



Mailing Date:
Wednesday, July 3, 2024

Coos County Community Development

ITEM Number: **Agenda Item B**

FILE NUMBER: HBCU-24-001

HEARING DATE: Thursday, July 11, 2024

HEARING LOCATION: 201 N. Adams Street, Coquille Oregon 97423
This meeting can be attended virtually at:
<https://meet.goto.com/940158709>
You can also dial in using your phone.
Access Code: 940-158-709
United States: +1 (224) 501-3412

APPLICANT(s): Ocean River LLC
57744 Round Lake Road
Bandon OR 97411

STAFF CONTACT: Jill Rolfe, Planning Director
Phone: 541-396-7770
Email: planning@co.coos.or.us

HEARINGS BODY: Planning Commission

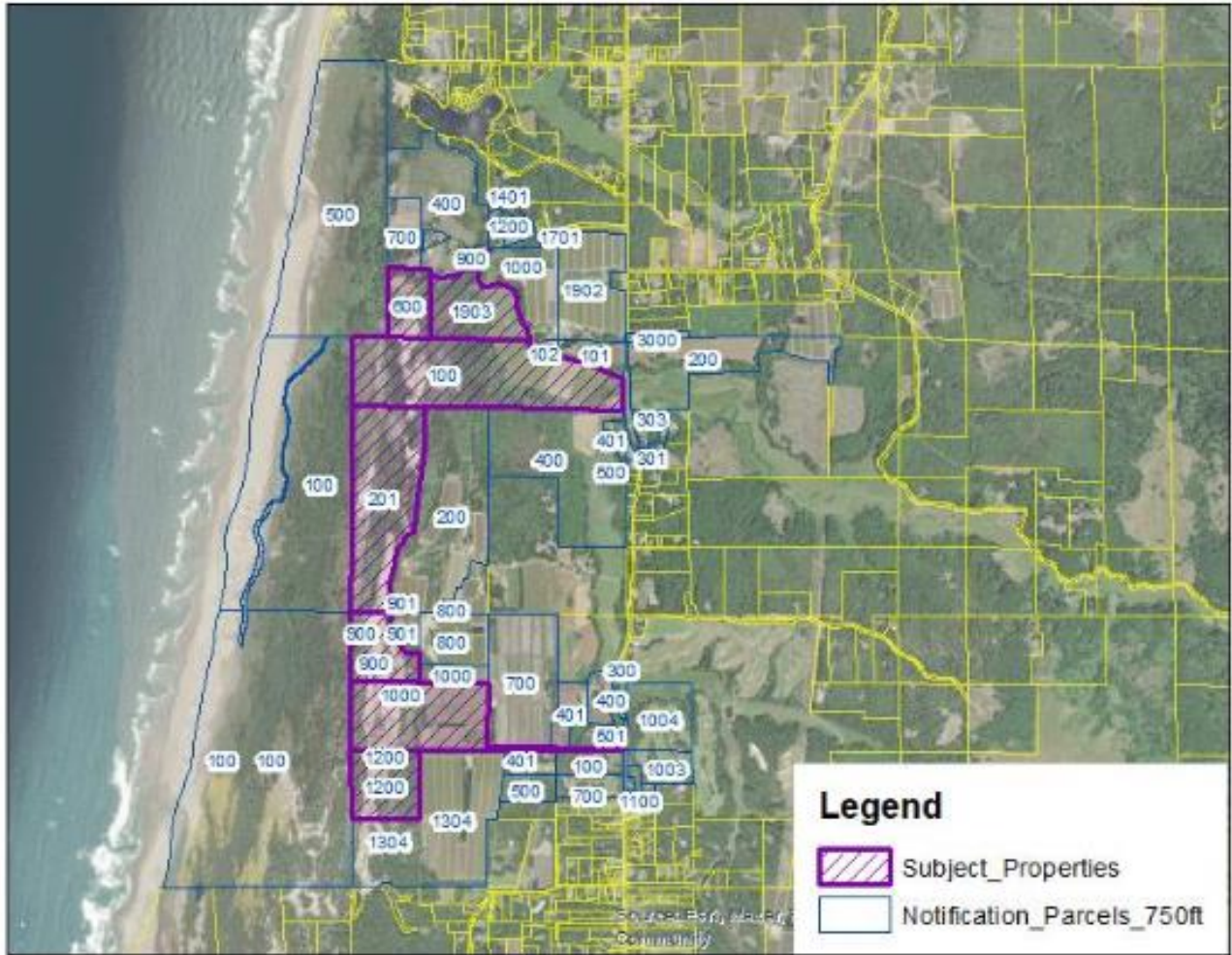
MAP NUMBER: Township 29 S, Range 15 W Section 13
Tax Lot 600 Account #1239601
Tax Lot 1903 Account #1239606

Township 29 S, Range 15 W Section 24
Tax Lot 100 Account #1240300
Tax Lot 201 Account #1240601

Township 29 S, Range 15 W Section 25
Tax Lot 900 Account #1241700
Tax Lot 1000 Account #1241601
Tax Lot 1200 Account #1241602

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ZONING: The applicant's entire tract (parcels identified above) is zone Exclusive Farm Use (EFU) and Minor Estuary Shoreland (MES) at the north end of the tract along Two Mile Creek. There is no development proposed within the MES district at this time.

HAZARD OVERLAYS: Segments of the property contain identified Hazard overlays, including Flood, Liquefaction, and Wildfire. The tract also contains special consideration areas including Beaches and Dunes Limited Development Suitability, Wetlands, and a Coastal Shoreland Boundary.

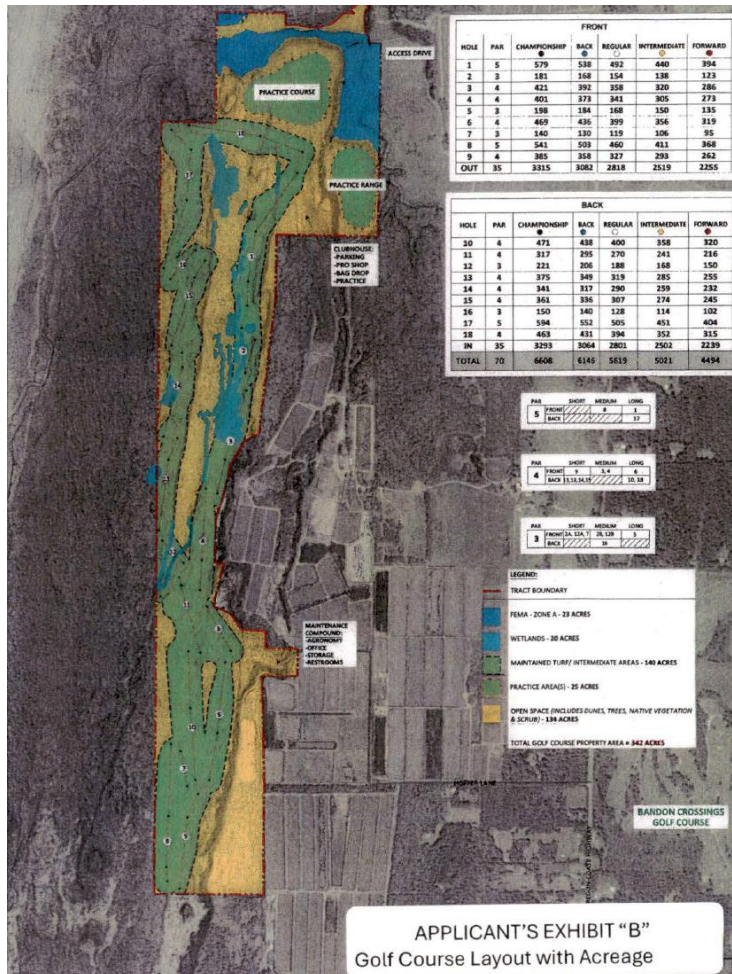
SUMMARY/REQUEST: This application is for a Conditional Use to allow a regulation 18-hole golf course with accessory uses in the Exclusive Farm Use (EFU) zone district. The accessory uses, which are described in more detail below, consist of a clubhouse/restaurant, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendor's facility), a minimum of two stand-alone restrooms, a caddy shack, a driving range, a practice course, and the necessary parking/drop-off areas. The tract consists of 342 acres. According to the application approximately 165 acres will contain the regulation golf course, practice course, and driving range. Approximately 115 acres of the regulation course, practice course and driving range will contain tees, greens, and/or fairways, consisting of vegetated turf (fescue grass) that is meticulously maintained (mowed and irrigated) for their intended use. Approximately 50 acres of the regulation course will

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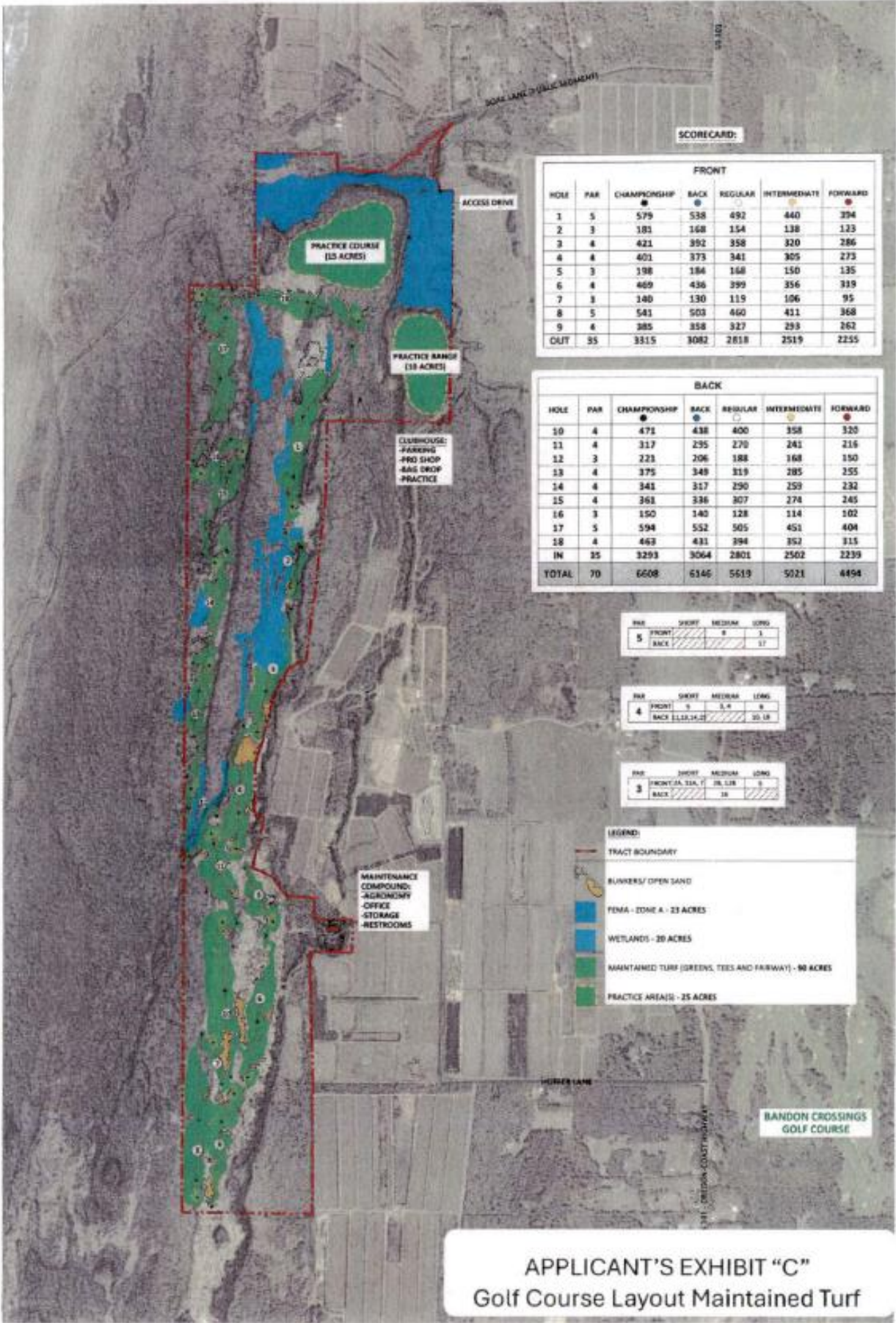
consist of intermediate areas (roughs) that also act as safety corridors. The intermediate areas are initially contoured and then minimally maintained as open sand dune areas, tall grasses, and selected native vegetation. There will be approximately 134-acres of open space land that contain natural dune formations partially covered with native vegetation, approximately 20 acres of wetlands, and approximately 23 acres of identified flood areas. While not utilized for golf, the open space, wetland and flood areas provide the appropriate setting for a Scottish Links Golf Course, while supporting dune land vegetation and habitat for native plants and wildlife.

Access to the property is by way of Boak Lane, which extends approximately one-half mile West from US Highway 101 to the subject property. The first quarter mile of Boak Lane consists of a public right-of-way, and the second quarter mile is a private access easement. The clubhouse/restaurant, practice range, caddy facility and parking are all proposed at the north end of the course, with a turn-stand and restrooms located strategically throughout the course. The agronomy/maintenance center will be located in the southerly half of the course along the easterly boundary of the tract. The facility will be accessed via Hoffer Lane, which is located south of Boak Lane and extends from Highway 101 to the golf course tract. Hoffer Lane is entirely owned by the applicant under Bandon Biota, LLC.



APPLICANT'S EXHIBIT "B"
Golf Course Layout with Acreage





SCORECARD:

FRONT						
HOLE	PAR	CHAMPIONSHIP ●	BACK ○	REGULAR □	INTERMEDIATE ◆	FORWARD ●
1	5	579	538	492	440	394
2	3	181	168	154	138	123
3	4	421	392	358	320	286
4	4	401	373	341	305	273
5	3	198	184	168	150	135
6	4	469	436	399	356	319
7	3	140	130	119	106	95
8	5	541	503	460	411	368
9	4	385	358	327	293	262
CUT	35	3315	3082	2818	2519	2255

BACK						
HOLE	PAR	CHAMPIONSHIP ●	BACK ○	REGULAR □	INTERMEDIATE ◆	FORWARD ●
10	4	471	438	400	358	320
11	4	317	295	270	241	216
12	3	223	206	188	168	150
13	4	375	348	319	285	255
14	4	341	317	290	259	232
15	4	361	336	307	274	245
16	3	150	140	128	114	102
17	5	594	552	505	451	404
18	4	463	431	394	352	315
TOTAL	70	6608	6146	5619	5021	4494

PAR	SHORT	MEDIUM	LONG
5	FRONT	8	3
	BACK		17

PAR	SHORT	MEDIUM	LONG
4	FRONT	5, 4	8
	BACK	11, 12, 21, 22	20, 18

PAR	SHORT	MEDIUM	LONG
3	FRONT (A, 11A, 7)	28, 11B	8
	BACK	18	

- LEGEND:**
- TRACT BOUNDARY
 - BUNKERS/ OPEN SAND
 - FEMA - ZONE A - 23 ACRES
 - WETLANDS - 20 ACRES
 - MAINTAINED TURF (GREENS, TEES AND FAIRWAY) - 90 ACRES
 - PRACTICE AREAS - 25 ACRES

APPLICANT'S EXHIBIT "C"
Golf Course Layout Maintained Turf

PUBLIC NOTICE: This application is a Hearings Body Conditional Use (HBCU) governed by CCZLDO Section 5.0.900. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings. The notice was amended as the property owner had changed but the assessment rolls were not updated to show the change at the time the original notice was provided. The change in ownership was completed through deed document 2024-01964 recorded on April 1, 2024.

Request for comments were provided to Local Tribes, Oregon Department of State Lands and Oregon Department of Fish and Wildlife. There have been no comments received to date. If comments are received, they will be incorporated into the decision.

SURROUNDING USES: The golf course tract consists of approximately 342 acres of vegetated sand dunes stretching north and south for approximately two miles. There are 11 soil types within the tract that primarily consist of either sand or sandy complex soil types. The vegetation on the upland dunes primarily consists of the invasive species "gorse," with a mixture of dune grasses and other dune-type vegetation. The primary tree type is Shore Pine intermingled with various types of conifers (primarily spruce) that are more predominant in the north half of the tract where the topography splits the course. Land clearing for the course has restored open sand dune areas that existed prior to the invasion of gorse.

The property is surrounded by Exclusive Farm Use, Forest Mixed Use, Rural Residential, and Recreational Zoned properties. There appears to be farming and forest practices occurring on adjacent farm and forest zoned properties. During the criteria assessment portion of the review, more details will be provided about surrounding uses and impacts.

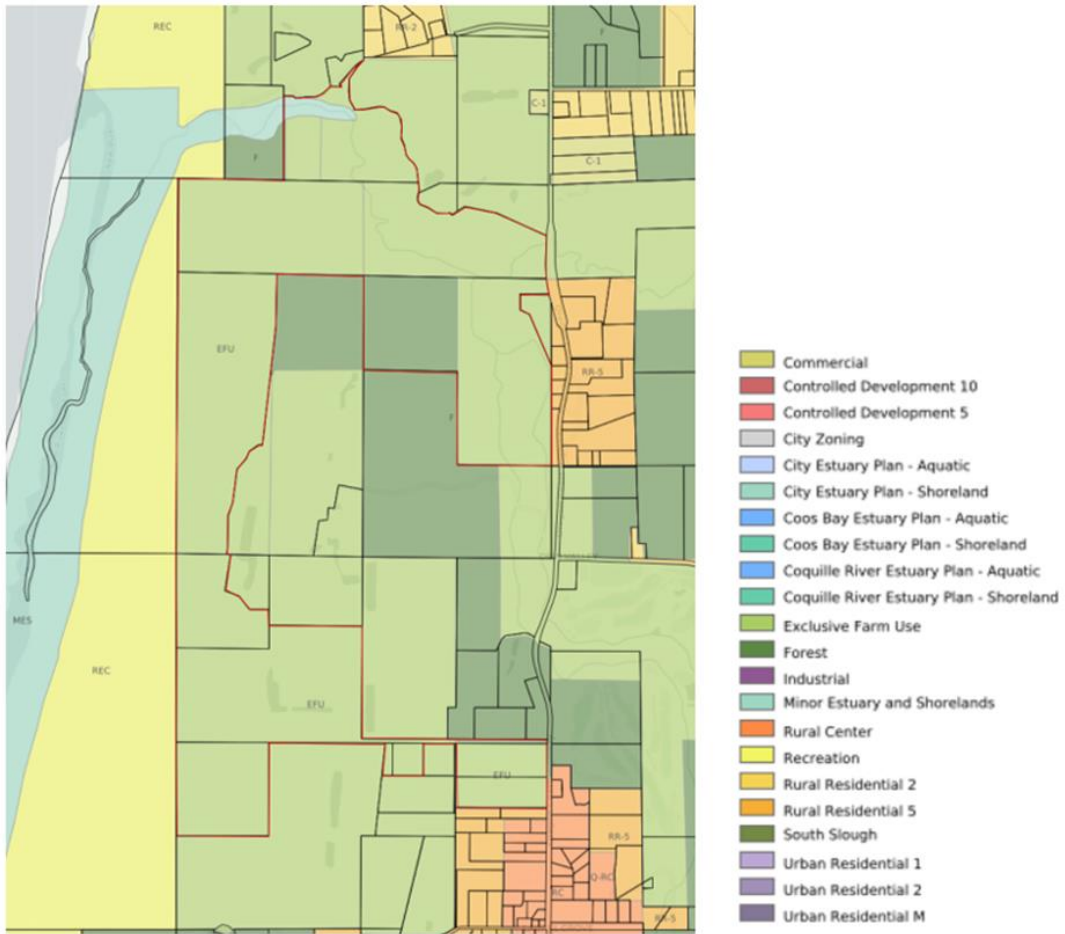
There are Rural Residential-2 zoned parcels located near the proposed public entrance of the golf course. There are Rural Residential-5 zoned parcels located east of section 24 – tax lot 400 on the east side of Highway 101. There is a combination of Rural Center and Rural Residential-5 zoned parcels located south of the subject tract off Hoffer Lane. Hoffer Lane is the proposed employee entrance for the golf course. The rural center of Laurel Grove is located in this area.

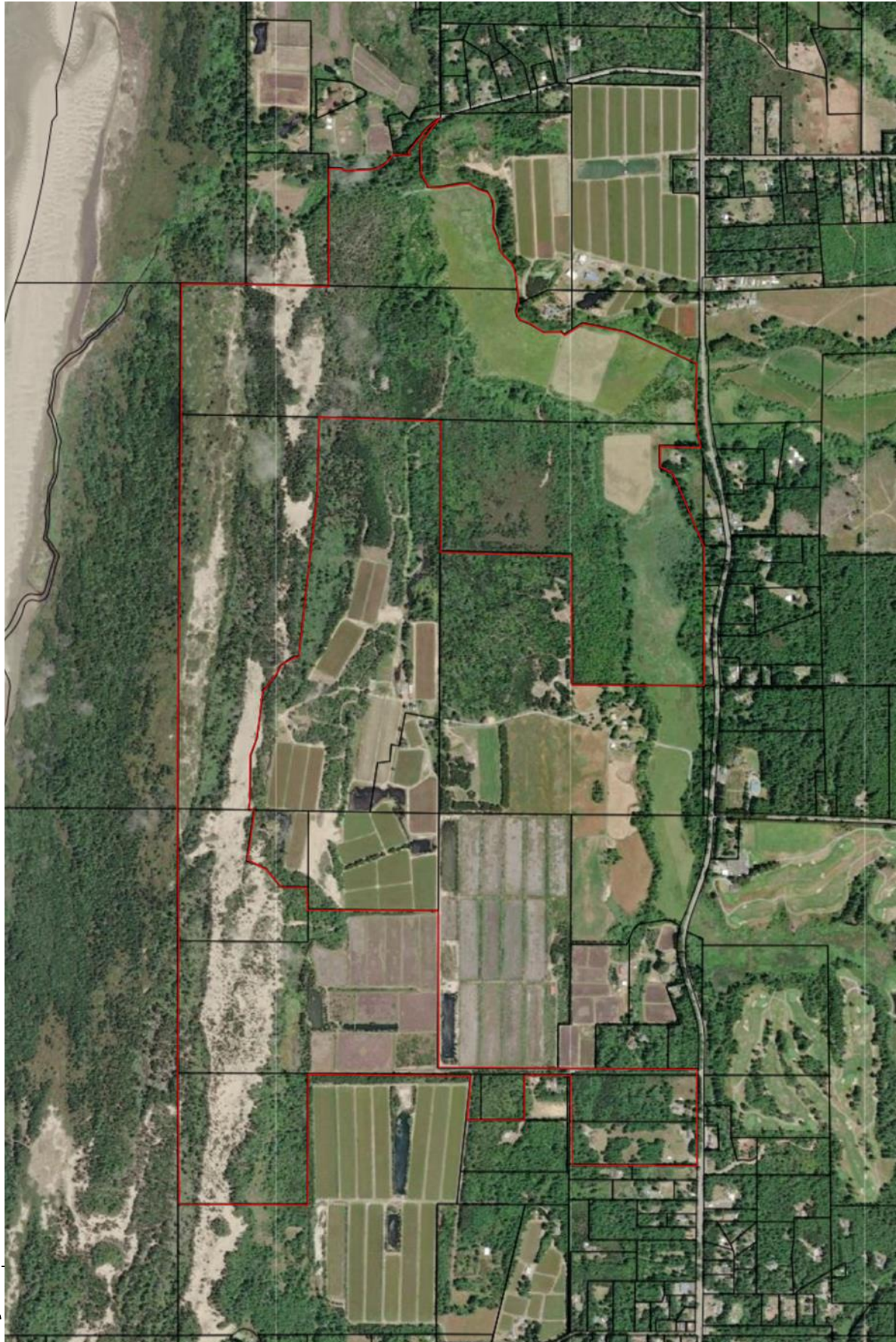
There are Recreation zoned parcels located west of the subject tract. These parcels consist of the Bandon State Natural Area and are managed by the Oregon Department of Parks and Recreation.

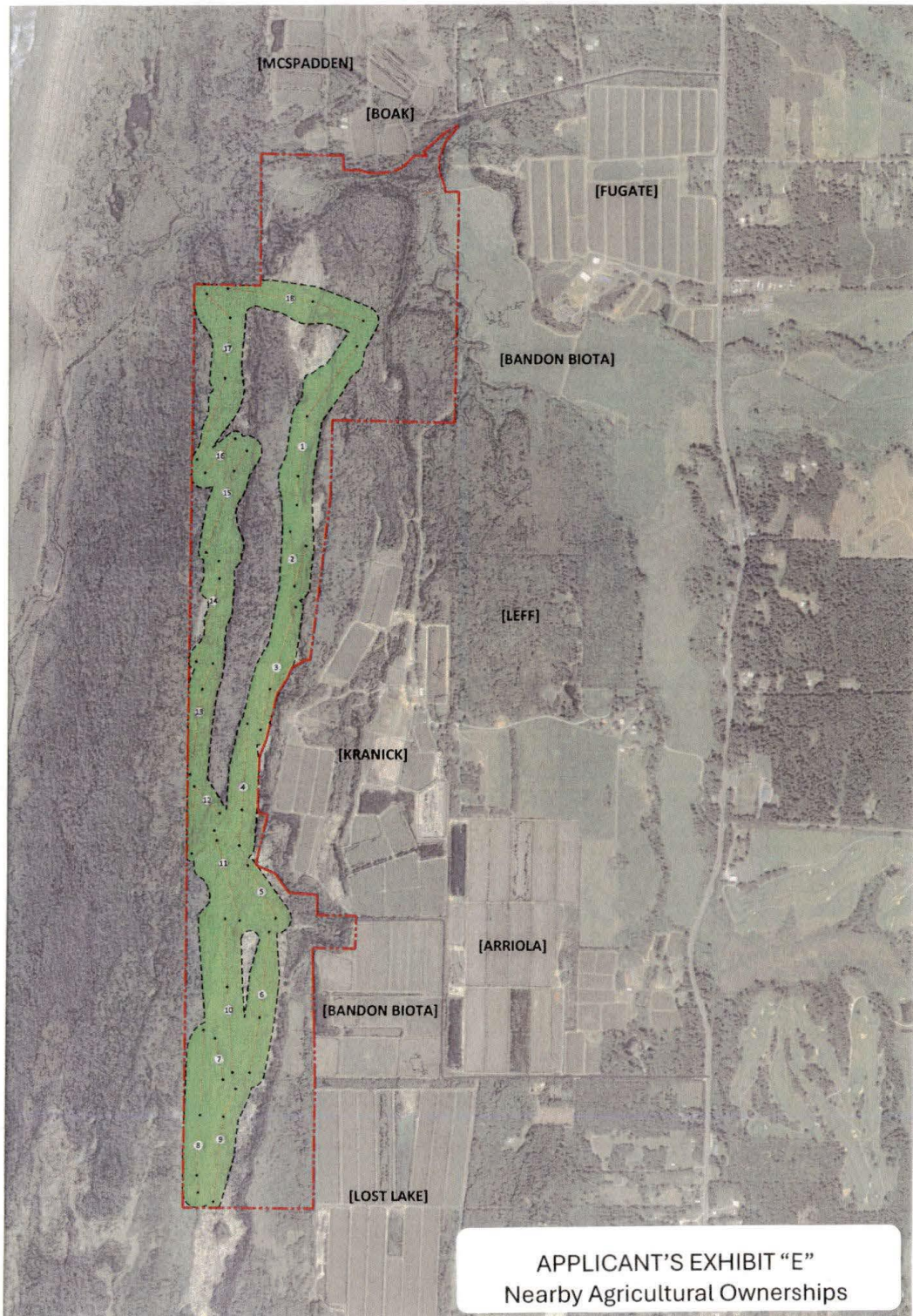


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DAVID MCLAY KIDD
THE ONLY AGENT



REVIEW CRITERIA: The applicable review criteria are found in Coos County Zoning and Land Development (CCZLDO) 4.6.200 Table 2 identifies the uses and activities in the Exclusive Farm Use zone. The tables describe the use, type of review, applicable review standards. Table 2 of CCZLDO Section 4.6.200.67 defines the relevant criteria for Golf Courses not on high-value farmland as defined in ORS 195.300 subject to an HBCU, Section 4.6.200 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses (2)(5)(20). Development shall also comply with Section 4.6.210 Development and Use Standards for the Exclusive Farm Use Zone. Properties that are in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11. This proposal is subject to review under Natural Hazards Section 4.11.

I. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.400 OPEN SPACE AND NATURAL RESOURCE ZONING DISTRICTS

Open Space and Natural Resource Districts are intended for especially sensitive areas where wildlife habitat or special scenic values have been identified or where natural hazards totally preclude any development.

Minor Estuary and Shorelands (MES)

The purpose of the “MES” district is to regulate uses within the inventoried minor estuaries and adjacent shorelands within unincorporated Coos County. The estuaries within the district are treated as “natural management units” per LCDC Goal 16. There are no hearings body applications or development standards with the exception of road standards found in Chapter VII.

SECTION 4.2.500 RESOURCE ZONES

Exclusive Farm Use (EFU)

These include all inventoried “agricultural lands” not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the “Agricultural Lands Inventory” was land identified on the agricultural lands based on soils, Class I-IV soils or “other lands” suitable for agricultural use, with the following exceptions:

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
- 6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

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The secondary criterion for establishing the “Agricultural Lands Inventory” was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.

- **GOLF COURSE CRITERIA AND FOREST SITING STANDARDS**

ARTICLE 4.6 – Resource zoning districts

AS USED IN TABLES I and II.

- (1) “P” means the use is permitted and requires no review from the Planning Department
- (2) “CD” means the use is allowed subject to compliance determination review with clear and objective standards (Staff review or Type I process). Permitted uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.
- (3) “ACU” means it is subject to Administrative Conditional Use (Planning Director’s Decision or Type II Process)
- (4) “HBCU” means the use is a Hearing Body Conditional Use (Planning Commission Decision or Type III Process)
- (5) “PLA” means Property Line Adjustments subject to chapter 6.
- (6) “L” means Land Division is required (Partition, Subdivision, Planned Unit Development) subject to Chapter 6. These reviews are subject to notice requirements as an ACU, Type II Process.
- (7) The “Subject To” column identifies any specific provisions of Section X.07 to which the use is subject.
- (8) “N” means the use is not allowed.
- (9) “TR” Type of Review
- (10) “HV” means High Value Farm Land
- (11) “All Other” Means lands considered not High Value Farm Land

SECTION 4.6.200 EXCLUSIVE FARM USE – USE TABLES

Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone. The tables describe the use, type of review, applicable review standards and Section 4.6.210 Development and Siting Standards. Properties that are located in a Special Development Consideration and/or overlays shall comply with the applicable review process identified by that Special Development Consideration and/or overlay located in Article 4.11.

Table II identifies the uses and activities in the Exclusive Farm Use (EFU) zone

As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

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“Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3). Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

	Use	HV	All Other
<p>215.203 Zoning ordinances establishing exclusive farm use zones; definitions. (1) Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213, 215.283 or 215.284. Farm use zones shall be established only when such zoning is consistent with the comprehensive plan. The following uses are permitted in lands designated as agricultural lands (EFU) pursuant to OAR 660-033-0120. ***</p>			
	FARM/FOREST RESOURCES AS LISTED	HV	All Other
67.	Golf courses not on high-value farmland as defined in ORS 195.300. (new golf course prohibited on High Value)	HBCU (2), (18)(a) or (18)(d)	HBCU (2), (5), (20)

The criteria requires that a determination of high-value farmland is made. This determination sets which criteria is applicable to the review. The ordinance is based on the table in OAR 660-033-0120. Golf courses can be permitted with a review on land determined not be high-value farmland as defined in ORS 195.300.

ORS 195.300 (10) "High-value farmland" means:

(10) “High-value farmland” means:

- (a) High-value farmland as described in [ORS 215.710 \(High-value farmland description for ORS 215.705\)](#) that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in [ORS 215.710 \(High-value farmland description for ORS 215.705\)](#) (2), (4) and (6) are December 6, 2007.
- (b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in [ORS 215.710 \(High-value farmland description for ORS 215.705\)](#) (1) and the following soils:
 - (A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;
 - (B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; **and**
 - (C) Subclassification IVw, specifically Huffling Silty Clay Loam.

