

APPLICANT'S ADDITIONAL EVIDENCE AND EVIDENTIARY REBUTTAL
BANDON BIOTA, LLC GOLF COURSE APPLICATION
HBCU-22-001
CONTINUATION (FIRST SEVEN DAYS)

The following contains the applicant's evidence and evidentiary rebuttal to comments included in the Planning Department Staff Report, comments provided on behalf of the Oregon Coast Alliance and comments and questions from the Coos County Planning Commission.

The first seven days of the continuation period is for additional testimony and evidence by all parties. However, it is also the open record period for the applicant to provide additional evidence rebutting issues raised in conjunction with the initial hearing. The second seven days of the open record is intended to rebut evidence submitted during the first seven-day open record period. The third seven days of the open record period is for applicant's closing argument during which no new evidence may be submitted.

COOS COUNTY PLANNING STAFF COMMENTS

Relevant Criteria:

ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.

(1) A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

APPLICANT'S RESPONSE: Below, Coos County Planning Staff made multiple assertions that the applicant's evidence addressing impacts to farm and forest land was insufficient. The applicant is therefore providing a more comprehensive analysis (individual ownerships) as to why the proposed golf course will not force a "significant change" or "significantly increasing the cost" of accepted farm or forest practices on adjacent or nearby lands.

STAFF COMMENTS: The applicant stated that "the land to the south is private open space land with no existing commercial farm or forest uses". However, based on a combination of aerial imagery and Assessor records, Staff is able to confirm the unit of land (Map Number 29-15-25-1304, the Fraser parcel) immediately to the

south of the subject tract is being utilized for commercial cranberry farming. There are approximately 20.7 acres of cranberries currently being farmed on this parcel.

APPLICANT'S RESPONSE: While it is true that Tax Lot 1304 (Fraser) lies south of the golf course, that portion of the Fraser ownership consists of vacant, open space land. The portion of the Fraser ownership containing a farm use (cranberry bogs) lies adjacent and east of the proposed golf course. The easterly boundary of the proposed course is 750 feet from the westerly edge of the Fraser bogs. There is a vegetated dune formation between the golf course and the Fraser property (farm use) that is elevated 30 feet above both properties and acts as a physical and visual buffer separating both uses. In other words, activities conducted in conjunction with the golf course will be shielded from the adjacent agricultural use, and vice versa.

The portion of the golf course adjacent to the Fraser bogs consists of three fairways (7, 8, and 9) and associated greens and tees. Once the golf course is operational, the only activities associated with its care and maintenance will consist of irrigation, fertilizing, mowing, and other nominal maintenance, such as mechanical weed-eating and occasional hand spraying for invasive weeds. Those activities are very similar to activities associated with the farm activities performed in conjunction with the cranberry operations. Irrigation, fertilizing, harvest and vine pruning, as well as weed eating or spraying along dikes surrounding the bogs.

Note: It is not the applicant's contention (as stated by staff) that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a "non-farm" use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.

There is a proposed turn-stand situated centrally between the three fairways that will function as a restroom and snack-bar with pre-prepared food and beverages. There will be no cooking facilities or indoor seating available at this comparatively small structure. The turn-stand will not be visible from the Fraser property and will not emit odors, noise, smoke, or lighting at night.

In closing: *As a condition of approval, the applicant will be required to sign and record with the Coos County Clerk, a notarized agreement stating that he/she will not object to standard farm or forest practices occurring on adjacent or nearby lands. This agreement will become a deed restriction that will run with the land in perpetuity.*

STAFF COMMENTS: **The applicant stated the following about the land to the north: "The land to the north contains open space state park lands and a private ownership with a single-family residential use".**

Based on OWRD records and aerial imagery, there are two cranberry farming operations north of the subject tract. These would be the McSpadden unit (Map Number 29-15-13-700) and the Boak unit of land (Map Number 29-15-13-400).

The Boak property also has harvested timber in the last ten years. Based on aerial imagery, Staff estimates there was a 30-acre timber harvest unit on this parcel.

APPLICANT'S RESPONSE: The applicant's statement regarding the land to the north is correct. The property directly adjacent to the North consists of State Park Land and a private ownership, Tax Lot 600, owned by Stein. There is also a portion of the applicant's property (Tax Lot 1903) that is not proposed for golf, other than an access road and parking at its south end.

The southerly edge of the McSpadden cranberry bogs is located 1800 feet (1/3 mile) from the northerly edge of the proposed golf course. The southerly edge of the Boak cranberry bogs are located 1500 feet (over 1/4 mile) from the northerly edge of the proposed golf course. There is a vegetated dune formation running northeasterly from the Stein property across the applicant's property that is elevated 30 to 50 feet above both the golf course and the McSpadden/Boak bogs. The vegetated dune acts as a physical and visual buffer separating the farm uses from the golf course. In other words, activities conducted in conjunction with the golf course will be shielded from distant agricultural uses, and vice versa.

The portion of the golf course closest to the McSpadden/Boak bogs consists of the 18th fairway and its associated greens and tees. Once the golf course is operational, the only activities associated with its care and maintenance will consist of irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand spraying for invasive weeds. Those activities are very similar to activities associated with the farm activities performed in conjunction with the McSpadden/Boak cranberry operations. Irrigation, fertilizing, harvest and vine pruning, as well as weed eating or spraying along dikes surrounding the bogs.

Note: It is not the applicant's contention (as stated by staff) that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a "non-farm" use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.

The clubhouse and pro-shop are located south of the 18th green approximately 2300 feet (4/10 mile) of a mile from the McSpadden/Boak Bogs. The restaurant is intended to serve "just the patrons" of the golf course, food and beverage. The clubhouse and pro-shop facility will not be visible from the McSpadden/Boak properties and will not emit excessive odors, noise, smoke, or lighting at night.

***In closing:** As a condition of approval, the applicant will be required to sign and record with the Coos County Clerk, a notarized agreement stating that he/she will not object to standard farm or forest practices occurring on adjacent or nearby lands. This agreement will become a deed restriction that will run with the land in perpetuity.*

STAFF COMMENTS: The applicant stated the following about the agricultural uses on the lands to the east:

The land to the east has historically been utilized for commercial agriculture. At one time in the recent past there were a minimum of four independent cranberry farms

located east of and along the southerly two thirds of the proposed golf course area. Due to market conditions, two of the four farms ceased operations. There are now two viable farm operations adjacent to the proposed golf course and one of the farms that ceased operations appears to be replanting a portion of the original cranberry bogs.

” The Fugate Farms unit (Map Numbers 29-15-13-1000 & 1902) currently has approximately 50-60 acres under cranberry production.

There is another unit (Map Number 29-15-24-101) owned by a different Fugate that has approximately 5 to 7 acres in cranberry production.

APPLICANT’S RESPONSE: Both Fugate farms are a minimum of 1500 feet (over 1/4 mile) from the practice range proposed in conjunction with the golf course. Both properties are separated from the golf course by the Two-Mile Creek valley that consists of bottom ground that while owned by the applicant, is not proposed for golf. The bottom ground is currently leased for grass hay, and the applicant/owner states that the proposed golf course will not interfere in any way with the continued use of that farm operation. While the practice range may be visible from the Fugate bogs, there is a north/south ridge line that obscures the golf course and accessory facilities from the Fugate bogs.

The portion of the golf course closest to the Fugate bogs is the relatively small (10 acre) proposed practice range that, as termed, will be utilized for practice by golfers utilizing the course. Once the golf course is operational, the only activities associated with its care and maintenance will consist of irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand spraying for invasive weeds. Those activities are very similar to activities associated with the farm activities performed in conjunction with the Fugate cranberry operations. Irrigation, fertilizing, harvest and vine pruning, as well as weed eating or spraying along dikes surrounding the bogs.

Note: It is not the applicant’s contention (as stated by staff) that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a “non-farm” use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.

The practice range is intended to serve “just the patrons” of the golf course. Although the practice range may be visible from the Fugate bogs, the facility will not emit excessive odors, noise, smoke, or lighting at night.

In closing: As a condition of approval, the applicant will be required to sign and record with the Coos County Clerk, a notarized agreement stating that he/she will not object to standard farm or forest practices occurring on adjacent or nearby lands. This agreement will become a deed restriction that will run with the land in perpetuity.

STAFF COMMENTS: The proposed golf course directly abuts the Kranick unit (Map Numbers 29-15-24-200 & 300, 29- 15-25-800 & 901) which has approximately

40 to 50 acres that are capable of cranberry production. This farm is located adjacent to the southeastern portion of the subject tract. It is unclear if they are utilizing this property for Farming.

