

**BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON**

Applicant: Josh Palmer

)
)
)

Case File: 08-C-PC-17
Findings, Conclusions, and
Final Order

Nature of Application

Applicant Josh Palmer is requesting a conditional use permit to establish a private recreational vehicle (RV) park on the subject property. The proposed RV park will include forty-six (46) spaces and cater to tiny home RVs, Airstream travel trailers and other types of classic travel trailers and park model RVs. Spaces are proposed to be rented on a longer term basis (one month or more). Applicant plans to utilize the existing greenhouse, warehouse and office structures on the property to support the park and to house various park amenities.

Applicant submits that "tiny home" trailers meet the definition of recreational vehicle as defined in Lincoln County Code Section 1.1115(77).

Relevant Facts

1. The 12.6 acre subject property is comprised of two parcels located at 4399 SW Eriksen Avenue south of Waldport and is further identified on Lincoln County Assessor's map 13-12-36-DB as tax lots 400 and 2300.
2. The property is zoned Rural Residential RR-2.
3. The comprehensive plan designation is DR (Dispersed Residential)
4. The subject property is situated approximately 500 feet east of Highway 101 where it intersects with SW Azalea Lane. The area between the subject property and Highway consists of residential homes along Azalea Lane, Eriksen Avenue and Sitka Ridge Court. A parcel to the northeast of the subject property previously housed a wholesale orchid nursery on nearly 10 acres.
5. The subject property currently features a number of structures previously employed as part of the Oregon Coast Nursery. Structures include a 40,000 square foot greenhouse in the northwest corner of the property, a 5500 square foot warehouse immediately east of the greenhouse, a 600 square foot office structure, and an 1800 square foot manufactured home that is being rented on a long term basis. Approximately 25 hoop houses formerly occupied the southern portion of the property. Those that remain are in the process of being sold and removed from the property.
6. The following utilities serve the subject property:
 - a. Sewer: On-site septic

- b. Water: SW Lincoln County Water District
 - c. Electricity: Central Lincoln PUD
7. A small drainage identified on County maps as Little Creek crosses the southeast portion of the subject property. Inventoried wetlands associated with Little Creek are also identified. The requested RV park is proposed to have no impact on the creek or the associated wetlands. This area is separated from the development by dense native vegetation and a steep ravine. No other development constraints are identified.
 8. The proposed recreational vehicle park re-purposes the former site of the Oregon Coast Nursery, a wholesale and retail nursery operation that operated at this location for several decades until it ceased operations in 2011 after 52 years of business. Following the closure of the nursery, minimal nursery operations were continued by then owner Oregon Pacific Bank, in an effort to liquidate existing nursery-related equipment. The current owner, also the Applicant, purchased the property in early 2016.
 9. The Lincoln County Planning Division prepared a Staff Report prior to the hearing (hereafter "Staff Report"). Agency comments contained in the Staff Report and related correspondence is by reference incorporated into the record herein. The following relevant facts/findings were included in the Staff Report, among others:
 - a. According to Duane James Liner, P.E., Development Review Coordinator at ODOT: "With the understanding that Azalea Lane is a public road (county right of way but the road not maintained by the County), there are not road approach requirements from ODOT regarding your proposed conversion of the former nursery property (which does not abut the highway) to a 40 to 50 space RV park on approximately 12.6 acres on what you indicated was either currently zoned RR1 or RR2."
 - b. According to Roy Kinion, Director of the Lincoln County Road Department: "I have inspected SW Azalea Lane at your request. It is a public road that links US Highway 101 to the proposed development of Josh Palmer. I have viewed the development proposal of Mr. Palmer and feel that SW Azalea Lane is adequate to provide access to the development from US Highway 101 and has the width needed to allow for travel in both directions. I have been told that traffic volumes should be low due to the nature of the development. If traffic volumes are larger than anticipated, additional width may need to be added to SW Azalea Lane to accommodate these volumes. Because this is a public road, the maintenance and any improvements are the responsibility of the users of the road. Mr. Palmer's development will be considered a user of the road and will need to be a participant in any road maintenance. I have discussed this issue with him and he is agreeable."
 - c. Oregon Department of Environmental Quality (DEQ) conducted a site evaluation for a Water Pollution Control Facility (WPCF) serving recreational vehicle park with 50 full hook up spaces, a central comfort station office and laundry facility with two washing machines in November 2016. DEQ found that site conditions are favorable for a park of the size proposed. Letters from DEQ and Dennis Boeger, P.E., a civil engineer retained by the applicant are referenced.
 - d. The standards for Recreational Vehicle Parks are found in LCC 1.1630(8), which provide minimum development standards for such developments. "Applicant's proposed park