- (c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:
 - (A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;
 - (B) Within the boundaries of a district, as defined in [ORS 540.505 \(Definitions\)](#); or
 - (C) Within the boundaries of a diking district formed under ORS chapter 551.
- (d) Land that contains not less than five acres planted in wine grapes.
- (e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:
 - (A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;
 - (B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or
 - (C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.
- (f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:
 - (A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;
 - (B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;
 - (C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;
 - (D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or
 - (E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

High-value farmland has different meanings depending on the use and sections they reference. The applicable portion of ORS 195.300 to golf courses would be subsections (b) and (c). ORS 215.710 is only applicable for dwellings described in ORS 215.705; however, subsection (b) does require consideration of defined soils in ORS 215.705. Subsections (d) through (f) apply to grapes and viticultural areas.

- (b) *Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (High-value farmland description for ORS 215.705) (1) and the following soils:*
 - (A) *Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;*
 - (B) *Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam; and*
 - (C) *Subclassification IVw, specifically Huffling Silty Clay Loam.*
- (c) *Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:*

- (A) *Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department;*
- (B) *Within the boundaries of a district, as defined in ORS 540.505 (Definitions); or*
- (C) *Within the boundaries of a diking district formed under ORS chapter 551.*

Additional Soils in ORS 215.705 (described in ORS 215.710)

- (a) *Irrigated and classified prime, unique, Class I or Class II; or*
- (b) *Not irrigated and classified prime, unique, Class I or Class II.*

Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, “specified perennials” means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.



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Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	0.1	0.0%
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	2.4	0.7%
8B	Bullards sandy loam, 0 to 7 percent slopes	0.4	0.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	17.4	5.1%
8E	Bullards sandy loam, 30 to 50 percent slopes	5.8	1.7%
16	Dune land	128.3	37.4%
28	Heceta fine sand	40.5	11.8%
29B	Heceta-Waldport fine sands, 0 to 7 percent slopes	24.7	7.2%
34	Langlois silty clay loam	10.8	3.1%
59D	Waldport fine sand, 0 to 30 percent slopes	44.4	13.0%
59E	Waldport fine sand, 30 to 70 percent slopes	11.8	3.4%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	20.5	6.0%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	36.0	10.5%
Totals for Area of Interest		343.1	100.0%

The first step is to consider the soil types then look at the water rights, irrigation districts and the diking districts. This property is not within an irrigation district or a diking district.

The soils that are in the prime, unique or Class I or II are:

- 2C and 5B Bandon-Blacklock complex (2.5 acres)
- 8B and 8C Bullards sandy loam (17.8)
- 28 – Heceta fine Sand (40.5)
- 29B – Heceta-Waldport fine sands (24.7)
- 34-Langlois Silty Clay loam (10.8)

These soils represents 96.3 acres of the total study area.

The soils that have been identified as not prime, unique or Class I or II farmland are:

- 8 E Bullards sandy loam (5.8)
- 16 Dune land (128.3)
- 59D and 59E Waldport fine sand (56.2)
- 60D Waldport-Dune land complex (20.5)
- 61D Waldport-Heceta fine (36)

These soils represent 246.8 acres of the total study area.

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The total tract is 342 acres the study area provided was just a little over that with 343.1 acres. It is very difficult to use the tool and come up with the exact number without going over.

The next criteria to consider for high-value farmland is to look at the water rights. The map below was used to determine there are two points that appear to be permitted, have a certificate, or a decree for the use of water for irrigation issued by the Water Resources Department in the project area. However, they are not in the footprint of the golf course. The applicant has further addressed the water rights by providing a memo from CwM-H20; however, this seems to pertain to future water rights and not current but does give a discussion for anyone that is concerned about impacts to existing water rights. See applicants exhibit "F"



Therefore, using aerial images, assessment records, soil maps, zoning maps and water right maps illustrates that the overall area is not considered high-value farmland. About 28% of the project area is classified as high-value, while the rest consists of other lands.

The soil determines the appropriate review process. In this case the table states Section 4.6.200(2), (5) and (20) shall be addressed.

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-0120. For each section of this rule, the corresponding section number is shown in the table. Where no numerical reference is indicated on the table, this rule does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the table, as authorized by law.***

- (2) (a) *No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*
- (b) *Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.*
- (c) *Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.*

FINDINGS: The first criterion to address is the design capacity of the structures developed for the golf course. The design capacity is limited due to the location of the development near the Urban Growth Boundary unless the proposal is approved based on ORS 197.732 (Statewide Goal Exception process). A goal exception is not part of this request. The applicant has chosen to show compliance with the criteria.

Furthermore, this rule includes a density requirement. It means that any building or group of buildings designed to hold 100 people must be at least half a mile apart. This does not mean that all buildings within a tract will need to be counted if they are more than half a mile apart. The last part of the criteria states that existing facilities within the farm use zone may be maintained, enhanced, or expanded on the tract as long as they comply with the relevant law.

The primary enclosed structure subject to the 100-person design standard is the combined clubhouse and restaurant, located on the northern segment of the golf course within three miles of the City of Bandon Urban Growth Boundary.

There are a few important Land Use Board of Appeals (LUBA) cases regarding proposed golf courses within three miles of a city’s Urban Growth Boundary. These cases include Oregon Coast Alliance vs. Curry County, LUBA No. 2015-006, and Oregon Coast Alliance vs. Curry County, LUBA No. 2015-080. Additionally, the applicant provides another relevant case: Young v. Jackson County, 58 Or LUBA 64 (2008), aff’d 227 Or App 290 (2009).

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The adoption of the 100-person limit was triggered by a court decision that applied a federal law prohibiting state and local governments from regulating churches more strictly than secular places of assembly [Young v. Jackson County, 58 Or LUBA 64 (2008), aff'd 227 Or App 290 (2009)]. To ensure equal regulation of all places of assembly, the agency adopted this rule, which applies the same 100-person design capacity limit to all enclosed structures within three miles of a UGB, including churches, schools, parks, and golf courses.

The term "design capacity" is not defined by statute or administrative rule. However, a 2015 appellate decision from LUBA helps clarify its meaning. In Oregon Coast Alliance vs. Curry County, 71 Or LUBA 279 (2015), it was determined that design capacity, while similar, is not synonymous with maximum occupancy under fire and safety codes. LUBA found that while the intended use and design capacity of a structure influence the maximum occupancy, the two concepts are distinct.

LUBA also concluded that the "intended use" of a structure may play a role in determining design capacity, but estimates of how many people are likely to use a structure at any given time are not sufficient to establish its design capacity. LUBA determined that plans are likely necessary to ensure that the buildings do not exceed a total design capacity of more than 100 people.

In the 2015 LUBA case, the final opinion stated that “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 from the architect or building designer, and calculations or explanations establishing the designed capacity of the structure.”

LUBA also noted in a prior case: “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, 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 660-033-230130(2)(a).”

The applicant has responded to the criteria with guidance from the caselaw by submitting a design for the proposed clubhouse, which includes the restaurant and pro shop (see Applicant's Exhibit "G"). The design was initially created for the Bandon Trails Golf Course at the Bandon Dunes Golf Resort, and the property owner has decided to apply this design to the current proposal. Although the size of the facility remains the same (3,900 square feet), the building will have a total occupancy of 80 at one time which includes staff. The Planning Commission may condition the capacity of the building.

Regarding other structures throughout the facility, there will be a partially enclosed greeting facility to provide direction and information for arriving golfers and a partially enclosed starter shack to send golfers onto the course at the appropriate time. Two independent restrooms will be located at strategic points throughout the course, and there will be a turn-stand midway through the course with restrooms and a snack bar with catered food and drinks. Additionally, there will be a caddy shack near the clubhouse for managing and deploying caddies.

The maintenance operations for the golf course will occur from an agronomy center consisting of pole buildings to house equipment and offices for management staff. Nearly all management/office staff oversee maintenance operations throughout the golf course, and the number of individuals occupying offices and other structures at any one time would normally not exceed five employees.

The applicant has provided the total breakdown as follows:

<u>General Occupancy for Enclosed Structures</u>	
<i>Clubhouse Restaurant</i>	
<i>Patrons (Maximum seating)</i>	60
<i>Waiters</i>	3
<i>Kitchen Staff</i>	4
<i>Sales (Pro-shop staff)</i>	1
<i>Pro-shop (Customers)</i>	4
<i>Caddy Shack</i>	8
<i>Turn-Stand Staff</i>	1
<i>Agronomy</i>	
<i>Management (general, agronomy)</i>	3
<i>Maintenance (equipment)</i>	2
<i>Independent restrooms</i>	4
<u>Total</u>	90

The applicant has provided a letter from architect Scott Edwards of Scott Edwards Architecture, supporting the design capacity analysis. Mr. Edwards concludes that "the proposed enclosed structures for the New River Dunes Golf Course should adequately comply with the required design capacity of 100 persons or less." Furthermore, if employees providing service to patrons are not included, as suggested by LUBA, the overall design capacity would equate to approximately 77 people.

The applicant has addressed the criteria by providing the design capacity of the enclosed structures. Therefore, the Planning Commission can determine compliance with these criteria. The development is subject to additional criteria as explained in the report.

- (5) *APPROVAL CRITERIA Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*
 - (a) *Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*
 - (b) *Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

FINDINGS: These criteria are set out to consider impacts to surrounding farm¹ and forest uses.

History of Protection for Farm and Forest Practices (Oregon Department of Agriculture)

Legislation adopted in 1993 and updated in 1995 and 2001 declares farm and forest practices as critical to the welfare of the Oregon economy and establishes a right-to-farm law. This law protects growers from court decisions based on customary noises, smells, dust, or other nuisances or trespasses. It also limits local governments and special districts from administratively declaring certain farm and forest products to be nuisances or trespasses (ORS 30.930).

Protected practices include farming and/or forest practices characterized by all of the following:

- Are or may be used on a farm or forestland of similar nature.
- Are generally accepted, reasonable, and prudent methods for the operation to obtain profit in money (commercial).
- Comply with applicable law.
- Are performed in a reasonable manner.

The lawful and proper use of pesticides is considered a protected farming or forest practice. The law also provides protection for the movement of farm vehicles and livestock on public roads. Local government and special district ordinances and regulations now in effect or subsequently adopted, which are contrary to this law, are invalid.

The new golf course should not force significant changes in accepted farm or forest practices on surrounding lands devoted to farm and forest uses. Additionally, the development should not increase the cost of accepted practices for these farms and forests.

Here are some examples to keep in mind of farm and forest practices with determining a significantly impact:

Farm Commercial Practices:

1. **Crop Cultivation:** Planting, growing, and harvesting various crops such as grains, vegetables, fruits, and nuts.
2. **Livestock Management:** Raising animals for meat, dairy, eggs, and wool, including feeding, breeding, and veterinary care.
3. **Irrigation:** Installing and maintaining irrigation systems to ensure crops receive adequate water.
4. **Pest Management:** Using pesticides and other methods to control pests and diseases affecting crops and livestock.
5. **Soil Management:** Applying fertilizers and soil amendments to maintain soil fertility and structure.
6. **Equipment Operation:** Using tractors, plows, harvesters, and other machinery for various farming tasks.
7. **Marketing and Distribution:** Selling farm products through local markets, wholesale distributors, and direct-to-consumer channels.
8. **Land Conservation:** Implementing practices like crop rotation, cover cropping, and contour plowing to prevent soil erosion and maintain land health.

Forest Commercial Practices:

1. **Timber Harvesting:** Cutting down trees for lumber, pulp, and other wood products.
2. **Reforestation:** Planting new trees to replace those that have been harvested.
3. **Forest Management:** Thinning, pruning, and controlled burning to maintain forest health and productivity.
4. **Pest and Disease Control:** Monitoring and controlling pests and diseases that can damage trees.

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5. **Wildlife Habitat Management:** Creating and maintaining habitats to support local wildlife species.
6. **Recreational Management:** Developing and maintaining trails, campsites, and other facilities for recreational use.
7. **Fire Prevention:** Implementing measures like creating firebreaks and managing underbrush to reduce the risk of forest fires.
8. **Harvest Planning:** Planning the timing and method of tree harvesting to ensure sustainable forest use.

There does not appear to be any Forest Uses occurring in the surrounding areas. These are mainly farm, residential recreational uses occurring. These criteria only takes in impacts for forest and farming. The application provided the following assessment for Farm Uses.

The lands surrounding the proposed golf course to the south and west do not contain any type of commercial farm use. The land to the west is owned by Oregon State Parks, is entirely undeveloped, and is currently maintained as open space land for recreational use. The land south of the proposed golf course is privately owned open space land.

The lands to the north and east have historically been utilized to varying degrees for commercial agriculture. There are several independent farm operations to the north and east that are addressed individually below (see Applicant's Exhibit "E").

- **LOST LAKE CRANBERRY FARMS LLC**

The portion of Lost Lake Cranberry Farms containing farm use (cranberry bogs) is located at the southern end of the proposed golf course, along its eastern boundary. The eastern boundary of the proposed golf course is 750 feet from the western edge of the Lost Lake bogs. There is a vegetated dune formation owned by the applicant that is located between the playable area of the golf course and the cranberry bogs. The dune formation is elevated 30 feet above both properties and acts as a natural buffer between the golf course and farm use. This means activities associated with the golf course will be physically and visually shielded from the adjacent agricultural use, and vice versa.

The portion of the golf course adjacent to the Lost Lake bogs consists of three fairways (7, 8, and 9) and associated greens and tees. Once the golf course is operational, the activities associated with its care and maintenance will include irrigation, fertilizing, mowing, and other nominal maintenance, such as mechanical weed-eating and occasional hand-spraying for invasive weeds. These activities are very similar to standard farm practices occurring in conjunction with the Lost Lake cranberry operations, which also include irrigation, fertilizing, harvesting, pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

There is also a turn-stand proposed centrally between the three fairways (7, 8, and 9) 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 property and will not emit odors, noise, smoke, or lighting.

- **KRANICK CRANBERRY FARM**

The Kranick property is directly adjacent to and centrally located on the east side of the proposed golf course. The westernmost edge of the Kranick bogs is approximately 200 feet from the eastern edge of the proposed golf course. The Kranick property parallels fairways 2, 3, 4, and 5, and their associated greens and tees. There is a north-south vegetated dune formation between the golf course and the

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Kranick cranberry bogs. The ridge of the dune formation varies in elevation, generally rising 10 to 20 feet above the fairways and 30 to 40 feet above the Kranick bogs. This vegetated dune acts as a physical and visual buffer, separating the farm uses from the golf course. Thus, 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 activities associated with its care and maintenance will include irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand-spraying for invasive weeds. These activities are very similar to standard farm practices occurring in conjunction with the cranberry operations, which also include irrigation, fertilizing, harvesting, pruning, and weed-eating or spraying along dikes surrounding the bogs.

The agronomy and maintenance facility is proposed to be located south of the Kranick property, approximately 500 feet from their southernmost bogs. This facility will be used to store equipment and supplies necessary for the care and maintenance of the golf course. The facility will essentially function in the same manner as a barn used for 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 it will not emit excessive odors, noise, smoke, or lighting.

- **MCSPADDEN AND BOAK CRANBERRY FARMS**

As reflected in 2023 aerial photographs (Google Earth) and confirmed by a site visit, both the McSpadden and Boak cranberry farms have ceased operations and have not been managed for several years. Because the bog structures (dikes and beds) still exist and could potentially be reestablished, compatibility is addressed below.

Both the McSpadden and Boak cranberry bogs are located directly north and adjacent to the applicant's property. The bog location is separated from the proposed golf course by both Two Mile Creek and the Boak Lane access easement, which provides ingress and egress to both cranberry parcels. The southern edges of the McSpadden and Boak bogs are located a thousand feet north of the developed golf course. There is a vegetated dune formation elevated an average of 40 feet above both the proposed golf course (to the south) and the cranberry parcels (to the north). This vegetated dune acts as a physical and visual buffer, separating the farm uses from the golf course. Thus, 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 activities associated with its care and maintenance will include irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand-spraying for invasive weeds. These activities are very similar to the activities associated with the farm practices performed in conjunction with the McSpadden/Boak cranberry operations, which include irrigation, fertilizing, harvesting, vine pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

- **FUGATE CRANBERRY FARM**

Fugate Farms is located a minimum of 2000 feet from the proposed golf course and is separated by a north-south ridgeline, as well as the Two Mile Creek valley, which consists of pastureland. The pasture is currently owned by Bandon Biota and is managed for the production of grass hay. The owner states that the proposed golf course will not interfere with the continued farm use of the pasture. The vegetated dune separating the golf course from the easterly farm uses acts as a physical and visual



buffer. Thus, activities associated with the golf course will be shielded from the subject agricultural uses, and vice versa.

Once the golf course is operational, the activities associated with its care and maintenance will include irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand-spraying for invasive weeds. These activities are very similar to both the pasture and cranberry farm activities, including mowing, irrigating, fertilizing, harvesting, and pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

The various uses associated with the golf course will not be visible from the Fugate bogs, and the facility will not emit excessive odors, noise, smoke, or lighting at night.

- **ARRIOLA CRANBERRY FARM**

The easternmost Arriola cranberry 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 remnants of cranberry bogs that are no longer in production. The Arriola property parallels fairways 5 and 6 and their associated greens and tees. A north-south vegetated dune formation lies east of those fairways, shielding the golf course from farm uses to the east. 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. This vegetated dune acts as a physical and visual buffer, separating the farm uses from the golf course. Therefore, 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 activities associated with its care and maintenance will include irrigation, fertilizing, mowing, and other nominal maintenance, such as weed-eating and occasional hand-spraying for invasive weeds. These activities are very similar to the farming activities performed in conjunction with the Arriola cranberry operation, including irrigation, fertilizing, harvesting, and vine pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

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

- **LEFF OWNERSHIPS**

The Leff ownership lies east of the Kranick and north of the Arriola cranberry operations, which were thoroughly addressed above regarding significant impacts. Aerial photographs indicate that the Leff ownership primarily contains pasture with a segment (approximately 4 acres) of what appears to be blueberry production. The blueberry segment of the ownership is approximately 2000 feet, and the pasture segment is 2500 feet east of the proposed golf course. Both uses are buffered by the dune formation along the course's eastern boundary.

As described above, there will be no significant impact on farm uses existing directly adjacent to the golf course, and it is therefore reasonable to conclude that there will be no significant impacts on farm uses occurring further to the east.

The applicant also provided additional information based on the practices that the golf course will engage in for development and ongoing maintenance. It is important to address all potential impacts to farm uses that could reasonably occur from the proposed golf course. Below, the applicant addresses several golf course activities that, if not managed responsibly through Best Management Practices (BMPs), could potentially have negative impacts on adjacent or nearby farm uses.

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- **SPRAY DRIFT AND RUNOFF**

The applicant intends to utilize BMPs to control the potential for drift during the application of fertilizers and chemical sprays used in the management of the golf course. Fertilizer and chemical applications are most effective when applied during optimal conditions. Fertilizers are applied as foliar feeding (rather than root saturation) during the early morning hours. Early morning applications are intended to avoid sun and wind exposure, which allows for better plant absorption. Chemical applications are similarly applied when winds are calm, using direct hand or machine application. The foliar method of application for fertilizers and chemicals eliminates the opportunity for runoff. Impending weather conditions are also considered when applying fertilizers or chemicals. Rain events following application can wash vegetation and reduce effectiveness. It is important to understand that fertilizers and chemicals are expensive, and proper application is necessary to achieve affordable management of the golf course and avoid waste and runoff.

- **DRAINAGE**

While it is common to have a drainage system located within the golf course to quickly disperse water from low-lying fairways during heavy rain events, all stormwater runoff will be collected and maintained within the golf course. As mentioned above, the golf course fairways are generally surrounded by elevated dune formations that separate the course from adjacent properties and naturally direct runoff internally.

There are various wetlands throughout the proposed course that currently act as stormwater drainage basins. The continued use of existing wetlands as drainage basins for stormwater runoff is practical for the golf course and beneficial to the wetlands.

In conjunction with the development of the course and to ensure future stability, it will be required that the project receive a DEQ 1200-C Erosion Control Permit. This permit will address stormwater management both during development and after the completion of the course.

By implementing these BMPs, the applicant aims to mitigate potential negative impacts on nearby farm uses, ensuring responsible and sustainable management of the golf course.

- **IRRIGATION AND WATER MANAGEMENT**

There is no question that the development of a golf course depends on the availability of water for irrigation. However, permitting a golf course is not contingent upon the availability of water, as it is not a specified requirement or criterion under state or county regulations. Nevertheless, the applicant must demonstrate that the proposed golf course will not adversely impact surrounding lands devoted to farm use. If the golf course's water usage were to interfere with the availability of water for adjacent or nearby agricultural use, an adverse impact could result. It is the applicant's contention that there will be no adverse impacts on water use for nearby agricultural uses based on the permitting requirements of the Oregon Department of Water Resources.

A memorandum has been submitted by the applicant's consultant, Bob Long, who is acting in his capacity as a Registered Geologist, Licensed Hydrologist, and Certified Water Rights Examiner (see Applicant's Exhibit "F"). In his narrative, Mr. Long explains the comprehensive process for obtaining a water use permit through the Oregon Department of Water Resources.

Oregon water rights law is based upon the "Doctrine of Prior Appropriation." In other words, with regard to permitted water use, senior water rights trump junior rights, or essentially, first come, first

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served. Under this doctrine, the proposed golf course cannot, and will not, impact the viability of existing agricultural uses through its water usage. Therefore, with regard to water use, 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.

- **APPLICANT'S REQUIRED COVENANT**

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 golf course tract in perpetuity.

In conclusion the applicant has addressed the impacts criteria at this time it is reasonable to conclude that the proposed golf course will not significantly impacts farm and forest uses. However, if issues arise at the hearing the applicant is amenable to reasonable conditions of approval that the Planning Commission determines are necessary to ensure the use will be compatible.

(20) *GOLF COURSE* - "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f), and this division means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

- (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;
- (b) A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
- (c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;
- (d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:
 - (A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
 - (B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests.

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Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

FINDINGS: The application states that approximately 150 acres will contain the regulation golf course, practice course, and driving range. Of this, approximately 90 acres will feature tees, greens, and fairways, consisting of meticulously maintained (mowed and irrigated) vegetated turf (fescue grass). Another 60 acres will consist of intermediate areas (roughs) that also act as safety corridors. These intermediate areas are initially contoured and then minimally maintained with dune sand, tall grasses, and selected native vegetation.

There will be approximately 148 acres of open space land within the tract containing natural dune formations and native vegetation. While not utilized for golf, these open space areas provide the appropriate setting for a Scottish Links style golf course, while supporting natural dune land vegetation, wetlands, and wildlife habitat.

At the north end of the ownership, Two Mile Creek is contained within a Coastal Shoreland Boundary based on the existing flood zone. There are also scattered wetlands across the golf course that have been identified and avoided during the course design. No development or fill/removal is proposed in these areas of special consideration.

The applicant has provided some additional information to show this will be a regulation 18-hole golf course. The following explanation has been provided:

When interpreting a portion of a provision, particularly a subjective one, it is important to consider the provision in its entirety. In this case, the subjective standard defines a regulation golf course as having a playable distance of 5,000 to 7,500 yards with a par of 64 to 73 strokes. The average width for golf course fairways (maintained turf) is generally 200 to 300 feet (100 yards). A course 7,500 yards long (100 yds. x 7,500 yds.) would consume 150 acres. This does not include intermediate areas and safety corridors, access roads, or cart paths. The 150 acres of playable area also does not consider amenities such as a clubhouse, maintenance facility, irrigation reservoirs, driving ranges, practice courses, or parking, all of which are allowed under the Administrative Rule definition for a golf course on EFU land.

The proposed golf course, including maintained turf and secondary or intermediate areas, spans approximately 140 acres. The practice course and driving range, allowed alongside a regulation course, cover an additional 25 acres of maintained surface. An extra 10 acres will be dedicated to the clubhouse, parking, and maintenance facility. Altogether, the approximately 175 acres used for the golf course and permitted amenities fit well within the subjective parameters for a regulation golf course.

As detailed throughout this application, the golf course facility will include accessory uses such as a clubhouse/pro-shop, restaurant, turn-stand, parking, restrooms, practice course, driving range, agronomy/maintenance center, and office space. There are no proposed uses that are not accessory to the golf course, nor are there any retail facilities aimed at the non-golfing public. Since the accessory uses are intended only to serve golfers utilizing the golf course, it is practical and cost-effective to limit their size and orientation to the intended use. The pro shop, the only retail facility, will be located in the clubhouse, which also contains the restaurant.

Additionally, a strategically located turn-stand on the golf course route will include restrooms and a vendor's station offering catered food and various beverages. The turn-stand will not have a formal

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kitchen, as it is intended to provide snacks and beverages midway through the course. To promote continuous play, the facility will serve as a convenient pit-stop. This accessory service is clearly incidental to the operations of the golf course.

The applicant has addressed these criteria.

Section 4.6.210 Development and Use Standards for the Exclusive Farm Use Zone.

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

1. *Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]*

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of § 4.6.210(3), § 4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

FINDINGS: No land division is being proposed at this time; therefore, this is not relevant criteria for this proposal.

2. *Setbacks*

a. Road: All buildings or structures with the exception of fences shall be setback a minimum of thirty five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater.

b. Firebreak: New or replacement dwellings on lots, parcels, or tracts abutting the “Forest” zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.

FINDINGS: There are no proposed dwellings on the property. Therefore, this is not applicable to the request.

3. *Structure Height: Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.*

FINDINGS: None of the subject properties are within the Airport Overlay or Urban Growth Boundary. Therefore, this criterion is not applicable with this proposal.

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4. *Lot Coverage: No requirements.*

FINDINGS This is not relevant to the current proposal as there are no required lot coverage requirements in the zone.

5. *Fences, Hedges and Walls: No requirement except for vision clearance provisions of § 7.1.525 apply.*

FINDINGS The applicant stated that the golf course development will comply with any vision clearance requirements of 7.1.525.

6. *Off-street parking and Loading: See Chapter VII.*

FINDINGS: All parking and loading areas throughout the golf facility will comply with the standards of Chapter VII, CCZLDO.

7. *Minimum Road Frontage/Lot Width unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:*

- a. *Within UGB's – 50 feet*
- b. *Outside UGB's – 20 feet*

FINDINGS: No land divisions are proposed in this application. Therefore, these criteria are not applicable with this proposal.

8. *Access: Access to new dwellings shall meet road design standards in Chapter VII.*

FINDINGS: No new dwellings are proposed in this application. Therefore, this criterion has been addressed.

9. *Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]*

FINDINGS: No new dwellings are proposed in this application. Therefore, this criterion has been addressed.

10. *Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:*

- a. *Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
- b. *Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
- c. *Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
- d. *Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*

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- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

FINDINGS: All applicable riparian setbacks will be met and maintained.

- **ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS**

SECTION 4.11.125 Special Development Considerations:

The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

4.11.129 Beaches and Dunes (Policy 5.10)

The Beaches and Dunes map has inventoried the following:

- *Beaches and Dunes*
 - o Suitable for most uses; few or no constraints (Does not require a review)*
 - o Limited Suitability; special measures required for most development*
 - o Not Suitable for Residential, commercial or Industrial Structures*

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled "Development Potential within Ocean Shorelands and Dunes" and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

a. Limited Suitability: "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

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The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:

- a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
- b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
- c) The need for methods for protecting the surrounding area from any adverse effects of the development; and*
- d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*

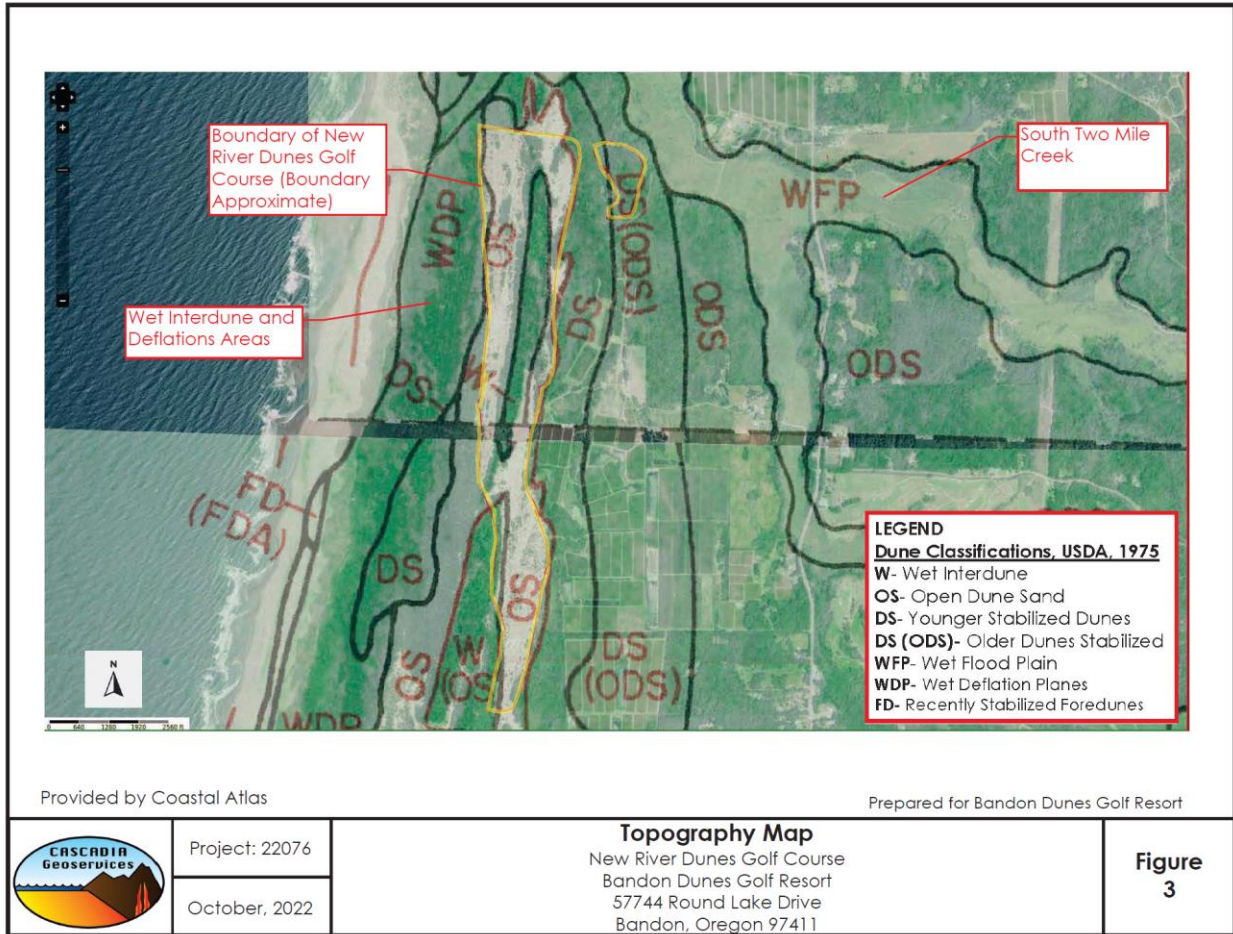
ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:

- a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
- b) The exposure of stable and conditionally stable areas to erosion;*
- c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
- d) Any other development actions with potential adverse impacts.*

FINDINGS: The proposed golf course and requested structural development is located within the Beaches and Dunes with Limited Development Suitability Special Development Consideration. The relevant criteria has been included above and the map shows the area in gold.



According to the applicant’s submitted technical memorandum, the proposed golf course is located in Open Dune Sand (OS), Wet Interdune (W), and Older Dunes Stabilized (DS-ODS).



The County’s Beaches and Dunes overlay zone derives from the Oregon Planning Goal #18. Goal #18 specifically directed local governments to “begin the beach and dune inventory with a review of Beaches and Dunes of the Oregon Coast, USDA Soil Conservation Service and OCCDC, March 1975, and determine what additional information is necessary”.