APPLICANT'S RESPONSE: The Kranick property is directly adjacent to the proposed golf course property. The westerly edge of the Kranick's westerly most cranberry bogs are located approximately 200 feet from the easterly edge of the proposed golf course. The Kranick property parallels fairway 2, 3, 4, and 5 and associated greens and tees. There is a north/south vegetated dune formation between the golf course and Kranick cranberry bogs. The ridge of the dune formation varies in elevation but is generally elevated 10 to 20 feet above the subject fairways, and 30 to 40 feet above the Kranick bogs. The vegetated dune acts as a physical and visual buffer separating the farm uses from the golf course. In other words, activities conducted in conjunction with the golf course will be shielded from adjacent agricultural uses and vice versa.

Once the golf course is operational, the only activities associated with its care and maintenance will consist of irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand spraying for invasive weeds. Those activities are very similar to activities associated with the farm activities performed in conjunction with the Kranick cranberry operation. Irrigation, fertilizing, harvest and vine pruning, as well as weed eating or spraying along dikes surrounding the bogs.

Note: It is not the applicant's contention (as stated by staff) that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a "non-farm" use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.

The agronomy and maintenance facility are proposed south of the Kranick ownership, approximately 500 feet from their southerly-most bogs. The facility will be utilized to store equipment and other resources necessary for the care and maintenance of the golf course. The facility will essentially function the same as a barn in conjunction with farm activities. There is a heavily vegetated (wooded) buffer between the facility and the Kranick bogs. The agronomy/maintenance facility will not be visible from the Kranick property, and the facility will not emit excessive odors, noise, smoke, or lighting at night.

***In closing:** As a condition of approval, the applicant will be required to sign and record with the Coos County Clerk, a notarized agreement stating that he/she will not object to standard farm or forest practices occurring on adjacent or nearby lands. This agreement will become a deed restriction that will run with the land in perpetuity.*

STAFF COMMENTS: Located adjacent to the southeastern portion of the subject tract is the Arriola unit (Map Number 29-15-25-700). The Arriola property has water rights and irrigation infrastructure developed for 55 acres of cranberry production. This property did sell less within the last year and the current property owner participated in the County 2022 cost-share program for noxious weed control

and shared the property is currently going through some reconditioning for cranberry production.

APPLICANT'S RESPONSE: The Arriola owner is over a quarter mile east of the proposed golf course, and their westerly most bogs are over 1600 feet from the golf course. The Arriola property is separated from the golf course by a segment of the applicant's ownership that is not proposed for golf and currently contains cranberry bogs that are no longer in production. The Arriola property parallels fairways 5 and 6 and associated greens and tees. There is a north/south vegetated dune formation lying east of those fairways that shields the golf course from the Arriola bogs. The ridge of the dune formation varies in elevation but is generally elevated 20 feet above the subject fairways and 30 feet above the Arriola property. The vegetated dune acts as a physical and visual buffer separating the farm uses from the golf course. In other words, activities conducted in conjunction with the golf course will be shielded from agricultural uses occurring on Arriola, and vice versa.

Once the golf course is operational, the only activities associated with its care and maintenance will consist of irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand spraying for invasive weeds. Those activities are very similar to activities associated with the farm activities performed in conjunction with the Arriola cranberry operation. Irrigation, fertilizing, harvest and vine pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

***Note:** It is not the applicant's contention (as stated by staff) that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a "non-farm" use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.*

The golf course will not be visible from the Arriola bogs, and the golf course will not emit excessive odors, noise, smoke, or lighting at night.

***In closing:** As a condition of approval, the applicant will be required to sign and record with the Coos County Clerk, a notarized agreement stating that he/she will not object to standard farm or forest practices occurring on adjacent or nearby lands. This agreement will become a deed restriction that will run with the land in perpetuity.*

STAFF COMMENTS: The last two units of land within the study area do not appear to be used for Farm or Forest purposes at this time. They are identified as the Nelson unit (Map Number 29-14-19-200) and Leff unit (Map Numbers 29-15-24-500 & 29-15-25-100). However, that does not mean they are not capable of Farming or Forest practices given the size.

APPLICANT'S RESPONSE: Both the Nelson and Leff ownerships lie east of the cranberry operations addressed above, and further from the proposed golf course. It is therefore reasonable to conclude that, if there will be no significant impacts to farm uses adjacent to, or

nearer to the golf course, then there will be no significant impacts to farm uses occurring on the Nelson or Leff ownerships.

STAFF COMMENTS: The applicant provided the following information to support that there will be no change or cost increase to adjacent farm and forest uses: “The development and maintenance of a golf course is essentially a farm activity consisting of seeding, irrigating, fertilizing, and mowing specialty grasses at various lengths. These farm type activities are very similar to the management of grazing land or land upon which various types of hay or grass crops are produced. Those types of agricultural uses are permitted outright in conjunction with or adjacent to cranberry operations, as it is generally recognized by Oregon statute that one type of agricultural use or farm activity is essentially compatible with other types of farm uses and activities. There is no reason to believe that the development of a golf course, or the day-to-day maintenance of the course will conflict with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities.

Conclusion: There are no nearby commercial forest practices occurring that could be impacted by the proposed golf course. The management activities associated with a golf course are so similar to other types of agricultural practices, that they can only be deemed as compatible. It is therefore reasonable to conclude that the proposed golf course will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.”

Staff can see the relationship between groundskeeping and agricultural use, but Golf Course are defined as recreational uses not agricultural uses. They can be accommodated on nonhigh value farmland providing they can meet the criteria including the impacts analysis required to address impacts to actual farm and forest operations. Coos County’s Zoning and Land Development Ordinance recognizes golfing as a recreational leisure activity, not any type of farming activity. Remember the question is if the use will impact the surrounding accepted farm and forest uses.

APPLICANT’S RESPONSE: As stated repetitively above; It is not the applicant’s contention that a golf course is a farm use. In fact, the applicant is well aware that a golf course is permitted in the EFU zone as a “non-farm” use pursuant to state statute. The applicant is only stating, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, if not the same, as those activities conducted in conjunction with a farm use.

If staff, as stated, sees the relationship between groundskeeping and agricultural uses, then the applicant’s intent has been satisfied. By defining the specific activities associated with a particular use (in this case a golf course), a determination can be made as to whether those activities will negatively impact activities occurring in conjunction with another use (in this case farming or forestry). If the activities for both uses are similar, or as in this case, very similar, a reasonable conclusion can be made that the uses are compatible and that there will be no “significant” adverse impact.

STAFF COMMENTS: The applicant provides further justification that “there is no reason to believe that the development of a golf course, or the day-to-day maintenance of the course will conflict with other types of adjacent farm uses, and specifically the production of cranberries that employs similar management practices and activities”. The applicant did address some basic criteria regarding traffic to the subject property. However, the applicant did not state how the increase in traffic from the proposed development will affect farm and forest activities along Boak and Hoffer Lane.

The Coos County Roadmaster will need to sign off on any traffic and parking plan. Staff suggested the applicant provide more evidence to address adjacent Farm and Forest Use prior to receiving a favorable decision.

APPLICANT’S RESPONSE: Primary access to the golf course is proposed from Boak Lane and its extension along a private road crossing the applicant’s property. It is proposed that the roadway will be improved to a paved standard satisfactory to the Roadmaster. Because roads are addressed through ordinance standards that must be complied with, they are not specific criteria for development of a golf course. Therefore, the applicant’s response (below) with regards to roads, is intended to address potential impacts to farm and forest uses as cited by staff above.

The first quarter mile of Boak Lane is a public right-of-way and the second quarter mile is from a private easement. There is an existing private road (applicant’s ownership) that will require some considerable improvements to meet county standards. There is an existing single lane bridge on the applicant’s private road that crosses Two-Mile Creek. It is proposed that the single lane crossing be maintained as-is, with pull-outs on either side for vision clearance and staging. The intent of the single lane crossing is to preclude impacts to the Two-Mile Creek water way and adjacent wetlands. The Roadmaster has been on site and verbally agreed to the relatively short single lane proposal.

There are only two farm uses occurring along the entire access route. The Fugate cranberry bogs front the entire public portion of Boak Lane to the south. There is a small buffer between the road surface and the cranberry bogs, and the bogs are totally fenced. Fugate does not utilize Boak Lane for ingress or egress to the bogs. While there will be an increase in traffic on Boak Lane, there is no reason to believe that the increase in traffic on an improved paved road will have a significant impact to cranberry operations. In fact, dust associated with the existing gravel road will be eliminated when the applicant paves the road. It should be noted that the same bogs fronting Boak Lane for one-quarter mile, also front US Highway 101 for over one-half mile with no signs of impacts from a road with considerably more traffic.

The only other farm use adjacent to the proposed access, is the applicant’s bottom land (grass hay.) The applicant states that there will be no impact to that farm use, and that the improved access will assist in getting equipment to the site and crops to market.

