

BEFORE THE PLANNING COMMISSION  
CURRY COUNTY, OREGON

In the matter of Planning Commission file AD-1911,     )  
a request for a Conditional Use approval for the Silver     )  
Cypress Recreation Vehicle (RV) Park, filed by Garth     )  
Evey and Jeven Showers. Identified on Curry County     )  
Assessor’s Map 35-14-31B, Tax Lots 1400 and 1500.     )

FINAL ORDER  
and Findings of Fact

**ORDER** in the **APPROVAL** of the Silver Cypress Recreation Vehicle (RV) Park (AD-1911), filed by Garth Evey and Jeven Showers to authorize up to eleven (11) Vintage Silver Stream Units. The subject property is located in the Rural Commercial (RC) zone, and is designated as Assessor Map Numbers: 35-14-31B, tax lots 1400 and 1500 in Curry County, Oregon. Said application was filed as provided for in the Curry County Zoning Ordinance (CCZO) on July 24, 2019.

**WHEREAS:**

The application (AD-1911) is to request allowance of a Vintage Silver Stream RV Park on property identified as Curry County Assessor’s Map No. 35-14-31B, tax lots 1400 and 1500 within the Rural Commercial (RC) zone in the community of Nesika Beach. The property is located at 32990 and 32982 Nesika Road, two parcels adjacent to each other, on the west side of Nesika Road, about 0.3 miles north of the Nesika Market.

This matter came before the Curry County Planning Commission as a request (AD-1911) for approval on September 19, 2019. A public hearing was held before the Planning Commission as a matter duly set upon the agenda of a regular meeting on September 19, 2019, after giving public notice to affected property owners and publication in the local newspapers as set forth in Section 2.070 of the CCZO.

At the public hearing on said application, evidence and testimony was presented by the Planning Director in the form of Findings of Fact, Conclusions, and Exhibits. The hearing was conducted according to the rules of procedure and conduct of hearings on land use matters as set forth in Section 2.140 of the CCZO. The Planning Commission received oral and written evidence concerning this application. A decision was made by the Planning Commission to close the public hearing at that time and leave the record open for 14 days, until October 3, 2019. Additional written evidence was submitted into the record during the 14 days in which the record was left open after the close of the public hearing.

The Planning Commission convened again on October 24, 2019 to deliberate on the record, including the new evidence submitted. At the conclusion of review and consideration of the evidence in the record and upon a motion duly made and seconded, the Planning Commission voted to **APPROVE** Conditional Use Application AD-1911 based on findings of fact and conclusions of law as set forth in this order and in Exhibit 1 attached hereto and included herein by this reference.

**FINDINGS OF FACT:**

The Planning Commission hereby adopts the findings in Staff Report dated August 20, 2019 and Revised October 10, 2019 (Exhibit 1) and the written and oral testimony submitted into the public hearing record as

the basis for this decision.

## CONCLUSIONS OF LAW

1. The burden of proof is upon the Applicant to prove that the proposal does fully comply with applicable ordinance criteria, Oregon State Statutes and Oregon Administrative Rules as set forth in CCZO Section 2.100(1) (a).
2. The Planning Commission finds that Exhibit 1, Findings of Fact and Conclusions and evidence and testimony presented at the hearing and submitted into the Record indicates that the Applicant has provided sufficient information to make a determination to prove that the proposal does fully comply with applicable ordinance criteria, Oregon State Statutes and Oregon Administrative Rules.
3. The Planning Commission finds that the Applicant has met the burden of proof to support approval of the proposed application for the Eleven (11) Unit Silver Cypress Recreation Vehicle (RV) Park in the community of Nesika Beach.

**NOW THEREFORE LET IT HEREBY BE ORDERED** that AD-1911 a request for Conditional Use approval for the Eleven (11) Unit Silver Cypress Recreation Vehicle (RV) Park on property located in the Rural Commercial (RC) zone, and designated as Assessor Map Numbers as 35-14-31B, tax lots 1400 and 1500, in Curry County, filed by Garth Evey and Jeven Showers, be **APPROVED subject to meeting 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 Coos Curry Electric Cooperative (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 (DSL) 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.

This order in the **APPROVAL** of AD-1911 was reviewed and approved by the Planning Commission on this 12th day of November, 2019.

CURRY COUNTY PLANNING COMMISSION

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Ted Freeman, Chairperson  
Planning Commission

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Date

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Becky Crockett  
Planning Director

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Date