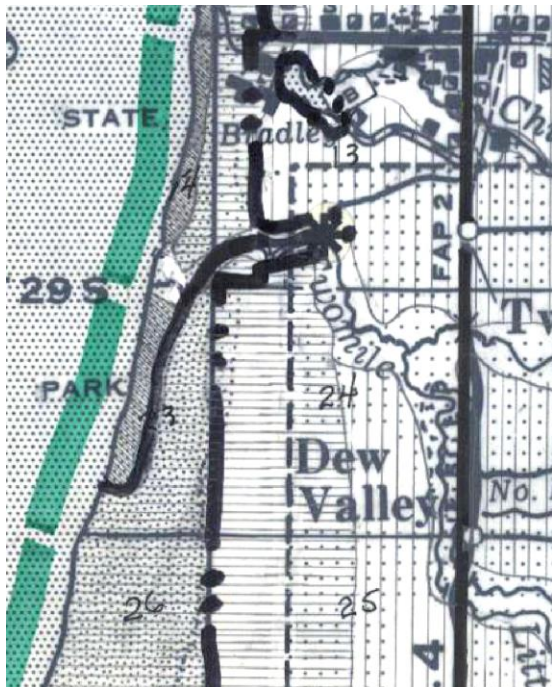
Below is the reference table that relates to the USDA mapping classifications compared to the Goal 18 dune classifications.




TABLE 2 A
SAND DUNE MAPPING UNITS AND DUNE FORMS

ASSOCIATED DUNE CATEGORIES	MAPPING UNIT		ABBREVIATED DESCRIPTION
	NAME	SYMBOL	
Active Dunes	Open Dune Sand	OS	Wind drifted sand in the form of dunes and ridges, that are essentially bare of vegetation.
	Active Dune Hummocks	H	Partly vegetated circular and elevated mounds of sand.
	Active Foredunes	FDA	A growing barrier ridge of sand paralleling the beach which lies immediately above the high tide line.
Recently Stabilized Dunes	Foredunes	FD	An active foredune that has become conditionally stable with regard to wind erosion.
	Open Dune Sand Conditionally Stable	OSC	A sand dune presently in wind stable condition but vegetated by fragile plantings.
	Dune Complex	DC	Various patterns of small dunes with partially stabilized intervening areas.
	Younger Stabilized Dunes	DS	A youthful wind stable dune landform.
Older Stabilized Dunes	Older Stabilized Dunes	ODS	A wind stable dune landform that has soils with weakly cemented nodules and lenses to strongly cemented nodules or strongly cemented Bir horizons.
	Older Foredunes	OFD	A wind stable former foredune landform that lies approximately parallel but back away from the beach.

January 1975

Below is the County's adopted Mylar maps for Beaches and Dunes.



- BEACHES & DUNES
-  SUITABLE FOR MOST USES; FEW OR NO CONSTRAINTS ON DEVELOPMENT
 -  LIMITED SUITABILITY; SPECIAL MEASURES REQUIRED FOR MOST DEVELOPMENT
 -  NOT SUITABLE FOR RESIDENTIAL, COMMERCIAL OR INDUSTRIAL STRUCTURES

Even with the differences between the USDA 1975 map and the County's Beaches and Dunes map. The proposed golf course is located within the Beaches and Dunes zones that require reviews.

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The applicant did submit a technical memorandum from Eric Oberbeck, CEG #1332, with Cascadia Geoservices.

The technical report states the area proposed for development consists primarily of open dune sand areas. Based on the site evaluation and his experience working in this region, it was his opinion that developing the site into a golf course will not have an adverse impact on either the site or adjacent areas. Furthermore, he stated by providing and maintaining permanent vegetation in conjunction with the golf course, will stabilize the younger open dunes 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 the clearing and shaping of the site in accordance with DEQ's Best Management Practices.

The technical report goes on to explain that there will be no hazards to life, public and private property, or the natural environment posed by the proposed development. Finally, it is Mr. Oberbeck's professional opinion that the proposed development will not cause excessive destruction of desirable vegetation, including inadvertent destruction by moisture loss or root damage, exposure of stable and conditionally stable areas to erosion, or modification of current air wave patterns leading to beach erosion.

As part of the proposed golf course development, a restaurant and clubhouse will be constructed, along with other ancillary structures. These will be 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 the design, CGS should be retained to perform site-specific geotechnical evaluations of the sites. These 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 recommend special siting measures, including setbacks.

The report addresses the impacts to the land and does not specifically address the structural impacts that may need to be completed. Therefore, the applicant has suggested a conditional use application addressing "structural development" will be required when designed and exact location is determined. Staff finds this acceptable and would suggest that condition of approval.

- *4.11.130 Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)*

The Coastal Shoreland Boundary map has inventoried the following:

- *Coastal Shoreland Boundary*
- *Beach Erosion*
- *Coastal Recreation Areas*
- *Area of Water-Dependent Uses*
- *Riparian Vegetation*
- *Fore Dunes*
- *Head of Tide*
- *Steep Bluffs over 50% Slope*
- *Significant wetland wildlife habitats*
- *Wetlands under agricultural use*

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- Areas of Exceptional Aesthetic or Scenic Quality and Coastal Headlands
- Headland Erosion

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

FINDING: The proposed use and structural development is not within the Coastal Shoreland Boundary. There is an existing single lane bridge that currently crosses Twomile Creek and is contained within the Coastal Shore/and Boundary (CSB). The applicant recognizes the importance of protect the creek and adjacent wetlands and are proposing to utilize the existing bridge for access to the golf course. There is a detailed memo from David Evans found at applicant’s Exhibit J that explains the condition of the bridge and the adequacy of the compacity. Therefore, there is no proposed development at this time in the CSB.

- **SECTION 4.11.132 NATURAL HAZARDS (BALANCE OF COUNTY POLICY 5.11)**

Pursuant to the Coos County Comprehensive Plan inventory maps, the golf course is located within numerous identified Natural Hazard areas. Each of the hazard types is addressed below.

- **Flood Hazard, Riverine Flooding, Coastal Flooding**

FINDING: The golf course is not in the mapped flood hazard, but there is an area at the north and northeast end of the golf tract. The floodplain overlay includes a portion of the road and the bridge crossing Twomile Creek. There is no development proposed within or near the flood zone, and therefore, no flood application process is required.

- **Landslides and Earthquakes, Landslide Susceptibility**

FINDING: According to the Coos County Comprehensive Plan inventory maps, the proposed golf course is located within areas with moderate and high landslide susceptibility. Coos County only regulates development within areas subject to very high landslide susceptibility, and therefore landslide susceptibility is not applicable to this application.

- **Liquefaction Potential**
 - Earthquakes: Coos County shall promote the protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake-induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to "very high" and "high" liquefaction identified in DOGAMI Open File Report

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O-13-06, "Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes."

FINDING: According to the Coos County Comprehensive Plan inventory maps, portions of the proposed golf course are located within a high liquefaction potential area. All new structures developed within a high liquefaction area shall be subject to a Geologic Assessment.

- **SECTION 4.11.155 GEOLOGICAL ASSESSMENT REVIEW**

GEOLOGIC ASSESSMENT REVIEW:

The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

FINDING: The applicant states they do not have the details needed for the location of the structures. Therefore, as a condition of approval a geological hazard assessment report requirements will be addressed through an additional conditional use review prior to siting any structural development.

- **Tsunamis: Coos County shall promote increased resilience to a potentially catastrophic Cascadia Subduction Zone (CSZ) tsunami through the establishment of a Tsunami Hazard Overlay Zone (THO) in the Balance of County Zoning. See Sections 4.11.260-4.11.270 for the requirements of this overlay zone.**

4.11.265 Tsunami Hazard Overlay (THO) Zone (Definitions)
Definitions applicable to the tsunami hazard overlay zone.

As used in tsunami hazard overlay zone Section 4.11.270:

1. "Essential Facilities" means:
 - a. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - b. Fire and police stations;
 - c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - d. Emergency vehicle shelters and garages;
 - e. Structures and equipment in emergency preparedness centers;
 - f. Standby power generating equipment for essential facilities; and
 - g. Structures and equipment in emergency preparedness centers.
2. "Hazardous facility" means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.
3. "Special occupancy structures" means:
 - a. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
 - b. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
 - c. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;



- d. Medical facilities with 50 or more resident, incapacitated persons not included subsection (a);
 - e. Jails and detention facilities; and
 - f. All structures and occupancies with a capacity of greater than 5,000 persons. *See* ORS 455.466
4. “Substantial improvement” means any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure.
 5. “Tsunami vertical evacuation structure” means a building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.
 6. “Tsunami Inundation Maps (TIMs)” means the map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area within Coos County.

FINDING: According to the Coos County Comprehensive Plan inventory maps, the golf course is located within a tsunami zone. Currently, Coos County has regulations on covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons. However, the applicant is not proposing a structure with this capacity. The majority of the other regulation relate to essential or hazardous facilities. Therefore, no additional review is required.

- **Erosion, Riverine Streambank Erosion, Coastal, Shoreline and Headlands, Wind**
 - **Erosion**

Coos County shall promote the protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards. The county shall also promote protection from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring nonstructural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

FINDING: The proposed golf course development will adhere to Coos County's policies regarding erosion. Structural developments will be evaluated for potential wind erosion, shoreline, and headland erosion, as well as streambank erosion risks. The project will incorporate necessary erosion-control and stabilization measures, favoring nonstructural solutions when practical.

Any proposed structures within identified erosion-prone areas or within 100 feet of a designated bank erosion area will undergo a geologic assessment review as required. Additionally, a setback of 100 feet from any inventoried rivers or streams will be maintained unless a variance is granted, in which case a geologic assessment will be conducted. This ensures compliance with Section 4.11.150 and promotes the protection of property and natural resources in Coos County.

There are no structures proposed within 100 feet of the existing Twomile Creek stream bank. No portion of the golf course will be developed within 100 feet of a designated bank erosion area or on a

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parcel subject to wave attack, including an oceanfront lot. While the proposed golf course is not subject to this specific provision, erosion control measures will be implemented as necessary.

- **Wildfire**

Coos County shall promote the protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map.

FINDING: The proposed golf course is identified as being located within a High-Risk Wildfire Hazard area. The primary cause for fire hazard throughout the area is the presence of the invasive species, gorse, which exists on the subject property and on surrounding lands, primarily state park lands to the west.

The development of the golf course will result in the removal of gorse within the applicant's ownership designated for golf. The golf course will primarily consist of fine fescue grasses that will be irrigated and manicured for the establishment of tees, fairways, greens, and open space. The development of the course will reduce wildfire risk by replacing flammable gorse with less flammable, well-maintained turf. This approach will enhance fire safety for the property and surrounding areas by mitigating one of the primary wildfire hazards. The firebreak requirements will apply to all structural development and shall be complied with through the building process.

- **SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION:**

A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. Traffic Plan - A parking/traffic plan shall be submitted to address all of the following
 - a. Property boundaries;
 - b. Location of all structures on the subject property;
 - c. Required parking spaces;
 - d. Current utilities and proposed utilities;
 - e. Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);
 - f. The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;
 - g. Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
 - h. All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
 - i. Location of existing and proposed access point(s) on both sides of the road where applicable;

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- j. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
 - k. Number and direction of lanes to be constructed on the road plus striping plans;
 - l. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
 - m. Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.
1. Traffic Study completed by a registered traffic engineer.
 2. Access Analysis completed by a registered traffic engineer
 3. Sight Distance Certification from a registered traffic engineer.

FINDING: The boundaries of the golf course, subject to traffic and parking plans, have been submitted in the revised New River Dunes Conceptual Master Plan (Applicants Exhibit "C") and the Preliminary Clubhouse Site Plan (Applicants Exhibit "D"). A conceptual plan for the proposed structures is reflected on the revised master plan and preliminary clubhouse plan. These documents have been provided to the Roadmaster to determine compliance.

The parking facility has not yet been designed, and the county ordinance does not appear to have a specific parking space requirement for a golf course. The applicant plans to construct at least one parking lot with approximately 70 to 80 spaces. Prior to development, the applicant will submit a parking plan to the county for processing through a compliance determination. Potable water will be provided through an on-site well, and sanitation services will be handled through on-site septic systems approved by the Oregon Department of Environmental Quality.

The only public services to the golf course will be electrical service from Coos-Curry Electric or the City of Bandon, and potentially cable service for internet and Wi-Fi. The installation and location of these services will be determined by agreements with the service providers and the location of existing improvements.

The Oregon Department of Transportation has standardized plans for deceleration lanes and intersections, which will provide the necessary information to develop the only substantial intersection applicable to the project. The 1/2 mile of Boak Lane (half public and half private) providing ingress and egress to the proposed golf course currently consists of a well-maintained gravel road with a substantial base from years of use and maintenance. The proposed 24-foot paved road will be constructed over the existing road surface, with any necessary improvements to meet county standards.

The private driveway currently exists but will require some widening to meet the proposed 24-foot, two-lane, paved surface. The proposed ingress and egress will occur over improved rural roads that require no special design or drawings to meet county standards. No bicycle or pedestrian facilities are required in conjunction with rural roads.

The proposed golf course does not include commercial, office, or multi-family residential development. However, pedestrian access and circulation are reflected on the preliminary clubhouse site plan. There are seven dwelling parcels with driveways on the north side and one dwelling parcel with a driveway on the south side of Boak Lane. Wobbler Road extends north from Boak Lane and serves about half a dozen dwelling parcels. There are no access points from the private driveway crossing the applicant's property.

The applicant could not find rural road standards for distances between residential driveways for rural roads. The applicant's driveway that will provide access to and from the golf course is one-half mile from US Highway 101. There are no proposed traffic signals, other than a stop sign at the intersection of the applicant's driveway with Boak Lane. Boak Lane, as well as the private driveway to the golf course, will be improved to 24-foot paved surfaces. Striping will be provided as required by the Roadmaster. No sidewalks, bikeways, or auxiliary lanes are proposed. Parking and internal circulation plans, including walkways and bikeways, will be addressed in UGBs and UUCs.

The applicant has addressed the traffic plan requirements. The applicant has also addressed the following:

- The applicant will be working with ODOT and will provide any required design drawings for improvements at the intersection of Boak Lane and Highway 101.
- **Design Drawings:** The applicant will provide design drawings to the Coos County Road Department for improvements at the intersection of the applicant's driveway and Boak Lane, as well as for the roundabouts proposed within the first half mile of Boak Lane.
- **Access:** Access to the proposed development is from US Highway 101 to Boak Lane, which consists of a public right-of-way for 1300 feet and a private easement for an additional 1300 feet, leading to the applicant's property.
- **ODOT Consultation:** The applicant has met on-site with the ODOT District 7 Permit Specialist and discussed the proposed access location with the Region 3 Senior Transportation Planner. It has been determined that there are no line-of-sight conflicts in either direction, and the only required improvements may be a southbound deceleration lane on Highway 101, along with the relocation of utility poles and lines along the highway.
- **ODOT Feedback:** ODOT does not provide official comments until notice is received in conjunction with the processing of the application. They will respond with comments and any requirements during the application process. Based on available information and their site visit, ODOT did not believe that a formal traffic study would be required. Since the Boak Lane intersection with Highway 101 is the only significant public intersection directly affected by the proposed use, it is premature to require a traffic plan, study, or analysis unless requested by ODOT.
- **Road Improvements:** The applicant proposes to improve the one-half mile of gravel road (Boak Lane) and the private driveway to the golf course with a 24-foot, two-lane paved surface. The road is relatively straight with excellent visibility.
- **Traffic Generation:** There are 16 residential uses that currently utilize Boak Lane for ingress and egress. Using the standard of 10 trips per day for each residence, this equates to 160 trips. The proposed golf course, based on a maximum of 150 rounds per day, could potentially generate 150 to 200 trips per day, considering caddy and employee traffic. An intersection with 1000 trips or below per day maintains an "A" classification on an A to F scale. The total residential and golf trip generation per day will not exceed 350 to 400 trips, well below the 1000 trips necessary to maintain an "A" classification.
- **Shuttle Service:** The proposed golf course will act as a satellite course for the Bandon Dunes Resort. Reservations and tee times will be booked by the Bandon Dunes Resort, and a large percentage of the golfers playing the proposed course are expected to be resort patrons. The resort will provide a shuttle service (16-person capacity) to and from the resort, reducing the number of trips per day calculated above.
- **Traffic Distribution:** Based on the type of use, the trips generated will be spread evenly throughout the day as golfers arrive and depart according to standardized tee times. The staggered traffic patterns will reduce stacking at the applicable intersections.

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- **Deceleration Lane:** A deceleration lane will be constructed adjacent to the southbound lane of Highway 101 at its intersection with Boak Lane. There will be no left turn lane for northbound traffic.
- **Utility Relocation:** Relocation of utility poles, utility lines, and mailboxes will be required.
- **Road Paving:** Boak Lane will be improved from its current gravel surface to a 24-foot paved surface. Striping will be provided as required by the Roadmaster. No sidewalks, bikeways, or auxiliary lanes are proposed.
- **Roundabouts:** There are two roundabouts proposed within the first half mile of Boak Lane (county road and private easement) as speed control and turnaround features. The centers of the roundabouts will be landscaped with signage.
- **Private Driveway:** The private driveway across the applicant's property to the golf course will also consist of a 24-foot, two-lane paved road, improved in the same general location as the existing gravel road. This road will provide access to the north end of the golf course and the proposed parking lot.
- **Single-Lane Bridge:** One exception to the two-lane private driveway is where it crosses a single-lane bridge over Two Mile Creek and its associated wetlands. This location will remain a single-lane road with pullouts on both sides of the bridge, with visual clearance between the pullouts. David Evans and Associates, Structural Engineers, inspected the bridge and found it suitable for all levels of truck traffic (see Applicant's Exhibit "J").

By all standards, the proposed golf course will generate an acceptable level of traffic based on the level of improvements proposed. The necessary improvements (deceleration lane and intersection improvements) can be designed using standardized information from ODOT and Coos County Road Standards.

There is no logical reason to require a Traffic Study when the road and intersections will remain at the highest level of classification. ODOT will conduct an access analysis for the intersection of Boak Lane with their state highway and determine whether there is adequate sight distance at the Boak Lane and Highway 101 intersection.

Because the classification of the road and intersections will not change, the proposed impact is minimal. Therefore, the applicant requests that the Planning Director and the Roadmaster waive subsections (2), (3), and (4) pursuant to Section 7.1.150, based on the factual information provided above.

The Roadmaster has not requested the applicant provide any additional information.

II. Conclusion

The applicant has addressed the criteria for the proposed golf course. However, a separate conditional use application will be necessary to address the Beaches and Dunes with limited development suitability, a geohazard report to address liquefaction, and traffic permits for parking, access, and road development as required to serve the golf course development. The applicant is committed to complying with all regulations and ensuring that the project is developed responsibly and sustainably, in alignment with Coos County's standards and requirements.

Attached: Application

File Number : HBCU-24-001



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

If the fee is not included the application will not be processed
(If payment is received on line a file number is required prior to submittal)

Date Received: 4/15/24 Receipt #: 248045 Amount: \$2560.00 Received by: C. Carr

This application shall be filled out electronically. If you need assistance please contact staff.
Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.
The application shall include the signature of all owners of the property.
A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

A. Property Owner(s) OCEAN RIVER LLC

Mailing address: 57744 ROUND LAKE ROAD, BANDON OR 97411.

Phone: 541-347-5870 Email: lremy@bandondunesgolf.com

Township: Range: Section: ¼ Section: 1/16 Section: Tax lots:
Select Select Select Select Select SEE ATTACNED APP ADDENDUM
Select Select Select Select Select

Tax Account Number(s): SEE ATTACHED Zone: Select Zone Please Select
Tax Account Number(s) Please Select

B. Special Districts and Services

Water Select type of Water Service Sewage Disposal Select type of Sewage System
School Coos Bay Fire District Select Fire District

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for _____
- Hearings Body Conditional Use for REGULATION GOLF COURSE
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards Flood Landslide Liquefaction Erosion Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

Include the supplemental application with all criteria addressed. If you require assistance with the criteria please contact a land use attorney or professional consultant. Property information may be obtained from a tax statement or can be found on the County Assessor's web page at the following links:

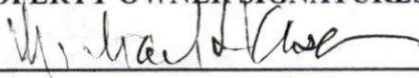
[Map Information](#) Or [Account Information](#)

D. ATTACHED WRITTEN STATEMENT. With all land use applications, the "burden of proof" is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. PROPOSAL AND CRITERIA: A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. Project summary and details including timelines.
 2. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. This shall be addressed on the supplemental criteria page (see staff for criteria).
- II. PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:
- Owner's name, address, and phone number, map and Tax lot number
 - North Arrow and Scale - using standard engineering scale.
 - Accurate shape and dimensions of parcel, development site, including the lengths of the all property lines.
 - Any adjacent public or private roads, all easements and/or driveway locations. Include road names. Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
- III. DEED: A copy of the current deed, including the legal description, of the subject property.
- IV. CERTIFICATION: I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director's decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county's behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. If the property owner would like staff to contact a legal representative or consultant please provide the contact information using a consent form.

PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING



File Number : _____



COOS COUNTY CONDITIONAL USE LAND USE APPLICATION

**SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770**

If the fee is not included the application will not be processed

(If payment is received on line a file number is required prior to submittal)

Date Received: _____ Receipt #: _____ Amount: _____ Received by: _____

This application shall be filled out electronically. If you need assistance please contact staff.

Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser.

The application shall include the signature of all owners of the property.

A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

LAND INFORMATION

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Mailing address: 57744 ROUND LAKE ROAD, BANDON OR 97411.

Phone: 541-347-5870

Email: lremy@bandondunesgolf.com

Township: _____ Range: _____ Section: _____ ¼ Section: _____ 1/16 Section: _____ Tax lots: _____
Select Select Select Select Select SEE ATTACNED APP ADDENDUM

Select Select Select Select Select

Tax Account Number(s): SEE ATTACHED

Zone: Select Zone Please Select

Tax Account Number(s) _____

Please Select

B. Special Districts and Services

Water Select type of Water Service

Sewage Disposal Select type of Sewage System

School Coos Bay

Fire District Select Fire District

C. Type of Application (s) please consult with staff to determine prior to submittal

- Administrative Conditional Use for _____
- Hearings Body Conditional Use for REGULATION GOLF COURSE
- Historical, Cultural and Archaeological Resources, Natural Areas of Wilderness
- Beaches and Dunes
- Non-Estuarine Shoreland Boundary
- Significant Wildlife Habitat
- Natural Hazards
 - Flood
 - Landslide
 - Liquefaction
 - Erosion
 - Wildfires
- Airport Surfaces Overlay
- Variance to which standard _____

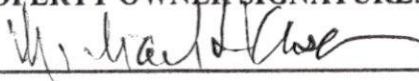
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 - All natural features, which may include, but are not limited to water features, wetlands, ravines, slope and distances from features to structures.
 - Existing and proposed structures, water sources, sewage disposal system and distances from these items to each other and the property boundaries.
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PROPERTY OWNER SIGNATURES REQUIRED FOR PROCESSING



APPLICATION FORM ADDENDUM (PROPERTY INFO)

APPLICANT'S PROEPRTY DESCRIPTION

Township 29 S, Range 15 WWM Section 13

Tax Lot 600	Account #1239601
Tax Lot 1903	Account #1239606

Township 29 S, Range 15 WWM Section 24

Tax Lot 100	Account #1240300
Tax Lot 201	Account #1240601

Township 29 S, Range 15 WWM Section 25

Tax Lot 900	Account #1241700
Tax Lot 1000	Account #1241601
Tax Lot 1200	Account #1241602

ZONE DISTRICTS

The applicant's entire tract (parcels identified above) is zone Exclusive Farm Use (EFU) with the exception of a small segment of Minor Estuary Shoreland (MES) at the north end of the tract along Two Mile Creek. There is no development proposed within the MES district.

HAZARD OVERLAYS

Segments of the property contain identified Hazard overlays, including Flood, Liquefaction, and Wildfire. The tract also contains special consideration areas including Beaches and Dunes Limited Development Suitability, Wetlands, and a Coastal Shoreland Boundary. The hazards and special consideration have been addressed individually within the Applicant's Exhibit "A".

APPLICANT'S EXHIBIT "A"

BANDON BIOTA, L.L.C.
CONDITIONAL USE APPLICATION
NEW RIVER DUNES GOLF COURSE
LOCATED IN SECTIONS 13, 24, AND 25 OF
TOWNSHIP 29 SOUTH, RANGE 15 WEST OF THE WILLAMETTE MERIDIAN IN
COOS COUNTY, OREGON

PROPOSAL AND BACKGROUND INFORMATION

This application is for a Conditional Use to allow a regulation 18-hole golf course with accessory uses in the Exclusive Farm Use (EFU) zone district. The accessory uses, which are described in more detail below, consist of a clubhouse/restaurant, an agronomy center/maintenance facility, a turn-stand (combination restrooms/vendor's facility), a minimum of two stand-alone restrooms, a caddy shack, a driving range, a practice course, and the necessary parking/drop-off areas.

The applicant's entire ownership (golf course tract) consists of 342 acres (**See Applicant's Exhibit "B"**). Of the 342-acre tract, approximately 165 acres will contain the regulation golf course, practice course, and driving range. Approximately 115 acres of the regulation course, practice course and driving range will contain tees, greens, and/or fairways, consisting of vegetated turf (fescue grass) that is meticulously maintained (mowed and irrigated) for their intended use. Approximately 50 acres of the regulation course will consist of intermediate areas (roughs) that also act as safety corridors. The intermediate areas are initially contoured and then minimally maintained as open sand dune areas, tall grasses, and selected native vegetation. There will be approximately 134-acres of open space land that contain natural dune formations partially covered with native vegetation, approximately 20 acres of wetlands, and approximately 23 acres of identified flood areas. While not utilized for golf, the open space, wetland and flood areas provide the appropriate setting for a Scottish Links Golf Course, while supporting dune land vegetation and habitat for native plants and wildlife.

At the north end of the ownership there is a segment zoned Minor Estuary and Shoreland (MES) that contains Two Mile Creek. There is also a Coastal Shoreland Boundary overlay based on the FEMA flood zone adjacent to the creek. The are wetlands scattered across the Golf Course that have been identified and avoided during the design of the course. No development, fill, or removal is proposed in those areas of special consideration (wetland) or natural hazard (flood zone).

Access to the property is by way of Boak Lane, which extends approximately one-half mile West from US Highway 101 to the subject property. The first quarter mile of Boak Lane consists of a public right-of-way, and the second quarter mile is a private access easement.

The clubhouse/restaurant, practice range, caddy facility and parking are all proposed at the north end of the course, with a turn-stand and restrooms located strategically throughout the course. The agronomy/maintenance center will be located in the southerly half of the course along the easterly boundary of the tract. The facility will be accessed via Hoffer Lane, which is located south of Boak Lane and extends from Highway 101 to the golf course tract. Hoffer Lane is entirely owned by the applicant under Bandon Biota, LLC.

PROPERTY CHARACTERISTICS

The golf course tract consists of approximately 342 acres of vegetated sand dune stretching north and south for approximately two miles. There are 11 soil types contained within the tract that primarily consist of either sand or sandy complex soil types. The soil types are described in further detail below. The vegetation on the upland dunes primarily consists of the invasive species “gorse,” with a mixture of dune grasses and other dune-type vegetation. The primary tree type is Shore Pine intermingled with various types of conifers (primarily spruce) that are more predominant at the north half of the tract where the topography splits the course. Land clearing for the course has restored open sand dune areas that existed prior to the invasion of gorse.

There are approximately 20 acres of identified wetlands within the tract (See Applicant’s Exhibit “C”). The predominant wetland areas are contained in the northerly half of the golf course and have been avoided by all proposed golf-related development, including vegetated turf areas.

SURROUNDING LANDS

The proposed golf course is directly adjacent to Recreation (Rec) zoned land to the west (Bandon State Park) and privately owned EFU land to the north, south, and east. The state ownership to the west consists of vacant open space land. Although the park land is utilized for recreational use, large segments of the park are inundated with gorse and are therefore inaccessible. It should be noted that the invasive species, “gorse,” is a looming fire hazard to the surrounding area, and specifically to the City of Bandon, which has been destroyed by fire on two separate occasions.

The lands to the north, south, and east are all zoned EFU. The EFU land directly adjacent to the golf course tract contains two active cranberry operations. There are also two cranberry operations further east and northeast of the proposed course. There appears to be a small blueberry operation to the east, and pastureland that is owned by the applicant under Bandon Biota, LLC. Compatibility with nearby farm and forest uses is thoroughly addressed below.

CONDITIONAL USE CRITERIA

Oregon Statutes

ORS 215.283 Uses permitted in exclusive farm use zones in non-marginal lands counties; rules.

(1) The following uses may be established in any area zoned for exclusive farm use:

APPLICANT'S RESPONSE: Coos County is a non-marginal lands county. The tract proposed for a golf course is entirely zoned Exclusive Farm Use (EFU).

(2) The following non-farm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

APPLICANT'S RESPONSE: This application is for conditional use is subject to approval by the Coos County Planning Commission. The Planning Commission is a designee of the governing body, aka, the Coos County Board of Commissioners.

ORS 215.283(2)(f) Golf courses on land:

- (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or
- (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:
 - (i) Is not otherwise described in ORS 195.300 (10);
 - (ii) Is surrounded on all sides by an approved golf course; and
 - (iii) Is west of U.S. Highway 101.

APPLICANT'S RESPONSE: Subsection "B" above does not apply. ORS 195.300 (10) is addressed below in its entirety including ORS 195.300 (10)(c).

ORS 195.300 (10) "High-value farmland" means:

(a) High-value farmland as described in ORS 215.710 that is land in an exclusive farm use zone or a mixed farm and forest zone, except that the dates specified in ORS 215.710 (2), (4) and (6) are December 6, 2007.

ORS 215.710 High-value farmland description for ORS 215.705.

(1) For purposes of ORS 215.705, high-value farmland is land in a tract composed predominantly of soils that, at the time the siting of a dwelling is approved for the tract, are:

- (a) Irrigated and classified prime, unique, Class I or Class II; or
- (b) Not irrigated and classified prime, unique, Class I or Class II.

APPLICANT'S RESPONSE: The soil types for the land upon which the golf course is proposed are attached as Applicant's Exhibit "D." The segment of the applicant's ownership upon which the golf course is proposed does not contain irrigated or non-irrigated prime, unique, or Class I or II soils.

(2) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this subsection, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.

*APPLICANT'S RESPONSE: Aerial photographs confirm that on December 6, 2007 [195.300(10)(a)], the subject tract upon which the golf course is proposed, does **not** contain lands growing specified perennials. This criterion is satisfied.*

(3) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if in the Willamette Valley, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of soils described in subsection (1) of this section and the following soils:

- (a) Subclassification IIIe, specifically, Bellpine, Bornstedt, Burlington, Briedwell, Carlton, Cascade, Chehalem, Cornelius, Cornelius Variant, Cornelius and Kinton, Helvetia, Hillsboro, Hullt, Jory, Kinton, Latourell, Laurelwood, Melbourne, Multnomah, Nekia, Powell, Price, Quatama, Salkum, Santiam, Saum, Sawtell, Silverton, Veneta, Willakenzie, Woodburn and Yamhill;
- (b) Subclassification IIIw, specifically, Concord, Conser, Cornelius Variant, Dayton (thick surface) and Sifton (occasionally flooded);
- (c) Subclassification IVe, specifically, Bellpine Silty Clay Loam, Carlton, Cornelius, Jory, Kinton, Latourell, Laurelwood, Powell, Quatama, Springwater, Willakenzie and Yamhill; and
- (d) Subclassification IVw, specifically, Awbrig, Bashaw, Courtney, Dayton, Natroy, Noti and Whiteson.

APPLICANT'S RESPONSE: The proposed golf course is not located in the Willamette Valley and therefore, this criterion is not applicable.

(4) In addition to that land described in subsection (1) of this section, for purposes of ORS 215.705, high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of soils described in subsection (1) of this section and the following soils:

- (a) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
- (b) Subclassification IIIw, specifically, Brenner and Chitwood;
- (c) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalan, Neskowin and Winema; and
- (d) Subclassification IVw, specifically, Coquille.

APPLICANT'S RESPONSE: Aerial photographs confirm that on December 6, 2007 [195.300(10)(a)], the segment of the applicant's ownership upon which the golf course is proposed was not used in conjunction with a dairy operation. This criterion is satisfied.