Note: With consideration given to the hundreds of thousands of thriving farms and forest uses fronting roads and major highways throughout Oregon, it would seem that a general conclusion can be made that roads and traffic do not generally have a significant impact to resource uses.

DRAINAGE:

APPLICANT'S RESPONSE: It occurred during the preparation of new evidence, that drainage associated with the golf course could potentially impact adjacent lands, and that the issue had not been addressed. While there will likely be drainage systems installed at various locations throughout the golf course, all collected storm-water runoff will be contained on-site. There are various wetlands throughout the proposed course that currently act as stormwater drainage basins. It is practical for the golf course and beneficial to the wetlands, that the basins continue to be utilized for the disbursement of collected stormwater.

In conjunction with the development of the course and to assure future stability, it will be required that the project receive a DEQ 1200-C Erosion Control Permit. That permit will address stormwater during development, as well as stormwater control following final development.

OREGON COAST ALLIANCE COMMENTS (ORCA)

ORCA COMMENTS: The application has not demonstrated that the subject lots and parcels were lawfully created. The staff report simply alleges that the lots/parcels were created pursuant to Section 6.1.125.1.e, but no evidence has been submitted to substantiate the allegation. The applicant must submit deed histories, property description cards, or other information establishing that the lots are lawfully established. If any of the lots/parcels were unlawfully divided after land use 2 laws were in place, which commonly occurs, then the resulting lots/parcels are not legal lots or lawfully established units of land.

APPLICANT'S RESPONSE: Deeds of Record and Tax Lot information for all the subject parcels were submitted with the application. The Coos County Assessor cards for all Coos County properties are available to Planning Staff online. The Coos County Planning Director has the authority to determine whether lots and parcels were lawfully created pursuant to the county ordinance provisions of Section 6.1.125. Staff, on behalf of the Planning Director found that property was a lawfully created lot.

ORCA COMMENTS: The applicant has not established that design capacity requirement has been satisfied The applicant is requesting a clubhouse/restaurant with parking, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendor facility), a minimum of two standalone restrooms, a caddy shack, and a practice range. Pursuant to OAR 660-033- 0130(2), the subject property cannot have an “enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100.” The “design capacity” limitation applies

cumulatively, to all enclosed structures. Staff initially deemed the application incomplete because the applicant failed to make an adequate showing under this rule. Simply put, the applicant has not presented credible plans for the enclosed structures. The letter from Scott Edwards, Architect, alleges merely that application “should adequately comply with the required design capacity of 100 persons or less.” The additional letter alleges compliance without any evidence to support the conclusion. This cannot be used in the place of actual evidence, in the form of architectural plans and a condition that the proposed structures will conform to that design capacity. The conceptual plan submitted is far too generalized to determine design capacity. In *ORCA v. Curry County*, LUBA Nos. 2015-006 and -080, LUBA counseled that to satisfy the design capacity requirement, the applicant must include a specific, detailed plan. Perhaps even more importantly, ORCA agrees with staff that “absent [credible and] additional evidence or testimony that the applicant has not sufficiently addressed the capacity or structural requirements,” and the application must be denied. If the applicant would like to postpone satisfaction of the “design capacity” standard, then the applicant would be required to satisfy that standard at a later time, with a process that provides the same rights of participation and opportunity for appeal as is provided here. In essence, there would be a round 2, which would have to be imposed as a condition. See *Rhyne v. Multnomah County*, LUBA No. 92-058.

APPLICANT’S RESPONSE: The applicant is changing their position regarding the development of the proposed clubhouse and pro-shop. The design submitted in the initial application; “Bandon Trails Clubhouse” is no longer conceptual. The applicant is committing to developing that exact design.

A new letter has been attached (Exhibit “A”) from Scott Edwards Architecture that states, “Bandon Dunes is planning to utilize the same design as the Bandon Trails Clubhouse, which is comparable to the proposed development in both scale of course and desired amenities, and has proven a successful model to replicate.” Based upon the fact that there is no longer a conceptual plan that proposes 60 seats, the occupancy matrix in the architect letter is reduced to the 48 seats shown on the Bandon Trails Plan. This adjustment alone reduces the overall design capacity for all facilities from 90 to 78.

Above, ORCA states that “LUBA counseled, that to satisfy the design capacity requirement, the applicant must include a specific, detailed plan.” However, ORCA is exaggerating at best. Planning staff also cited the LUBA cases in their staff report (below).

PLANNING STAFF: LUBA did issue some critical guidance for approval. Their Final Opinion instructed “at the time of conditional use permit approval, the county may approve the permit only if it finds that the total “design capacity” of all

enclosed structures will not exceed 100 persons. To make that finding a “design of some sort” is likely a prerequisite. That finding also likely requires evidentiary support in the form of testimony of the architect or building designer, and calculations or explanations establishing the designed capacity of the structure”.

LUBA pointed out in prior case the following “as we understand it, the clubhouse has not yet been designed, and there are no plans or other specific information in the record regarding the design or capacity of the restaurant, lounge, and other areas of the clubhouse or other structures. It may well be that “plans of some sort”, beyond the general description of the proposed clubhouse at Record 279, will be needed for an architect or building designer to provide testimony or other evidence to establish that the proposed buildings do not have a “total design capacity of more than 100 people.” Absent such plans, testimony and information, the county has no basis on which to determine that the proposed structures comply with OAR 660-033-23 0130(2)(a)”

ORCA clearly overlooked the LUBA “counsel” in which they clearly state, “plans of some sort, which is significantly different from “a specific detailed plan.””

The applicant has provided a detailed architectural design together with a letter from Architect Sid Edwards in which, there is a design capacity analysis for the primary clubhouse and various structures throughout the course. In the spirit of conservatism, the applicant included all employees that will be working within enclosed structures. However, in Oregon Coast Alliance vs. Curry County, 71Or LUBA 279 (2015), Page 20, the board determined that “it may not be necessary to account for employees, servers, cooks, etc. who are present only to provide services to those assembled.” The example being a prison. The design capacity of 100 would be based upon the number of cells and beds available for prisoners, and prison guards and other staff would not be included in the design capacity analysis.

If wait staff, kitchen staff, and all other employees who are there only to provide services to those assembled, the design capacity would be reduced considerably. If you removed the caddies (employees serving) that only temporarily occupy the caddy shack to receive assignments, and the agronomy staff that only utilize buildings for retrieving and housing equipment and supplies, the total design capacity would essentially be based upon the restaurant/clubhouse, 48 seats for patrons occupying the facility.

***Note:** The applicant requests a self-imposed condition of approval stating that; the applicant will be required to construct a clubhouse and pro-shop that essentially replicates the submitted plans showing the Bandon Trails Clubhouse. If the applicant substantially deviates from the submitted plans, in size or seating, they will be required to file a conditional use to amend this condition.*

ORCA COMMENTS: Impacts to Surrounding Farmland State law requires that the proposal not force a significant change in accepted or forest practices on surrounding lands devoted to farm or forest uses and a significant increase in the cost of an accepted farm or forest practices on surrounding land devoted to

farm and forest use. The applicant alleges that surrounding properties are not primarily, nor recently, devoted to either farm or forest use. The record, however, demonstrates that several surrounding properties are dedicated to farm uses. The applicant has simply failed to submit sufficient information to establish compliance with this requirement. More importantly, the applicant has repeatedly shown a lack of candor in the preparation of its application, and, therefore, the public and staff should be skeptical of the applicant's allegations. The applicant and the staff report appear to believe that the subject property does not contain high value farmland, based on what portion of the property would be subject to development. Pursuant to OAR 660-033-0020(8), high-value farmland outside the Willamette Valley includes tracts growing certain perennials. Tax lot 1000 (T29S, R15W, S25 TL1000), 93.56 acres in size, is high-value farmland because a portion of it is in cranberry production. See staff report p. 8-9. A tract includes contiguous ownership, and, therefore, the portion of a property subject to development is not the standard. See OAR 660-033-0020(14) (definition of "tract"). Moreover, pursuant to ORS 195.300(10)(c)(A), the definition of high value farmland includes land that is in an exclusive farm use zone or mixed farm/forest zone, that also is "within the place of use" for a water permit, certificate or decree from the Water Resources Department. It appears that the golf course cannot be approved, absent an exception, because the subject property falls within high-value farmland as defined in ORS 215.710 and ORS 195.300. The applicant alleges that a golf course would not bring about any greater impact to the surrounding farm uses than other farm uses would. This is obviously incorrect, because the golf course is designed to draw in untold numbers of people to golf, work, and dine on the subject property far more than maintaining the existing farm-oriented land use pattern would. Increased human presence will result in increased attraction of scavengers as a result of human activity and waste, increase in traffic (including along Boak and Hoffer Lane), increase in trespass, and so forth. The applicant has simply not presented a serious case in support of its application.

