). The future access plan for the Park includes a separate ingress and egress plan with the Park exit constructed in close proximity to the Arizona Ranch Road Bridge Replacement project. The County and the Oregon Department of Transportation (ODOT) have requested that the applicant delay the Park exit construction until after the wooden bridge has been replaced which is expected in 2027. The applicant will adhere to this requirement and has noted this future exit on the RV Park Site Plans. A Facility Permit (No. 3297) has been issued by the County Road Department with conditions and installation requirements for construction of this future exit for the Park. This criterion is met.

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: 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: Two additional County requirements are necessary for this development. They include authorization and a Facility Permit for the stormwater treatment ditch in the County ROW and delay of the exit access for the Park to accommodate the replacement of the Arizona Ranch Road wood bridge in 2027. With these conditions, this finding 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: This criterion can be met with conditions.

- 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 the required Notification letters from the utility service providers. Utility services include electrical from Coos Curry Electric and Fire from the Ophir Rural Fire Protection District. Adam Brotton, the Fire Chief at the Ophir Rural Fire Protection District will require a 10,000-gallon elevated storage tank, 2 hydrants, a water supply to the tank with pumping and connections from the well.

The applicant has stated that water for the development will be provided by an on-site well. Recent (May 23, 2022) well tests indicate that it averaged 9.22 gallons per minute (GPM) over a test period of one hour. While the applicant hasn't provided a projected water demand for the proposed RV Park, it would be reasonable to conclude that the well is sufficient to service the Park with an adequate water supply.

The applicant has submitted a permit for a septic system repair of the existing system from 2019. Further, the RV Park plan drawings indicate a proposed expanded drain field, relocation and the addition of septic tanks, a septic pre-treatment (Orenco Advantex) and septic dosing tank and pump vault. Discussion with the applicant's representative about the intent with the septic system indicates that the 2019 septic repair information was included to verify that the site is capable of maintaining an expanded drain field. However, the proposal includes the development of an essentially new septic system using the Orenco Advantex technology. This will require review and approval from the Department of Environmental Quality (DEQ). This criterion can be met with conditions as noted herein.

- 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 7.040 6. B) Recreational Vehicle Park (rural) 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: The public road is Arizona Ranch Road which is a County Road. The County Road Master has reviewed the proposed project on site and has presented requirements for both the future exit from the Park (construct after the Arizona Road wooden bridge replacement project in 2027) and coordinate with the Road Department on the reconstruction of the stormwater ditch. Conditions related to both of these items are included below. This finding is met.

- (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 proposed RV Park water and sewer utilities will be wholly included within the Park properties. Other utilities, primarily electrical has already been

extended into the park property therefore no new distribution lines are required to support the use. 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 proposed RV Park has included a laundry facility, store and recreation room to be used for park patrons. The Park is located a significant distance from development which makes it unlikely that non-park public parties will endeavor to be on site for the purpose of using the amenities. This finding is met.

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

Finding: The proposed RV Park provides one living space for the Park Manager within the retrofitted motel. This finding is met.

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 the RV Park and amenities 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.

Staff Recommendation

Application **AD-2228** for Conditional Use approval to authorize a 31 space, full service Recreational Vehicle Park at Arizona Ranch on property zoned Rural Commercial (RC) located on Assessor's Map 34-14 Section 20, Tax Lot 201 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. Applicant shall comply with the conditions of the Ophir Fire Protection District:
 - a. A 10,000 gallon elevated storage tank high enough for gravity feed
 - b. Two fire hydrants – one at each end of the site
 - c. Water supply to the tank with pumps, fixtures, and piping
4. Control lighting in the RV Park to minimize impacts to the night sky and adjacent properties.
5. Comply with all DEQ septic requirements including the installation and final approval of the Orenco Advantex system. No RV sites shall be rented out until final inspection and approval of the septic system is issued by DEQ.
6. No tent camping is allowed unless the Conditional Use Permit is amended by written request of the applicant.
7. Quiet time shall be established for the RV Park patrons after 10:00 pm until 8:00 am.
8. Proposed 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.
9. Application completion, approval and compliance with the DEQ NPDES 1200-C Erosion Control permit and County approved Erosion Control Plan shall be maintained at all times throughout construction. Erosion control structures shall be maintained until vegetation becomes established.
10. Any work done within the County ROW will require a Facility Permit from the County Road Department.
11. The applicant shall provide a maintenance agreement for the stormwater management facilities within the Park and for facilities conveying stormwater in the County Road ROW.
12. All activities shall set back a minimum of fifty (50) feet from the stream that runs through the project.

13. The water system (well) for the RV Park shall conform to all State of Oregon (OWRD) standards and conditions.
14. The RV Park and amenities shall conform to all public health requirements as set forth by the Oregon Health Authority.