(5) For purposes of approving a land use application under ORS 215.705, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

- (a) Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

- (A) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
- (B) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (A) of this paragraph and finds the analysis in the report to be soundly and scientifically based.

APPLICANT'S RESPONSE: There is no request to change a soil rating and therefore, this provision does not apply.

(6) Soil classes, soil ratings or other soil designations used in or made pursuant to this section are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. [1993 c.792 §3; 1995 c.79 §78; 1995 c.812 §8]

APPLICANT'S RESPONSE: The soil rating and designations were derived from the most current National Resource Conservation Service (NRCS) database before December 6, 2007 [195.300(10)(a)].

ORS 195.300 (10) "High-value farmland" means:

(b) Land west of U.S. Highway 101 that is composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in ORS 215.710 (1) and the following soils:

- (A) Subclassification IIIw, specifically Ettersburg Silt Loam and Croftland Silty Clay Loam;
- (B) Subclassification IIIe, specifically Klooqueth Silty Clay Loam and Winchuck Silt Loam;
- and
- (C) Subclassification IVw, specifically Huffling Silty Clay Loam.

APPLICANT'S RESPONSE: The subject property is not predominantly composed of the Class III or IV soil types listed above. This criterion is satisfied.

(c) Land that is in an exclusive farm use zone or a mixed farm and forest zone and that on June 28, 2007, is:

- (A) Within the place of use for a permit, certificate or decree for the use of water for irrigation issued by the Water Resources Department.

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed did not contain a water permit, certificate, or decree for the use of water. This criterion is satisfied.

(B) Within the boundaries of a district, as defined in ORS 540.505; or

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed was not within a district as defined under ORS 540.505. This criterion is satisfied.

(C) Within the boundaries of a diking district formed under ORS Chapter 551.

APPLICANT'S RESPONSE: On June 28, 2007, the segment of the property upon which the golf course is proposed was not within a diking district formed under ORS Chapter 551. This criterion is satisfied.

(d) Land that contains not less than five acres planted in wine grapes.

APPLICANT'S RESPONSE: The segment of the property upon which the golf course is proposed has never been used for the production of wine grapes. This criterion is satisfied.

(e) Land that is in an exclusive farm use zone and that is at an elevation between 200 and 1,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

- (A) The Southern Oregon viticultural area as described in 27 C.F.R. 9.179;
- (B) The Umpqua Valley viticultural area as described in 27 C.F.R. 9.89; or
- (C) The Willamette Valley viticultural area as described in 27 C.F.R. 9.90.

APPLICANT'S RESPONSE: The subject property is not located within the viticultural areas described above. This criterion is satisfied.

(f) Land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within:

- (A) The portion of the Columbia Gorge viticultural area as described in 27 C.F.R. 9.178 that is within the State of Oregon;
- (B) The Rogue Valley viticultural area as described in 27 C.F.R. 9.132;
- (C) The portion of the Columbia Valley viticultural area as described in 27 C.F.R. 9.74 that is within the State of Oregon;
- (D) The portion of the Walla Walla Valley viticultural area as described in 27 C.F.R. 9.91 that is within the State of Oregon; or
- (E) The portion of the Snake River Valley viticultural area as described in 27 C.F.R. 9.208 that is within the State of Oregon.

APPLICANT'S RESPONSE: The subject property is not located within any of the above-described viticultural areas. This criterion is satisfied.

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

FOREST PRACTICES

APPLICANT'S RESPONSE: There is no land surrounding the proposed golf course that contains commercial forest operations. That is not to say there are no private lands upon which trees grow that are periodically harvested for profit. However, the standard is "surrounding lands devoted to forest use." The term "devoted" implies more than just incidental forest use that generally occurs on all southern Oregon land capable of growing trees. Devoted implies that the land is dedicated, allocated, or given to a specific purpose; AKA: commercial forest operations.

Accepted forest practices include harvesting, planting, fertilizing, and pest, slash and vegetation control consistent with sustainable forestry principles. The activities occurring in conjunction with the proposed golf course include planting, fertilizing, mowing, pest management and vegetation control, also known as Best Management Practices (BMP's). The BMP's occurring on the proposed golf course are so like incidental forest management practices occurring on adjacent lands, a conclusion can be made that there will be no significant conflicts between the two uses that utilize similar resource management practices.

The human component associated with the proposed golf course consists of two primary activities. The recreational element being golfers playing golf, and the business element being employees providing services to golfers or maintaining the course (BMP's) and associated facilities. Neither of the cited human activities will in any way change a property owner's ability to perform accepted forest practices on adjacent or nearby lands. It is important to note that most, if not all adjacent or nearby lands supporting forest production, also contain or are surrounded by rural residential (single family dwellings) uses that are more likely to conflict with standard forest practices than a golf course utilizing similar management practices.

Regardless of whether adjacent or nearby lands are "devoted to forest use" (commercial forestland), or whether forestry occurs incidentally in conjunction with a private rural/rural residential ownership, there will be no conflict from management activities occurring in conjunction with the proposed golf course that will force a significant change in accepted forest practices.

FARM PRACTICES

The lands surrounding the proposed golf course to the south and west do not contain any type of commercial farm use. The land to the west is owned by Oregon State Parks, is entirely undeveloped, and is currently maintained as open space land for recreational use. The land south of the proposed golf course is privately owned open space land.

The lands to the north and east have historically been utilized to varying degrees for commercial agriculture. There are several independent farm operations to the north and east that are addressed individually below (See Applicant's Exhibit "E").

LOST LAKE CRANBERRY FARMS LLC

The portion of the Lost Lake Cranberry Farms ownership containing farm use (cranberry bogs) is located at the southerly end of the proposed golf course, along its easterly boundary. The easterly boundary of the proposed golf course is 750 feet from the westerly edge of the Lost Lake bogs. There is a vegetated dune formation owned by the applicant that is located between the playable area of the golf course and the

subject cranberry bogs. The dune formation is elevated 30 feet above both properties and acts as a natural buffer between the golf course and farm use. In other words, activities occurring in conjunction with the golf course will be physically and visually shielded from the adjacent agricultural use, and vice versa.

The portion of the golf course adjacent to the Lost Lake bogs consists of three fairways (7, 8, and 9) and associated greens and tees. Once the golf course is operational, the 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 standard farm practices occurring in conjunction with the Lost Lake cranberry operations, which also include irrigation, fertilizing, harvest and, pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

There is also a turn-stand proposed centrally between the three fairways (7, 8, and 9) 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.

KRANICK CRANBERRY FARM

APPLICANT'S RESPONSE: The Kranick property is directly adjacent and centrally located on the east side of the proposed golf course. The westerly-most edge of the Kranick bogs is located approximately 200 feet from the easterly edge of the proposed golf course. The Kranick property parallels fairways 2, 3, 4, and 5, and their associated greens and trees. 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 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 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 standard farm practices occurring in conjunction with the cranberry operations, which also include irrigation, fertilizing, harvest and pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

The agronomy and maintenance facility is proposed south of the Kranick ownership, approximately 500-feet from their southerly-most bogs. The facility will be utilized to store equipment and supplies necessary for the care and maintenance of the golf course. The facility will essentially function in the same manner 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.

MCSPADDEN AND BOAK CRANBERRY FARMS

APPLICANT'S RESPONSE: As reflected on 2023 aerial photographs (Google Earth) and confirmed by a site visit, both the McSpadden and Boak cranberry farms have ceased operations and have not been managed for several years. Because the bog structures (dikes and beds) still exist and could potentially be reestablished, compatibility is addressed below.

Both the McSpadden and the Boak cranberry bogs are located directly north and adjacent to the applicant's ownership. The bog location is separated from the proposed golf course by both Two Mile Creek and the Boak Lane access easement that provides ingress and egress to both cranberry parcels. The southerly edges of the McSpadden and Boak bogs are located a thousand feet north of the developed golf course. There is a vegetated dune formation elevated an average of 40 feet above both the proposed golf course (south) and the subject cranberry parcels (north). 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.

FUGATE CRANBERRY FARM

APPLICANT'S RESPONSE: Fugate Farms is located a minimum of 2000 feet from the proposed golf course and is separated by a north/south ridgeline addressed above, and the Two Mile Creek valley consisting of pastureland. The pasture is currently owned by Bandon Biota and is managed for the production of grass hay. The owner states that the proposed golf course will not interfere in any way with the continued farm use of the pasture. The vegetated dune separating the golf course from the easterly farm uses acts as a physical and visual buffer. Activities occurring in conjunction with the golf course will be shielded from the subject 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 both the pasture and cranberry farm activities. Mowing, irrigating, fertilizing, harvest, and pruning, as well as weed-eating or spraying along dikes surrounding the bogs.

The various uses associated with the golf course will not be visible from the Fugate bogs, and the facility will not emit excessive odors, noise, smoke, or lighting at night.

ARRIOLA CRANBERRY FARM

APPLICANT'S RESPONSE: The easterly most Arriola cranberry 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 the remnants of 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 farm uses to the east. The ridge of the dune formation varies in elevation but is generally elevated 20 feet above the subject fairways and 30 feet in elevation 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, including irrigation, fertilizing, harvest and vine pruning, as well as weed-eating or spraying along dikes surrounding the bogs. 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.

LEFF OWNERSHIPS

APPLICANT'S RESPONSE: The Leff ownership lies east of the Kranick and north of the Arriola cranberry operations that were thoroughly addressed above regarding significant impacts. It appears from aerial photographs that the Leff ownership primarily contains pasture with a segment (approximately 4 acres) of what appears to be blueberry production (aerial photograph). The blueberry segment of the ownership is approximately 2000 feet, and the pasture segment is 2500 feet east of the proposed golf course. Both uses are buffered by the dune formation discussed above, along the course's easterly boundary.

As described above, there will be no significant impact to farm uses existing directly adjacent to the golf course, and it is therefore reasonable to conclude that there will be no significant impacts to farm uses occurring further to the east.

GOLF AS A FARM USE

APPLICANT'S RESPONSE: Regarding the evidence addressing impacts to farm uses (above), it is not the applicant's contention that a golf course is farm use. In fact, the applicant understands that a golf course is permitted in the EFU zone as a "non-farm" use pursuant to state statute. It is however the applicant's contention, for the purpose of showing compatibility, that the activities associated with maintaining a golf course are very similar, and often the same, as those types of activities performed in conjunction with existing farm uses in the area.

ADDITIONAL SUPPORTING EVIDENCE

It is important to address all potential impacts to farm uses that could reasonably occur from the proposed golf course. Below, the applicant addresses several golf course activities that, if not managed responsibly through Best Management Practices (BMP's), could potentially have negative impacts to adjacent or nearby farm uses.

SPRAY DRIFT AND RUNOFF

APPLICANT'S RESPONSE: The applicant intends to utilize BMP's to control the potential for drift during the application of fertilizers and chemical sprays utilized in conjunction with management of the golf course. Fertilizer and chemical applications are most effective when applied during optimal conditions. Fertilizers are applied as foliar feeding (rather than root saturation) during the early morning hours. Early morning applications are intended to avoid sun and wind exposure which allows for better plant absorption. Chemical applications are similarly applied when winds are calm by direct hand or machine application. The foliar method of application for fertilizers and chemicals eliminates the opportunity for runoff. Impending weather conditions are also a factor when applying fertilizers or chemicals. Rain events following application can wash vegetation and reduce effectiveness. It is important to understand that fertilizers and chemicals are expensive, and the proper application is necessary to achieve affordable management of the golf course and avoid waste and runoff.

DRAINAGE:

APPLICANT'S RESPONSE: While it is common to have a drainage system located within the golf course to quickly disburse water from low lying fairways during heavy rain events, all stormwater runoff will be collected and maintained within the golf course. As mentioned above, the golf course fairways are generally surrounded by elevated dune formations that separate the course from adjacent properties and naturally direct runoff internally.

There are various wetlands throughout the proposed course that currently act as stormwater drainage basins. The continued use of existing wetlands as drainage basins for stormwater runoff is practical for the golf course and beneficial to the wetlands.

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 management both during development and following completion of the course.

IRRIGATION AND WATER MANAGEMENT

There is no question that the development of a golf course is dependent on the availability of water for irrigation. However, permitting a golf course is not contingent upon the availability of water, as it is not a specified requirement or criteria under state or county regulations. However, it is required that the applicant demonstrate that the proposed golf course will not have an adverse impact on surrounding lands devoted to farm use. If the use of water by the golf course were to interfere with the availability of water to adjacent or nearby agricultural use, an adverse impact could result. It is the applicant's contention that there will be no adverse impacts to water use on nearby agricultural uses based on the permitting requirements of the Oregon Department of Water Resources.

A memorandum has been submitted by the applicant's consultant, Bob Long, who is acting in his capacity as a Registered Geologist, Licensed Hydrologist, and Certified Water Rights Examiner (See Applicant's Exhibit "F"). In his narrative, Mr. Long explains the comprehensive process for obtaining a water use permit through the Oregon Department of Water Resources.

Oregon water rights law is based upon the "Doctrine of Prior Appropriation." In other words, with regard to permitted water use, senior water rights trump junior rights, or essentially, first come, first served. Under this doctrine, the proposed golf course cannot, and will not, impact the viability of existing agricultural uses through its water usage. Therefore, with regard to the use of water, 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.

APPLICANT'S REQUIRED COVENANT

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 golf course tract in perpetuity.

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 very similar to adjacent agricultural practices. Adjacent and nearby agricultural uses are protected from the golf course by natural, open space, dune formations surrounding the course. With consideration to the evidence above and other evidence throughout this application, 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.

- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

FOREST PRACTICES

APPLICANT'S RESPONSE: As stated above, there is no land surrounding the proposed golf course that contains commercial forest operations. That is not to say there are no private lands upon which trees grow

that are periodically harvested for profit. However, the standard is “surrounding lands devoted to forest use.” The term “devoted” implies more than just incidental forest use that generally occurs on all Southern Oregon lands capable of growing trees. Devoted implies that the land is dedicated, allocated, or given to a specific purpose; AKA: commercial forest operations.

Accepted forest practices include harvesting, planting, fertilizing, and pest, slash, and vegetation control consistent with sustainable forestry principles. The activities occurring in conjunction with the proposed golf course include planting, fertilizing, mowing, pest management, and vegetation control, also known as Best Management Practices (BMP's). The BMP's occurring on the proposed golf course are so like resource management practices occurring on adjacent forest lands, a conclusion can be made that there will be no significant conflicts between the two uses.

The human component associated with the proposed golf course consists of two primary activities. The recreational element being golfers playing golf, and the business element being employees providing services to golfers or maintaining the course (BMP's) and associated facilities. Neither of those human activities will in any way change a property owner's ability to perform accepted forest practices on adjacent or nearby lands. It is important to note that most, if not all adjacent or nearby lands supporting forest production, also contain or are surrounded by rural residential (single family dwellings) uses that are more likely to conflict with standard forest practices than the proposed golf course.

Regardless of whether adjacent or nearby lands are “devoted to forest use” (commercial forestland), or whether forest uses occur incidentally in conjunction with a private rural/rural residential ownership, there will be no conflict from activities occurring in conjunction with the proposed golf course that will significantly increase the cost of accepted forest practices on surrounding lands.

FARM PRACTICES

The criteria of ORS 215.296(1)(a) and 215.196(1)(b) require that the applicant demonstrate that the proposed use (golf course) will not “force a significant change in accepted farm practices” (1a), or “significantly increase the cost of accepted farm practices” (1b), on surrounding lands. While the two criteria are different literally, the intent of both criteria is to address potential conflicts or impacts that would force change or increase costs to resource practices. In other words, the applicant's burden is to show that the golf course is compatible with existing resource uses and vice versa. If it can be demonstrated that there are no conflicts between uses, there will be no significant change or increase in costs to farm uses. The applicant, while addressing (1a) above, provided substantial evidence demonstrating that the uses are compatible and there are no conflicts that will force a significant change in accepted farm practices.

For the sake of brevity, the applicant adopts that same evidence compiled under 215.296(1)(a) for the purpose of addressing 215.196(1)(b). Based upon the finding of no conflicts therein, it is reasonable to conclude that the proposed golf course will not significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

(2) An applicant for a use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

APPLICANT'S RESPONSE: While it is reasonable to conclude that the proposed golf course is compatible with adjacent farm and forest uses, the applicant is amenable to reasonable conditions of approval that the Planning Commission determines are necessary to ensure the use will be compatible.

OREGON ADMINISTRATIVE RULES

OAR 660-033-0120

Uses Authorized on Agricultural Lands

The specific development and uses listed in the following table are allowed or may be allowed in the areas that qualify for the designation pursuant to this division. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this division. The abbreviations used within the schedule shall have the following meanings:

(1) A — Use is allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns only to the extent authorized by law.

(2) R — Use may be allowed, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns.

(3) * — Use not allowed.

(4) # — Numerical references for specific uses shown on the chart refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use on the chart, this rule does not establish criteria for the use.

HV Farmland	All Other	USES
R 2,18(a)	R 2,5,20	Golf courses on land determined not to be on high-value farmland as defined in ORS 195.300

APPLICANT'S RESPONSE: Oregon Administrative Rules separate uses allowed on high-value farmland (HV farmland) and those lands determined not to be high-value farmland (All Others). Because the golf course is not being developed on high-value farmland, it is allowed subject to the requirement of (R) above and the provisions of 660-033-0130 (2), (5) and (20), which are addressed below. The requirement of (R) is consistent with the Oregon Statute and the Coos County Zoning Ordinance, in that a public hearing is required.

OAR 660-033-0130

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following standards apply to uses listed in OAR 660-033-0120 where the corresponding section number is shown on the chart for a specific use under consideration. Where no numerical reference is indicated on the chart, this division does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the chart as authorized by law:

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, Division 34.

DESIGN CAPACITY DISCUSSION

The primary enclosed structure of which the 100-person design standard applies, is the combined clubhouse and restaurant. The facility will be located on the northerly segment of the golf course, which is within three miles of the City of Bandon Urban Growth Boundary.

To address compliance with this standard, it is first necessary to define the intent of the rule with regard to the ambiguous language "design capacity."

The adoption of the 100-person limit was triggered by a court decision that applied a federal law prohibiting state and local governments from regulating churches more strictly than they regulate secular places of assembly [Young v. Jackson County, 58 Or LUBA 64 (2008), aff'd 227 Or App 290 (2009)]. To ensure that all places of assembly were regulated equally, the agency adopted this rule, which places the same 100-person design capacity on all enclosed structures within three miles of a UGB: churches, schools, parks, golf courses, etc.

The term "design capacity" is not defined by Statute or Administrative Rule, however there is a 2015 appellate decision from the Oregon Land Use Board of Appeals (LUBA) that helps clarify its meaning. In Oregon Coast Alliance vs. Curry County, 71 Or LUBA 279 (2015), it was determined that Design Capacity (while similar) is not synonymous with Maximum Occupancy under Fire and Safety Code. LUBA determined that while the intended use and Design Capacity of a structure plays a role in determining the Maximum Occupancy, and vice versa, the two concepts are distinct.

LUBA also found that while the "intended use" of a structure may play a role in determining design capacity, estimates of how many persons that are likely to use a structure at any given time under typical circumstances, are not sufficient to establish the design capacity of the structure. LUBA concluded that it may be necessary to provide "plans of some sort" to determine that the buildings do not have a total design capacity of more than 100 people.

Contained in the application is an anticipated capacity analysis for the various structures and uses 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 Land Use 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.”

APPLICANT’S RESPONSE: The applicant has submitted the design for the proposed clubhouse showing the restaurant and pro-shop (See Applicant’s Exhibit “G”). The design was created for the Bandon Trails Golf Course at the Bandon Dunes Golf Resort. The Trails clubhouse contains 3,900 square feet and provides service to an 18-hole professional golf course and the nearby three par (“Preserve”) golf course.

A seating capacity of 40 people is sufficient at the Bandon Trails clubhouse because it is supported by an entire golf resort with a variety of amenities, including other restaurants. However, the interior of the proposed clubhouse, as a stand-alone facility with no supporting amenities, will be designed to seat 60 people. In other words, while the size of the facility remains the same, the seating design (tables and chairs) will increase to accommodate 20 more guests.

Regarding other structures throughout the facility, there will be a partially enclosed greeting facility to provide direction and information for arriving golfers, and a partially enclosed starter shack that sends golfers onto the course at the appropriate time. Two independent restrooms will be located at strategic locations throughout the course, and there will be a turn-stand midway through the course with restrooms and a snack bar with catered food and drinks. There will also be a caddy shack located near the clubhouse for management and deployment of caddies.

The maintenance operations for the golf course will occur from an agronomy center that consists of pole buildings to house equipment and offices for management staff. Nearly all management/office staff oversee maintenance operations throughout the golf course, and the number of individuals occupying offices and other structures at any one time would normally not exceed five employees.

General Occupancy for Enclosed Structures

<i>Clubhouse Restaurant</i>	
<i>Patrons (Maximum seating)</i>	60
<i>Waiters</i>	3
<i>Kitchen Staff</i>	4
<i>Sales (Pro-shop staff)</i>	1
<i>Pro-shop (Customers)</i>	4
<i>Caddy Shack</i>	8
<i>Turn-Stand</i>	
<i>Staff</i>	1
<i>Agronomy</i>	
<i>Management (general, agronomy)</i>	3
<i>Maintenance (equipment)</i>	2
<i>Independent restrooms</i>	4
<u>Total</u>	90

CONCLUSION:

A letter is attached (See Applicant's Exhibit "H") from architect Scott Edwards of Scott Edwards Architecture, supporting the design capacity analysis above. Mr. Edwards concludes that "the proposed enclosed structures for the New River Dunes Golf Course should adequately comply with the required design capacity of 100 persons or less." Furthermore, if employees providing service to patrons are not included, as suggested by LUBA, the overall design capacity would equate to approximately 77 people.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

APPLICANT'S RESPONSE: Subsection (a) refers to both a single enclosed structure as well as a "group of structures" with a total design capacity of 100 people. Subsection (b) addresses "any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile." Subsection (a) is identifying structures or groups of structures "with a design capacity of 100 people and therefore, the intent of subsection (b) is to separate structures or groups of structures with a 100-person design capacity from other structures or groups of structures within the tract.

In other words, the golf course can have any number of structures, and the one-half mile standard does not apply to any structure until a structure or group of structures meets a 100-person design capacity. At that juncture, no other structures or group of structures would be allowed within the tract unless it (or they) was separated by one-half mile. It is therefore possible for a tract within three miles of a UGB to have several groups of structures with a design capacity of 100 people, so long as they are separated by one-half mile. In this case, the design capacity of all enclosed structures proposed for the golf course is less than 100 people and therefore subsection (b) does not apply unless more enclosed structures are proposed in the future.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

APPLICANT'S RESPONSE: There are two residential dwellings located within the boundaries of the proposed golf course. Both dwellings are currently being utilized as month-to-month residential rentals. It is the intent of the applicant to continue the monthly rental of both units. In other words, the dwellings will not be utilized in conjunction with the golf course.

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

APPLICANT'S RESPONSE: The criteria for both subsections (a) and (b) above have been addressed above under the provisions of ORS 215.296(1)(a) and (b).

(20) "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f), and this division means a nine or 18-hole regulation golf course or a combination nine and 18-hole regulation golf course consistent with the following:

APPLICANT'S RESPONSE: The subject property is zoned Exclusive Farm Use (EFU). The proposed golf course will consist of a regulation 18-hole, highly maintained natural turf, Scottish Links style course with tees, greens, fairways, and natural hazards (bunkers).

(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;

APPLICANT'S RESPONSE: The applicant's entire ownership (golf course tract) consists of approximately 343 acres (Applicant's Exhibit "B"). Of the 343-acre tract, approximately 150 acres will contain the regulation golf course, practice course, and driving range. Approximately 90 acres of the regulation course, practice course, and driving range, will contain tees, greens, and/or fairways, consisting of vegetated turf (fescue grass) that is meticulously maintained (mowed and irrigated) for their intended use. Another 60 or so acres of the regulation course will consist of intermediate areas (roughs) that also act as safety corridors. The intermediate areas are initially contoured and then minimally maintained with dune-sand, tall grasses, and selected native vegetation. There will be approximately 148-acres of open space land within the tract that contain natural dune formations and native vegetation. While not utilized for golf, the open space areas provide the appropriate setting for a Scottish Links style golf course, while supporting natural dune land vegetation, wetlands, and wildlife habitat.

At the north end of the ownership, Two Mile Creek is contained within a Coastal Shoreland Boundary that is based on the existing flood zone. There are also wetlands scattered across the golf course that have been identified and avoided during the design of the course. No development or fill/removal is proposed in those areas of special consideration.

The statutory definition of a golf course on EFU land is "a regulation 18-hole golf course generally characterized by a site of about 120 to 150 acres of land." The provision is intended to differentiate between a regulation golf course and non-regulation golf courses such as: an executive course, a par-three course, independent driving range, or a miniature golf course, all of which are specifically excluded as individual uses in the EFU zone. The subjective language, "generally characterized," is intended to provide subjective parameters that would allow a reasonable person to distinguish between a regulation course and a non-regulation golf activity. It is also clear that the provision is not intended to be static or

intended to establish a minimum or maximum acreage. If that were the case, the provision would state that a regulation golf course site shall not contain less than 120 acres, nor more than 150 acres.

When interpreting a portion of a provision, particularly a subjective provision, it is important to consider the provision in its entirety. In this case, the subjective standard includes a regulation golf course as having a playable distance of 5,000 to 7,500 yards with a par of 64 to 73 strokes. The average width for golf course fairways (maintained turf) is generally 200 to 300 feet (100 yards). A course 7,500 yards long (100 yds. x 7,500 yds) would consume 150 acres. This does not include intermediate areas and safety corridors, access roads, or cart paths. The 150 acres of playable area does not consider amenities such as a clubhouse, maintenance facility, irrigation reservoirs, driving ranges, practice courses, or parking, all of which are allowed under the Administrative Rule definition for a golf course on EFU land.

In summation, the proposed golf course, including maintained turf and secondary or intermediate areas, contains approximately 140 acres. The practice course and driving range that are permitted in conjunction with a regulation course contain an additional 25 acres of maintained surface. There will be an additional 10 acres containing the clubhouse, parking, and maintenance facility. The total of approximately 175 acres utilized for the golf course and permitted amenities fits well within the subjective parameters for a regulation golf course.

The applicant's response above is supported by the decision of the Land Use Board of Appeals, Oregon Coast Alliance vs. Curry County, 71 Or LUBA 279 (2015).

SURROUNDING OPEN SPACE LAND

There is approximately 148 acres of open space land within the golf course tract that will contain natural dune formations and native vegetation. While not utilized for golf, the open space areas provide the appropriate setting for a Scottish Links style golf course, while supporting natural dune land formations, dune vegetation, and wildlife habitat. The open space area contains a coastal shoreland area (flood zone) along Two Mile Creek and approximately 20 acres of identified wetlands. There will be no development within the flood zone or wetlands, and both resources will be protected by maintaining the required riparian buffers.

(b) A regulation nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.

APPLICANT'S RESPONSE: The proposed course is a regulation 18-hole course and subsections (b) and (c) are not applicable.

(d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:

(A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

APPLICANT'S RESPONSE: As cited throughout this application, the golf course facility will contain accessory uses in the form of a clubhouse/pro-shop, restaurant, turn-stand, parking, restrooms, a practice course, driving range, agronomy/maintenance center, and office space. There are no uses proposed that are not accessory to the golf course, nor are there retail facilities oriented to the non-golfing public.

(B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

APPLICANT'S RESPONSE: Because the accessory uses are only intended to serve golfers utilizing the golf course, it is practical and cost effective to limit the size and orientation for the intended use. The pro-shop will be the only retail facility and it will be located in the clubhouse structure that also contains the restaurant.

(C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of an incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings, or public entertainment.

APPLICANT'S RESPONSE: As cited throughout this application, there will be a turn-stand located strategically on the golf course route that will contain restrooms and a vendor's station with catered food and an assortment of beverages. The turn-stand will not contain a formal kitchen, as the intent is to provide snacks and beverages midway through the course. Because it is in the best interest of the golf course to promote continued play throughout the course, the facility will essentially serve as a pit-stop. The accessory service is clearly incidental to the operations of the golf course.

COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE (CCZLDO)

SECTION 4.6.200 EXCLUSIVE FARM USE

Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The following requirements apply to uses specified, and as listed in the table adopted by OAR 660-033-0120. For each section of this rule, the corresponding section number is shown in the table. Where no numerical reference is indicated on the table, this rule does not specify any minimum review or approval criteria. Counties may include procedures and conditions in addition to those listed in the table, as authorized by law.

APPLICANT'S RESPONSE: Within the specified use table for the Exclusive Farm Use zone, a golf course is allowed on non-high value farmland subject to the applicable Review Standards. Because Coos County has adopted OAR 660-033-0120 and 660-033-0130 verbatim for golf courses, the allowed uses, review standards, criteria, and sequencing mirror the Oregon Administrative Rules. The County Zoning Ordinance Use Table cites Review Standards 2, 5, and 20, as review criteria for the proposed golf course use.

(2) (a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

APPLICANT'S RESPONSE: These standards have been addressed above under OAR 660-033-0130 (2)(a)(b) and (c).

(5) APPROVAL CRITERIA Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

APPLICANT'S RESPONSE: The county criteria has been addressed above under OAR 660-033-0130 (5)(a) and (b).

(20) GOLF COURSE - "Golf Course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(f), and this division means a nine- or 18-hole regulation golf course or a combination nine- and 18-hole regulation golf course consistent with the following:

(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;

(b) A regulation nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(d) Counties shall limit accessory uses provided as part of a golf course consistent with the following standards:

(A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of an incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings, or public entertainment.

APPLICANT'S RESPONSE: These standards have been addressed above under OAR 660-033-0130 (20)(a)(b)(c) and (d).

SECTION 4.6.210 DEVELOPMENT AND USE STANDARDS FOR THE EXCLUSIVE FARM USE ZONE.

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

1. Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see § 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96] New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of § 4.6.210(3), § 4.6.210(4)(a or b) and § 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

APPLICANT'S RESPONSE: There are no land divisions or new dwellings proposed in conjunction with this application.

2. Setbacks

- a. Road: All buildings or structures with the exception of fences shall be setback a minimum of thirty five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater. IV- 144

APPLICANT'S RESPONSE: The majority of transportation within the golf course complex will occur across private driveways within the applicant's ownerships. Driveways are not roads pursuant to county definitions and are therefore not subject to road setback standards.

b. Firebreak: New or replacement dwellings on lots, parcels, or tracts abutting the "Forest" zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application and therefore these standards are not applicable.

3. Structure Height: Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.

APPLICANT'S RESPONSE: All structures will correspond with the height limitations of any applicable airport overlay zone.

4. Lot Coverage: No requirements.

APPLICANT'S RESPONSE: Although there are no lot coverage requirements, the golf course development will comply with all other lot coverage requirements pursuant to statutory, administrative, or county ordinance requirements for golf courses in the EFU zone.

5. Fences, Hedges and Walls: No requirement except for vision clearance provisions of § 7.1.525 apply.

APPLICANT'S RESPONSE: The golf course development will comply with any vision clearance requirements of 7.1.525.

6. Off-street parking and Loading: See Chapter VII.

APPLICANT'S RESPONSE: All parking and loading areas throughout the golf facility will comply with the standards of Chapter VII, CCZLDO.

7. Minimum Road Frontage/Lot Width unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration: a. Within UGB's – 50 feet b. Outside UGB's – 20 feet.

APPLICANT'S RESPONSE: There are no land divisions proposed in conjunction with this application and therefore this lot frontage provision does not apply.

8. Access: Access to new dwellings shall meet road design standards in Chapter VII.

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application.

9. Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm

Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single-family dwelling. [OR96-06-007PL 9/4/96]

APPLICANT'S RESPONSE: There are no dwellings proposed in conjunction with this application.

10. Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:

APPLICANT'S RESPONSE: All riparian vegetation shall be protected in conjunction with the development of the golf course.

a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.

