STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT/OWNER: City of Bandon

REQUEST: A request to site a reservoir and water impoundment for municipal use in the Forest Mixed Use (FMU) zone.

STAFF CONTACT: Jill Rolfe, Planning Director

REVIEWING BODY: Coos County Planning Commission

MAP NUMBER(S) / LEGAL DESCRIPTION
ASSESSOR’S MAPS: Township 28S Range 14W Section 29C Tax Lots 2300 and 2400

PROPERTY LOCATION
The property is located southeast of the City of Bandon with access off of Cardinal Lane.

APPLICABLE CRITERIA
Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)

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<td>LDO</td>
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1. BASIC FINDINGS

A. LAWFULLY CREATED PARCELS: The property was lawfully created in accordance with LDO § 6.1.125(8) as both units of land were created by a legal description through recorded deeds prior to 1986.

B. ZONING: The property is currently zoned Forest Mixed Use.

The purpose of the "F" district 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 Area

These 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 ownerships 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. PROJECT BACKGROUND: The City of Bandon has requested this reservoir (municipal water impoundment) to provide raw water storage for municipal use by the city. The upland storage site would be used for placement of dredging spoils. The proposed site is close in proximity to the City’s existing water treatment plant. According to the application there is an easement that follows the boundary of the adjacent property that allows for the installation of a water supply line from the City’s point of diversion on Ferry Creek to the proposed reservoir. Water will then be transported from the reservoir to the treatment plant and then disbursed out to the end users. The reservoir would be covered to prevent evaporation loss and to prevent waterfowl and mosquito use. The applicant has provided a detailed narrative of the project along with the application found at Attachment “A” of this report.

D. SPECIAL CONSIDERATIONS: Bandon Airport Conical Zone, Mixed Use, Municipal Watershed and Bandon Area of Mutual Interest. None of the special considerations has any effect on the current request.

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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SECTION 4.8.350 Hearings Body Conditional Uses. The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance. *** Q. Reservoirs and Water Impoundments for municipal use. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.
FINDING:  The City of Bandon has applied to site a reservoir and water impoundment for municipal use in the Forest Mixed Use (FMU) zone. The project also encompasses site preparation for construction including placement of dredging and dredge spoils on the site which are permitted uses in the FMU zone. However, the dredge portion of the project is permitted outright and does not require additional review.

SECTION 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350.  A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.
A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.
D. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J. and Q.

FINDING:  The proposed site will be cleared in the area in which the reservoir will be sited but after construction there will be minimal activity as it only requires the City to do annual maintenance. During construction there will be tree removal and brush clearing. The brush will be piled and burned causing some smoke but these are accepted forest practices. The temporary construction and annual maintenance will not significantly change, or significantly increase the cost of, accepted farming or forest practices on adjoining properties. The properties immediately adjacent appear to have trees, grass and brush. Cardinal Lane is a private road that serves about fifteen (15) properties and ten (10) existing dwellings and one (1) proposed dwelling. The properties off of Cardinal land range from one (1) acre to fifteen (15) acres. The smaller properties are zoned Rural Residential-2 (RR-2) and the larger ones (10 to 15 acres) are zone FMU.

There does not appear to be any farming going on the adjacent parcels but further south and southeast there are cranberry bogs. The City will only use the water which they are permitted to use under their water right. There will be no significant increase to fire hazard or fire suppression cost. Once the site is cleared and cleaned for the new reservoir it will pose less of a fire danger.

§ 4.8.600, 4.8.700 and 4.8.750 will be addressed later in this report.

The applicant has acknowledged they will sign a Forest Management Covenant and record at the Clerk’s Office. The covenant was submitted with the application.

Staff recommends that the Planning Commission find the criteria have been met.
LDO § 4.8.600 Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.

**SECTION 4.8.600 Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.***

FINDING: There will be no structures on site. Therefore, this criterion does not apply.

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**SECTION 4.8.700 Fire Siting and Safety Standards.** All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. ***

FINDING: There will be no structures on site. Therefore, this criterion does not apply.

**COMMENTS**

The only comments received on the proposal were from Mr. and Mrs. Shorts. The comments were related to Cardinal Lane. They had questions about the dredge soil site and volume of materials to be trucked to the site. The information has been forwarded to the applicant’s consultant.

Cardinal Lane is a private road and the Planning Commission does not have the authority to condition the approval requiring the County to include the road into the maintenance system. The Planning Commission...
can include a condition that Cardinal Lane be restored to the condition it was found after construction. The Planning Commission also may require that maintenance be done to the road while the construction is happening to ensure that the users of the road are not impacted.

The City may enter into a road maintenance agreement with the other parties that use the road but again that is beyond the scope of the Planning Commission’s authority.

According to the application the dredge material will be taken from Geiger Creek Reservoir to the upland site shown on the applicant’s plot plan. This is activity is internal and no trucks will be leaving the site. Dredge material disposal is a permitted use in the FMU zone.

**SUMMARY / CONCLUSIONS**

Staff recommends that the Planning Commission approve the application with the condition that the road be maintained during construction and returned to the same condition as it was prior to any construction activities. Pictures should be provided of the state of the current road and then after pictures to ensure that the condition has been complied with.

If you have any questions, please contact any Planning Staff member.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Attachment:  
A – Application  
B – Maps  
C – Email and letter from Mr. & Mrs. Shorts

C: Applicant  
Parties

EC: Counsel  
Roadmaster  
Dave Perry, DLCD