APPLICANT'S RESPONSE: The impacts to adjacent and nearby farm and forest practices has been addressed in considerable detail above under Coos County Planning Department Staff.

ORCA's assertion that the golf course is proposed on High Value Farmland is misleading and patently false. The applicant does not claim that his ownership does not contain High Value Farm Land, only that the golf course is not proposed on those high value lands.

OAR 60-033-020 (8)(a) defines High Value Farmland is as: "High-Value Farmland" means land in a tract composed predominantly of soils that are:

660-033-020 (14) defines a tract as: "Tract" means one or more contiguous lots or parcels under the same ownership.

The Bandon Biota tract consists of hundreds of acres, and the portion of the "tract" that contains High Value Farmland is less 40 acres. It is clear that the "tract" by definition, is not "predominantly" composed of High Value Farmland.

ORCA is aware that the existence of High Value Farmland value within a tract does not preclude a golf course on said tract. In the case cited by ORCA above, (ORCA v. Curry County) the proposed golf course germane to that case, surrounded a segment of High Value Farmland on all four sides, yet LUBA ruled against ORCA and approved the golf course.

ORCA COMMENTS: The golf course exceeds the acreage limitation Under a 660-033-0130(20)(a), "[a] regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes." While there is no strict upper limit in terms of acreage, the 120 to 150-acre provision cannot be stretched to the proposed 300 acres. While the applicant can generally exceed the upper limit of 150 acres, the applicant does not have a blank check to create a golf course of whatever acreage it would like. ORCA believes that doubling the upper limit exceeds what is allowed under the 120 to 150-acre limitation.

APPLICANT'S RESPONSE: Once again ORCA is trying to mislead the Planning Commission. The cited OAR states that an 18-hole golf course "is generally characterized" by a site of "about" 120 to 150 acres of land, has a "playable" distance of 5,000 to 7,200 yards and a par of 64 to 73 strokes. It is clear (and LUBA has ruled) that the intent of the rule is to generally describe an 18-hole golf course and separate that use from a three-par course, driving ranges, or miniature golf courses that are not allowed in the EFU zone. The intent of the rule is clearly to define the area utilized for golf and not the entire applicant's ownership.

The fact that the applicant's land surrounds or is surrounded by playable area, does not mean that land is a part of the golf course under the intent of the rule. Wetlands or other dune land surrounding the golf course are clearly not a part of the "playable" golf course and are allowed to exist as open space with in the EFU zone.

Once again, this issue was raised by ORCA, in ORCA v. Curry County, and LUBA ruled in favor of the golf course applicant, base on the "generally characterized" language in the rule.

ORCA COMMENTS: Use by the non-golfing public must be prohibited Under OAR 660-033-0130(20)(d)(A), "[a]n accessory use or activity does not serve the needs of the non-golfing public." That rule goes on to articulate what cannot be included as accessory uses. The County must, therefore, impose a condition of

approval that prohibits uses for the non-golfing public, including sporting facilities unrelated to golfing, including but not limited to tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing. The pro shop must be within the clubhouse. No banquets, public gatherings, or public entertainment. The restaurant cannot be used by the general public, as was previously maintained by the applicant. As noted above, if the applicant wishes to postpone satisfaction of approval criteria, then the applicant must go through the same process as is occurring here, which includes all the same rights to participate, comment, and opportunity to appeal. See *Rhyne v. Multnomah County*, LUBA No. 92-058. Therefore, if the applicant is not going to provide building plans, then the County must impose a condition of approval requiring all that process at a later time, with all of the relevant participatory and appeal rights as provided here.

APPLICANT'S RESPONSE: The applicant agrees that the non-golfing public is not allowed to utilize accessory uses, such as the clubhouse, driving range or restaurant. If ORCA believes it is necessary, the applicant is amiable to a condition of approval duplicating the administrative rule. No future process is required in conjunction with this rule.

ORCA COMMENTS: Beaches and Dunes The entirety of the golf course, though not the entire tract, is within the Beaches and Dunes overlay zone. The applicant included a conclusory review from Cascadia Geoservices without any supporting evidence to substantiate the allegations. The applicant has not presented a serious attempt at a Beaches and Dunes site investigation. The proposal will develop and disturb over 120 acres of Open Dunes Sand, which include active dune formations. The Coos County comprehensive plan imposes a requirement to investigate and make findings for the type of use proposed and the adverse effects it might have on the site and adjacent areas; the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; the need for methods for protecting the surrounding area from any adverse effects of the development; and hazards to life, public and private property, and the natural environment which may be caused by the golf course. Again, as has been par for the course with this application, the applicant has not submitted sufficient information to satisfy the approval criteria, including those for the Beaches and Dunes overlay. If the applicant intends to delay compliance with these criteria, then the applicant will have to satisfy the criteria at a second stage, with all the same participatory and appeal rights as is provided here.

APPLICANT'S RESPONSE: In the Technical Memorandum submitted into the record, Cascadia Geoservices found the following regarding development of a golf course on the subject property. Their comments are in bold below:

The site is located within the Statewide Planning Goal 18 Beach and Dune Overlay Zone. Based on a review of the Coos County Map Atlas1, the area proposed has been classified, in accordance with Goal 18 eligibility inventory, as having "Limited Suitability" for development. In agreement with our site observations, the USDA has mapped the area as both Open Dune Sand and Younger Stabilized Dunes.

As discussed, the area proposed for development consists primarily of the open dune sand areas. Based on our site evaluation and on our experience working in this region, it is our opinion that developing the site into a golf course will not have an adverse impact on either the site or adjacent areas. Further, it is our opinion that because the golf course will provide and maintain permanent vegetation, the younger open dunes will be stabilized from further wind erosion. This permanent stabilization will occur after final shaping eliminating the need for temporary stabilization measures. As with other development projects in windy areas, erosion and sediment control measures should be adopted during clearing and shaping of the site in accordance with DEQ's Best Management Practices.

Further, we see no hazards to either life, public and private property, or to the natural environment by the proposed development. Finally, it is our professional opinion that the proposed development will not cause excessive destruction of desirable vegetation, where preserved (including inadvertent destruction by moisture loss or root), cause exposure of stable and conditionally stable areas to erosion or modify current air wave patterns leading to beach erosion.

It is clear that consideration of the potential impacts associated the development of a golf course has been addressed and that "based on a site evaluation and experience working in the area" a conclusion was made that there will be no hazards to either life, public and private property, or to the natural environment by the proposed development of a golf course.

In conjunction with the development of the course, it will be required that the project receive a DEQ 1200-C Erosion Control Permit. That permit will require that best management practices be implemented regarding erosion control and stormwater management before and after development. The permit is regulated through periodic inspections and regular site visits during storm events. Continuing with the Technical Memorandum:

As part of the proposed golf course development, a restaurant and club house will be constructed into other ancillary structures. These will be a wood framed structures supported on conventional shallow foundations. We have observed these building sites and it is our opinion that the sites are suitable for the proposed development. Prior to finalizing design, CGS should be retained to perform site-specific geotechnical evaluations of the sites. The site evaluations should include subsurface explorations, laboratory testing and, if required, a slope stability analysis. The report should provide geotechnical design

parameters for the soils encountered and provide special siting measures including setbacks.

The applicant has identified the types of allowed accessory uses proposed in conjunction with the golf course. It is unreasonable for the applicant to spend hundreds of thousands of dollars designing structures for accessory uses prior to knowing that a golf course can be approved.

***Note:** Therefore, as a condition of approval, the applicant will be required to submit applications for the various structures associated with allowed accessory uses, that are within natural hazard and/or special consideration areas applicable to the subject property.*

ORCA COMMENTS: Non-Estuarine Coastal Shoreland Boundary Overlay

The applicant alleges that the subject property is not within the non-estuarine coastal shoreland boundary. Staff, however, confirmed that the subject property does contain inventoried coastal shoreland boundary at the northern portion. The applicant needs to submit a traffic plan and ensure that the proposed access road and bridge satisfies the County definition for new commercial roads in the rural area. Bridge construction and road improvements in the floodplain will require approval for a floodplain application for special development in the special floodplain. There is no evidence that the proposed road and bridge could be constructed within the existing single lane.

APPLICANT'S RESPONSE: ORCA has misinterpreted the applicant's testimony regarding the Non-Estuarine Coastal Shoreland Boundary. There is an existing single lane bridge that currently crosses Two-Mile Creek and is contained within the Coastal Shoreland Boundary. Because the applicant wishes to protect the creek and adjacent wetlands, they are proposing to utilize the existing bridge for access to the golf course.

The local Fire Marshall has inspected the bridge and determined it was adequate for emergency response. The applicant is in the process of having the bridge inspected by a structural engineer to establish load capacity for compliance with county road standards.

