



## **CITY OF PORT ORFORD**

### **Staff Report**

**TO:**

Greg Thelen  
Port Orford Planning Commission Chair

**FROM:**

Crystal Shoji, AICP; Port Orford Planner  
Shoji Planning, LLC

**DATE:**

August 29, 2023

**HEARING DATE:**

September 5, 2023

**SUBJECT:**

**File Number: POC 23-02 Joseph**  
Submitted: July 18, 2023

Conditional Use Permit Request for Creating an RV park at 510  
Madrona Avenue

**PROPOSAL:**

**Exhibit A** - Packet for David Clark's Application: Proposal for  
RV park, Site plan, City of Port Orford Land Use Decision  
Application Form with Signed Property Owner's Consent -  
Narrative Description of Project, Consent for Authorized Agent  
and more.

**Summary:** Lot 3215-32DC-00200 will have 6 spaces for RVs  
allocated on it to serve as an RV park designed for Long Term  
Rentals with an access through Lot 3215-32DC-00300 to all access  
from Madrona Avenue.

**APPLICANTS/OWNER:**

**Property Owners:**

David Clark  
3370 Riverbank Road  
Grants Pass, OR 97527

**Agent:**

Christopher Kinney, PE, CESCL w/ Civil West Engineering  
486 E. St.  
Coos Bay, OR, 97420  
541-266-8601

**SUBJECT PROPERTY:** CURRY COUNTY ASSESSOR’S MAP DESCRIPTION:  
T32S, R15W, Sec. 32DC, Tax Lots in the Tract, 200 and 300. Both lots are owned by the applicant. They appear to be two distinct legal and tax lots. There is a planned access through one to the other; conditions relating to this will be covered later in the document. There is a preexisting dwelling on Tax Lot 3215-05DC-00300 that already has utilities. The spaces set aside for RVs will have no structures or buildings.

**ZONING:** Commercial zone (4-C)

Subject Properties are located at 510 Madrona Avenue (Tax-lot 300), which is directly north of the intersection of Madrona Avenue and Highway 101. Tax lot 200 is directly north of Tax-lot 300. The proposed development is on Tax-lot 200 and both properties are located adjacent to and west of Highway 101.

The Applicant is proposing to accommodate the 6 spaces for RVs.

**Port Orford Municipal Code Title 17 findings and criteria; *Italicized* words are directly citing code and non-italicized are staff findings. Additional definitions from Oregon State Laws have been added for extra clarity and are also *italicized*.**

#### **Section 17.04.030 Definitions**

*“Conditional use” means the relaxation of strict terms of this ordinance to permit uses in districts where such uses require additional controls or safeguards not required for outright permitted uses.*

*“Recreational vehicle” means a vacation trailer or self-propelled vehicle or structure designed for frequent or constant highway use and for vacation recreational purposes, but not for normal residential purposes, and may be equipped with plumbing, sink or toilet.*

*“Recreational vehicle park” means a place where two or more recreational vehicles, camping vehicles or trailers are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose, the renting of space and related facilities for charge or fee, or the provision of space for free in connection with securing the patronage of a person.*

**Findings:** Port Orford code was adopted prior to new state law that provides an option for long term stays. The more recent code adopted by the State has been included in this report and will be utilized in our approval process.

## **ORS 197.492 - 493 Definitions**

### *(3) Recreational Vehicle Park*

- a. Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:*
  - A. **The renting of space and related facilities for a charge or fee; or***
  - B. The provision of space for free in connection with securing the patronage of a person.*
- (b) Does not mean:*
  - (A) An area designated only for picnicking or overnight camping; **or***
  - (B) A manufactured dwelling park or mobile home park. [2005 c.619 §11; 2019 c.422 §30]*

Note: [197.492 \(Definitions for ORS 197.492 and 197.493\)](#) and [197.493 \(Placement and occupancy of recreational vehicle\)](#) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

*A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:*

- (A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
- (B) Occupied as a residential dwelling; and*
- (C) Lawfully connected to water and electrical supply systems and a sewage disposal system; or*

*Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disaster, including wildfires, earthquakes, flooding or storms, until no later than the date:*

- (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;*
- (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or*
- (C) Twenty-four months after the date the dwelling first became uninhabitable.*

**Findings:** The above law permits Recreational Vehicles to be lawfully considered for long term residence under certain conditions; the application and this report will use the above definition in the Cities approval process.

