STAFF REPORT FOR ADMINISTRATIVE REVIEW

APPLICANT:    Jim Deatherage
1830 Beach Loop Dr.
Bandon OR 97411

OWNER:    James Smejkal
42142 NW Palace Dr.
Banks OR 97106

REQUEST:    Site a first dwelling (Template) in Forest Zone

STAFF CONTACT:        Debby Darling, Planner II

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS:  Township 28S  Range 14W  Section 25  Tax Lot 505

PROPERTY LOCATION
The subject property is located in the Coquille Valley east of the city of Bandon and is accessed via a private unnamed road off of North Bank Lane.

APPLICABLE CRITERIA
Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

| LDO         | §4.8.525(B) | Forest Dwellings: Template Dwelling |

1. BASIC FINDINGS

A.  **Lawfully Created Parcel:** The subject property was lawfully created as required by LDO §3.3.800(2), Lawfully Created Lots and Parcels. On October 15, 2001, Tom Hoshall of Stuntzner Engineering and Forestry LLC certified that there were four discrete parcels within the ownership of Blue Ridge and submitted this certification to the Planning Department. This certification was concurred with by County Counsel’s office on October 17, 2001. Therefore, this is considered a lawfully created parcel.

The subject property has been involved in numerous property line adjustments throughout the years to create the current configuration.

B.  **Zoning:** The zoning is Forest Mixed Use

The purpose of the “F” zone is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Mixed farm-Forest Areas “MU” areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of
forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and
tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas
contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest
productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held
predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on
the economic base of each commodity at any given time. An essential management approach practiced by these
ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the
flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as
in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and
forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification
as established in the zoning ordinance.

C. **Site Description:** The property contains 18.75 acres. The entire property appears to have been logged
in the recent past and shows some re-growth. There is an unnamed road that traverses the property from the
northwest corner through the south center of the property. There does not appear to be any development on the
subject property.

D. **Background:** The property is zoned FMU and there is currently no development on the property.
   - September 24, 2001, the Coquille Indian Tribe requests notification of any and all development on this
     property, as there are known archaeological sites in the vicinity.
   - October 15, 2001, discrete parcel determination submitted by Tom Hoshall of Stuntzner Engineering and
     Forestry, LLC.
   - October 17, 2001, County Counsel Lounsbury concurs with the discrete parcel determination.
   - January 31, 2005, Property line adjustment between tax lots 300 and 505 in 25-14-25 was authorized.
   - April 5, 2005, Property line adjustment, (PLA-05-33) between tax lot 505 in 25-14-25 and tax lots 1300
     in 25-14-23 and 600 in 28-14-24 (these two tax lots are considered a single unit).
   - November 14, 2005, an administrative conditional use (ACU-05-51) for a multiline property line
     adjustment was approved.
   - June 19, 2007, an administrative conditional use application for a template dwelling was denied (ACU-
     07-30) on the neighboring property (TL 507) which was part of a tract. The denial was due to not
     meeting the template test (See information on template test below).
   - July 8, 2013, the current application was submitted. The application was deemed incomplete.
   - August 19, 2013, the applicant submitted the additionally requested information and the application was
deemed complete.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
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<tr>
<th>LDO</th>
<th>§4.8.525 (B)</th>
<th>Template Dwelling</th>
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A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:

1. **There are no other dwellings on the tract on which the dwelling will be sited.**

   **FINDING:** There are no other dwellings on the tract.

2. **There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.**
FINDING: There are no deed restrictions established on the tract which do not allow a dwelling.

3. The lot or parcel on which the dwelling is to be located is to be predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

| Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract. | Cf/Ac/Yr of Growth |
|---|---|---|
| 0-49 | 50-85 | +85 |
| 3 | 7 | 11 |

| Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels | 3 | 3 | 3 |

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

FINDING: The soils on the property consist of Templeton silt loam.

- The trees that grow in these soils are as follows:
  - Douglas fir, red alder, Sitka spruce, western hemlock and western redcedar.
- The cubic foot per acre per year (cf/ac/yr) of growth of the Douglas fir is 186; of the Sitka spruce is 257; of the western hemlock is 257. These three types of trees are the ones recommended to manage.
- The cf/ac/yr of growth is greater than 85 as noted in the chart above.
- This requires a minimum number of 11 lots or parcels and 3 dwellings existing on January 1, 1993.

The 160 acre square was used in creating the template, as the subject property does not abut a road or perennial stream. According to the 1992 Coos County Assessment records, there were 7 properties noted within the template, but only 2 dwellings that were sited prior to January 1, 1993. This falls well below the number of properties and dwellings required as noted above.

Therefore, the subject property does not meet the template test and the application must be denied.

III. NOTIFICATION AND APPEAL RIGHTS

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 750 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s)/Owner(s), Dave Perry, DLCD. Notice of Decision will be provided to Coos County Assessor, Bandon RFPD, The Coquille Indian Tribe, Southern Coos General Health District, and the Coos County Board of Commissioners, and the Coos County Planning Commission. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on September 12, 2013.

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on September 27, 2013, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon
request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

IV. SUMMARY

The request is to site a first dwelling in a Forest zone. The property has not met the template test, with 7 properties and 2 dwellings in existence on January 1, 1993, lying within the 160 acre template. Staff finds this proposal does not meet the requirements for a first dwelling in a forest zone and the application is denied.

If you have any questions please contact staff.

COOS COUNTY PLANNING DEPARTMENT

Dolby Darling, Planner II

C: File

EC: Dave Perry, DLCD

Attachments: Applicants’ Submittal
Template Map
Decision Notice
Vicinity Map