Road issues are regulated by standards that are determined by the Coos County Roadmaster, and the applicant will be required to comply with those standards. These are not subjective criteria relevant to the approval of the golf course, except I regard to compatibility with farm and forest uses. Road compatibility with farm and forest uses has been addressed above under Staff Comments. This is simple in that, the applicant either complies with the Roadmaster's requirements, or the applicant does not receive compliance to allow development.

ORCA COMMENTS: Natural Hazards and Earthquake Hazard Zone As has been repeatedly the case, the applicant has not been upfront about satisfying or even conceding the applicability of the natural hazards overlay. For example, the proposed access is proposed for Flood Zone A. The applicant must a floodplain

application to address the impacts of a commercial road and bridge. The subject property is also within the earthquake hazard zone where there is potential for earthquake induced liquefaction of the soils, including in the “moderate” and “high” classification zones. The applicant submitted a technical memorandum from a certified engineering geologist. As noted by staff, that document did not meet the standards for geologic assessment reports. An adequate geologic assessment report must be submitted now, or, if late, then the same process with the same rights to participate and appeal must be provided here. This requirement must be memorialized in a condition of approval if the information is not provided at this time.

APPLICANT’S RESPONSE: The segment of the property within a flood plain overlay is the road where the bridge crosses Two-Mile Creek. The bridge is existing, and no flood review is required unless a new bridge is proposed or there are considerable improvements proposed to the existing bridge.

Natural hazards and the geo-technical analysis from Cascadia Geoservices has been addressed above. The applicant has no problem with a condition requiring a more thorough geotechnical report in conjunction with structural development.

ORCA COMMENTS: Traffic Plan The applicant must submit a traffic plan that addresses several components, including property boundaries, locations of structures, required parking spaces, current and proposed utilities, and so forth. The applicant, however, has not submitted a plan that addresses the required parking spaces and established all property boundaries. Again, the application is simply lacking. Moreover, the applicant will have to increase Boak Lane to 32 feet wide, which is the minimum standard for the local commercial/industrial road standards.

APPLICANT’S RESPONSE: Again, road issues are regulated by standards that are determined by the Coos County Roadmaster and the applicant will be required to comply with those standards. These are not relevant criteria to the approval of the golf course other than compatibility with farm and forest uses. The proposed road location for access to the golf course has been identified in the application, and compatibility with farm and forest uses has been addressed.

The applicant will be required to engage a transportation engineer to design the proposed deceleration lane proposed at the junction of Highway 101 and Boak Lane. At that time, a full traffic plan will be designed showing road widths and golf course parking with the appropriate number of spaces per ordinance (Roadmaster) requirements .

ORCA COMMENTS: Impacts to water quality The applicant concedes that its hydrology assessment is deficient. Specifically, the applicant admits that “there is not sufficient information available to absolutely assess potential impacts.” The applicant must assess the impacts to the subject property, as well as the surrounding properties, including Bandon State Natural Area (BSNA). Indeed, there have already been apparent impacts to BSNA. Past trespass into BSNA by Bandon Biota in 2015 (for a prior golf course proposal), resulted in several illegally drilled bore holes/test wells. The #3 well was drilled outside BSNA property but only 64 feet from a major BSNA wetland. Afterwards, park personnel noted that historical wetlands were atypically dry and that wells drilled within and adjacent to the BSNA could have been responsible for the dried wetlands: “Well #3, which is off OPRD property is within 64 feet of the edge of a large wetland complex on OPRD property. The wetland is dry. There are a range of possible causes including this year’s drought and potential draining of the wetland...A Google Earth image from August, 2005 shows water in the wetland during a drought years. We will need a hydrological assessment to determine the effects of well 3 located next to an important wetland complex.” (OPRD Report, “Bandon State Natural Area Disturbance assessment Final Public Draft 2015-10-07,” pp. 17-19). The OPRD report is attached to this testimony. The applicant must consider the impacts to these and other wetlands, as well as adjacent farmland, from proposed future wells that would serve the properties’ many water needs.

APPLICANT’S RESPONSE: The applicant does not concede that the hydrology assessment was deficient. The report summary concluded that primary aquifers contained within the unconsolidated sediments consist of both a shallow and a deep-water bearing zone, separated by a 20 to 40 ft. thick sandy clay layer. The agricultural uses (cranberry bogs) adjacent to the proposed golf course generally utilize surface water from the shallow water bearing zone that ranges from 4 to 25 feet below the ground surface, while the test wells for the golf course were drilled to a depth of approximately 130 feet. This indicates that adjacent agricultural uses and the proposed golf course could potentially be utilizing water from separate water bearing zones. However, it was determined that there is not sufficient information available to absolutely assess potential impacts.

Because an absolute conclusion could not be reached regarding potential water use impacts, the report recommended that testing should be performed in conjunction with the future development of wells within the proposed golf course. The specific recommendation is as follows:

- *A step-rate pumping test should be performed to evaluate the well performance, followed by a 72-hour constant-rate pumping test to evaluate aquifer hydraulic properties, aquifer boundaries, and potential impacts to nearby groundwater users. Existing groundwater wells should be monitored during the test and/or shallow piezometers near the eastern*

edges of the property boundary should be installed to monitor for potential impacts of pumping.

The applicant suggests that that the above described testing be adopted by the Planning Commission as a condition of approval.

Based upon the proximity of the golf course to existing agricultural water rights and uses, any water permits granted for golf by the Oregon Department of Water Resources, will likely contain conditions for groundwater monitoring to assure that existing agricultural rights are protected.

Evidence has been submitted (Exhibit "B") addressing the "Oregon Doctrine" regarding water rights. As stated on page 5, Oregon's water laws are based on the doctrine of prior appropriation. This means that the first person to obtain a water right on a stream is the last to be shut off in times of low stream flow. This rule was codified in 1909 when surface water was first recognized as "waters of the state." The doctrine was applied to groundwater rights in 1955 when the state also recognized groundwater as waters of the state.

Based upon water rights law protecting senior water rights, the proposed golf course cannot, and will not, impact the viability of existing agricultural uses in the area as a result of water usage. Therefore, regarding the applicants impact to farm uses from water usage, it is reasonable to conclude that the proposed golf course will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.

***Note:** ORCA, is trying to sway the planning commission by slandering the applicant, Bandon Biota, with false accusations and outright lies. There was never a trespass by the applicant onto State Park land. The applicant had permission from state parks for access and water exploration. Furthermore, the assertion that wetlands were impacted by exploratory borings is ludicrous at best, as no water was ever pumped from any of the exploratory borings, including the one on Bandon Biota property near the alleged dry wetland. Access into the property was across old existing roadbeds that were overgrown with vegetation and "downed trees" blocking access. While there may have been a few young shore pines removed, there were no mature evergreen trees fallen to achieve access. This attempt to defame Bandon Biota is typical of ORCA's resolve to achieve their goal of obstructionism at any cost. ORCA's input in this application process deserves the same respect they afford Bandon Biota, who's owner, Michael Keiser, has a proven record of environmental stewardship and contributions to our community.*

EXHIBIT A



2525 E Burnside St.
Portland, OR 97214
P 503 221-3627
F 503-226-3615
seallp.com

December 7, 2022

Conditional Use Application
Bandon Dune Resort
57744 Round Lake Rd
Bandon, OR 97411

Architectural Review of Design Capacity for Proposed Clubhouse, Turn-Stand and Agronomy Buildings

Bandon Dunes Resort proposes a new golf course and facilities called New River Dunes south of Bandon Oregon. The proposed development is within 3 miles of the City of Bandon Urban Growth boundary and per revised OAR 660-033-0130 is subject to a maximum 'Design Capacity' of 100 persons accumulative for all 'enclosed structures' within ½ miles of each other. Evidentiary support of the Design Capacity in the form of testimony of the architect is required for preliminary approval of the development.

The proposal draws upon similar existing buildings at Bandon Dunes Resort with proven capacity to provide the support necessary for a similar golf course of this size. The proposed occupied buildings are a Clubhouse and Pro-Shop containing client hospitality areas, a Turn-Stand (a small mid-course food kiosk) and restrooms to facilitate course use, and Agronomy buildings to maintain the course. The latter 2 buildings are primarily staff spaces with easily defined capacities based upon known staffing and storage needs and operating budget for a course of this size. The Clubhouse provides both basic course support needs (restrooms, sales areas, administration) as well as hospitality amenities related to the course use (Restaurant, Pro-shop). The Clubhouse size is a projection based upon the capacity of clients able to use the course at any given time and average length of stay given the specific amenities. A typical course Clubhouse is a single structure but is being explored as several stand-alone buildings at New River Dunes.