## **Chapter 17.12 USE ZONES**

### **Section 17.12.030 Commercial zone (4-C)**

*A. Purpose of Classification. The 4-C zone is designed to be applied to residential areas where dwellings are appropriate.*

*C. Conditional Uses Permitted. In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 17.32:*

- 1. Mobile home park and/or recreational vehicle park;*

**Finding:** Subject Property is identified with a Commercial 4-C zoning designation. Subject Property has an existing residence which was permitted outright. The proposal for this conditional use permit is requested in order to address desired expansion into the next lot to accommodate the RV spaces and any potential developments necessary to facilitate them.

*D. Provision of Sewer and Water.*

- 1. Sewer service shall be provided by the City of Port Orford, with hookups installed to City standards.*
- 3. Water lines to connect sites for new development to existing mains shall be installed to City standards. . . .*

**Finding:** Subject Property has one existing dwelling with existing utility hook ups and a proposed well location and sewer connection plan for the RV spaces. The utility plans for the Subject Property have conditions set by the Superintendent of Public Works to be covered in the subsequent section.

*E. Lot Size. Except as provided in Sections 17.20.030 and 17.20.040 in a 4-C zone [Sic]:*

*1. ... the minimum lot size shall be as determined by the county health department as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public and mutual water supply and a public sewage disposal system are available, there shall be no minimum lot area.*

**Finding:** The applicants will need to clear the plans with the Oregon Health Authority and the Oregon Water Resources Department to ensure the water that will supply the lot will be of drinking quality and that the space is sufficient to properly install both the water well and sewer supply. Additionally, the Public Works Superintendent has set the condition that the Sewer line needs to be inspected and “cameraed” prior to connection to the main line.

*F. Height of Buildings. Except as provided in Section 17.20.050, in a 4-C zone no building shall exceed thirty-five (35) feet and two stories in height.*

**Finding:** None of the proposed structures exceed height or story maximums.

## **Chapter 17.32**

### **Conditional Uses**

#### **17.32.020 Application for a conditional use.**

*A request for a conditional use, modification of an existing use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the planning commission or its designated agent. The application shall include plans of the proposed use, or modification to an existing use, or reinstatement of a discontinued nonconforming use. The application shall be accompanied by a fee as established by the city council.*

**Finding:** Subject Conditional Use Permit application #POC-23-02 was filed on July 22<sup>nd</sup>, 2023 by the property owner's authorized agent (Chris Kenny with Civil West Engineering). The application packet included an authorized agent acknowledgement, site plan, other supporting documents, and the applicable fee. The applicant complies with the above criteria.

The applicant is proposing a modification to the existing residential use on Tax Lot 300 so that it can function as an office for the proposed RV park, which is proposed for Tax Lot 200.

The application was deemed complete on August 18<sup>th</sup>, 2023, and the hearing was scheduled for September 5<sup>th</sup>, 2023.

#### **17.32.050 Additional 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 title, conditional uses must meet the following standards:*

*A. Conditional Uses, Generally.*

- 1. Setbacks. In a residential zone, yards shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.*

**Finding:** Not a residential zone, thus any yard requirement would be imposed by the will of the Planning Commission or by building codes.

- 2. Limitation on Access to property and on Openings to Buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within fifty (50) feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.*

**Finding:** Subject Property is located more than 50 from any residential property, thus this standard does not apply. However, due to this being a project utilizing two different legal lots, either the applicant needs to add a restrictive covenant (easement) on the lots allowing access through Tax-Lot 300 to Tax-Lot 200 or have alternative plans to provide access to Tax-Lot 200 from Highway 101 in the event that Tax-Lot 300 and Tax-Lot 200 are no longer shared by the same owner.

3. *The city may require assurances to guarantee development in accordance with the standards established and conditions imposed in granting a conditional use.*

**Finding:** After hearing the applicant's presentation and public comment, it is appropriate that the Planning Commission consider whether additional assurances are necessary to guarantee development in accordance with the standards in granting a conditional use.

#### ***17.32.060 Time On a Permit for Conditional Use.***

*Authorization of a conditional use shall be void after one year or year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, upon written application to the planning commission.*

**Finding:** Staff recommend the Planning Commission adds the condition that the applicant provide a signed acknowledgement of *17.32.060 Time On a Permit for Conditional Use*. Any extension needs to be submitted 45 days prior to approval expiration and would need approval from the Planning Commission.