design substantially exceeds any applicable size, setback and space-related requirements [found in LCC 1.1630(8)].

- e. "The applicant has provided ample evidence that tiny homes are being built to the standards described above in Oregon and elsewhere. The applicant has entered into the record correspondence with an Oregon company, Tiny Mountain Homes, which has been constructing tiny homes as RVs for a number of years. Staff agrees with the applicant that there is a clear path for tiny homes to be built to RV standards and that these structures are likely to meet any definition of RV, including that found in Lincoln County Code and Oregon Revised Statute." Staff analysis concludes that tiny homes may be considered RVs provided they are constructed to RV standards and certified under the 2011 Oregon Recreational Vehicle Safety and Construction .
10. As part of Applicant's Conditional Use application, Applicant submitted supporting materials and evidence, including a "Memorandum Regarding Recreational Vehicles and Recreational Vehicle Parks Under Lincoln County Code" (with Exhibits 1 – 5) and a "Memorandum and Materials In Support of Conditional Use Application" (with Exhibits 1-15), which are incorporated into the record.
 11. A public hearing was held before the Lincoln County Planning Commission on March 27, 2017. All interested parties were given an opportunity to testify.
 12. Lincoln County Planning Commission Chairperson Richard Johnson opened the hearing and described the hearing procedure for the hearing, including the order of testimony, a call for ex-parte contact or conflicts of interest, and a recital of the "Raise-it-or-waive-it" statement as required under ORS 197.763.
 13. Senior Planner Joshua Shaklee then presented the staff report on behalf of Lincoln County. As part of that report, Shaklee clarified that under Lincoln County Code and Oregon law there was no 30 day limit on use of RV parks, as was previously referenced in the written staff report and in the public notice of hearing.
 14. Shaklee referenced several exhibits prepared by the planning department displaying aerial imagery, tax lot information and zoning applicable to the subject property in order to orient the Planning Commission to the property and project.
 15. Planning Commission Chair Johnson made several introductory comments and invited Applicant to present his testimony.
 16. Applicant presented a powerpoint presentation to supplement the materials previously submitted as part of his Conditional Use application and testified and presented evidence highlighting the following points, among others:
 - a. Applicant's intent is to transform the property into a vibrant and aesthetically beautiful RV park dedicated to longer term site rental exclusively for tiny home RVs, park model RVs and classic vintage travel trailers, thereby creating a truly unique and differentiated RV park experience unlike anything that currently exists on the West Coast
 - b. Applicant testified that tiny home trailers are RVs as defined under Oregon law and the Lincoln county Code, as supported by various evidence provided from the Recreational Vehicle Industry Association, the National Association of RV Parks and Campgrounds, a tiny home RV manufacturer and the Oregon DMV. Applicant also referred to the portion of the Staff Report supporting this finding.