Bandon Dunes is planning to utilize the same design as the Bandon Trails Clubhouse which is comparable to the proposed development in both scale of course and desired amenities and has proven a successful model to replicate. The approximately 3400 sf building has a consistent staff occupancy and a fluctuating client occupancy that cycles throughout the day. The amenities and capacity are sized for the times of peak use, with a lower average client occupant load. Bandon Trails Clubhouse has the support of other facilities in the Resort for storage, supplies etc. so the proposed New River

Dunes Clubhouse will likely require additional space for these functions. However, the additional storage space will not affect the Design Capacity of the Clubhouse. Unlike the Bandon Trails Clubhouse, the restaurant will not support adjacent courses that lack amenities, so a more dependable Design Capacity can be defined. Based on observable Bandon Dune Trails amenities and capacity, the following proposed occupancy is anticipated.

Proposed General Occupancy for Enclosed Structures

Clubhouse Restaurant and Pro-shop

Patrons (Maximum seating)	48 (44 at tables, 4 at the food bar)
Wait Staff	3
Kitchen Staff	4
Sales (Pro-shop Staff)	1
Pro-shop (Customers)	4
Caddy Shack (Staff)	8 (separate building)

Turn-Stand (outside 3-mile limit)

Staff	1
-------	---

Agronomy

Management (general, agronomy)	3
Maintenance (equipment)	2
Independent Restrooms	4

Total 78

Conclusion

Based upon comparable local facilities, the proposed enclosed structures for the New River Dunes Golf Course should adequately comply with the required Design Capacity of 100 persons or less.

Sincerely,

Sid Scott, Principal Architect
 AIA, LEED AP
 Scott Edwards Architecture LLP
 2525 East Burnside St. Portland, OR 97214
 503.226.3617



BANDON TRAILS CLUBHOUSE

STRUCTURAL PERMIT PACKAGE

OWNER:
 BANDO DANCE RESORT LP
 812 3714 PROUD LAKE ROAD
 BANDO, OR 97141
 T (503) 227-4188
 F (503) 227-4188
 Contact: HOWARD MORSE

ARCHITECT:
 WILLIAM CHURCH FELLA ARCHITECT P.C.
 1815 N. FLANDERS, STE. 104
 PORTLAND, OR 97209
 T (503) 227-4188
 F (503) 227-4188
 Contact: CHAD SCHWARTZ
 chad@wcfella.com

GENERAL CONTRACTOR:
 J.E. WILSON & SONS
 2345 S.W. 193RD AVE
 PORTLAND, OR 97224
 T (503) 227-4188
 F (503) 227-4188
 Contact: TONY STANLEY

STRUCTURAL ENGINEER:
 SCOTT CONVERSE ARCHITECTS, LTD.
 315 N.W. CLATSOP RD., #10
 SEASIDE, OR 97138
 T (503) 736-3569
 F (503) 736-3569
 Contact: SCOTT CONVERSE

MECHANICAL ENGINEER:
 M.I.T. HVAC CONCEPT (REFERENCE)

PLUMBING ENGINEER:
 P.I.T. PLUMBING CONCEPT (REFERENCE)

FOOD SERVICE ENGINEER:
 F.I. EQUIPMENT LAYOUT

STRUCTURAL ENGINEER:
 S.I. STRUCTURAL FOUNDATION & FRAMING PLANS

REGISTERED ARCHITECT:
 WILLIAM CHURCH FELLA ARCHITECT P.C.

STRUCTURAL ENGINEER:
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 WILLIAM CHURCH FELLA ARCHITECT P.C.

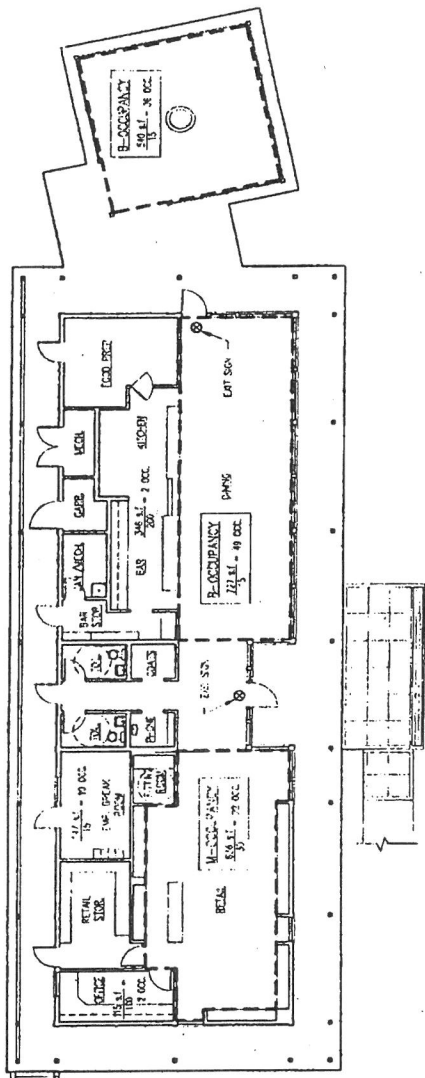
REGISTERED ARCHITECT:
 WILLIAM CHURCH FELLA ARCHITECT P.C.

BANDON TRAILS CLUBHOUSE

COVER SHEET

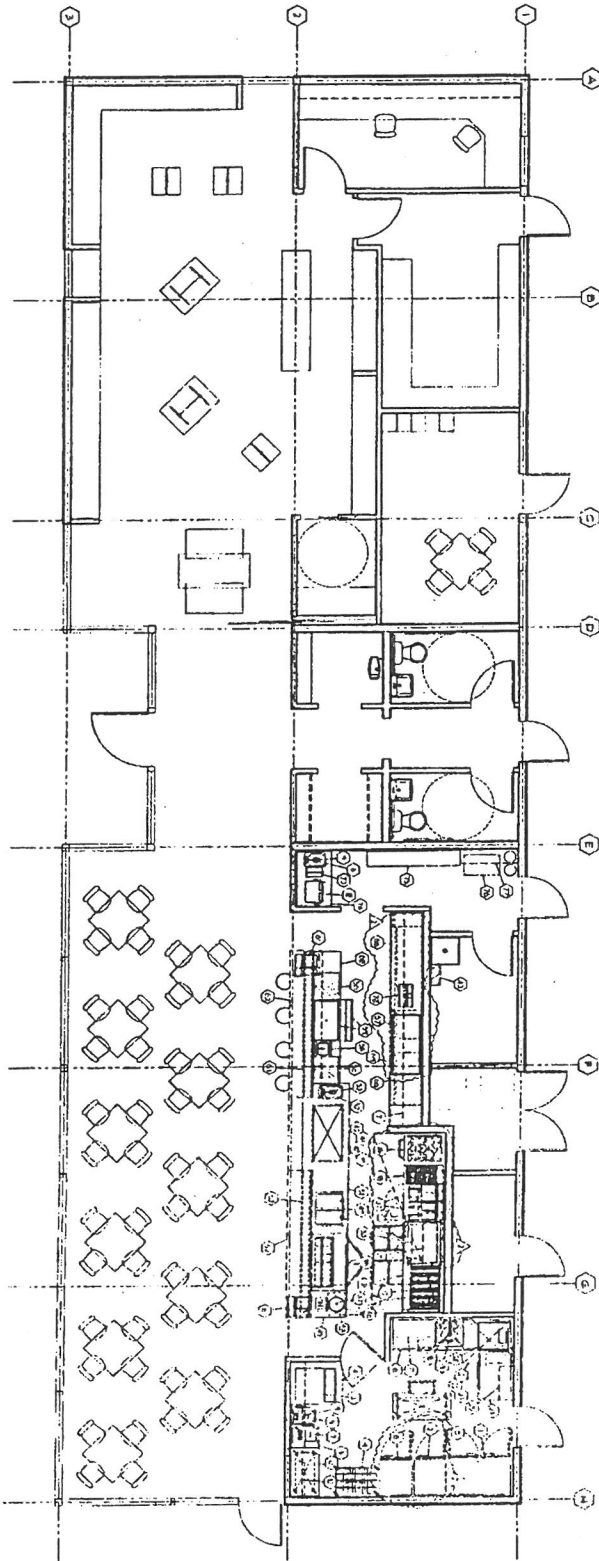
Revision	Number	Date	By
1	574.04	PERMIT	7/9.04
2	574.04	PERMIT	7/9.04
3	574.04	PERMIT	7/9.04

Job No. 0401
 SHEET X OF Y
A0.0



1 CODE PLAN
 ACO 7000E NYS

GENERAL NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NYS ENGINEERING AND ARCHITECTURE LAW AND REGULATIONS.
 2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NYS ENGINEERING AND ARCHITECTURE LAW AND REGULATIONS.
 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NYS ENGINEERING AND ARCHITECTURE LAW AND REGULATIONS.
 9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



Equipment
Layout

Scale: 1/4" = 1'-0"

6-437

K1
of
KS

DATE: 08/25/04
BY: [Signature]
CHECKED: [Signature]
DATE: 11/11/04

Bandon Trails Clubhouse
Bandon Dunes Golf Resort
Round Lake Drive
Bandon, OR 97411

BARGREEN ELLINGSON
ARCHITECTS

223 1/2 Commercial Street, Bandon, OR 97411 Phone: (503) 327-1144 Fax: (503) 327-2144

This plan is a general arrangement of equipment and fixtures for the convenience of CONTRACTOR. All measurements are to be verified by the client. Fixtures, dimensions, and wall locations have been located as accurately as possible and are intended to suit equipment to be installed.
We accept no responsibility for work done by third contractors, and will not be liable for any expense made necessary by local building codes, ordinances, structural conditions or by the customer or changes in equipment shown on the plan or for any reason.
Contractors are to make allowance for all plumbing, gas, water, electrical, ductwork and equipment, working conditions, etc., except where noted as specifications.
This plan is the property of BARGREEN ELLINGSON ARCHITECTS and is loaned subject to the condition that it not be copied, retransmitted, or distributed prior or in whole or in part, without written permission, and is not to be used in any way detrimental to the best interests of the company.