### ***Chapter 17.16 SUPPLEMENTARY PROVISIONS***

#### ***17.16.060 Archaeological provisions.***

*Upon encountering archaeological artifacts on any property in Port Orford, the following sequence of events shall occur:*

- A. *All disturbances of the site shall immediately cease.*
- B. *The developer shall notify the planning director of the discovery and the planning director shall notify the appropriate agencies, including the State Archaeologist.*
- C. *The State Archaeologist, or other appropriate agency charged with the preservation of antiquities shall have ten working days to conduct a preliminary review of the site to include determination of significance of the [sic]*
- D. *If, during this ten-day period, the site is determined not to be archaeologically significant, resumption of development may occur.*
- E. *If the site is determined to be archaeologically significant by the above process or is presently identified in the comprehensive plan inventory, further disturbance on the site shall cease for an additional thirty (30) days to allow acquisition by the appropriate agency or negotiations for development of the site. If such activities are not initiated by the appropriate agency within this time period, resumption of development may occur.*

**Finding:** Staff will recommend a condition of approval that requires the applicant to cease all work immediately upon discovery of archeological significant artifacts during construction of the proposed RV park and notify Joseph Harrison at the City.

It is appropriate to and provide a condition regarding compliance with Section 17.16.060 for any archaeological discoveries that are made when development activity is taking place on Subject Property.

### ***Chapter 17.17 Erosion Prevention and Sediment Control***

#### ***17.17.010 Purpose***

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

**Finding:** In applicants Land Use Decision application they have assumed responsibility for adhering to City of Port Orford Municipal Code Chapter 17.17.050; more than 800 sq. ft. of soil will be displaced and proper erosion control practices need to be in place to prevent long term detrimental effects to the site and surrounding property. As a condition on approval, staff recommends requiring more detail on the specific erosion control devices and practices being used when submitting planning clearance documents.

### ***Chapter 17.18 Storm and Surface Water Management Standards***

#### ***17.18.010 Purpose***

*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 Port Orford. This ordinance includes standards for conveyance of surface water to 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.*

**Finding:** Chapter 17.18.020 Applicability refers to construction of new development that results in improvements that result in impervious cover greater than 500 square feet for the development activity on any land within the City of Port Orford at the date of an application. The amount of impervious cover will not be more than the area of the RV’s themselves; the lots they are on will remain dirt/gravel, as will the parking area. The average RV is 10 by 15 feet, 150 square feet, and the proposed park will accommodate 6 spaces for a total of 900 square feet. The plans have drainage running northward toward existing natural drainage sites.

It is appropriate that the Planning Commission require the applicant to address the requirements with analysis and findings relative to Chapter 17.18, and address any storm and surface water management standards that are applicable. The Planning Commission should require that such

analysis is provided to the City Engineer who will review the applicants' plans for the proposed use for compliance with the code. This may require further communications, specifications for compliance, and any inspections that are necessary to carry out the purposes of this Chapter. This involvement of the City Engineer shall be at the expense of the applicant.

***Section 17.32.030 Public Hearings on Conditional Use***

*Before acting on a conditional use, it shall be considered by the Planning Commission at a public hearing. The Planning Commission or its designated agent shall give notice of the hearing by sending notices by mail not less than 10 days prior to the day of the hearing to the property owners within 200 feet of the exterior boundaries of the property involved and by posting on the official bulletin board at the City Hall a notice not less than five days prior to the hearing. The names for this purpose shall be obtained from the records of the county assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a conditional use. The commission may continue a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed conditional use. Agent shall notify the applicant for a conditional use of the action of the Planning Commission within five days after a decision has been rendered. (Ord. 278 § 6.030, 1977)*

**Finding:** Notice was provided on August 25<sup>th</sup>, 2023. At the time of drafting, staff has received 1 civilian comment in person on the proposal and no written comments.

**Staff Recommended Conditions of Approval**

1. The Sewer Line needs to be inspected and “cameraed” prior to hooking up to the main line of the City Sewer System.
2. The applicant needs to show documentation of well approval from the Oregon Health Authority and the Oregon Water Resources Department prior to installation.
3. The applicant provides a signed acknowledgement of *17.32.060 Time On a Permit for Conditional Use*.
4. The applicant provides a more in-depth erosion control plan detailing practices and devices to be used during development as a condition of Planning Clearance Process.
5. The applicant shall comply with Section 17.16.060 for any archaeological discoveries that are made when development activity is taking place on Subject Property.