APPLICANT'S RESPONSE: Any tree removal within riparian areas shall comply with all local, state, and federal agency regulations.

b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;

APPLICANT'S RESPONSE: There are no water-dependent uses proposed in conjunction with this application.

c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

APPLICANT'S RESPONSE: There are no shoreline stabilization activities proposed in conjunction with this application.

d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan; IV- 145

APPLICANT'S RESPONSE: There are no stream bank clearance projects proposed in conjunction with this application.

e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;

APPLICANT'S RESPONSE: There are no public roadways or public utilities proposed in conjunction with this application.

f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not

encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or

APPLICANT'S RESPONSE: There are no existing agricultural operations that will be continued in conjunction with the proposed use.

g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

APPLICANT'S RESPONSE: There are no existing structures sited near riparian areas within the proposed development.

h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

APPLICANT'S RESPONSE: There is no coastal shoreland boundary existing within the proposed golf course development.

i. The 50' measurement shall be taken from the closest point of the ordinary high-water mark to the structure using a right angle from the ordinary high-water mark.

APPLICANT'S RESPONSE: Any development proposed near a wetland or other waterway will maintain a minimum 50-foot setback.

SPECIAL CONSIDERATIONS, NATURAL HAZARDS AND ACCESS

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

SECTION 4.11.100 PURPOSE: The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Plan Maps for Volume I (Balance of County6).

SECTION 4.11.110 PRIORITY OF RESTRICTIONS: When the restrictions imposed by the provisions of an overlay or special development consideration pertaining to a property is found to be in conflict with the primary zone the more restrictive provisions shall govern.

SECTION 4.11.120 GOAL #5 CONFLICT RESOLUTION PROCESS: When in the course of implementing the Coos County Comprehensive Plan it becomes evident that a conflict exists concerning the use of land identified as a Oregon Statewide Planning Goal #5 resource that is otherwise protected pursuant to OAR 660-16-005(1), then any proposed conflicting use may only be allowed after the an

Administrative Conditional Use application has been completed based on findings that address the requirements of OAR 660-16-0005(2) and OAR 660-165-0010.

SECTION 4.11.125 SPECIAL DEVELOPMENT CONSIDERATIONS: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

APPLICANT'S RESPONSE: There are several Special Development Considerations that are identified in conjunction with the land upon which the golf course is proposed. Each relevant consideration is addressed below. While there is sufficient information available to address most considerations in their entirety, other considerations can only be addressed when certain factors, such as structural size and exact location have been determined. To reduce the size of the applicant's submittal, each special consideration is listed by title and, where possible, the lengthy ordinance provisions addressing each consideration have been omitted. The intent and applicability of each consideration is addressed in the "Applicant's Response."

SECTION 4.11.126 MINERAL & AGGREGATE PLAN IMPLEMENTATION STRATEGIES
(BALANCE OF COUNTY POLICY 5.5)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified Mineral & Aggregate area.

SECTION 4.11.127 WATER RESOURCES (BALANCE OF COUNTY POLICY 5.8)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified water resource area.

SECTION 4.11.128 HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL AREAS AND WILDERNESS (BALANCE OF COUNTY POLICY 5.7)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course property is not located within an identified Historical, Cultural, Archaeological, Natural or Wilderness area.

SECTION 4.11.129 BEACHES AND DUNES (POLICY 5.10)

APPLICANT'S RESPONSE: Coos County Comprehensive Plan inventory maps show that the proposed golf course is located within a Beaches and Dunes area of "Limited Development Suitability."

Beach and Dune Areas with "limited development suitability" include all dune formations except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding. Implementation shall occur through an "Administrative Conditional Use process," which shall include submission of a site investigation report by a qualified registered and licensed geologist or engineer that addresses the standards below. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:

- a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;*
- b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;*
- c) The need for methods for protecting the surrounding area from any adverse effects of the development; and*
- d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.*

Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:

- a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);*
- b) The exposure of stable and conditionally stable areas to erosion;*
- c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and*
- d) Any other development actions with potential adverse impacts.*

APPLICANT'S RESPONSE: In the Technical Memorandum from Eric Oberbeck, Engineering Geologist for Cascadia Geoservices, Inc., found the following regarding development of a golf course on the subject property (See Applicant's Exhibit "I") s:

The site is located within the Statewide Planning Goal 18 Beach and Dune Overlay Zone. Based on a review of the Coos County Map Atlas, 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.

As part of the proposed golf course development, a restaurant and club house will be constructed into other ancillary structures. These will be 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 technical memorandum from Cascadia Geoservices addresses the criteria for the development of a golf course on the subject property. Further, the Memo concludes with "we see no hazards to either life, public and private property, or to the natural environment by the proposed development (golf course)."

The structures proposed in conjunction with the golf course have not been architecturally designed and, while the location of structures is generally known, the exact location of each structure is subject to change as development of the course proceeds. That being the case, a second conditional use application addressing "structural development" will be required when designed and exact location is determined. Because the application(s) will be processed as a quasi-judicial land use decision with notice, standards for individual structures need not be addressed at this time. As a condition of approval to this application, the applicant will be required to seek approval under Beaches and Dunes limited development suitability standards for each proposed structure.

SECTION 4.11.130 NON-ESTUARINE SHORELAND BOUNDARY (BALANCE OF COUNTY POLICY 5.10)

APPLICANT'S RESPONSE: There is an existing single lane bridge that currently crosses Two Mile Creek and is contained within a Coastal Shoreland Boundary (CSB). 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. In other words, there will be no new development occurring within the Coastal Shoreland Boundary.

The local Fire Marshall has inspected the bridge and determined it was adequate for emergency response. David Evans and Associates, Structural Engineers, also inspected the bridge and found it to be suitable for all levels of truck traffic (See Applicant's Exhibit "J").

SECTION 4.11.131 SIGNIFICANT WILDLIFE HABITAT (BALANCE OF COUNTY POLICY 5.6)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, no portion of the golf course is located within an identified Significant Wildlife Habitat area.

SECTION 4.11.132 NATURAL HAZARDS (BALANCE OF COUNTY POLICY 5.11)

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the golf course is located within numerous identified Natural Hazard areas. Each of the hazard types are addressed below.

Flood Hazard, Riverine Flooding, Coastal Flooding

APPLICANT'S RESPONSE: Pursuant to the US Federal Emergency Management Agency (FEMA) flood hazard maps, there is an area at the north and northeast end of the golf tract. The flood plain overlay takes in a portion of the road and the bridge crossing Two Mile Creek. The bridge exists, and no flood review is required unless a new bridge is proposed or there are considerable improvements to the existing bridge. There is no development proposed within or near the flood zone and therefore, no flood application process is required.

Landslides and Earthquakes, Landslide Susceptibility

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the proposed golf course is located within areas with moderate and high landslide susceptibility. Coos County only regulates development within areas subject to very high landslide susceptibility, and therefore landslide susceptibility is not applicable to this application.

Liquefaction Potential

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to “very high” and “high” liquefaction identified in DOGAMI Open File Report O-13-06, “Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes.”

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, portions of the proposed golf course are located within high liquefaction potential area and all new structures developed within a high liquefaction area shall be subject to a Geologic Assessment (see below).

SECTION 4.11.155 GEOLOGICAL ASSESSMENT REVIEW GEOLOGIC ASSESSMENT REVIEW:

The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

Because the majority of the structures associated with the golf course have not been designed, and the exact location is unknown, it will be necessary to address ordinance requirements for liquefaction at a later date. Because the standards of Section 4.11.115 will be addressed under a quasi-judicial land process with notice, it is not required that the standards be addressed at this time.

Tsunamis

APPLICANT'S RESPONSE: Pursuant to the Coos County Comprehensive Plan inventory maps, the golf course is located within a tsunami zone. Currently, Coos County only regulates the development of “Essential Facilities” in tsunami zones. The structures proposed in conjunction with the golf course do not qualify as Essential Facilities pursuant to the Tsunami Hazard Overlay Definitions of Section 4.11.265, CCZLDO and therefore tsunami provisions do not apply to this application.

Erosion, Riverine Streambank Erosion, Coastal, Shoreline and Headlands, Wind

APPLICANT'S RESPONSE: The standards for regulating Erosion are as follows:

Erosion

Coos County shall promote protection of property from risks associated with shoreline, headland, and wind erosion and deposition hazards.

Coos County shall promote protection of property from risks associated with bank erosion along rivers and streams through necessary erosion-control and stabilization measures, preferring nonstructural solutions when practical.

Any proposed structural development within a wind erosion/deposition area, within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including all oceanfront lots, will be subject to a geologic assessment review as set out in Section 4.11.150. There is a setback of 100 feet from any rivers or streams that have been inventoried in the erosion layer. If a variance is requested, a geologic assessment will be required.

APPLICANT'S RESPONSE: There are no structures proposed within 100 feet of the existing Two Mile Creek stream bank. No portion of the golf course will be developed within 100 feet of a designated bank erosion area, or on a parcel subject to wave attack, including an oceanfront lot. While the proposed golf course is not subject to this specific provision, erosion control, when necessary, will be complied with in conjunction with development on land within the area designated as Beaches and Dunes Limited Development Suitability, Liquefaction Potential, and in conjunction with the required Department of Environmental Quality 1200-C Stormwater permit.

Wildfire

Coos County shall promote protection of property from risks associated with wildfires. New development or substantial improvements shall, at a minimum, meet the following standards, on parcels designated or partially designated as "High" or "Moderate" risk on the Oregon Department of Forestry 2013 Fire Threat Index Map for Coos County or as designated as at-risk of fire hazard on the 2015 Coos County Comprehensive Plan Natural Hazards Map:

APPLICANT'S RESPONSE: The proposed golf course is identified as being located within a High-Risk Wildfire Hazard area. The primary cause for fire hazard throughout the area is the presence of the invasive species, gorse, which exists on the subject property and on surrounding lands, primarily state park lands to the west.

The development of the golf course will result in the removal of gorse within the applicant's ownership designated for golf. The golf course will primarily consist of fine fescue grasses that will be irrigated and manicured for the establishment of tees, fairways, greens, and open space. The development of the course

will improve fire hazard conditions by providing a green buffer between the state lands to the west and private ownerships to the east.

There is no question that hazardous vegetation (primarily gorse) will be removed, and required buffers will be maintained around all structures within the golf course. Applicable provisions addressing fire protection buffers, mitigation, and abatement have been addressed below. While some of the provisions may be formulated as criteria, other provisions are "requirements of law," the implementation of which are the absolute responsibility of the applicant/owner at the time of development.

1. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or is provided fire protection by contract.
2. When it is determined that these standards are impractical the Planning Director may authorize alternative forms of fire protection that shall comply with the following:
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site IV- 168 conditions, as established by credible documentation approved in writing by the Director;
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons per dwelling or a stream that has a continuous year round flow of at least one cubic foot per second per dwelling;
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
3. Fire Siting Standards for New Dwellings:
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

4. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, on land owned or controlled by the applicant for a distance of at least 30 feet in all directions.
- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.

Table 2 – Minimum Primary Safety Zone

Slope Feet of Primary Safety Zone Feet of Additional Primary Safety Zone Down Slope

0%	0 feet of additional primary safety zone down slope
10%	50 feet of additional primary safety zone down slope
20%	75 feet of additional primary safety zone down slope
25%	100 feet of additional primary safety zone down slope
40%	150 feet of additional primary safety zone down slope

- e. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
- f. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
- g. The structure shall not be sited on a slope of greater than 40 percent.
- h. If the structure has a chimney or chimneys, each chimney shall have a spark arrester.
- i. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads, and driveways shall be constructed so as to provide adequate access for firefighting equipment. Confirmation shall be provided from the Coos County Road Department or local fire protection district that these standards have been met.

5. Wildfires inside urban growth boundaries.

Certain areas inside urban growth boundaries may present special risks and may be made subject to additional or different standards and requirements jointly adopted by a city and the county in the form of code requirements, master plans, annexation plans, or other means.

APPLICANT'S RESPONSE: The provisions above are primarily intended to address dwellings (residential uses) cited on lands with a wildfire hazard designation. However, the provisions also address "structures" or "all structures," so out of an abundance of caution, the applicant will apply the primary fire protection standards to the proposed golf course development.

Subsection #1 above requires that dwellings shall be located within a Fire Protection District (RFPD) or asked to be included within the nearest Fire Protection District. While this requirement clearly applies to dwellings, it should be noted that the proposed golf course is located within the City of Bandon RFPD.

Subsection #2 above also appears to apply to residential uses and addresses the availability of water sources at the development site. The development and maintenance of a golf course requires substantial amounts of water for irrigation, which is generally procured from a highly developed groundwater source that often involves ponds and/or reservoirs. Whatever the source of water for the golf course, that water source will also be utilized for domestic, landscape irrigation and fire protection. As a part of the irrigation system, high-pressure, high-volume hydrants for fire suppression will be strategically located throughout the facility as recommended by the local RFPD Fire Chief.

It is worthy of noting that the irrigation and fire protection measures available at the course will not only protect structures within the facility, but will also be available, if needed, to help suppress fire on adjacent lands inundated with the highly flammable vegetation (gorse).

Subsection 3 above addresses fire standards for new dwellings. The fire standards cited under subsections (a) and (b) are nominal when compared with the fire suppression sources that will be implemented in conjunction with the golf course.

Subsection 4 above addresses fire break buffers and appropriate vegetation around structures. All structures within the golf course will meet or exceed fire break standards. Where vegetation is appropriate near structures, it will consist of low-lying landscaping with irrigation.

Structures on slopes and safety buffers are also addressed under subsection #4. The proposed structures throughout the course will be constructed on relatively flat land that does not exceed a 10% slope in any direction. The standards also address fire resistant roofing, chimney spark arresters and road development capable of supporting fire-fighting equipment. The roofing on all structures will be fire resistant and there are no anticipated fireplaces with chimneys needing spark arresters. Roads to primary structures throughout the facility will be constructed to county standards with paved asphalt surfaces.

Subsection 5 above addresses uses and applicable fire standards within Urban Growth Boundaries. The proposed golf course is not contained within an Urban Growth Boundary.

HIGHWAY ACCESS

APPLICANT'S RESPONSE: Access to the golf course is from Oregon State Highway 101. The Oregon Department of Transportation (ODOT) has been contacted regarding the project and the applicant's representatives have met on site with ODOT staff. ODOT does not provide access permits for projects until a formal application has been filed with the local jurisdiction (Coos County) responsible for permitting the proposed use. It is anticipated that during the review of the application, the county planning department will contact ODOT for comment. At that time, ODOT will provide written comment regarding the proposed access location. During the on-site inspection, ODOT staff did not see any serious concerns regarding the proposed access location and noted that the proposed location provided for good highway visibility to both the north and south.

ON-SITE SANITARY

APPLICANT'S RESPONSE: It is anticipated that on-site sanitary waste will be addressed through an on-site sanitary septic system and drainfield. Prior to development, it will be required that the applicant

receive a Wastewater Pollution Control Facility (WPCF) permit from the Oregon Department of Environmental Quality (DEQ) for a subsurface waste disposal system.

WATER RIGHTS

APPLICANT'S RESPONSE: It is anticipated that the water source for irrigation and domestic use will be from deepwater wells and potentially reservoirs or ponds. Any groundwater irrigation sources developed in conjunction with the golf course will require water permits through the Oregon Water Resources Department (OWRD). Water permits will not be issued by the state unless it can be demonstrated by the applicant that there will be no injury to other users (agricultural or otherwise), or surface water and ground water sources.

1200-C STORMWATER EROSION CONTROL PERMIT

APPLICANT'S RESPONSE: Prior to ground disturbance for development of the golf course, it is required that a Stormwater Erosion and Sediment Control Plan be filed and approved by the Oregon Department of Environmental Quality. The plan assures that surface waters of the state, including wetlands, are protected from high levels of sediment from stormwater runoff during excavation and development activities.

SECTION 7.1.250 MATERIALS REQUIRED FOR AN APPLICATION: A traffic plan (item 1) will be required for all rezones, recreational vehicle parks, campgrounds, mobile home parks, land divisions, industrial developments, commercial developments and high intensity development plans. The Roadmaster in consultation with the Planning Director will have discretion to waive items 2 through 4 based on the findings that the increase in development is diminimus to the existing development.

1. Traffic Plan - A parking/traffic plan shall be submitted to address all of the following:
 - a. Property boundaries.

APPLICANT'S RESPONSE: The boundaries of the golf course subject to traffic and parking plans have been submitted in the form of the revised New River Dunes Conceptual Master Plan (Exhibit "C") and Preliminary Clubhouse Site Plan (Exhibit "D").

- b. Location of al structures on the subject property

APPLICANT'S RESPONSE: A conceptual plan for the proposed structures is reflected on the revised master plan and preliminary clubhouse plan.

- c. Required parking spaces;

APPLICANT'S RESPONSE: The parking facility has not been designed. The county ordinance does not appear to have a parking space requirement for a golf course. The applicant plans to construct at least one parking lot for the facility with approximately 70 to 80 spaces. Prior to development, the applicant will submit a parking plan to the county for processing through a compliance determination.

- d. Current utilities and proposed utilities;

APPLICANT'S RESPONSE: Potable water will occur through an on-site well. Sanitation service will occur through on-site septic systems approved through the Oregon Department of Environmental Quality. The only public services to the golf course will be electrical service from Coos-Curry Electric or the City of Bandon, and perhaps cable service for providing internet and wi-fi service. The installation and location will be determined by agreements with the service providers and the location of existing improvements.

- e. Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition);

APPLICANT'S RESPONSE: The Oregon Department of Transportation has standardized plans for deceleration lanes and intersections that will provide the information necessary to develop the only substantial intersection applicable to the project. The 1/2 mile of Boak Lane (half public and half private) providing ingress and egress to the proposed golf course currently consists of a well-maintained gravel road with a substantial base from years of use and maintenance. The proposed 24-foot paved road will occur over the existing road surface with any improvements necessary to meet county standards.

The private driveway currently exists but will require some widening to meet the proposed 24-foot, two lane, paved surface. The proposed ingress and egress will occur over improved rural roads that require no special design or drawings to meet county standards.

- f. The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if applicable;

APPLICANT'S RESPONSE: No bicycle or pedestrian facilities are required in conjunction with rural roads.

- g. Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques:

APPLICANT'S RESPONSE: The proposed golf course does not include commercial, office or multi-family residential development. However, pedestrian access and circulation is reflected on the preliminary clubhouse site plan.

- h. All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;

APPLICANT'S RESPONSE: This requirement is not applicable to the proposed development.

- i. Location of existing and proposed access point(s) on both sides of the road where applicable;

APPLICANT'S RESPONSE: There are seven dwelling parcels with driveways on the north side and one dwelling parcel with a driveway on the south side of Boak Lane. Wobbler Road extends north from Boak Lane and serves a half dozen dwelling parcels. There are no access points from the private driveway crossing the applicant's property.

- j. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property:

APPLICANT'S RESPONSE: The applicant could find no rural road standards for distances between residential driveways for rural roads. The applicant's driveway that will provide access to and from the golf course is one half mile from US Highway 101. There are no traffic signals proposed, other than a stop sign at the intersection of the applicant's driveway with Boak Lane.

- k. Number and direction of lanes to be constructed on the road plus striping plans;

APPLICANT'S RESPONSE: Boak Lane as well as the private driveway to the golf course will be improved to 24-foot paved surfaces. Striping will be provided as required by the Roadmaster.

- l. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and

APPLICANT'S RESPONSE: No sidewalks, bikeways or auxiliary lanes are proposed.

- m. Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

APPLICANT'S RESPONSE: The proposed golf course is not contained within a UGB or UUC.

2. Traffic Study completed by a registered traffic engineer.
3. Access Analysis completed by a registered traffic engineer.
4. Sight Distance Certification from a registered traffic engineer.

APPLICANT'S RESPONSE:

- *The applicant will be working with ODOT and will provide any required design drawings for improvements at the intersection of Boak Lane and Hwy 101.*
- *The applicant will provide design drawings to the Coos County Road Department for improvements at the intersection of the applicant's driveway and Boak Lane.*
- *The applicant will provide design drawings to the County Road Department for the roundabouts proposed within the first one-half mile of Boak Lane.*
- *Access to the proposed development is from US Highway 101 to Boak Lane, which consists of a public right-of-way for 1300 feet, and a private easement for an additional 1300 feet, to where it intersects with the applicant's ownership.*
- *The applicant has met on-site with the Oregon Department of Transportation (ODOT), District 7 Permit Specialist and has discussed the proposed access location with the Region 3 Senior Transportation Planner. It has been determined that there are no line-of-sight conflicts in either direction and that the only required improvements may be a southbound deceleration lane on Highway 101, together with the relocation of utility poles and lines along the highway.*
- *The applicant was informed that ODOT does not provide official comment until notice is received in conjunction with the processing of the application. ODOT will respond with comments and any requirements during the application process. Based upon available information and their site visit, the department did not believe that a formal traffic study would be required. Because the Boak Lane intersection with Hwy 101 is the only significant public intersection that will be directly affected by the proposed use, it is premature to require a traffic plan, study, or analysis unless requested by ODOT.*
- *The applicant is proposing to improve the one-half mile of gravel road (Boak Lane) as well as the private driveway to the golf course, with a 24-foot, two-lane, paved surface. The road is relatively straight with excellent visibility.*
- *There are 16 residential uses that currently utilize Boak Lane for ingress and egress. Utilizing the recognized standard of 10 trips per day for each residence, which equates to 160 trips. The proposed golf course, based on 150 rounds per day max, could potentially generate 150 to 200 trips per day with consideration given to caddy and employee traffic. An intersection with 1000 trips or below per day maintains an "A" classification on an A to F (failing) scale. The total residential and golf trip generation per day will not exceed 350 to 400 trips, well below the 1000 trips necessary to maintain an "A" classification.*
- *The proposed golf course will act as a satellite course for the Bandon Dunes Resort. Reservations and tee times will be booked by the Bandon Dunes Resort, and it is anticipated that a large*

percentage of the golfers playing the proposed course will be patrons of the resort. The resort will provide a shuttle service (16-person capacity) to and from the resort, which will reduce the number of trips per day calculated above.

- Based on the type of use, the trips generated will be spread evenly throughout the day as golfers arrive and depart based upon standardized tee times. The staggered traffic patterns reduce stacking at the applicable intersections.*
- A deceleration lane will be constructed adjacent to the southbound lane of Hwy 101, at its intersection with Boak Lane. There will be no left turn lane for northbound traffic.*
- Relocation of utility poles, utility lines and mailboxes will be required.*
- Boak Lane will be improved from its current gravel surface to a 24-foot paved surface.*
- There are two roundabouts proposed within the first half mile of Boak Lane (county road and private easement) as speed control and turnaround features. The centers of the roundabouts will be landscaped with signage.*
- The private driveway across the applicant's ownership to the golf course will also consist of a 24-foot, two-lane road with a paved surface. The road will be improved in the same general location as the existing gravel road that will provide access to the north end of the golf course and proposed parking lot.*

There is one exception to the two-lane private driveway where it crosses a single-lane bridge over Two Mile Creek and its associated wetlands. That location will remain a single-lane road with pullouts on both sides of the bridge, with visual clearance between the pullouts. David Evans and Associates, Structural Engineers, inspected the bridge and found it to be suitable for all levels of truck traffic (See Applicant's Exhibit "J").

By all standards, the proposed golf course will generate an acceptable level of traffic based upon the level of improvements proposed above. The needed improvements (deceleration lane and intersection improvements) can be designed utilizing standardized information from ODOT and Coos County Road Standards.

There is no logical reason to require a Traffic Study when the road and intersections will remain at the highest level of classification. The Oregon Department of Transportation will conduct an access analysis for the intersection of Boak Lane with their state highway. The Oregon Department of Transportation will determine whether there is adequate sight distance at the Boak Lane and Hwy 101 intersection.

Because the classification of the road and intersections will not change, the proposed impact is diminimus. The applicant therefore requests that the Planning Director and the Roadmaster waive subsections (2), (3), and (4) pursuant to Section 7.1.150. based upon the factual information provided above.

LAWFULLY CREATED TRACT

The following information verifies that the golf course tract is made up of lawfully created parcels (*See Applicant's Exhibit "K"*).

APPLICANT'S RESPONSE: The areas in green on Exhibit "I" were created in conjunction with application D-23-002/ACU-23-037, which was approved by Coos County on November 21, 2023. The approval was for both a Lawfully Created Unit of Land application and a Conditional Use application for multiple Property Line Adjustments. The areas shown in green are two of the resulting parcels per Property Line Adjustment Deeds 2024-01176, 2024-01177, and 2024-01178, Deed Records of Coos County. The parcels utilized in the adjustments were determined to be lawfully created and therefore the parcels resulting from those adjustments are also lawfully created parcels.

The area in yellow was created by Property Line Adjustment Deed 2003-6462 following approval of the adjustment by Coos County. The two adjusted parcels were lawfully created in 1947 by Sheriff's Deed Volume 171, Page 21, and in 1963 by Quit Claim Deed Volume 300, Page 221 Deed Records of Coos County. Both of the parcels utilized for the adjustment were created by deed prior to the January 1, 1986 date prohibiting the creation of new parcels by deed. The parcels utilized in the adjustment were lawfully created, and therefore the parcels resulting from the adjustments are also lawfully created parcels.

The area in pink on Exhibit "I" was created in conjunction with application D-23-003/PLA-23-014, which was approved by Coos County on November 1, 2023. The approval was for both a Lawfully Created Unit of Land application, and a Property Line Adjustment application. The area shown in pink is the resulting parcel per Property Line Adjustment Deed 2024-01179, Deed Records of Coos County. The parcels utilized in the adjustment were determined to be lawfully created and therefore the parcel resulting from the adjustment is a legal parcel.

The parcel in blue was purchased by the applicant in 2023 per Warranty Deed 2023-6827. The property was also purchased in its current configuration in 1977 per Warranty Deed 77-6-10496, Deed Records of Coos County. The parcel was lawfully created prior to the January 1, 1986 date prohibiting the creation of new parcels by deed and is therefore a legal parcel.

CONCLUSION: The information above verifies that the applicant's ownership is comprised of legal parcels and is therefore a legal tract of land.

US 101

DOAK LANE (PUBLIC SEGMENT)

SCORECARD:

FRONT						
HOLE	PAR	CHAMPIONSHIP	BACK	REGULAR	INTERMEDIATE	FORWARD
1	5	579	538	492	440	394
2	3	181	168	154	138	123
3	4	421	392	358	320	286
4	4	401	373	341	305	273
5	3	198	184	168	150	135
6	4	469	436	399	356	319
7	3	140	130	119	106	95
8	5	541	503	460	411	368
9	4	385	358	327	293	262
OUT	35	3315	3082	2818	2519	2255

BACK						
HOLE	PAR	CHAMPIONSHIP	BACK	REGULAR	INTERMEDIATE	FORWARD
10	4	471	438	400	358	320
11	4	317	295	270	241	216
12	3	221	206	188	168	150
13	4	375	349	319	285	255
14	4	341	317	290	259	232
15	4	361	336	307	274	245
16	3	150	140	128	114	102
17	5	594	552	505	451	404
18	4	463	431	394	352	315
IN	35	3293	3064	2801	2502	2239
TOTAL	70	6608	6146	5619	5021	4494

PAR	SHORT	MEDIUM	LONG
5	FRONT	8	1
	BACK	17	

PAR	SHORT	MEDIUM	LONG
4	FRONT	3, 4	6
	BACK	11, 13, 14, 15	10, 18

PAR	SHORT	MEDIUM	LONG
3	FRONT	2A, 12A, 7	5
	BACK	16	

- LEGEND:**
- TRACT BOUNDARY
 - BUNKERS/ OPEN SAND
 - FEMA - ZONE A - 23 ACRES
 - WETLANDS - 20 ACRES
 - MAINTAINED TURF (GREENS, TEES AND FAIRWAY) - 90 ACRES
 - PRACTICE AREA(S) - 25 ACRES

MAINTENANCE COMPOUND:
 -AGRONOMY
 -OFFICE
 -STORAGE
 -RESTROOMS

HOFFER LANE

101 - OREGON COAST HIGHWAY

BANDON CROSSINGS GOLF COURSE

APPLICANT'S EXHIBIT "C"
 Golf Course Layout Maintained Turf



United States
Department of
Agriculture

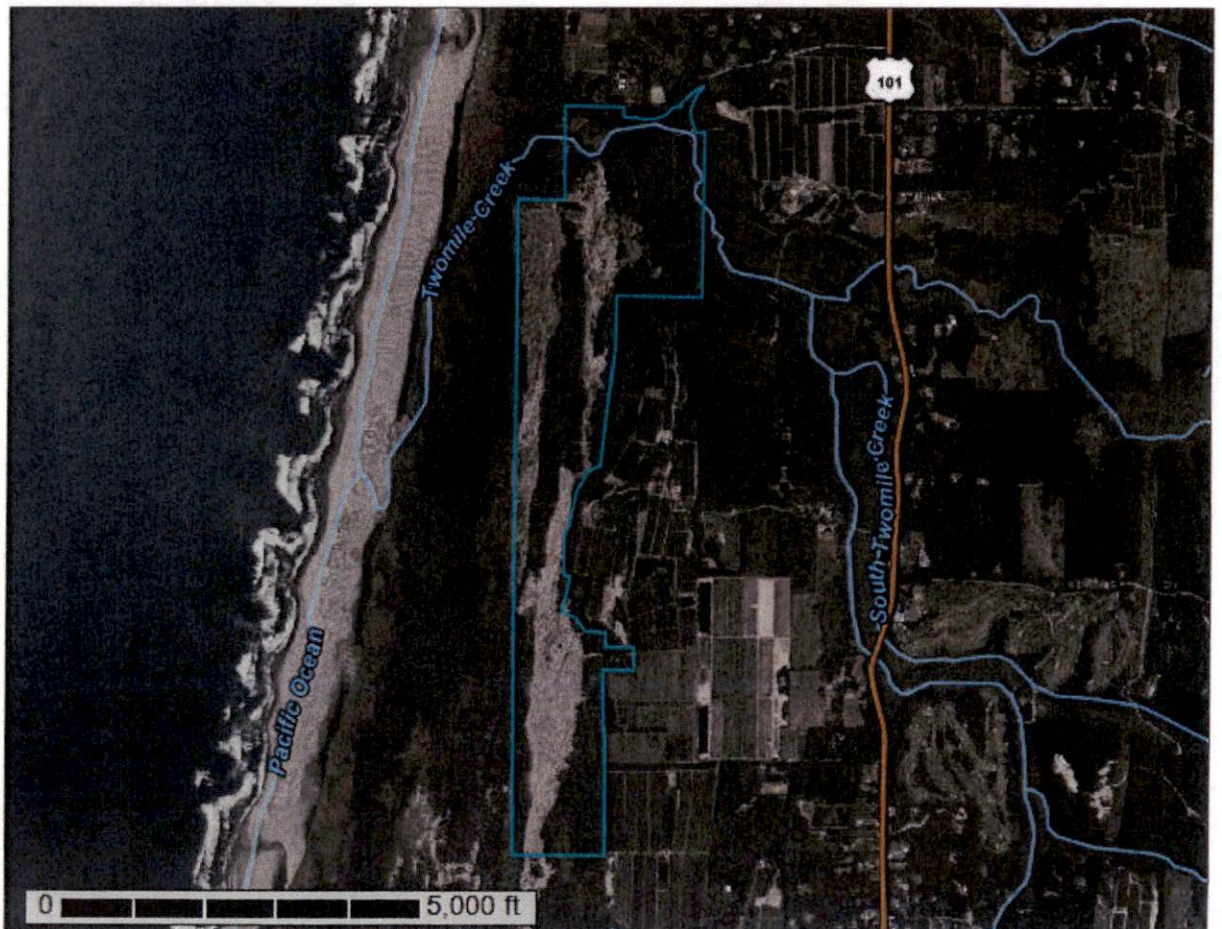
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Coos County, Oregon**