4

WILLIAMS
CHURCH
ARCHITECT
P.A.A. P.C.

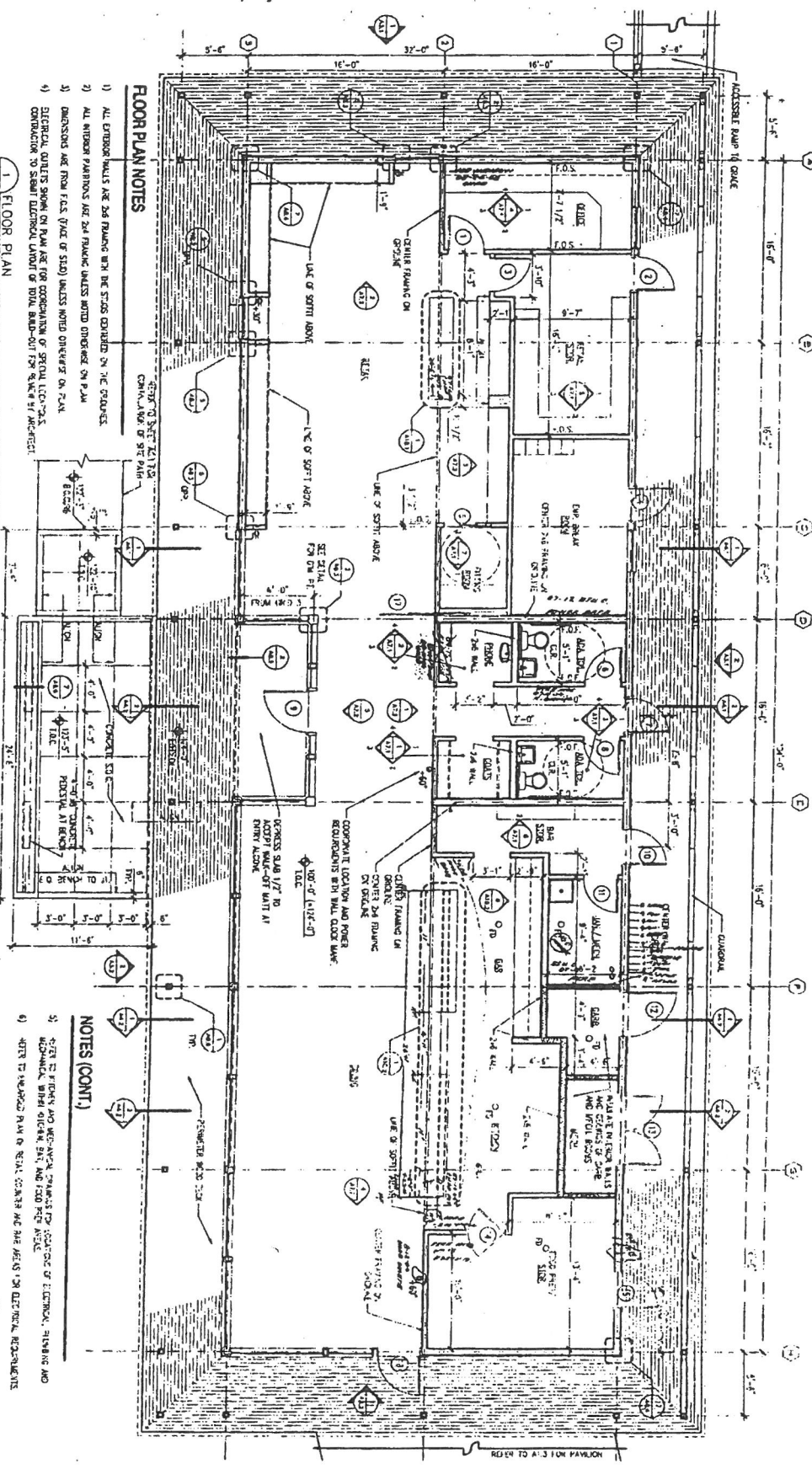


BANDON TRAILS CLUBHOUSE

BANDON DUNES RESORT - BANDON OREGON

FLOOR PLAN

DATE: 10/1/74
DRAWN BY: F.S.B.
CHECKED BY: W.P.M.



- ### FLOOR PLAN NOTES
- 1) ALL EXTERIOR WALLS ARE 24\"/>
 - 2) ALL WINDOW PARTITIONS ARE 24\"/>
 - 3) DIMENSIONS ARE FROM FACE UNLESS NOTED OTHERWISE ON PLAN.
 - 4) ELECTRICAL OUTLETS SHOWN ON PLAN ARE FOR COORDINATION OF SPECIAL LIGHTING. CONSULT WITH SPECIALIST FOR ALL OTHER ELECTRICAL REQUIREMENTS.

DOOR SCHEDULE

DOOR NUMBER	GROUP	TYPE	SIZE	MATERIAL	GLASS	FINISH	MARK	REMARKS
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3	1	SW	3'0\"/>					
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88	1	SW	3'0\"/>					
89	1	SW	3'0\"/>					
90	1	SW	3'0\"/>					
91	1	SW	3'0\"/>					
92	1	SW	3'0\"/>					
93	1	SW	3'0\"/>					
94	1	SW	3'0\"/>					
95	1	SW	3'0\"/>					
96	1	SW	3'0\"/>					
97	1	SW	3'0\"/>					
98	1	SW	3'0\"/>					
99	1	SW	3'0\"/>					
100	1	SW	3'0\"/>					

ROOM FINISH SCHEDULE

ROOM NUMBER	CEILING	WALLS	FLOOR	DOOR	WINDOW	GLASS	MARK	REMARKS
1	1	1	1	1	1	1	1	1
2	1	1	1	1	1	1	1	1
3	1	1	1	1	1	1	1	1
4	1	1	1	1	1	1	1	1
5	1	1	1	1	1	1	1	1
6	1	1	1	1	1	1	1	1
7	1	1	1	1	1	1	1	1
8	1	1	1	1	1	1	1	1
9	1	1	1	1	1	1	1	1
10	1	1	1	1	1	1	1	1
11	1	1	1	1	1	1	1	1
12	1	1	1	1	1	1	1	1
13	1	1	1	1	1	1	1	1
14	1	1	1	1	1	1	1	1
15	1	1	1	1	1	1	1	1
16	1	1	1	1	1	1	1	1
17	1	1	1	1	1	1	1	1
18	1	1	1	1	1	1	1	1
19	1	1	1	1	1	1	1	1
20	1	1	1	1	1	1	1	1
21	1	1	1	1	1	1	1	1
22	1	1	1	1	1	1	1	1
23	1	1	1	1	1	1	1	1
24	1	1	1	1	1	1	1	1
25	1	1	1	1	1	1	1	1
26	1	1	1	1	1	1	1	1
27	1	1	1	1	1	1	1	1
28	1	1	1	1	1	1	1	1
29	1	1	1	1	1	1	1	1
30	1	1	1	1	1	1	1	1
31	1	1	1	1	1	1	1	1
32	1	1	1	1	1	1	1	1
33	1	1	1	1	1	1	1	1
34	1	1	1	1	1	1	1	1
35	1	1	1	1	1	1	1	1
36	1	1	1	1	1	1	1	1
37	1	1	1	1	1	1	1	1
38	1	1	1	1	1	1	1	1
39	1	1	1	1	1	1	1	1
40	1	1	1	1	1	1	1	1
41	1	1	1	1	1	1	1	1
42	1	1	1	1	1	1	1	1
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48	1	1	1	1	1	1	1	1
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76	1	1	1	1	1	1	1	1
77	1	1	1	1	1	1	1	1
78	1	1	1	1	1	1	1	1
79	1	1	1	1	1	1	1	1
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82	1	1	1	1	1	1	1	1
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84	1	1	1	1	1	1	1	1
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88	1	1	1	1	1	1	1	1
89	1	1	1	1	1	1	1	1
90	1	1	1	1	1	1	1	1
91	1	1	1	1	1	1	1	1
92	1	1	1	1	1	1	1	1
93	1	1	1	1	1	1	1	1
94	1	1	1	1	1	1	1	1
95	1	1	1	1	1	1	1	1
96	1	1	1	1	1	1	1	1
97	1	1	1	1	1	1	1	1
98	1	1	1	1	1	1	1	1
99	1	1	1	1	1	1	1	1
100	1	1	1	1	1	1	1	1

