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Via Email

Coos County Planning Commission
c/o Coos County Planning Department
Coos County Courthouse
250 N. Baxter
Coquille, OR 97423
planning@co.coos.or.us

Re: Oregon Coast Alliance responsive testimony for the proposed New River
Dunes Golf Course application (HBCU-24-001).

Dear Coos County Planning Commission,

On behalf of Oregon Coast Alliance (ORCA), please accept this rebuttal testimony for the above-entitled application. ORCA aims to protect the Oregon coast by working with coastal residents for sustainable communities; protection and restoration of coastal and marine natural resources; providing education and advocacy on land use development; and adaptation to climate change. ORCA requests that the application be denied given that the application fails to satisfy all applicable criteria.

ORCA agrees with and incorporates the Marie Ritchie letter. First, it appears from the testimony that the applicant has not controlled the gorse on their holdings in the area. This casts doubt on the applicant's allegations about controlling gorse on the subject property. The applicant's primary motive is remuneration, not keeping the community safe from wildfire. Indeed, the property listed on the application as owned by Bandon Biota contains significant gorse, which is documented in the Ritchie letter and in testimony before the Planning Commission. This creates a wildfire risk that has not been addressed by the applicant and it is of the applicant's own making.

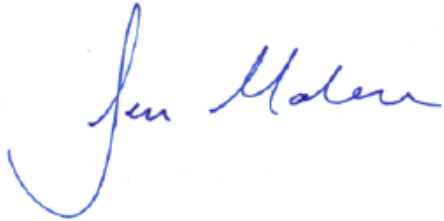
The Ritchie letter is also rightfully concerned about water availability. The water required for the course will be extraordinary. Again, if the applicant has not secured water for the proposed use with the accompanying studies, then the applicant cannot know the true effects of the application. The applicant is not giving the Planning Commission the full picture of the effects of the project, including drawdown to other wells and nearby cranberry bogs. The applicant has put the cart before the horse by proposing to disclose the impacts after the applicant secures an approval when there is no further public process. There needs to be an additional process that provides the public with the same substantive and procedural rights that have been provided here as it relates to any approval criteria that pertain to the effects of significant water usage or reduced water availability. The applicant also conceded that their test wells in the mid-level aquifer on the proposed course did not contain sufficient water. That is evidence that the applicant cannot satisfy its tremendous water needs for the proposed golf course.

Several commenters note that the application will convert farmland. More specifically, the application will remove high-value farmland. As noted in other prior testimony, the applicant has not substantiated its allegations about severing the high-value farmland from the golf course and breaking up the tract. The applicant has also submitted contradictory allegations about whether the application satisfies the definition of high-value farmland. The applicant must support its allegations with evidence from the record, and take a consistent position on whether it has satisfied the applicable criteria.

The applicant's consultant (and "vested partner") unsurprisingly alleges that all criteria have been satisfied, but that is plainly not the case. The applicant has not disclosed the effects from the significant water demand; the applicant does not even know the location of the buildings it proposes to construct; and the applicant has not presented a geologic review assessment, which itself will reveal further impacts associated with the development. Again, it becomes impossible to identify the impacts of the golf course because the applicant has held so much back at this stage. Perk Development is "proud of the success that the Keiser's and the Bandon Dunes Golf Resort Family have brought to this area," but, as noted by those that are not "vested" in the project, the applicant has not maintained the gorse on the surrounding property. If the applicant and Perk Development sincerely cared about the community, then they would maintain their properties and not present a fire hazard to the community. The Perk Development letter is entirely lacking in substance and appears only to be a puffery.

Consistent with the foregoing, as well as prior testimony, ORCA respectfully requests that the application be denied because the applicant has failed to support its application with valid legal theories and substantial evidence.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large initial "S" and "M".

Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client