Bandon South - New River Dunes



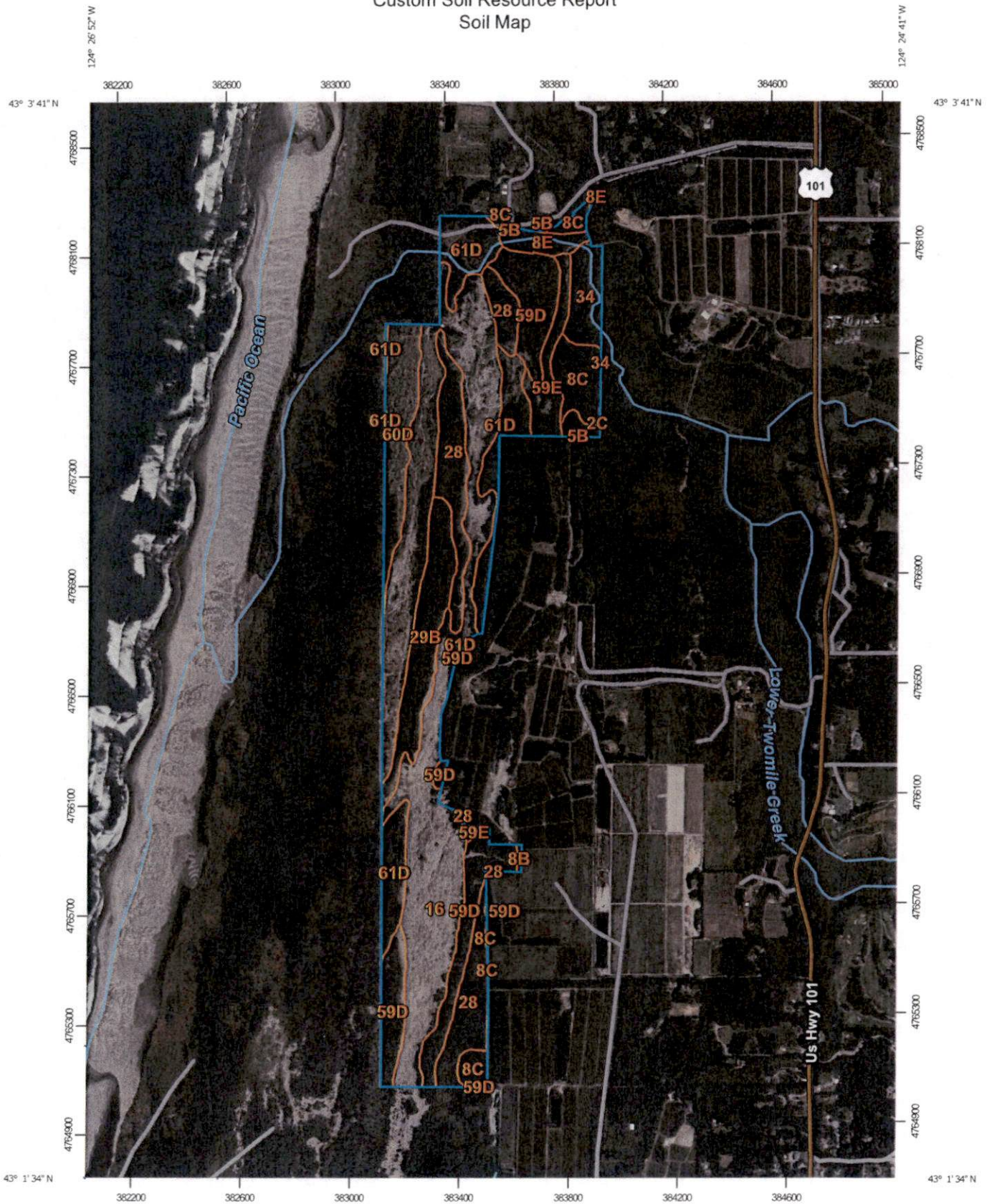
APPLICANT'S EXHIBIT "D"
Soil Information

April 9, 2024

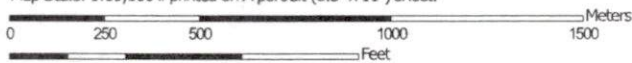
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Custom Soil Resource Report Soil Map



Map Scale: 1:19,100 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
2C	Bandon-Blacklock complex, 0 to 12 percent slopes	0.1	0.0%
5B	Blacklock fine sandy loam, 3 to 7 percent slopes	2.4	0.7%
8B	Bullards sandy loam, 0 to 7 percent slopes	0.4	0.1%
8C	Bullards sandy loam, 7 to 12 percent slopes	17.4	5.1%
8E	Bullards sandy loam, 30 to 50 percent slopes	5.8	1.7%
16	Dune land	128.3	37.4%
28	Heceta fine sand	40.5	11.8%
29B	Heceta-Waldport fine sands, 0 to 7 percent slopes	24.7	7.2%
34	Langlois silty clay loam	10.8	3.1%
59D	Waldport fine sand, 0 to 30 percent slopes	44.4	13.0%
59E	Waldport fine sand, 30 to 70 percent slopes	11.8	3.4%
60D	Waldport-Dune land complex, 12 to 30 percent slopes	20.5	6.0%
61D	Waldport-Heceta fine sands, 0 to 30 percent slopes	36.0	10.5%
Totals for Area of Interest		343.1	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Coos County, Oregon

2C—Bandon-Blacklock complex, 0 to 12 percent slopes

Map Unit Setting

National map unit symbol: 21nb
Elevation: 0 to 300 feet
Mean annual precipitation: 50 to 75 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of unique importance

Map Unit Composition

Bandon and similar soils: 60 percent
Blacklock and similar soils: 20 percent
Minor components: 13 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bandon

Setting

Landform: Marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Sandy marine deposits

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
H1 - 1 to 6 inches: sandy loam
H2 - 6 to 31 inches: loam
H3 - 31 to 44 inches: cemented
H4 - 44 to 61 inches: loam

Properties and qualities

Slope: 0 to 12 percent
Depth to restrictive feature: 20 to 36 inches to ortstein
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: F004AC409OR - Coastal Upland Cool Forest
Forage suitability group: Well Drained <15% Slopes (G004AY014OR)
Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)
Hydric soil rating: No

Custom Soil Resource Report

Description of Blacklock

Setting

Landform: Depressions on marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Sandy marine deposits

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
H1 - 1 to 4 inches: fine sandy loam
H2 - 4 to 16 inches: loamy fine sand
H3 - 16 to 53 inches: cemented
H4 - 53 to 76 inches: sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 12 to 20 inches to ortstein
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: About 0 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Very low (about 2.6 inches)

Interpretive groups

Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 6w
Hydrologic Soil Group: C/D
Ecological site: F004AC015OR - Aquic Forest
Hydric soil rating: Yes

Minor Components

Heceta

Percent of map unit: 7 percent
Landform: Deflation basins on dunes
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

Yaquina

Percent of map unit: 6 percent
Landform: Marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Somewhat Poorly Drained (G004AY017OR)
Hydric soil rating: Yes

Custom Soil Resource Report

Minor Components

Heceta

Percent of map unit: 8 percent
Landform: Deflation basins on dunes
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

8B—Bullards sandy loam, 0 to 7 percent slopes

Map Unit Setting

National map unit symbol: 21rc
Elevation: 30 to 600 feet
Mean annual precipitation: 55 to 75 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Bullards and similar soils: 75 percent
Minor components: 9 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bullards

Setting

Landform: Marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed eolian and marine deposits

Typical profile

Oi - 0 to 3 inches: slightly decomposed plant material
H1 - 3 to 10 inches: sandy loam
H2 - 10 to 44 inches: gravelly sandy loam
H3 - 44 to 63 inches: sand

Properties and qualities

Slope: 0 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: B
Ecological site: F004AC410OR - Coastal Upland Warm Forest
Forage suitability group: Well Drained <15% Slopes (G004AY014OR)
Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)
Hydric soil rating: No

Minor Components

Blacklock

Percent of map unit: 9 percent
Landform: Depressions on marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: Yes

8C—Bullards sandy loam, 7 to 12 percent slopes

Map Unit Setting

National map unit symbol: 21rd
Elevation: 30 to 600 feet
Mean annual precipitation: 55 to 75 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Bullards and similar soils: 75 percent
Minor components: 8 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bullards

Setting

Landform: Marine terraces
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed eolian and marine deposits

Typical profile

Oi - 0 to 3 inches: slightly decomposed plant material
H1 - 3 to 10 inches: sandy loam
H2 - 10 to 44 inches: gravelly sandy loam
H3 - 44 to 63 inches: sand

Custom Soil Resource Report

Properties and qualities

Slope: 7 to 12 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: B

Ecological site: F004AC410OR - Coastal Upland Warm Forest

Forage suitability group: Well Drained <15% Slopes (G004AY014OR)

Other vegetative classification: Well Drained <15% Slopes (G004AY014OR)

Hydric soil rating: No

Minor Components

Blacklock

Percent of map unit: 8 percent

Landform: Depressions on marine terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: Yes

8E—Bullards sandy loam, 30 to 50 percent slopes

Map Unit Setting

National map unit symbol: 21rg

Elevation: 50 to 600 feet

Mean annual precipitation: 55 to 75 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 200 to 240 days

Farmland classification: Not prime farmland

Map Unit Composition

Bullards and similar soils: 80 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bullards

Setting

Landform: Marine terraces

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Custom Soil Resource Report

Across-slope shape: Linear

Parent material: Mixed eolian and marine deposits

Typical profile

O_i - 0 to 3 inches: slightly decomposed plant material

H₁ - 3 to 10 inches: sandy loam

H₂ - 10 to 44 inches: gravelly sandy loam

H₃ - 44 to 63 inches: sand

Properties and qualities

Slope: 30 to 50 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (K_{sat}): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 5.9 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: B

Ecological site: F004AC410OR - Coastal Upland Warm Forest

Hydric soil rating: No

16—Dune land

Map Unit Setting

National map unit symbol: 21mm

Elevation: 0 to 100 feet

Mean annual precipitation: 50 to 70 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 200 to 240 days

Farmland classification: Not prime farmland

Map Unit Composition

Dune land: 80 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Dune Land

Setting

Landform: Dunes on marine terraces

Parent material: Eolian sands

Typical profile

C - 0 to 60 inches: fine sand

Interpretive groups

Land capability classification (irrigated): None specified

Custom Soil Resource Report

Land capability classification (nonirrigated): 8

Hydric soil rating: No

Minor Components

Heceta

Percent of map unit: 10 percent

Landform: Deflation basins on dunes

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: Poorly Drained (G004AY018OR)

Hydric soil rating: Yes

28—Heceta fine sand

Map Unit Setting

National map unit symbol: 21n8

Elevation: 0 to 80 feet

Mean annual precipitation: 50 to 70 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 200 to 240 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Heceta and similar soils: 80 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Heceta

Setting

Landform: Deflation basins on dunes

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Eolian deposits

Typical profile

H1 - 0 to 4 inches: fine sand

H2 - 4 to 60 inches: sand

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Poorly drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: None

Frequency of ponding: Frequent

Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D
Ecological site: R004AB203OR - Aquic Interdune
Forage suitability group: Poorly Drained (G004AY018OR)
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

29B—Heceta-Waldport fine sands, 0 to 7 percent slopes

Map Unit Setting

National map unit symbol: 21n9
Elevation: 0 to 50 feet
Mean annual precipitation: 50 to 70 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Heceta and similar soils: 55 percent
Waldport and similar soils: 25 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Heceta

Setting

Landform: Deflation basins on dunes
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian deposits

Typical profile

H1 - 0 to 4 inches: fine sand.
H2 - 4 to 60 inches: sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D

Custom Soil Resource Report

Elevation: 0 to 40 feet

Mean annual precipitation: 50 to 80 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 200 to 240 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Langlois and similar soils: 80 percent

Minor components: 13 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Langlois

Setting

Landform: Flood plains

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Mixed alluvium

Typical profile

H1 - 0 to 10 inches: silty clay loam

H2 - 10 to 28 inches: silty clay

H3 - 28 to 60 inches: clay

Properties and qualities

Slope: 0 to 1 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: Frequent

Frequency of ponding: Frequent

Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Available water supply, 0 to 60 inches: Moderate (about 8.1 inches)

Interpretive groups

Land capability classification (irrigated): 4w

Land capability classification (nonirrigated): 4w

Hydrologic Soil Group: C/D

Ecological site: F004AC013OR - Aquic Flood Plain Forest

Forage suitability group: Very Poorly Drained (G004AY019OR)

Other vegetative classification: Very Poorly Drained (G004AY019OR)

Hydric soil rating: Yes

Minor Components

Chetco

Percent of map unit: 7 percent

Landform: Deltas, flood plains

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: Very Poorly Drained (G004AY019OR)

Hydric soil rating: Yes

Custom Soil Resource Report

Coquille

Percent of map unit: 6 percent
Landform: Flood plains
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Very Poorly Drained (G004AY019OR)
Hydric soil rating: Yes

59D—Waldport fine sand, 0 to 30 percent slopes

Map Unit Setting

National map unit symbol: 21q8
Elevation: 0 to 120 feet
Mean annual precipitation: 50 to 70 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Waldport and similar soils: 75 percent
Minor components: 9 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Waldport

Setting

Landform: Dunes
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

H1 - 0 to 7 inches: fine sand
H2 - 7 to 60 inches: fine sand

Properties and qualities

Slope: 0 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksaf): Very high (19.98 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e

Custom Soil Resource Report

Hydrologic Soil Group: A
Ecological site: F004AB202OR - Dune Forest
Hydric soil rating: No

Minor Components

Heceta

Percent of map unit: 9 percent
Landform: Deflation basins on dunes
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

59E—Waldport fine sand, 30 to 70 percent slopes

Map Unit Setting

National map unit symbol: 21q9
Elevation: 0 to 160 feet
Mean annual precipitation: 50 to 70 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Waldport and similar soils: 75 percent
Minor components: 8 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Waldport

Setting

Landform: Dunes
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands

Typical profile

H1 - 0 to 7 inches: fine sand
H2 - 7 to 60 inches: fine sand

Properties and qualities

Slope: 30 to 70 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: A

Ecological site: F004AB202OR - Dune Forest

Hydric soil rating: No

Minor Components

Heceta

Percent of map unit: 8 percent

Landform: Deflation basins on dunes

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: Yes

60D—Waldport-Dune land complex, 12 to 30 percent slopes

Map Unit Setting

National map unit symbol: 21qd

Elevation: 0 to 80 feet

Mean annual precipitation: 50 to 70 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 180 to 260 days

Farmland classification: Not prime farmland

Map Unit Composition

Waldport and similar soils: 60 percent

Dune land: 30 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Waldport

Setting

Landform: Dunes

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Eolian sands

Typical profile

H1 - 0 to 4 inches: fine sand

H2 - 4 to 60 inches: fine sand

Properties and qualities

Slope: 12 to 30 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 99.90 in/hr)

Custom Soil Resource Report

Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: F004AB202OR - Dune Forest
Hydric soil rating: No

Description of Dune Land

Setting

Landform: Dunes on marine terraces
Parent material: Eolian sands

Typical profile

C - 0 to 60 inches: fine sand

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydric soil rating: No

Minor Components

Heceta

Percent of map unit: 10 percent
Landform: Deflation basins on dunes
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G004AY018OR)
Hydric soil rating: Yes

61D—Waldport-Heceta fine sands, 0 to 30 percent slopes

Map Unit Setting

National map unit symbol: 21qf
Elevation: 0 to 80 feet
Mean annual precipitation: 50 to 70 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 200 to 240 days
Farmland classification: Not prime farmland

Map Unit Composition

Waldport and similar soils: 50 percent
Heceta and similar soils: 30 percent
Minor components: 7 percent

Custom Soil Resource Report

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Waldport

Setting

*Landform: Dunes
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian sands*

Typical profile

*H1 - 0 to 7 inches: fine sand
H2 - 7 to 60 inches: fine sand*

Properties and qualities

*Slope: 0 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.6 inches)*

Interpretive groups

*Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: F004AB202OR - Dune Forest
Hydric soil rating: No*

Description of Heceta

Setting

*Landform: Interdunes
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian deposits*

Typical profile

*H1 - 0 to 4 inches: fine sand
H2 - 4 to 60 inches: sand*

Properties and qualities

*Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water supply, 0 to 60 inches: Low (about 3.6 inches)*

Interpretive groups

*Land capability classification (irrigated): 4w
Land capability classification (nonirrigated): 4w*

Custom Soil Resource Report

Hydrologic Soil Group: A/D

Ecological site: R004AB203OR - Aquic Interdune

Forage suitability group: Poorly Drained (G004AY018OR)

Other vegetative classification: Poorly Drained (G004AY018OR)

Hydric soil rating: Yes

Minor Components

Yaquina

Percent of map unit: 7 percent

Landform: Marine terraces

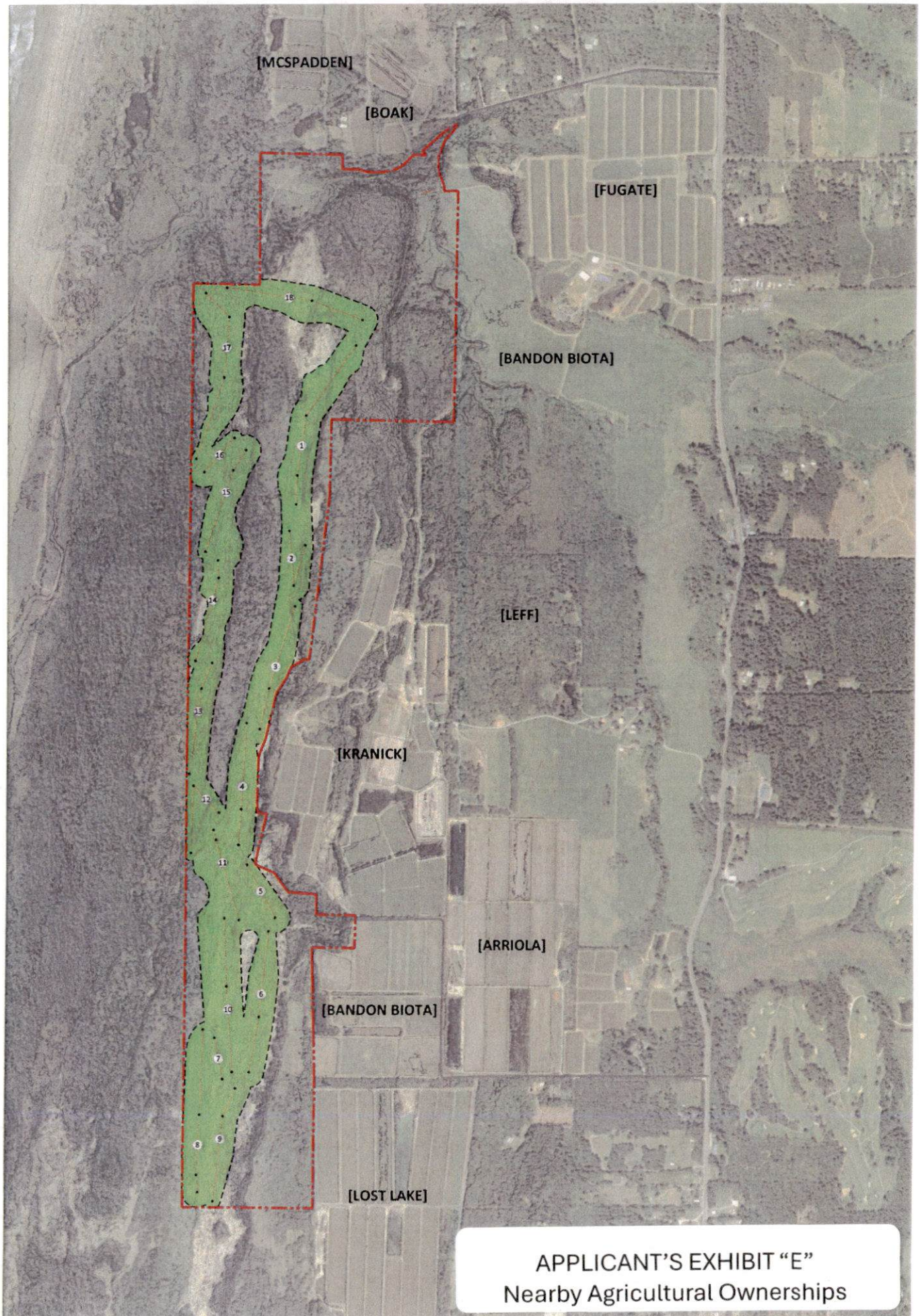
Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: Somewhat Poorly Drained (G004AY017OR)

Hydric soil rating: Yes





WATER RIGHTS DISCUSSION – PROPOSED BANDON GOLF COURSE

To: Chris Hood, *Planner*
Stuntzner Engineering
705 South 4th Street
Coos Bay, OR 97420

Cc: Ken Nice, *Bandon Dunes Golf Resort*
CC: Don Crowe, *Bandon Dunes Golf Resort*
Cc: Laura Schroeder, *Schroeder Law Offices*

From: Robert Long, *RG, LHG, CWRE*
Ian Godwin, *RG*

Date: April 11, 2024

Subject: Land Use Compatibility and Impacts of Proposed Water Use

Dear Mr. Hood,

Thank you for requesting CwM-H2O LLC (CwM) assessment of the proposed water uses under consideration in the development of the New River Dunes Golf Course (NRD) by Bandon Dunes Golf Resort (BDGR). The NRD Golf Course development is located south of Bandon, Oregon in Coos County, Township 29 South, Range 15 West and primarily within Sections 24 and 25 (Site). CwM understands that the site will require surface water and groundwater rights for irrigation and pond maintenance of this new golf course. NRD anticipates filing for a new ground water right, for storage, irrigation, and for pond maintenance and for a surface water right for diversion of water during the storage season on Two Mile Creek.

Coos County classifies the Site as Exclusive Farm Use (EFU), a land use under which golf courses are conditionally allowed as a “non-farm” use. The proposed NRD project has raised comments and concerns regarding the effects the proposed water use at the golf course will have on surrounding groundwater and surface water resources and specifically how it might impact other water right holders near the golf course. The purpose of this memo is to present the water right facts demonstrating that Oregon water right rules are protective of all water users, and that based on Oregon’s water right rules, why no adverse impacts to area groundwater and surface water users will result from the proposed uses of water at the Site.

Oregon’s water right system is based on western water law doctrine, which simply means the first water users have the first right of use, or “first in time first in right” based on the priority date.

The proposed development will require a number of water right transactions including:

- Two new water right applications. One to request winter-time storage water from Two Mile Creek outside the irrigation season and a second for irrigation from storage to the Site during the irrigation season.
- A new groundwater right application for irrigation and pond maintenance on the Site.

OWRD governs these transactions by the priority date with any new water right application. New water rights will receive a new priority date at the time the application is accepted by OWRD and will be the most junior water rights in the area. These transactions will not change the traditional uses of water near the proposed project or create an adverse impact to other water right holders because of the way that the priority date works in western water law doctrine.

The proposed new surface water right applications for storage and irrigation and for new groundwater use will not impact other groundwater and surface water right holders and traditional water users in the area for two reasons.

- First any new water right permit will have the most junior priority dates and will be subject to all prior “senior” water right holders in the area of the proposed Site. Because these new water rights will be the most junior, they are subject to regulation off the source (being turned off) if any other senior water right holder using water from the same source cannot divert or pump their full or traditional water rate or volume. Existing senior water right holders will always have first right to the water.
- Secondly, three state agencies review all new water right applications for potential adverse impacts to the public, natural resources, state and federal threatened and endangered species, and other water users and water right holders. These water transactions are managed, reviewed, and processed by the Oregon Water Resources Department (OWRD) in consultation with the Oregon Department of Environmental Quality (ODEQ) and Oregon Department of Fish and Wildlife (ODFW). No new water rights can be issued without the applicant demonstrating that the new use will avoid injury to all senior water right holders, traditional water users from domestic wells, and to the natural resource and the species that rely on that water source for their continued persistence.

The three state agencies coordinate to ensure that all new water rights applications are reviewed for their technical merits and that the applicant has met the requirements of the law. No new water rights can be issued that would injure existing water right holders.

SUMMARY AND CONCLUSIONS

The purpose of this memorandum is to address the potential for adverse impacts to local users of groundwater and surface water near the proposed NRD Site due to new water applications.

- All new water right applicants must demonstrate to the agency's satisfaction that the proposed water right changes and requests for new water rights will cause no harm to natural resources or injury to other water users due to the proposed change or new use. Oregon has a robust water right administration in place to assess applications for new water right to ensure that water is available and that no injury to other water resource users will occur due to the issuance of a new water right.
- Oregon's water right administration is transparent and open to the public. The permitting processes for new water rights, are open to the public for review and comment under Chapter 690 rules and allow for ample public involvement.
- Based on the presented requirements of three state agencies; OWRD, ODEQ, and ODFW the natural surface water and groundwater resources of Oregon are well protected for development of new irrigation uses and do not threaten the continued use of surface water or groundwater in the area for traditional irrigation purposes or any other use.

BANDON TRAILS CLUBHOUSE

STRUCTURAL PERMIT PACKAGE

OWNER:
BANDON DUNES RESORT LP
676 57744 ROUND LAKE ROAD
BANDON, OR 97411
T (541) 347-6189
F (541) 347-8996
Contact: HOWARD BAKER

ARCHITECT:
WILLIAM CHURCH, F.A.I.A. ARCHITECT P.C.
1815 N.W. FLANDERS, STE. 104
PORTLAND, OR 97209
T (503) 227-6188
F (503) 227-8238
Contact: CHAD SCHMIDT
chad@wcharch.com

CONTRACTOR:
WALSH CONSTRUCTION
3015 S.W. FIRST AVE.
PORTLAND, OR 97201
T (503) 222-4375
F (503) 274-7678
Contact: ERIC STEVENS

DRAWING BOOK -

ARCHITECTURAL:

- A0.0 COVER SHEET
- A0.1 SITE PLANS
- A1.1 FLOOR PLAN
- A1.2 ROOF PLAN / HARDWARE SCHEDULE
- A1.3 DRINK PAVILION
- A1.4 GATEHOUSE
- A1.5 ADA RAMP AND FENCE
- A3.1 EXTERIOR ELEVATIONS
- A3.2 EXTERIOR ELEVATIONS
- A4.1 BUILDING SECTIONS
- A4.2 BUILDING SECTIONS
- A5.1 REFLECTED CEILING PLAN
- A5.2 REFLECTED CEILING PLAN
- A7.1 INTERIOR ELEVATIONS
- A7.2 INTERIOR ELEVATIONS
- A8.1 WINDOW AND DOOR TYPES
- A8.2 EXTERIOR DETAILS
- A8.3 EXTERIOR DETAILS
- A8.4 EXTERIOR DETAILS
- A8.5 EXTERIOR DETAILS
- A8.6 EXTERIOR DETAILS
- A8.7 DRINK PAVILION DETAILS
- A8.8 GATEHOUSE DETAILS
- A8.9 INTERIOR DETAILS
- A8.2 SLIDING PARTITION
- A10.1 RETAIL CASEWORK
- A10.2 BAR COUNTER & BACK BAR
- A10.3 CASEWORK DETAILS

STRUCTURAL:

- S1 STRUCTURAL FOUNDATION
- S2 STRUCTURAL DETAILS
- S3 STRUCTURAL FRAMING PLANS
- S4 STRUCTURAL DETAILS
- S5 STRUCTURAL DETAILS
- PS1 PAVILION FOUNDATION & FRAMING PLANS
- PS2 PAVILION FOUNDATION & FRAMING PLANS

MECHANICAL:

- M1.1 HVAC CONCEPT (REFERENCE)

PLUMBING:

- P1.1 PLUMBING CONCEPT (REFERENCE)

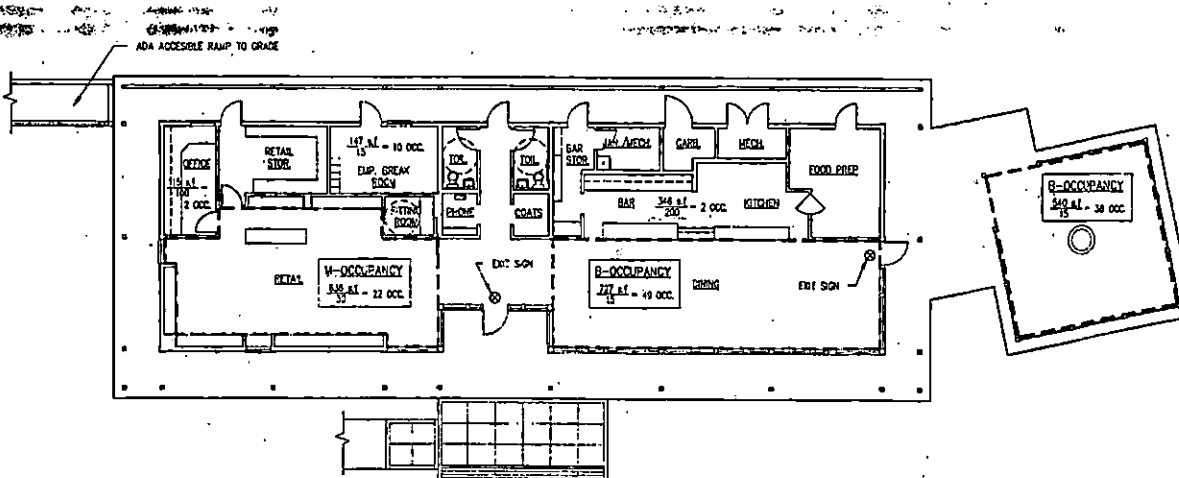
FOOD SERVICE:

- K1 EQUIPMENT LAYOUT
- K2 EQUIPMENT SCHEDULE

STRUCTURAL ENGINEER:
AFGHAN ASSOCIATES
6960 S.W. VARNIS ST., STE. 200
TIGARD, OR 97223
T (503) 820-5530
F (503) 820-5539
Contact: HANAD AFGHAN

INTERIORS:
SCOTT CONVERSE INTERIORS, LTD.
815 N.W. SLATMAN RD., #910
PORTLAND, OR 97228
(503) 286-3530
Contact: SCOTT CONVERSE

LIGHTING DESIGNER:
C.E. MARGOLIART LIGHTING DESIGN
13488 S.E. WESK RD.
BORING, OR 97009
T (503) 558-1505
F (503) 558-8800
Contact: CRAIG MARGOLIART



OCCUPANCY CLASSIFICATION:
GROUP B / GROUP M
(CLUBHOUSE AND PAVILION CONSIDERED ONE BUILDING)

CONSTRUCTION TYPE:
TYPE V-N (FULLY SPRINKLED)

BUILDING HEIGHT:
10'-0" ACTUAL / 10'-0" ALLOWABLE (PER TABLE 5-9)
1 STORY ACTUAL / 2 STORIES ALLOWED (PER TABLE 5-9)

BUILDING AREA:
3,800 s.f. ACTUAL (CLUBHOUSE AND PAVILION TOTAL)
- SEPARATION ON ALL SIDES (PER 505.1.3)
- 1,100 s.f. ALLOWED (PER TABLE 5-9)
= 3 (PER 505.3)
24,200 s.f. TOTAL ALLOWABLE

OCCUPANT LOAD:
85 TOTAL (CALCULATED PER TABLE 10-A)

FIRE RESISTANCE OF STRUCTURE:
BUILDING IS SEPARATED ON FOUR SIDES WITH YARDS GREATER THAN 20 FT. THEREFORE STRUCTURE IS NON-RATED AND OPENINGS ARE NOT REQUIRED TO BE PROTECTED (PER TABLE 5-A).