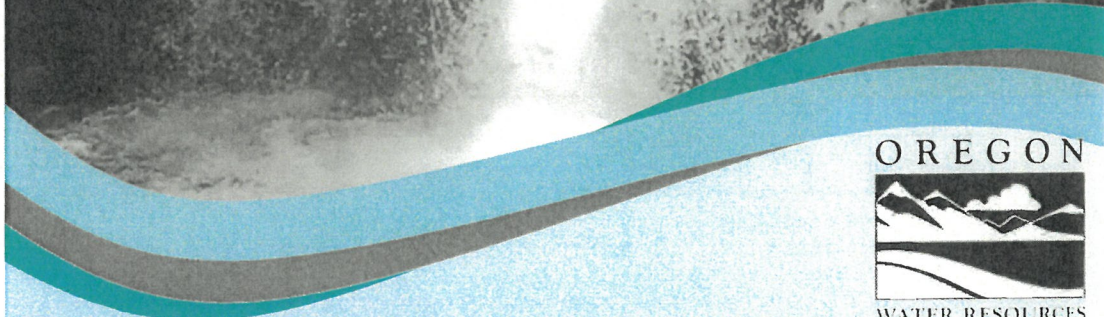
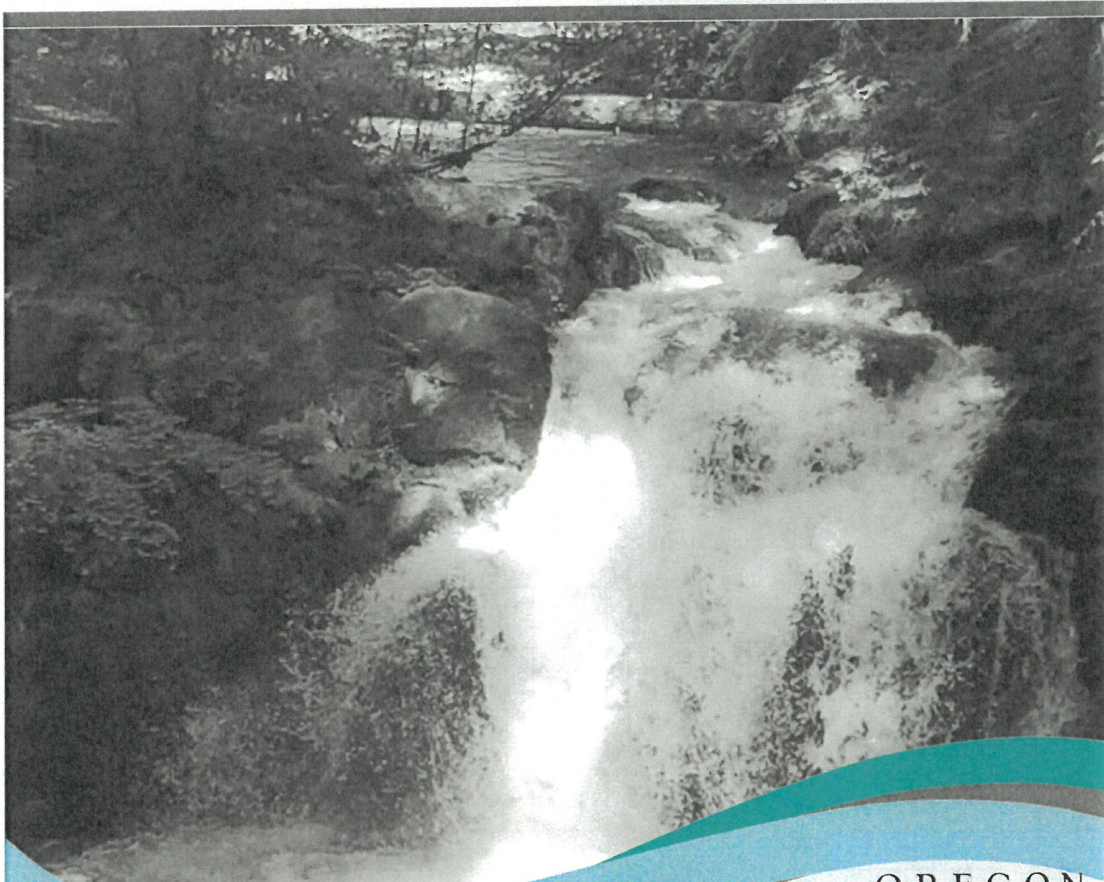
- ### NOTES (CONT.)
- 1) REFER TO FINISH AND MATERIAL SCHEDULES FOR COMPLETE LISTING OF ELECTRICAL, FINISHING AND ARCHITECTURAL MATERIALS TO BE USED.
 - 2) REFER TO MECHANICAL PLAN FOR MECHANICAL REQUIREMENTS.

LEGEND

1	WOOD STAINED GLASS
2	WOOD STAINED GLASS
3	WOOD STAINED GLASS
4	WOOD STAINED GLASS
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18	WOOD STAINED GLASS
19	WOOD STAINED GLASS
20	WOOD STAINED GLASS
21	WOOD STAINED GLASS
22	WOOD STAINED GLASS
23	WOOD STAINED GLASS
24	WOOD STAINED GLASS
25	WOOD STAINED GLASS

WATER RIGHTS IN OREGON

An Introduction to
Oregon's Water Laws



OREGON



WATER RESOURCES
DEPARTMENT

2018

1. OREGON WATER LAWS

water management in Oregon

The Water Code

For more information, refer to ORS 537.110.

Under Oregon law, all water belongs to the public. With some exceptions, cities, irrigators, businesses, and other water users must obtain a permit or license from the Water Resources Department to use water from any source - whether it is underground, or from lakes or streams. Generally speaking, landowners with water flowing past, through, or under their property do not automatically have the right to use that water without authorization from the Department.

Prior Appropriation

With some exceptions, a water right, permit, or license is required to use the waters of Oregon. The water must be used for a beneficial purpose, without waste.

Oregon's water laws are based on the doctrine of prior appropriation. This means the first person to obtain a water right on a stream is the last to be shut off in times of low streamflows. In water-short times, the water right holder with the oldest date of priority can demand the water specified in his or her water right without regard for the needs of junior users. If there is a surplus beyond what is necessary to fulfill the senior right, the water right holder with the next senior priority date can take what is available to satisfy needs under his or her right. This continues down the line until there is no surplus or until all rights are satisfied. The date of application for a permit to use water usually becomes the priority date of the right.

East of the Mississippi River, the riparian doctrine usually applies. Under the riparian doctrine, only landowners with water flowing through their property have claims to the water. By contrast, the prior appropriation doctrine is the basis of water law for most of the states west of the Mississippi. In Oregon, the prior appropriation doctrine was adopted into statute on February 24, 1909 and introduced state control over the right to use water. Before then, water users had to depend on themselves or local courts to defend their rights to water.

Background on water rights in Oregon

According to [Oregon's Water Code](#), 'all water belongs to the public.'

This means that all water users must get permission from the Water Resources Department in order to use the water, even if the water resource naturally flows through or under their land.

Prior appropriation

Oregon water rights are determined by the principle of prior appropriation, rather than riparian rights, which became [codified into law in 1909](#). This means that a senior water rights holder has priority access to water resources, based on the date that the permit was first applied for. In the case of a water shortage, senior users aren't required to conserve resources for junior users, but any surplus water beyond what's used or allocated will go to the junior user, and so on down the line.

Senior users don't have carte blanche to use the water for any purpose, though. Their application for a surface or groundwater permit must specify a 'beneficial use,' and the water right may be forfeited if it's not used at least one time every five years.

This means that simply knowing a parcel of land has water rights attached isn't enough to guarantee that the allocation will be reliable or sufficient. Additionally, specific basins may have restrictions on water usage and limits on new appropriations. For example, some basins are designated as [Critical Groundwater Areas](#) or Problem Areas.