- c. The existing property is the site of a previously thriving commercial nursery, which reached sales of \$1.0M at its peak and had eleven employees. Since the nursery went out of business in 2011, the property has fallen into a state of disrepair, as exemplified by various pictures that were shown during the hearing.
 - d. There will be the various amenities and features of the proposed park, including 46 sites for RVs; a heavily landscaped site throughout utilizing native plants species and plant life that will thrive in a coast environment; a game/rec room; a large greenhouse that will be available for park users to grow plants and flowers and/or for storage; a common structure with views of the Pacific ocean; and the opportunity for a nature trail in the heavily treed and undevelopable portion of the property.
 - e. The Applicant's rationale for limiting the park to tiny home RVs, various classic trailers including Airstreams and others and park model RVs and to focus on long term rentals was intentionally done with the neighborhood in mind to: reduce the type of transient traffic flow of RVs and to build and foster a feeling of community within the park; to create a dramatically more aesthetically appealing park; and to ensure that the park users would maintain a high level of care for their RVs and their sites.
 - f. Applicant provided evidence in support of each of the Conditional Use criteria set forth in LCC 1.1630(1), (8), relying on the written memorandum and pages 15-18 of the powerpoint.
 - g. Relative to the compatibility of the site for the proposed use, Applicant emphasized the following: Park is sited on a property that supported a thriving commercial nursery with in excess of \$1,000,000 in sales and 11 employees – without event; a noted architect was retained to develop an aesthetically beautiful landscape design, with focus on native species that integrate into the natural surroundings and support wildlife and birding; the Focal point of design is a landscaped buffer along neighboring properties; the park will be dedicated exclusively to visually appealing tiny home RVs, park models and classic trailers; the focus on longer term rental of sites will dramatically reduce movement of large trailers to/from site; the orientation of park will foster development of a community feel, unlike inherently transient nature of traditional RV parks; the proposed park will be a significant aesthetic upgrade from the existing run down nursery structures currently on property.
 - h. Applicant invited all landowners within the notice area to a meeting to discuss the park concept and to address their concerns. As a result of the meeting, Applicant made a number of commitments to the neighbors in order to mitigate the impact of the project on their properties.
17. Various questions were raised by the Commissioners and answered by Applicant, at which point testimony was taken from two landowners who were opposed to the application.
18. Lynn Frost, a resident of 4699 SW Eriksen Avenue, presented testimony in opposition to the application. Ms. Frost introduced an information packet into the record to supplement a letter that she and her husband previously submitted. Frost testified regarding possible risks associated with the large septic field that would be in relatively close proximity to her property, drainage and erosion issues observed on her property and others, the large amount of traffic that would be caused by an RV park on Azalea Lane, safety concerns regarding RVs entering and exiting onto Highway 101 from Azalea Lane, and other issues that could negatively impact the value of her property.

Conclusions:

The record and findings suggest the conclusion that:

1. Substantial evidence in the record demonstrates that the site is suitable for the proposed use.
2. Substantial evidence in the record demonstrates that the proposed use is compatible with existing and projected surrounding land use.
3. Substantial evidence in the record demonstrates that the proposed use satisfies the standards for RV parks as set forth in LCC 1.1630(8).
4. Substantial evidence in the record demonstrates that tiny home trailers are "recreational vehicles" as that term is defined in LCC 1.1115(77), provided they meet standards of construction prescribed by Oregon Building Codes Division or equivalent agency from state of origin.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #08-C-ADM-17 be **APPROVED** subject to the following conditions:

1. Approval is based upon the submitted plan. Any substantial change in the approved plan shall be submitted to the Planning Division as a new application for a conditional use.
2. The applicant shall obtain required on-site waste management permits from Lincoln County Planning and Development or Oregon Department of Environmental Quality.
3. The applicant shall obtain an Area Development Permit and appropriate Building Permits from the Lincoln County Building Division prior to the commencement of construction.
4. The applicant shall show evidence of appropriate licenses for a 46 space RV park from the Lincoln County Health Department prior to the occupancy of any new RV spaces within the park.
5. Permanent vegetated buffer shall be provided in compliance with LCC 1.1630(8)(k) along property line adjacent to SW Eriksen Avenue and other property lines not presently fenced or vegetated. Vegetation shall be established to a minimum continuous height of five feet within four years, as determined by Lincoln County Planning and Development, or additional fencing shall be installed.
6. All areas not used for RV spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped in compliance with LCC 1.1630(8)(j). The landscaping shall be maintained in good condition.
7. Required yards, building height and lot coverage shall be in compliance with the provisions of Lincoln County Land Use Code Section 1.1345(3).
8. Off-street parking shall be provided in accordance with Section 1.1415 of the Lincoln County Code.
9. Any signage shall be provided in accordance with Section 1.1405 of the Lincoln County Code.
10. Exterior lighting shall be located in such a manner so as not to face or shine directly into a lot in a residential zone, on a street or as to distract motorists. All exterior light fixtures shall be a full cutoff design to avoid visual impacts onto adjacent properties or streets.