1 CODE PLAN
A0.0 COVER SHEET

APPLICANT'S EXHIBIT "G"
Clubhouse/Restaurant Design



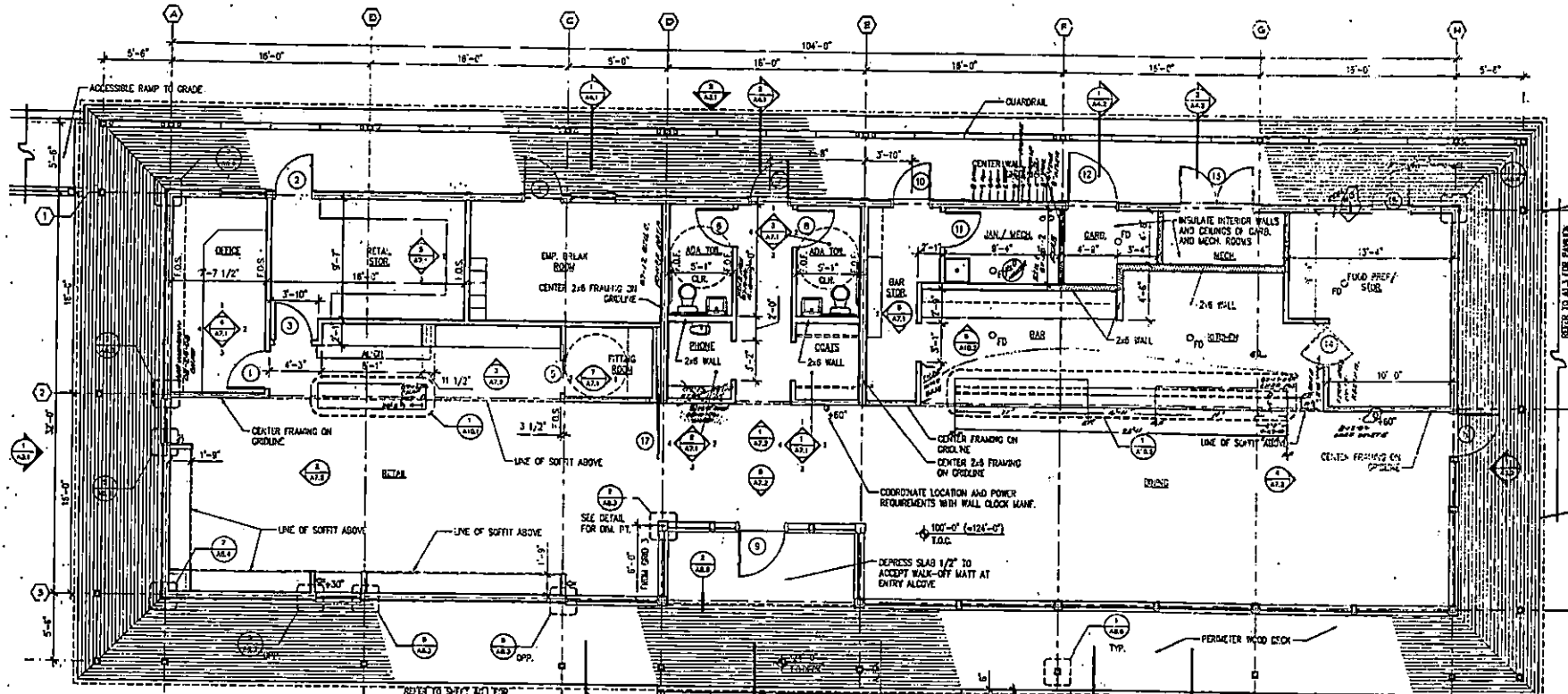
BANDON TRAILS CLUBHOUSE
BANDON DUNES RESORT - BANDON, OREGON
COVER SHEET

Revision
Date Issued For
6.7.04 PERMIT
8.24.04 PERMIT
7.9.04 PERMIT
Job No. D104
A0.0
SHEET X OF Y

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BANDON TRAILS CLUBHOUSE
BANDON DAMER RESORT - BANDON, OREGON
FLOOR PLAN



FLOOR PLAN NOTES

- 1) ALL EXTERIOR WALLS ARE 2x6 FRAMING WITH THE STUDS CENTERED ON THE CROCKLINES.
- 2) ALL INTERIOR PARTITIONS ARE 2x4 FRAMING UNLESS NOTED OTHERWISE ON PLAN.
- 3) DIMENSIONS ARE FROM F.O.S. (FACE OF STUD) UNLESS NOTED OTHERWISE ON PLAN.
- 4) ELECTRICAL OUTLETS SHOWN ON PLAN ARE FOR COORDINATION OF SPECIAL LOCATIONS. CONTRACTOR TO SUBMIT ELECTRICAL LAYOUT OF TOTAL BUILD-OUT FOR REVIEW BY ARCHITECT.

NOTES (CONT.)

- 5) REFER TO KITCHEN AND MECHANICAL DRAWINGS FOR LOCATIONS OF ELECTRICAL, PLUMBING AND MECHANICAL WITHIN KITCHEN, BAR, AND FOOD PREP AREAS.
- 6) REFER TO ENLARGED PLAN OF RETAIL COUNTER AND BAR AREAS FOR ELECTRICAL REQUIREMENTS.

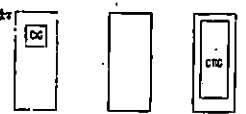
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

DOOR SCHEDULE

DOOR NUMBER	HARDWARE GROUP	TYPE	SIZE	MATERIAL	GLASS	FINISH	FRAME MATERIAL	FRAME FINISH	REMARKS / NOTES
1	1	FD	30" x 70"	WD	A/CIG	WSC	WD	P-4	
2	2	F	30" x 70"	HW			HW	P-4	
3	3	F	30" x 70"	HW			HW	P-4	
4	4	F	30" x 70"	HW			HW	P-4	
5	5	F	30" x 70"	HW			HW	P-4	
6	6	PRT	24" x 70"	WD		WSC	WD	P-4	NO DOORSTOP / NO GRIP
7	7	F	30" x 70"	WD		WSC	WD	P-4	
8	8	F	30" x 70"	HW			HW	P-4	
9	9	F	30" x 70"	HW			HW	P-4	
10	10	F	30" x 70"	HW			HW	P-4	
11	11	F	30" x 70"	HW			HW	P-4	
12	12	F	30" x 70"	HW			HW	P-4	
13	13	LV	60" x 70" PR	HW			HW	P-4	LOOKING TO SEE
14	14	LV	60" x 70" PR	HW			HW	P-4	LOOKING TO SEE
15	15	F	30" x 70"	HW			HW	P-4	
16	16	F	30" x 70"	HW			HW	P-4	
17	17	PRT	30" x 70"	WD		WSC	WD	P-4	REFER TO DRAWING 7 / A11

LEGEND

HW - HOLLOW METAL	CIG - CLEAR TEMPERED INSULATED GLASS
WD - WOOD	CIG - CLEAR TEMPERED GLASS
WSC - WOOD STAINED CLEAR	



ROOM FINISH SCHEDULE

ROOM NAME	CEILING MATERIAL	CEILING FINISH	WALL MATERIAL	WALL FINISH	FLOOR MATERIAL	FLOOR FINISH	REMARKS
OFFICE	CP	P-1	CP	P-1	CP	WD	
RESTAURANT	CP	P-1	CP	P-1	CP	WD	
BREAK ROOM	CP	P-1	CP	P-1	CP	WD	
FITTING ROOM	CP	P-1	CP	P-1	CP	WD	
RESTAURANT	STRUC	WSC	STRUC	P-1/P-2/WSC	STRUC CONC	WD	SEE MEMO
ADA TOILET	CP	P-1	CP	P-1/P-2	STRUC CONC	WD	
ADA TOILET	CP	P-1	CP	P-1/P-2	STRUC CONC	WD	
PHEN ROOM	CP	P-1	CP	P-1	STRUC CONC	WD	
CLUB ROOM	CP	P-1	CP	P-1	STRUC CONC	WD	
BAR	CP	P-1	CP	P-1	STRUC CONC	WD	
KITCHEN	STRUC	WSC	STRUC	P-2 / WSC	STRUC CONC	WD	SEE MEMO
RESTAURANT	CP	P-1	CP	P-1	CP	WD	
KITCHEN	CP	P-1	CP	P-1	CP	WD	
FOOD PREP AREA	CP	P-1	CP	P-1	CP	WD	

LEGEND

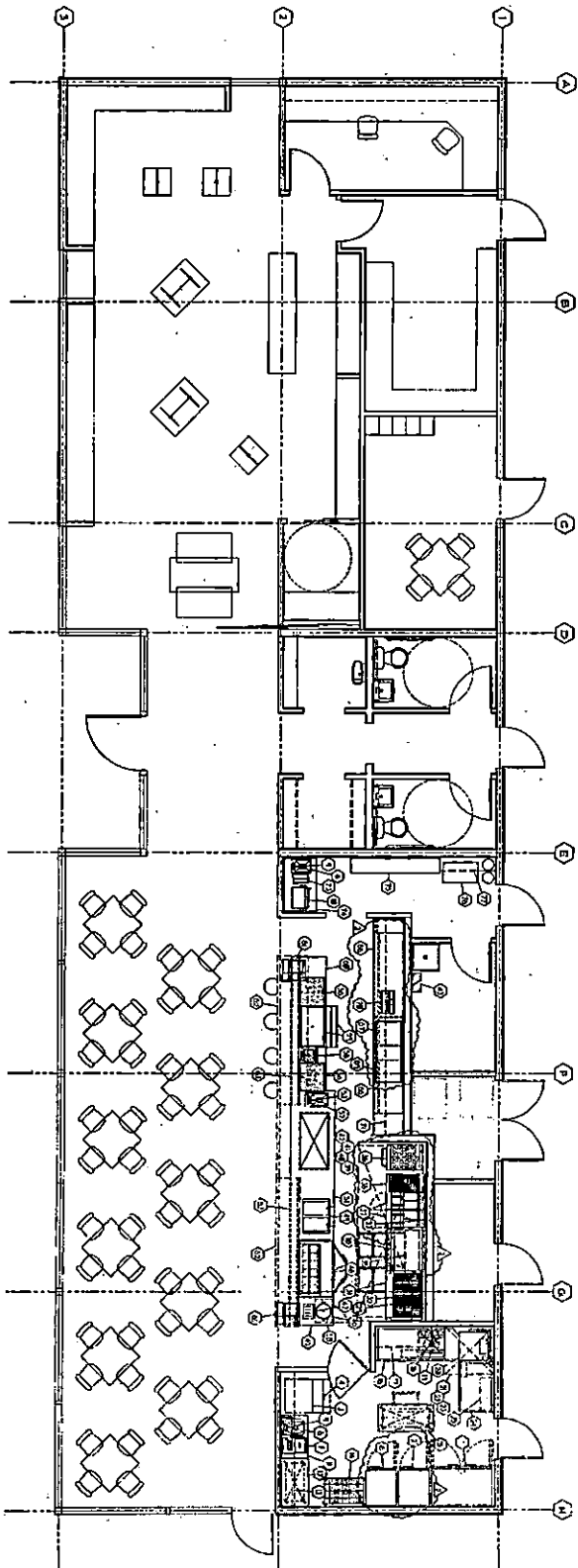
CP - GYPSON BOARD	STRUC - OPEN TO ROOF STRUCTURE
WD - WOOD	STRUC CONC - STAINED CONCRETE (COLOR TBD)
WSC - WOOD STAINED CLEAR	* ALL PAINTS NAME BY BENJAMIN MOORE
CIG - CLEAR TEMPERED GLASS	P-1 - PAINT: JOC-12 MUSEUM VIT SATIN LTK
WD - WOOD	P-2 - PAINT: ESSER GREEN EXC. 1204 GLOSS LTK
WSC - WOOD STAINED CLEAR	P-3 - PAINT: F210-12 AUTUMN BRONZE BY SEM-GLOSS PLAN
CIG - CLEAR TEMPERED GLASS	
WD - WOOD	

P-1 - W. SOFFIT #1437-30 MONTEREY #42
TL-1 - THOMPSON ACTION, RISE 12112 PORCELAIN (HORIZ. GRAP)
TL-2 - THOMPSON ACTION, RISE 12112 PORCELAIN (VERT. GRAP)
TL-3 - THOMPSON ACTION, RISE 12112 PORCELAIN (DIAG. GRAP)
CP - GYPSON BOARD
STRUC CONC - STAINED CONCRETE (COLOR TBD)

Revisions
Date Issued For
5.7.04 PERMIT
6.24.04 PERMIT
7.9.04 PERMIT

Job No: D404

A11
SHEET X OF Y



Equipment
Layout

Sheet No.	01/29/04
Date	07/26/04
Scale	AS SHOWN
Project	Bandon Trails Clubhouse
Client	Bandon Dunes Golf Resort
Architect	BARGREEN ELLINGSON
Address	Round Lake Drive Bandon, OR 97411

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

BARGREEN ELLINGSON
 ARCHITECTS
 2112 1/2 1st Street, SE
 Bandon, OR 97411
 Phone: (541) 327-4144
 Fax: (541) 327-4144

This plan is a general arrangement of equipment and fixtures by the convenience of contractors. All measurements are to be verified on the job. Plans, elevations, and sections have been located as accurately as possible and are intended to suit equipment to be installed.
 The architect is not responsible for such items as wall thicknesses, and will not be held for any square requirements for floor loading, walls, windows, structural conditions or for the installation or changing of equipment shown on this plan or for any reason.
 Contractors are to make allowances for all plumbing, fire, ceiling, electrical, mechanical and other work, during construction, etc., except where noted to the contrary.
 This plan is the property of BARGREEN ELLINGSON ARCHITECTS and is loaned subject to the condition that it is not to be copied, reproduced, or distributed other than in whole or in part, without written permission, and is not to be used in any way detrimental to the best interests of the architect.



**Scott
Edwards
Architecture**

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

September 1, 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 project is currently in the Conceptual Design Phase and Design Capacity will be a condition of final building approval.

For Conceptual Design purposes, 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 Trails Clubhouse is comparable to the proposed development in both scale of course and desired amenities and is used here for planning purposes. 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. 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 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)	60 (20 more than Bandon Trails)
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 90

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.

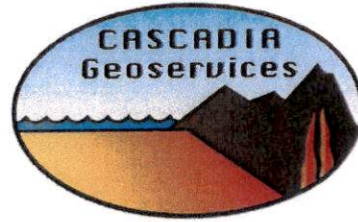
Sincerely.

Sid Scott. Principal Architect
AIA. LEED AP
Scott Edwards Architecture LLP
2525 East Burnside St. Portland. OR 97214
503 226.3617



Cascadia Geoservices, Inc.

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www: CascadiaGeoservices.com



October 12, 2022

Mr. Zach Bascom, Director of Construction
Bandon Dunes Golf Resort
57744 Round Lake Drive
Bandon, Oregon 97411
E-mail: zbascom@bandondunesgolf.com

Technical Memorandum Regarding Proposed New River Dunes Golf Course
Preliminary Dune Classification and Geotechnical Suitability
Bandon, Oregon 97411
CGS Project No 22076

Dear Mr. Bascom,

Cascadia Geoservices, Inc. (CGS) is pleased to provide you with this Technical Memorandum regarding the proposed New River Dunes Golf Course (site or subject property). Our understanding is based on a site plan provided to us by you (undated) and on a site visit to the subject property on September 6, 2022. We understand that the golf course will be located approximately 3.5 miles south of Bandon, Oregon and west of Highway 101 (see Figure 1, Location Map) and golf course development will encompass approximately 170 acres (Figure 2, Site Map). The surrounding area is currently used for cranberry farming and for large acreage rural residences. Access to the area is from Boak Lane on the north and Hoeffler Lane to the south.

The topography of the site (Figure 3) consists of a series of north-south aligned older stabilized sand dunes within the eastern and central portion of the site which have been stabilized by both native and exotic vegetation, and which are bordered to the west by geologically younger open dune sand. The northern portion of the younger dune sand has wet interdune and deflation areas. These areas are shown on Figure 3.

Golf course development will be principally within the open dune sand areas. The wet interdune areas have been identified on the county map and have been further evaluated for this project by a Wetland Delineation Report. The site is bordered on the

east by the South Two-Mile Creek Drainage and floodplain and on the west by wet, deflation plans which are characterized by hydric vegetation and shore pines. The proposed new golf course will not impact either area.

The site is underlain by Quaternary Age surficial deposits of eolian, unconsolidated fine grained dune sand. Within the older stabilized sand dune areas, the sands are mantled with a thin veneer of sandy and silty clay loam soils. These soils cover only a small percentage of the area proposed for golf course development. Where cohesive soils form confining layers under the sands, wet areas have formed. Otherwise, the sands are extremely well drained.

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 stabilize 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 Practices².

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

¹ View online at <https://www.coastalatlantlas.net/coos-all-hazards/>

² Industrial Stormwater Best Management Practices Manual, February 2013. State of Oregon Department of Environmental Quality at <https://www.oregon.gov>

damage), cause exposure of stable and conditionally stable areas to erosion or modify current air wave patterns leading to beach erosion.

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.

PROFESSIONAL QUALIFICATIONS

To review our professional qualifications, please visit our website at www.CascadiaGeoservices.com.

Sincerely,

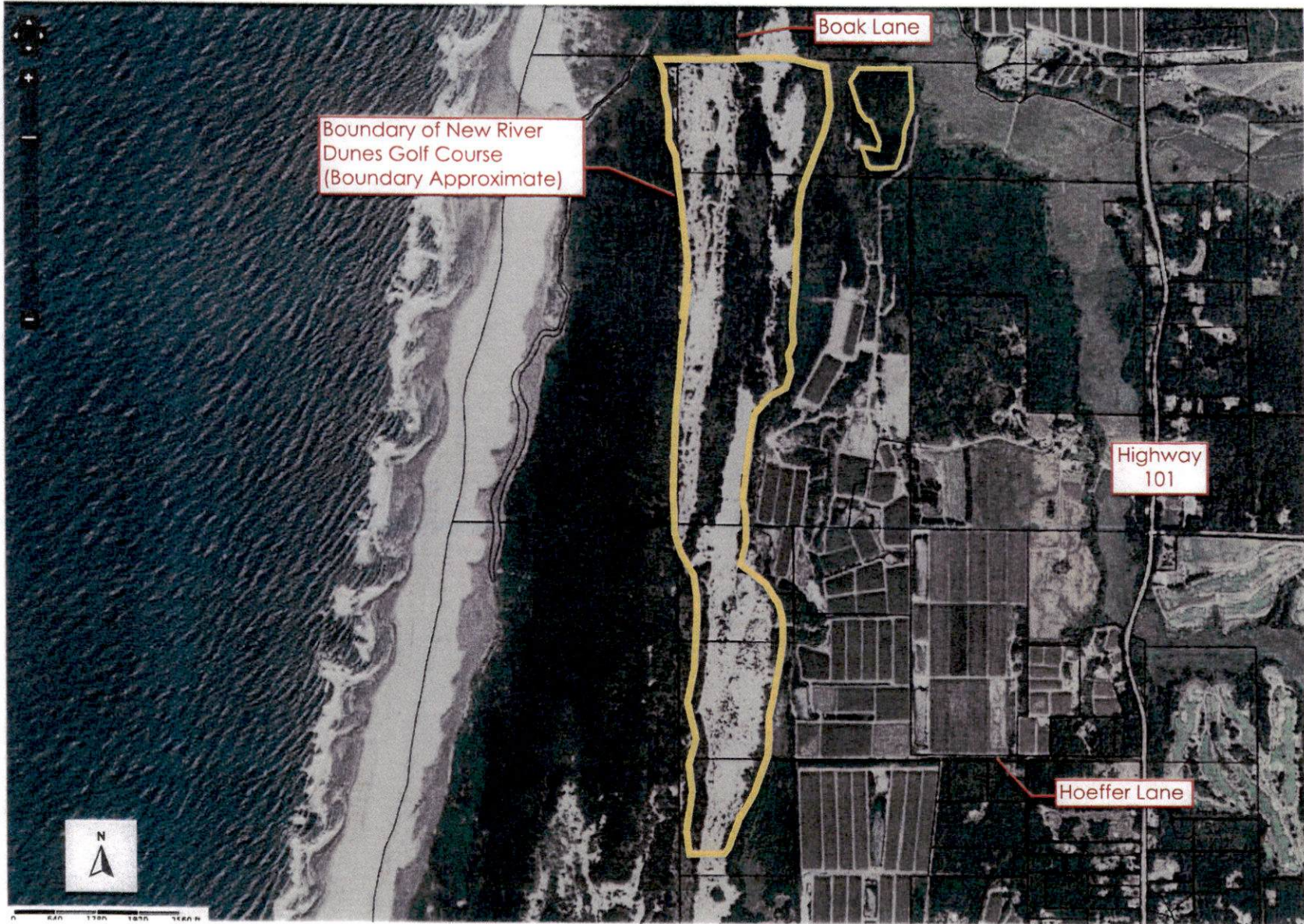
Cascadia Geoservices, Inc.



Eric Oberbeck, RG/CEG
Expires June 1, 2023

Figures

Figure 1, Location Map
Figure 2, Site Map
Figure 3, Topography Map



Provided by Coastal Atlas

Prepared for Bandon Dunes Golf Resort



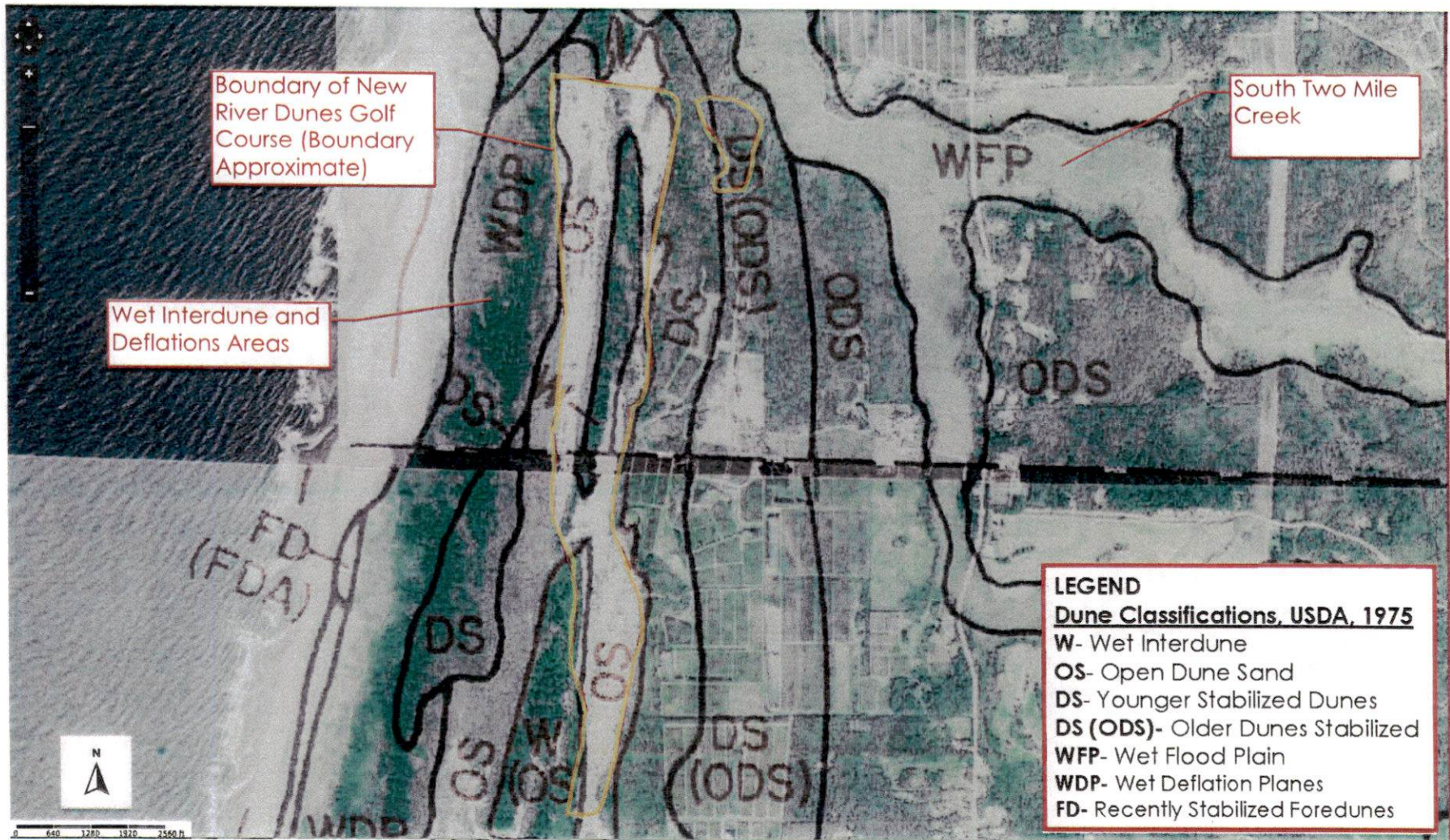
Project: 22076

October, 2022

Site Map

New River Dunes Golf Course
 Bandon Dunes Golf Resort
 57744 Round Lake Drive
 Bandon, Oregon 97411

Figure
 2



Provided by Coastal Atlas

Prepared for Bandon Dunes Golf Resort



Project: 22076

October, 2022

Topography Map

New River Dunes Golf Course
 Bandon Dunes Golf Resort
 57744 Round Lake Drive
 Bandon, Oregon 97411

Figure
3



January 27th, 2023

Mr. Zach Bascom
Bandon Dunes Golf Resort
57744 Round Lake Rd, Bandon, OR 97411

Re: Boak Lane Bridge Inspection

Mr. Bascom,

David Evans and Associates, Inc. (DEA) engineers completed an inspection of the private bridge located about 5 miles south of Bandon, OR on the south side of Boak Lane at 43°03'24.5"N, 124°25'33.2"W, on December 19th, 2022. The bridge crosses Twomile Creek, which flows from south to north. The bridge inspection was conducted by certified bridge inspection team leader Anthony Calcagno, PE, and co-inspector Nick Peek, PE. The bridge inspection was performed utilizing a visual inspection, hammer sounding, and detailed measurement devices.

The following is a summary of the team's findings and recommendations.



Figure 1. Elevation view of the bridge, looking east

Bridge Description

The bridge is a single-span structure composed of steel girders and a concrete deck supported by concrete abutments. There are no rails or curbs along the edges of the deck. The bridge currently provides the primary access for several homes to the south. It is not on a public road. Based on observations while on site, the bridge likely sees between 10-20 vehicles per day, on



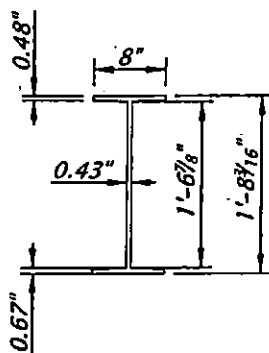
DAVID EVANS
AND ASSOCIATES INC

average. According to one homeowner, the water level from the creek has risen above the level of the deck several times in the last few years. At least one of those times, the water was more than a foot above the deck, by this person's account.

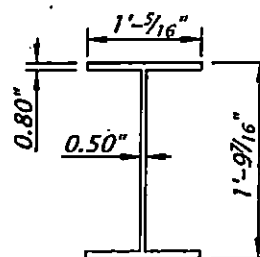
The stay in place deck forms used to construct the deck appear to be made up of thin corrugated sheet metal with wooden boards and steel pipe below to provide enough strength to support the wet concrete. There is no evidence of welded shear studs, or any kind of composite connection between the tops of the girders and the concrete deck. It is not known if any rebar is present in the deck, as no spalls or exposed reinforcing were observed.

The superstructure is composed of four steel girders. Girders 1, 3 and 4 are Type 1, and Girder 2 is Type 2. The Type 1 girders appear to be repurposed from a previous bridge, possibly as floorbeams from a truss bridge, given the flame cut sections of stringers still connected along their length, and lattice members used as cross bracing between the girders. These girders are painted. The Type 2 girder is slightly deeper with thicker top and bottom flanges, giving it significantly more strength than the Type 1 girders. It appears to be newer than the Type 1 Girders. This girder appears to be made of coreten, or weathering steel, as it does not have any paint, but the surface patina is in stable condition.

The exterior girders are braced to their adjacent interior girders at discreet locations along the span, typically with steel angles in an "X" shape welded to either the web or bottom flanges. There are several steel brackets welded along the sides of both exterior girders.



GIRDER TYPE I



GIRDER TYPE II

The substructure is composed of concrete abutments and wingwalls, supported by concrete spread footings that are the same size as the abutment. In the corners of the abutments, closest to the creek, vertical steel H-piles are present (2 per abutment). These appear to extend into the ground to an unknown depth. It is not clear if the steel piles are connected to the concrete in any way other than the concrete was cast around two sides of the piles.



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The bridge deck is approximately 14'-0" wide by 46'-1" long. The ends of the girders are cast into the concrete abutments resulting in a span length of 31'-6" between the faces of the abutments. The girders and concrete deck extend about 6-7 feet past the face of the abutments on both ends. There is a roughly 6-inch gap between the top of the abutment concrete and the bottom of the deck.

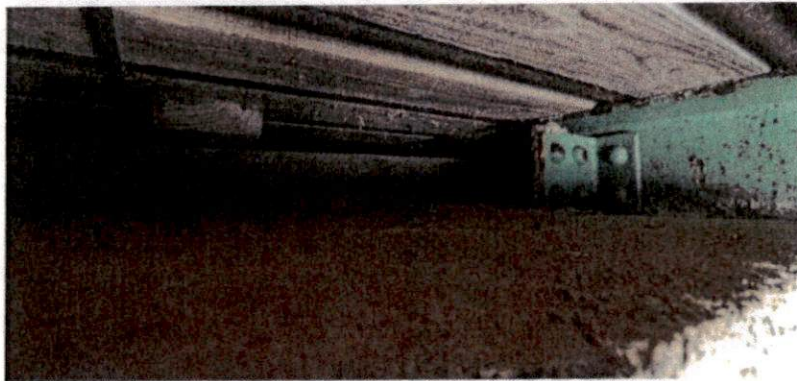


Figure 2: Gap between top of abutment and bottom of deck

A list of the primary bridge elements and quantities is shown below:

- Concrete Deck (650 SF)
- Rolled Steel Girders x4 (184 FT)
- Concrete Abutments x2 (26 FT)
- Concrete Wingwalls x4 (28 FT)

For the purpose of this report, Bent 1 is identified as the abutment closest to Boak Lane (east) and Girder 1 is the southernmost girder. Several sketches and photos of the bridge are attached to this memo for reference.

Inspection Findings

The bridge was accessed from the ground during the inspection. Vegetation around the bridge had largely been cleared prior to the inspection. The condition of each of the primary bridge elements was inspected and defects were noted. The overall condition state of each portion of the bridge was defined per the National Bridge Inspection Standards (NBIS) on a scale of 1-9, with 9 being the best:

Table 1: Bridge Condition Ratings

Element	Condition Rating
Deck	6 (Satisfactory)
Superstructure	6 (Satisfactory)
Substructure	5 (Fair)
Channel	5 (Fair)
Overall	6 (Satisfactory)

Deck

The concrete deck is generally in good condition. No spalls, or delaminations of the concrete were observed. Minor map cracking is visible throughout the top of the deck, worst in the wheel lines. Some minor abrasion is visible in the wheel lines as well. The underside of the deck is not visible due to the stay-in-place forms. The vertical steel plates along the edges of the deck have surface rust, but no section loss was observed. Vegetation and debris are encroaching on top of the deck at all four corners.

Superstructure

The Type 1 steel girders are generally in satisfactory condition. The paint is generally in fair to poor condition, and only about 60% effective in preventing surface rust. The corrosion was not observed to be deep enough to exhibit any significant section loss. There were no significant defects observed in the Type 2 girder. No significant defects were observed in the cross bracing.



Figure 3: Exterior girder (Type 1) with areas of paint failure

Substructure

The abutments are generally in good condition. Minor cracks were observed along the faces of the abutment and wing walls. The bottom edges of the spread footings are exposed throughout, with minor undermining along the creek side. The lack of any bank protection has allowed the creek to erode the banks along both abutments, which is likely causing the undermining beneath the footings.



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Channel

The channel is heavily vegetated with grass and small shrubs. No large logs or stumps were observed in the vicinity of the bridge. The creek has caused near vertical scour holes beneath both abutments and the front edge of the abutments footing is slightly undermined. There are remnants of a timber pile crib wall in front of each abutment, however most of the piles are gone, or severely decayed. They are no longer protecting the abutments from scour. The timber crib walls were likely built when the bridge was first constructed.



Figure 4: Steep unprotected bank below Bent 1 abutment

Repair Recommendations

Based on the inspection findings the overall condition of the bridge is satisfactory. Though the bridge age is not known, it is estimated to have been constructed in the 1980s, though the Type 1 girders are assumed to be significantly older than that.

In order to keep the bridge in good condition the following maintenance actions are recommended in order of priority, highest to lowest:

- **Bank Protection** – install large rock, or riprap, along both banks in the area below the bridge. This may be difficult to place below the deck, but eventually, with more erosion, the abutments will start to settle, and the bridge could even fail during a storm event.
- **Install Curb or Railing** – The bridge does not have any curbs to keep vehicles on the bridge, or fall protection railing for pedestrians. If increased vehicular or pedestrian use is anticipated, a railing system should be installed.
- **Repaint Steel Girders** – The paint system on the Type 1 steel girders is in fair condition. To prevent long term corrosion and eventually loss of strength, the steel girders should be cleaned and repainted. This will involve containment of the existing paint, which likely contains lead.



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It is recommended that the bridge be monitored after storm events to ensure that the spread footings are not undermined significantly due to flooding.

The maintenance recommendations are summarized in Table 2 below:

Table 2: Replacement Recommendations

Element	Maintenance	Approximate Cost
Concrete Abutment	Bank Protection	\$5,000-\$10,000
Concrete Deck	Install curb or railing	\$2,000-\$5,000
Steel Girder	Replace Paint	\$25,000+

These are only approximate construction costs, and a more detailed design and cost estimate is recommended before proceeding with any of the proposed recommendations.

Based on engineering judgment, it is estimated that the bridge will likely have another 20-30 years of service life if maintained properly.

Let us know if you have any questions regarding this bridge.

Sincerely,

David Evans and Associates, Inc.

Anthony Calcagno, PE
Bridge Engineer & Inspection Team Leader

CC: Laura Baughman, PE
DEA, Quality Reviewer

Attachments: Photo Report
Cross Channel Profile
Bridge Sketches



DAVID EVANS
AND ASSOCIATES INC

January 27, 2023

Mr. Zach Bascom
Director of Construction
Bandon Dunes Golf Resort
971-404-5236

Mr. Bascom,

David Evans and Associates, Inc. (DEA) has performed a load rating analysis for the Boak Lane private drive vehicle bridge over Twomile Creek. This load rating evaluates numerous trucks to determine if the trucks can safely be supported by this bridge in its current condition. The deliverables for this work include the load rating calculation book and this summary letter.

The purpose of this letter is to provide the following:

- Explanation of the load rating analysis results
- Identification of which trucks that were analyzed that can be supported by the bridge, and which trucks, if any, cannot.
- List major assumptions of the load rating evaluation.
- Provide a brief explanation of what the rating factors mean.

Background:

The load rating is based on the results of our inspection performed in December 2022. Field measurements were used to create basic plans for this bridge, and these plans, in combination with the condition observations, were the basis of the load rating. The bridge is a single span of 31'-6" and includes a concrete deck with four steel girders, and concrete supports.

The inspection found only minor deterioration in the primary structural members, the steel girders. As a result, no significant reduction in strength was assumed in determining the capacity of the bridge in the load rating analysis.

Trucks Analyzed and Truck Rating Results:

The standard design trucks and Oregon legal trucks were included in the load rating analysis. The legal trucks analyzed are listed below:

Legal Vehicles
TYPE 3 (50K)
TYPE 3S2 (80K)
TYPE 3-3 (80K)
TYPE 3-3 & LEGAL LANE
TYPE 3-3 TRAIN & LEGAL LANE
SU4 TRUCK (54K)



SU5 TRUCK (62K)
SU6 TRUCK (69.5K)
SU7 TRUCK (77.5K)
EV2 TRUCK (57.5K)
EV3 TRUCK (86K)

The following Oregon Permit trucks were analyzed:

Continuous Trip Permit VEHICLE, MULTI-LANE
OR-CTP-2A (105.5K)
OR-CTP-2B (105.5K)
OR-CTP-3 (98K)
Single Trip Permit VEHICLE, MULTI-LANE
OR-STP-3(120.5K)
OR-STP-4A (99K)
OR-STP-4B (185K)
OR-STP-4C (150.5K)
OR-STP-4D (162.5K)
OR-STP-4E (258K)
OR-STP-5BW (204K)
Single Trip Permit VEHICLE, SINGLE LANE W/ ESCORT
OR-STP-3(120.5K)
OR-STP-4A (99K)
OR-STP-4B (185K)
OR-STP-4C (150.5K)
OR-STP-4D (162.5K)
OR-STP-4E (258K)
OR-STP-5BW (204K)

Load Rating Analysis Assumptions:

The following assumptions are included in the load rating analysis:

- No material testing was performed to verify material properties. Assumptions for the yield strength of the steel were made according to the ODOT Load Rating Manual section for steel bridges. A yield stress of 33ksi was assumed for the girders.
- One of the interior girders is significantly stronger than the other. This girder has not been rated because it will never be the critical member for the bridge.
- No strength properties or reinforcing details are known for the concrete deck. It was assumed that the deck is thick enough to warrant use of standard procedures of load distribution to the girders.
- Since the bridge has no rails or curbs, the outside wheel line was assumed to be located a minimum of 1 foot away from the edge of deck.



Understanding the Rating Factors:

When a rating factor is greater than 1.0 for a given "Member", "Force Type", and "Vehicle", it indicates that the factored capacity of that member is greater than the factored demand, and thus the member is deemed structurally adequate and no load posting or restriction of that vehicle type on the bridge is required. When a rating factor is less than 1.0, it indicates that the factored capacity is less than the factored demand, and thus restriction of the vehicle that resulted in this "low" rating factor shall be considered. Rating factors that are less than but close to 1.0 (ie 0.95-0.99) are considered close enough to 1.0 that the element need not be considered structurally deficient.

In addition to the legal and permit trucks evaluated in this load rating, the HL-93 Inventory load was also included in the analysis. While the HL-93 is a loading used for design of new bridges and a resulting rating factor less than 1.0 would not be acceptable, it is not a vehicle that is considered for load posting of existing bridges. It is included in the load rating analysis to indicate to the load rater (David Evans and Associates, Inc.) the sufficiency of the bridge in comparison to a brand new design. Older bridges such as this one often results in rating factors less than 1.0 for the HL-93 loading and is not a cause for concern.

In the attached LRFR Load Rating Summary Report, the values on Page 1, show the critical rating factors for the bridge, with the "1st rating control" being the most critical. The remaining values on Pages 2 and 3 show all rating factors calculated for the entire bridge.

The load rating analysis was performed according to the American Association of State Highway Transportation Officials (AASHTO) Load and Resistance Factor Design methodology and the Oregon Department of Transportation (ODOT) Load Rating Manual. The procedures include applying resistance factors and demand factors that take into consideration uncertainty and risk such as material defects, construction tolerances, risk of failure, level of consequence, uncertainty in weights of materials, and uncertainties of loading on the bridge.

Load Rating Results and Explanation:

All Legal and Oregon permit trucks, evaluated in this load rating, resulted in rating factors above 1.0. Thus, no structural inadequacy is recognized or reported as a result of this load rating analysis, and the bridge can safely support these trucks in its current condition.

For information only, the design truck loading, identified as HL-93, was also analyzed. This truck resulted in a rating factor of 0.73 in positive moment of the interior steel girders at midspan. The next lowest rating factor for the HL-93 loading was 0.81 in positive moment of the exterior steel girders at midspan. The rating factors for the HL-93 that are lower than 1.0 do not indicate that this bridge is unsafe for legal trucks or permit trucks. The results only indicate that the bridge in its current condition has a capacity less than would be required for a new bridge design to current design standards.

If the condition of the bridge changes significantly from what was assumed, please contact Anthony Calcagno at the contact provided below to discuss the potential need to update the load rating package. It is the intent of this load rating to reflect all current conditions of the bridge.

Bridge No. BDGR0001
December 2022



The detailed output can be found in the attached Load Rating Calculation Book in the 'Attachments' section.

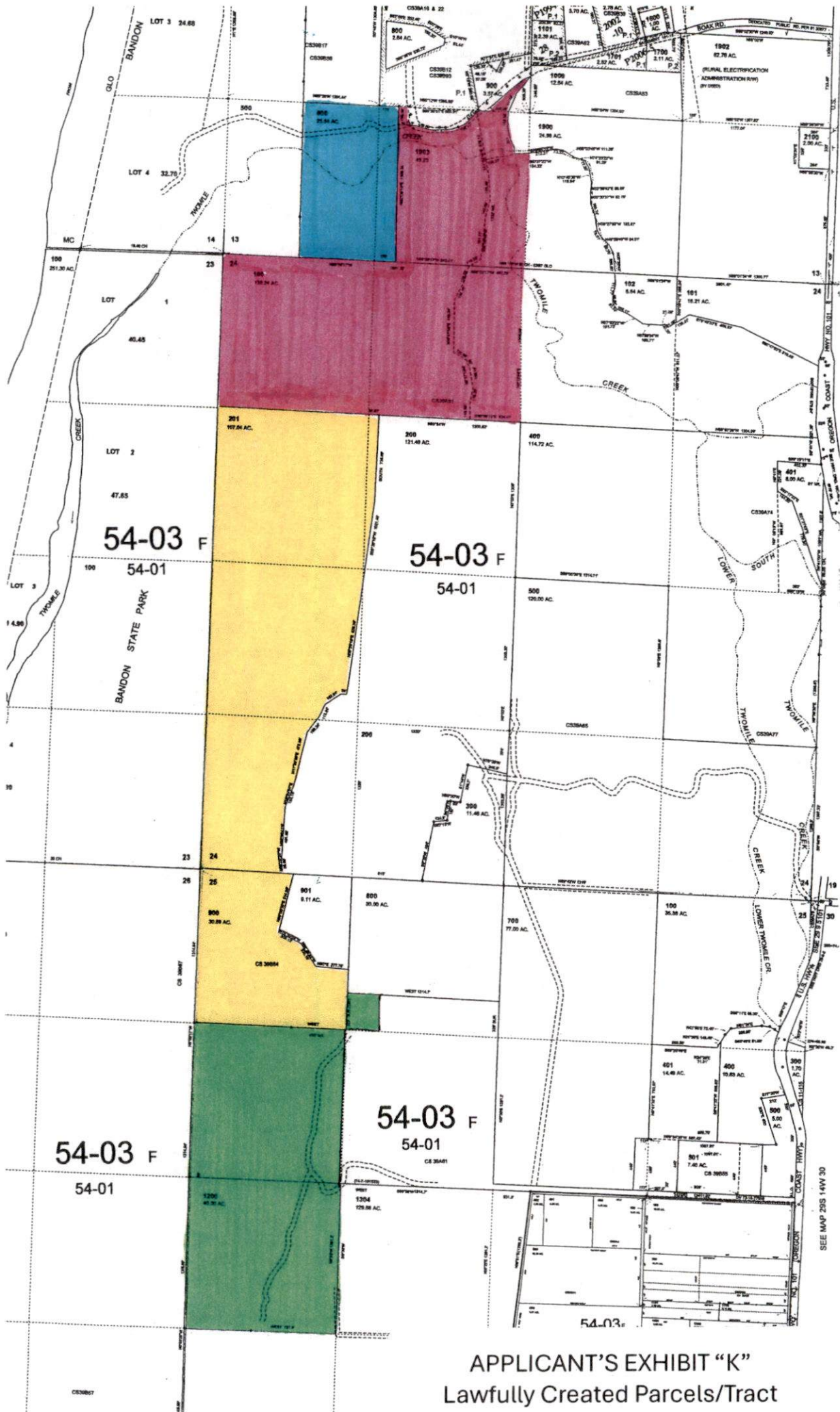
If you have any questions, feel free to contact me at ajca@deainc.com or 503-480-1317.

DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in black ink, reading "Anthony Calcagno". The signature is written in a cursive, flowing style. The first name "Anthony" is written in a smaller, more compact script, while "Calcagno" is written in a larger, more prominent cursive script. The signature is positioned above the printed name and title.

Anthony Calcagno, PE
Project Manager

Attachments:
Load Rating Calculation Book (PDF)



APPLICANT'S EXHIBIT "K"
Lawfully Created Parcels/Tract

SEE MAP 215 14W 30

AFTER RECORDING RETURN TO:

OCEAN RIVER LLC
2450 LAKEVIEW
CHICAGO IL 60614-2878

SEND TAX STATEMENT TO:

OCEAN RIVER LLC
2450 LAKEVIEW
CHICAGO IL 60614-2878

Coos County, Oregon
\$106.00

2024-01964
04/01/2024 01:43 PM
Pgs=5



Julie A. Breake, Coos County Clerk

TRUE CONSIDERATION: NONE

QUIT CLAIM DEED

BANDON BIOTA LLC, A DELAWARE LIMITED LIABILITY COMPANY, GRANTOR, releases and quitclaims to OCEAN RIVER LLC, A DELAWARE LIMITED LIABILITY COMPANY, GRANTEE, all right, title and interest in and to the following described real property:

SEE ATTACHED EXHIBIT "A"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR

Michael L. Keiser

Michael L. Keiser, Member Keiser Family Limited Partnership, LP, Member Bandon Biota, LLC

STATE OF ILLINOIS

COUNTY OF COOK

On this 28th day of MARCH, 2024

Personally appeared before me the above named Michael L. Keiser who being duly sworn did say: that he is a Member of the Keiser Family Limited Partnership and Member of Bandon Biota, LLC; that he is authorized to execute the forgoing instrument on behalf of said Limited Partnership and Limited Liability Company; and he acknowledged the forgoing instrument as the voluntary act and deed of said Limited Partnership and Limited Liability Company.

Notary Public for the State of ILLINOIS

Marianne Laughlin
NOTARY PUBLIC



EXHIBIT "A"

PARCEL I

The East Half of the Southwest Quarter of the Southwest Quarter and the West 175 feet of the Southeast Quarter of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon

PARCEL II

The North Half of the Northwest Quarter of Section 24, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

TOGETHER WITH: That portion of the East Half of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, conveyed to Bandon Biota, LLC, per Statutory Warranty Deed 2003-10695 and Property Line Adjustment Deed 2007-11974, Deed Records of Coos County, Oregon, more or less, described as follows:

Beginning at a point on the south line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88°56'17" West 482.22 feet from the 5/8" iron rod marking the Quarter Corner common to Sections 24 and 13, said Township and Range, thence continuing along the South line of said Section 13 North 88°56'17" West 643.41 feet, more or less, to a point which is 175 feet from the Southwest corner of said Southeast Quarter of the Southwest Quarter of Section 13; thence Northerly, parallel to and 175.00 feet east of, the east line of said Southeast Quarter of the Southwest Quarter of Section 13 for a distance of 1309.34 feet, more or less, to the north line of said Southeast Quarter of the Southwest Quarter;
thence along said north line South 88°56'24" East 669.22 feet;
thence leaving said north line South 11°52'14" East 579.13 feet;
thence South 04°31'42" East 183.66 feet;
thence South 14°16'03" West 145.09 feet;
thence South 05°06'48" West 361.77 feet;
thence South 58°07'21" West 110.00 feet, more or less, to the point of beginning.

EXCEPT: That portion conveyed from Redmon to Boak per Warranty Deed Instrument 81-2-7779, Deed Records of Coos County.

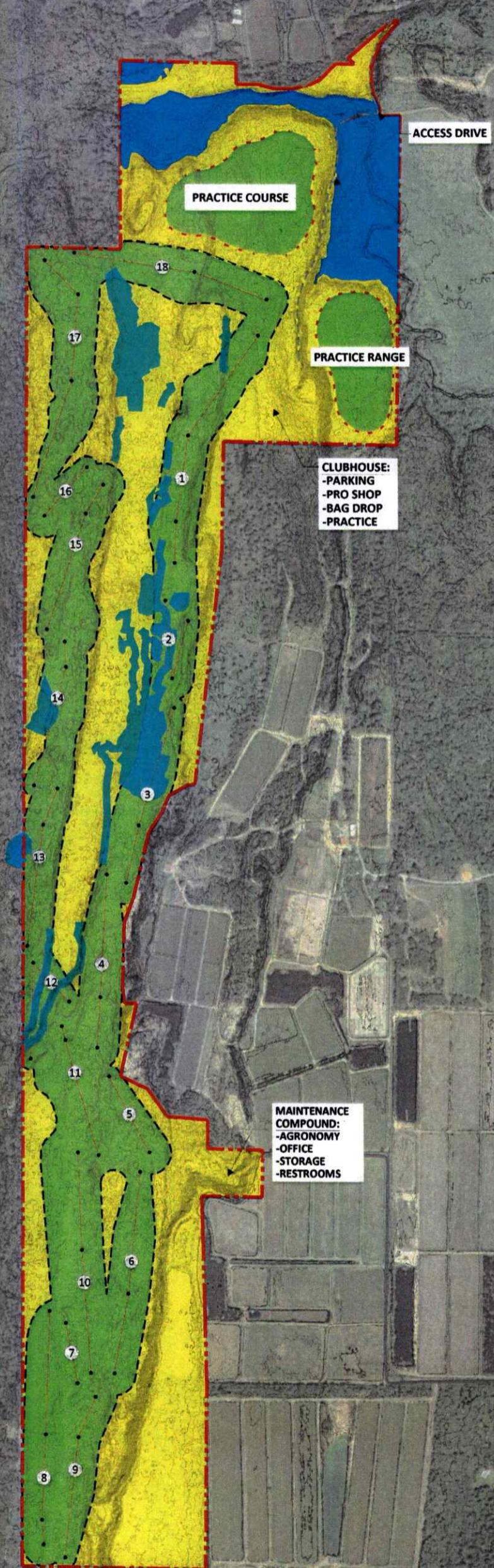
ALSO: That portion of the East 1/2 of the Southwest Quarter of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, described as follows:

Beginning at a point on the south line of Section 13, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, said point being North 88°56'17" West 482.22 feet from the 5/8" iron rod marking the Quarter Corner common to Sections 24 and 13, said Township and Range, thence North 58°07'21" East 100.00 feet;
thence North 05°06'48" East 361.77 feet;
thence North 14°16'03" East 145.09 feet;
thence North 04°31'42" West 183.66 feet;

thence North 11°52'14" West 579.13 feet to a point on the 1/16 line (to the north line of said Southeast Quarter of the Southwest Quarter) running East-West through the center of the Southwest Quarter of said Section 13;
thence along said 1/16 line South 88°56'44" East to its intersection with a line that bears South 39°39' East 91.35 feet from the southerly boundary of a private access roadway as described in Parcel "D" of Memorandum of Contract 93-06-1183, Deed Records of Coos County, Oregon;
thence North 39°39' West 91.35 to said southerly road boundary;
thence following said southerly road boundary in a northeasterly direction to a point on the North-South center section line of said Section 13 that bears South 00°34' West 961.07 feet from center of said Section 13 per said PARCEL "D" of Memorandum of Contract 93-06-1183;
thence South 40°59'47" West 61 feet, more or less, per Parcel III of Statutory Warranty Deed 2003-10695, Deed Record of Coos County;
thence South 32°18'25" West 43.99 feet;
thence South 23°37'04" West 119.16 feet;
thence South 12°49'49" West 91.49 feet;
thence South 02°02'34" West 182.52 feet;
thence South 10°44'51" East 70.05 feet;
thence South 23°32'17" East 115.00 feet;
thence South 03°19'43" East to its intersection with a line that bears South 87°37'22" West, per said Property Line Adjustment Deed 2007-11974;
thence North 87°37'22" East to said North-South center section line of said Section 13;
thence South along said center section line to the Quarter Section Corner common to said Sections 13 and 24;
thence along the south line of said Section 13 to the point of beginning.

PARCEL III

That property conveyed to Bandon Biota, LLC per Statutory Warranty Deed 2003-6464, Deed Records of Coos County, Oregon, more particularly described as follows:
Beginning on the north line of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 24, Township 29 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, from which it's Northeast Corner (CN1/16) bears South 88°55'38" East 1214.34 feet; thence due South 735.89 feet to a point from which a 5/8" iron rod bears due West 50 feet;
thence South 05°20'10" West 1650.84 feet;
thence due West 50 feet to a point from which a 5/8" iron rod bears due West 60.00 feet;
thence South 53°50'11" West 162.01 feet to a 5/8" iron rod;
thence South 22°44'55" West 113.84 feet to a 5/8" iron rod;
thence South 32°51'38" West 168.24 feet to a point from which a 5/8" iron rod bears due west 35 feet;
thence South 11°25'25" West 472.96 feet to a 5/8" iron rod;
thence South 19°04'01" West 193.18 feet to a 5/8" iron rod;
thence South 00°56'41" West 451.89 feet to a 5/8" iron rod;
thence South 09°00'32" West 600'82 feet to a 5/8" iron rod;
thence South 70°00'03" East 209.12 feet to a 5/8" iron rod;
thence South 38°33'45" East 235.10 feet to a point from which a 5/8" iron rod bears due East 30.00 feet;
thence due East 30.00 feet to said 5/8" iron rod;



SCORECARD:

HOLE	PAR	CHAMPIONSHIP	FRONT			
			BACK	REGULAR	INTERMEDIATE	FORWARD
1	5	579	538	492	440	394
2	3	181	168	154	138	123
3	4	421	392	358	320	286
4	4	401	373	341	305	273
5	3	198	184	168	150	135
6	4	469	436	399	356	319
7	3	140	130	119	106	95
8	5	541	503	460	411	368
9	4	385	358	327	293	262
OUT	35	3315	3082	2818	2519	2255

HOLE	PAR	CHAMPIONSHIP	BACK			
			BACK	REGULAR	INTERMEDIATE	FORWARD
10	4	471	438	400	358	320
11	4	317	295	270	241	216
12	3	221	206	188	168	150
13	4	375	349	319	285	255
14	4	341	317	290	259	232
15	4	361	336	307	274	245
16	3	150	140	128	114	102
17	5	594	552	505	451	404
18	4	463	431	394	352	315
IN	35	3293	3064	2801	2502	2239
TOTAL	70	6608	6146	5619	5021	4494

PAR	SHORT	MEDIUM	LONG
5	FRONT	8	1
	BACK		17

PAR	SHORT	MEDIUM	LONG
4	FRONT	3, 4	6
	BACK	11, 13, 14, 15	10, 18

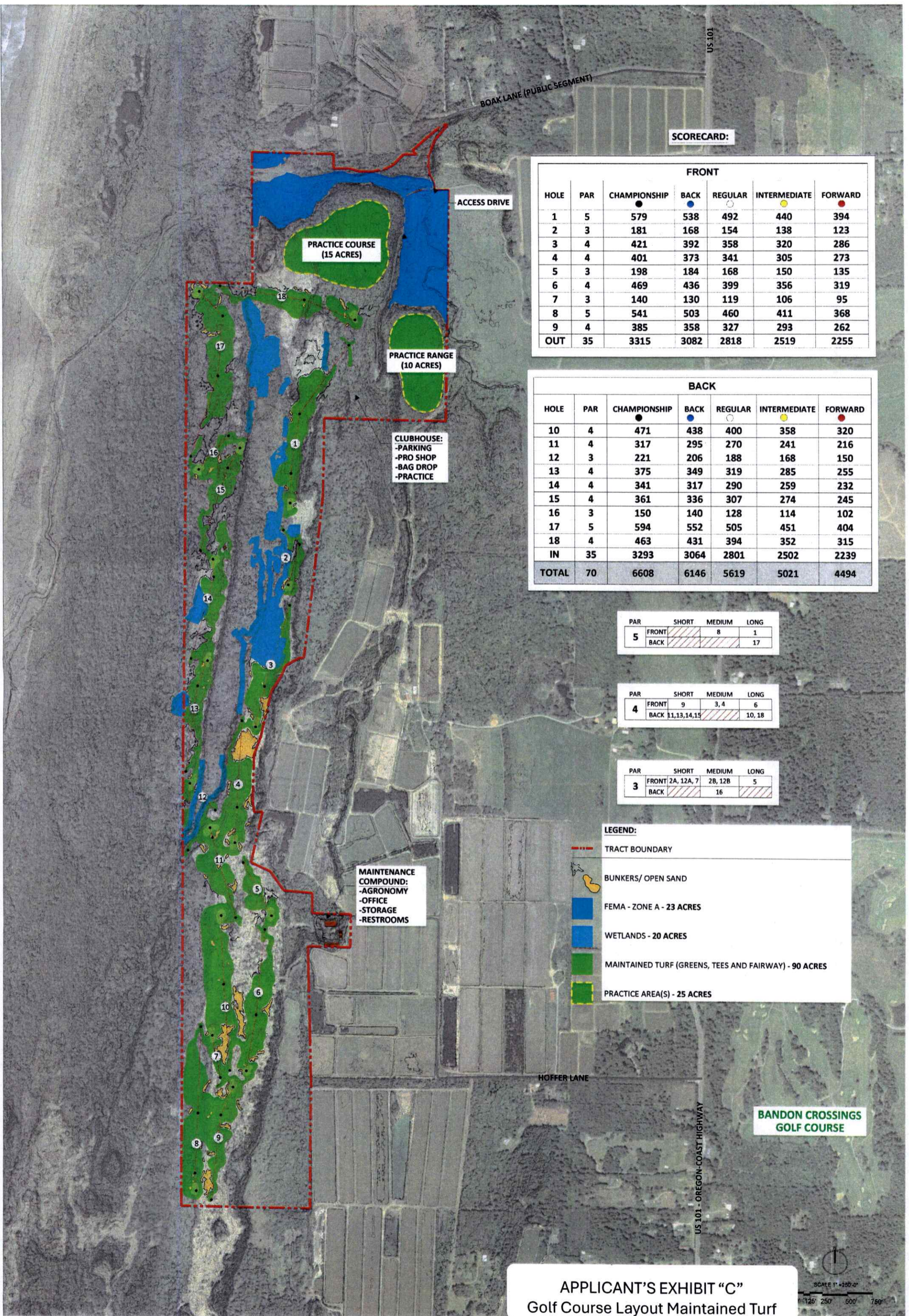
PAR	SHORT	MEDIUM	LONG
3	FRONT	2B, 12B	5
	BACK	16	

- LEGEND:**
- TRACT BOUNDARY
 - FEMA - ZONE A - 23 ACRES
 - WETLANDS - 20 ACRES
 - MAINTAINED TURF/ INTERMEDIATE AREAS - 140 ACRES
 - PRACTICE AREA(S) - 25 ACRES
 - OPEN SPACE (INCLUDES DUNES, TREES, NATIVE VEGETATION & SCRUB) - 134 ACRES
- TOTAL GOLF COURSE PROPERTY AREA = 342 ACRES

BANDON CROSSINGS GOLF COURSE

APPLICANT'S EXHIBIT "B"
Golf Course Layout with Acreage





SCORECARD:

FRONT						
HOLE	PAR	CHAMPIONSHIP	BACK	REGULAR	INTERMEDIATE	FORWARD
1	5	579	538	492	440	394
2	3	181	168	154	138	123
3	4	421	392	358	320	286
4	4	401	373	341	305	273
5	3	198	184	168	150	135
6	4	469	436	399	356	319
7	3	140	130	119	106	95
8	5	541	503	460	411	368
9	4	385	358	327	293	262
OUT	35	3315	3082	2818	2519	2255

BACK						
HOLE	PAR	CHAMPIONSHIP	BACK	REGULAR	INTERMEDIATE	FORWARD
10	4	471	438	400	358	320
11	4	317	295	270	241	216
12	3	221	206	188	168	150
13	4	375	349	319	285	255
14	4	341	317	290	259	232
15	4	361	336	307	274	245
16	3	150	140	128	114	102
17	5	594	552	505	451	404
18	4	463	431	394	352	315
IN	35	3293	3064	2801	2502	2239
TOTAL	70	6608	6146	5619	5021	4494

PAR	SHORT	MEDIUM	LONG
5	FRONT	8	1
	BACK	17	

PAR	SHORT	MEDIUM	LONG
4	FRONT	9	6
	BACK	11,13,14,15	10,18

PAR	SHORT	MEDIUM	LONG
3	FRONT	2A, 12A, 7	5
	BACK	2B, 12B	16

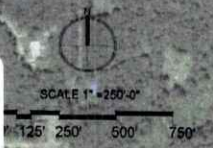
LEGEND:

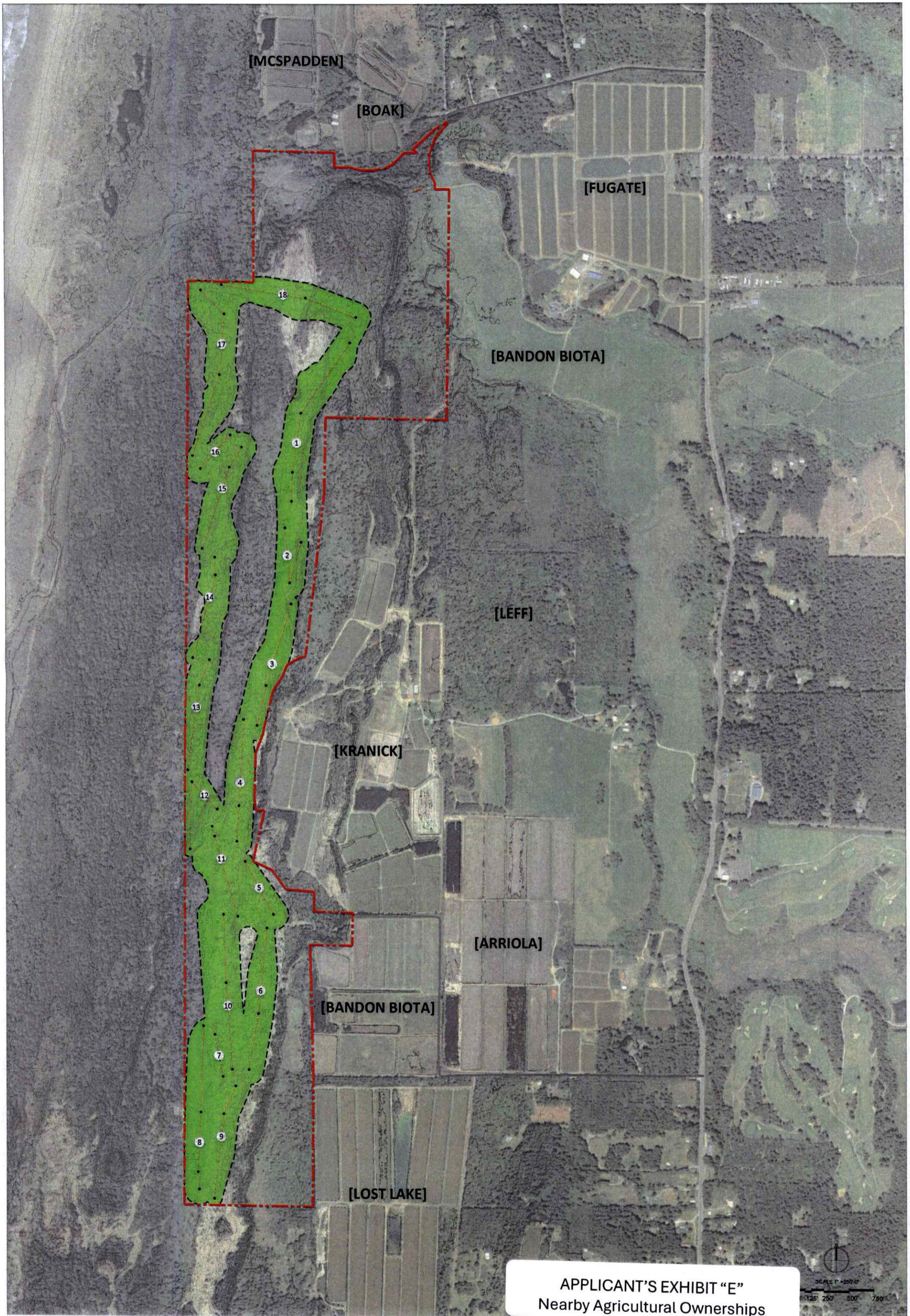
- TRACT BOUNDARY
- BUNKERS/ OPEN SAND
- FEMA - ZONE A - 23 ACRES
- WETLANDS - 20 ACRES
- MAINTAINED TURF (GREENS, TEES AND FAIRWAY) - 90 ACRES
- PRACTICE AREA(S) - 25 ACRES

MAINTENANCE COMPOUND:
 -AGRONOMY
 -OFFICE
 -STORAGE
 -RESTROOMS

BANDON CROSSINGS GOLF COURSE

APPLICANT'S EXHIBIT "C"
Golf Course Layout Maintained Turf





APPLICANT'S EXHIBIT "E"
Nearby Agricultural Ownerships