19. Further testimony in opposition to the application was provided by Dennis Brundage, the owner of a vacant lot immediately west of the subject property on the West side of Eriksen Avenue of the subject property. Mr. Brundage also resides in a home on a property due west, with access off of Highway 101. Brundage voiced his objection to the park and expressed his concerns about potential encroachment from the large septic field and the negative impact from the park on the use and enjoyment of his properties, in particular. He also expressed concerns over the potential effect the park might have on his property values.
20. Following testimony in opposition to the application, Applicant provided testimony in rebuttal to opposition to the application.
21. Following the rebuttal testimony, Chairman Johnson closed the hearing.
22. The commissioners then deliberated the various conditions that should be applied to approval and discussed whether an approval of the application should be given. Following these deliberations, the commissioners voted to approve the application with seventeen conditions, with direction to Staff to a vote of 5-1 in favor of approval.

Relevant Criteria

- A. Lincoln County Code 1.1345(2)
- B. Lincoln County Code 1.1115(77),(78)
- C. Lincoln County Code 1.1630(1),(8)

Findings

The Commission finds:

1. The subject property is a 12.6 acre parcel of land zoned Rural Residential RR-2, which is the site of a former retail and commercial nursery.
2. The proposed 46 site RV park will utilize several of the existing structures on the site for various amenities for the park and has existing access to water and power sources. The DEQ has approved the adequacy of the site to accommodate the septic system needed for the proposed park.
3. Applicant has provided sufficient evidence and testimony - both in his application materials and at the hearing - to support each of the conditional use suitability, compatibility and technical criteria set forth LCC 1.1630(1,8), his Conditional Use application, and the proposed use.
4. All facilities and structures associated with the proposed RV park will be permitted as required.
5. The surrounding land to the East, West and part of the Northern portion of the site are primarily heavily treed areas that serve as a natural buffer to the site. The surrounding land to the West is made up of residential properties that will be protected from the park by a landscaped buffer.
6. Applicant has agreed to take a number of steps to adequately mitigate the impact of the park on the neighboring landowners' properties.

11. The applicant shall submit a traffic impact analysis prepared by a professional engineer registered with the State of Oregon in compliance with LCC 1.1955 and scope of work defined by Oregon Department of Transportation (incorporated by reference herein). Applicant shall submit the completed traffic impact analysis to the Lincoln County Planning Department for review (with assistance of the Oregon Department of Transportation). The Department shall, after review of the traffic analysis, enumerate which recommendations from the traffic impact analysis must be implemented by the applicant as a condition of final approval.
12. The applicant shall enter into a maintenance agreement to mitigate any impacts made to Azalea Lane resulting from the RV park, or waiver of such by Lincoln County Public Works.
13. The Park shall be limited to usage by park model recreational vehicles, vintage recreational vehicles (such as Airstream brand trailers) and tiny home RVs. All RVs using the park shall be inspected and certified as Recreational Vehicles according to 2011 Oregon Recreational Vehicle Safety and Construction Standards (or most current version thereof), or equivalent standards that were in existence when the RV was manufactured, and have obtained an insignia from the Building Code Division Statewide Inspection Section, or equivalent insignia from state of origin.
14. The applicant shall submit a final detailed drainage plan prepared by a registered professional engineer licensed in the State of Oregon. The final drainage plan shall consider the full range of storm water run-off and drainage discharge issues using generally accepted industry guidelines. The report shall accomplish the following: evaluate pre-and post-development volumes and conditions, describe specific considerations and recommendations concerning design, construction methods, and maintenance necessary to accommodate storm and surface water run-off, and describe treatment methods for storm and surface water run-off.
15. The applicant shall provide a copy of an approved Water Pollution Control Facility (WPCF) permit from the Oregon Department of Environmental Quality.
16. Tent camping shall not be allowed at the Park.

This ORDER was presented to and approved by the Lincoln County Planning Commission on May 8, 2017.



Richard Johnson, Chair
Lincoln County Planning Commission

